

### Introduction

The Board of Trustees (Board) of Guillain-Barré and Associated Inflammatory Neuropathies (**gain**) has affirmed the importance of branches, both to support the work of the Charity and to provide a forum for members, friends, sufferers, carers and other supporters to meet socially. The Board supports existing branches and encourages the formation of new branches within the framework below.

**gain** encompasses the United Kingdom and the Republic of Ireland. It is regulated by the Charity Commission for England and Wales, it being the regulatory authority for the place from which the Charity is administered (Heckington, England). The Charity is also registered with the Office of Scottish Charities Regulator.

Charity Law is complicated and must be adhered to by the Trustees who administer **gain** and by those, including local branches, to whom/which responsibilities have been delegated. Not everyone is expected to know the law comprehensively, so these bye laws have been drawn up for the protection of all parties to ensure that the law, best practice, and the Constitution are complied with. Annexes and additional documents to this document are provided for further information and for reference.

**The foundation of a branch and continuing branch activity under the name of gain assumes an acceptance of all requirements in the Constitution and within this document.**

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### Additional Documents

#### **gain** Constitution

- Charity Commission document *Charities and Public Benefit*
- Charity Commission document CC8 *Internal Financial Controls for Charities*
- Charity Commission document CC20 *Charities and Fundraising*

## 1. Branches and Subsidiaries

1.1. For accounting purposes, our regulators differentiate between 'branches' and 'subsidiaries'. Technically, 'branches' are accounted for within the returns of the parent charity whilst 'subsidiaries' (including those calling themselves 'branches'), have separate legal identities with their own charity registrations, trustees, governing documents, accounts and returns.

1.2. **gain** does not currently have any branches which, for accounting purposes, are subsidiaries.

1.3. Branches may or may not have their own bank accounts. The Charity defines a branch with a bank account and a management committee as an 'association'. A simpler branch with an 'organiser' and no bank account, is a gathering.

## 2. Founding a Branch

2.1. Branches may be initiated by members of the Charity or, from time to time, by the Board. To observe the Data Protection Act, stakeholders (members, ex-members, patients, and friends etc.) will initially be contacted by the Office and invited to attend an inaugural meeting. Local & social media may be utilised to publicise the inaugural meeting.

2.2. The parent **gain** will be financially responsible for any inaugural meeting.

2.3. A trustee and/or a member of staff will attend the inaugural meeting.

2.4. The initial meeting should decide on whether a branch is viable and if so, whether it should be association or a gathering. If an association is formed a committee structure should be determined, members elected and frequency of meetings decided. If a gathering is to be formed the members should confirm the organiser or organisers.

2.5. It should be borne in mind that the holding of a bank account considerably increases the legal obligations of any branch.

2.6. An association started in the Republic of Ireland would be subject to different regulations for legal reasons.

## 3. Association

3.1. An association will have a committee structure and a bank account. As well as being a focus for local members, it will actively seek to further the objects of **gain** in its area.

3.2. The management committee of an association should have officers (chairman, secretary, treasurer) and might have other members as required. Further advice is given in Annex 1.

3.3. The **gain** Treasurer must be consulted before any bank account is opened and details of the account passed to the Treasurer.

3.4. Associations may levy a subscription additional to the subscription of the parent Charity.

3.5. Officers of associations must be full members of the Charity.

3.6. Associations must hold an Annual General Meeting to elect the branch committee and adopt the accounts.

3.7. An Association can change to a gathering by resolution of its members at an EGM with two thirds in favour.

#### **4. Gathering**

4.1. A gathering would typically consist of a group of people who merely wish to meet, occasionally or regularly, for social purposes, and who do not wish to be involved with committee or other administrative questions.

4.2. A person or persons should be appointed as an organiser and contact person with the parent **gain**. Organisers must be full members of the Charity.

4.3. Arrangements should be put in place to cover expenses, perhaps by levying a small charge at each meeting.

4.4. A gathering may become an association by resolution of two thirds of the members attending a specially convened meeting called for that purpose.

#### **5. Administrative Procedures for All Branches**

5.1. Correspondence and cheques must contain the words: 'Guillain-Barré and Associated Inflammatory Neuropathies (**gain**) – XXXX Association and 'Registered Charity 1154843 SC039900'. The Charity will provide letter headed paper and/or a Word template.

5.2. All branches should produce their own policy documents. Advice is given in Annex 2.

5.3. Members of branches need not be members of the Charity.

5.4. Branches that hold events to which the public are present should notify the Office to ensure cover from the Charity's public indemnity insurance. Organisers should be full members to ensure personal cover.

5.5. Where a branch is closely involved in the provision of support, patient confidentiality must be maintained until permission has been given for a local contact to divulge any identities.

5.6. A branch wishing to wind-up should do so by resolution of its members with two thirds of those present in favour.

5.7. Any branch determined by the Board as being defunct will be removed from the register of branches unless efforts to reinstate it are successful. Branches will be considered defunct if they have not met at least once in a calendar year.

5.8. If any branch is determined by the Board to be operating in breach of the **gain** Constitution and/or Charity Law and/or these regulations, then the Board will arrange a meeting with the management committee or organiser of that branch to resolve any issues. If the branch is in continuing and material breach, the Board will take whatever measures it sees fit, including withdrawing the right for the branch to operate in the name of the Charity and taking legal steps to recover its property.

## 6. The Compact between a Branch and the Parent Charity

- 6.1. The Board will appoint one of its members who will be responsible for branches.
- 6.2. In order to liaise with branches, a member of the Board will attend at least one meeting (including the AGM if applicable) every year at the expense of the parent Charity.
- 6.3. The Board reserves the right to appoint a member and/or a member of staff to attend any branch meeting.
- 6.4. The Charity will list branches in its newsletters and on its Web site, and will encourage local members etc to join them.
- 6.5. All branches will be required to produce an annual report detailing the previous year's activities each January. This should be forwarded to the Secretary for inclusion in the Charity's Annual Report.
- 6.6. A copy of the draft minutes should be sent to the office executive within 28 days of an association AGM or committee meeting followed by a signed copy within 7 days of signing.
- 6.7. Upon request or on a branch's initiative, reports and photographs of any activities should be sent to the Editor of the Charity's newsletter.
- 6.8. Branches are encouraged to contribute to the Charity's Web site; **gain** reserves the right to edit any content that does not follow its guidelines. Branches should send reports to the office for inclusion on the website.
- 6.9. Local publicity may be undertaken by branches. National publicity is the responsibility of the parent Charity. Under no circumstances should any comments or publicity stray into medical / clinical opinion or breach confidentiality or data protection. The Board should be consulted if necessary before taking action.
- 6.10. Signed forms of authority should be obtained from any individual including branch, association or gathering members for any photographs or quotes used in publicity

## 7. General Financial Procedures

- 7.1. Branches must exercise the same internal controls as the parent Charity. Association officers should consult Charity Commission document CC8 *Internal Financial Controls for Charities*.
- 7.2. Branches must be self-financing. **gain** will finance setting-up costs of a new branch within the limit determined by the Board.
- 7.3. A gathering without a bank account holding a sum of cash in excess of a sum that may be determined from time to time by the Board must forward the balance to the Office for banking.
- 7.4. Moneys held in a branch bank account in excess of the limit agreed by the **gain** Treasurer must be transferred to the Charity central bank account within 60 days. The **gain** Treasurer will have regard to: the branch needs for retention of funds to meet legitimate expenses and authorised grants; the avoidance of bank charges; the rates of interest for funds held upon deposit; and the Charity's duty to apply its income.

7.5. Proper financial records of income and expenditure must be maintained. Where possible, all sums received should be banked intact and all expenses paid by cheque. A petty cash float may be held, subject to the guidance and agreement of the Treasurer.

7.6. Cheques must have two signatories, both of whom must be full members of the Charity. It is recommended that branches have up to four authorised signatories. Cheques must not be signed by two members of the same family or household.

7.7. Branches may disburse from local funds without reference to the National Treasurer expenses incurred in

(a) raising funds and

(b) administration (eg postage on mailing members, hire of hall for meetings),

up to £500 for any one transaction. Multiple cheques drawn to circumvent this rule are not permitted. Branches must not disburse moneys from local funds for any other purpose without reference to the Board via the National Treasurer.

7.8. In line with the Charity, the branch financial year must run to 31 March each year.

7.9. Within the first three weeks of April, an income and expenditure account for the previous year will be required in a form (see Annex 3) prescribed by the National Treasurer, together with bank statements for the period. Where bank statements are provided quarterly the accounts should be submitted with a comment that statement Number XX to follow.

7.10. Branch accounts are subject to examination by the **gain** Treasurer.

## 8. Fund-raising

8.1. Branches must exercise the same fund-raising principles as the parent Charity. Branch officers should consult Charity Commission document CC20 *Charities and Fundraising*.

8.2. Any money raised in the name of any charity must be spent according to the charity's objects as defined within its governing document. The Charity has a board of trustees which has a legal duty to ensure this. Trustees may be personally liable to repay funds disbursed inappropriately. Because branches do not have their own legal identities and are accountable through the parent **gain**, those funds are the legal property of **gain**

8.3. Accountability for funds inappropriately and knowingly disbursed by a branch is liable to be passed by the trustees' indemnity insurers onto the responsible individuals in the branch.

8.4. Branches are sometimes offered donations for spending locally. These can only be accepted provided the funds can be both spent locally and within the objects of **gain**. Failure to fulfil this would be a breach of trust and charity law.

8.5. Branches may raise funds for a specific local purpose or project within the objects but only after approval has been given by the Board. Commitment to make a gift, from either existing funds or as a result of proposed fund-raising, must not be given to anybody or individual until such approval is obtained.

8.6. Funds raised for a specific purpose are reserved and must be accounted for as such in the annual accounts.

8.7. Unless a statement outlining the disposal of excess funds at the time of collection is made, if more funds are raised than are required for a specific purpose, any balance remains restricted and must not be transferred to 'general' branch funds without reference to the **gain** Treasurer who will ascertain the wishes of the donors.

8.8. Branches should take advantage of the Gift Aid scheme operated through the office and any claims must be submitted in the format required by the office. Gift Aid recovery made by **gain** for specific local purposes or projects, or a sum in lieu pending recovery, can be used for the purpose or project.

8.9. Branches must not raise funds for local causes outside of the Charity objects. However, there is nothing to prevent members of a branch fund-raising for such a cause, provided that it is clearly understood by donors that their donations are not being raised by, or on behalf of, **gain**.

8.10. Funds raised for non-**gain** causes must not to be lodged in a branch bank account.

## **9. Grants by Branches**

9.1. The Board actively encourages fund raising by branches and supports the disbursing of funds locally, providing agreement is sought from the Board for grants, which must be within the objects of the charity as laid down in the Constitution. Branches must not disburse funds locally for projects or applications for assistance which have been refused previously by the Charity.

9.2. Branches must exercise the same care in disbursing funds as the parent Charity. Branch officers should consult the Charity Commission documents *Charities and public benefit* before seeking agreement from the trustees for considering or making any potential grant.

9.3. Any gifts made under the auspices of the Group may only be used by patients suffering from GBS, CIDP and associated inflammatory neuropathies. Consequently gifts to hospitals, including neurological hospitals/units, would fall outside the objects unless such gifts were destined for units which can guarantee that they will only be used by patients suffering from GBS, CIDP or associated inflammatory neuropathies.

9.4. Because Board meetings are only held four times a year, agreement from the Board should be sought early. Support to individuals from national or local funds can be authorised by the Personal Grants Committee at short notice which can disburse up to £1000 for each case. Contact the Office for details.

9.5. Where a local **gain** related need arises involving expenditure beyond the branch's means, the branch may apply to the Board for financial support.

## **Management Committees of Associations**

Duties of branch officers (Suggested)

Chairman:

- The Chairman acts as leader of the branch.

Secretary:

- The Secretary deals with correspondence, notices, prepares agenda and maintains minutes of all meetings, and prepares the Annual Report of Branch activities.

Treasurer:

- The Treasurer is responsible for branch funds and for maintaining detailed and accurate accounting records of the financial transactions of the branch, for reporting as required to the National Treasurer and for preparing the annual accounts of the branch.

Publicity Officer:

- The Publicity Officer should find and implement ways of publicising the existence and activities of both the Group and the branch.

Fund Raising Officer:

- The Fund Raising Officer proposes, adapts and implements (with assistance from members) ways of raising funds for charity related purposes. Fund raising activities may be delegated by the Fund Raising Officer to individual members.

Not all the above positions need be established or some positions might be combined. It is important that all members know who is responsible for any particular aspect of the branch. Scope is given for association committees to organise themselves as they see fit provided these regulations are maintained. Committees must exercise the best practices of democracy and governance.

In accordance with the constitution committee members can serve a maximum of 3 terms of office (9 years total) then must stand down for one term (3 years) before standing for election.

### Policy of Branch (Suggested)

The general policy of the Charity is defined by its Constitution and the decisions from time to time of the Board. The following are therefore given as suggested local policies, which should be set out in a document available to all members of the branch. They may be added to or amended from time to time, provided that they neither conflict with the policy of the Charity nor exceed what is legally permitted.

The xxxx Association or xxxx Gathering of the Guillain-Barré and Associated Inflammatory Neuropathies **gain** exists to further the aims of the Charity as defined in its Constitution by:

- Providing a basis for sufferers and recovered patients, families and friends to make and maintain local contact with one another.
- Promoting meetings of members to exchange experiences, drive emotional support, and to learn of the existence and work of the Charity.
- Organising activities with a view to raising funds for the Charity and/or for local causes within the Charity's objects.
- Organising social events to strengthen bonds between members.
- Providing a communication channel between members and the Board.
- Raising public awareness of the illness and publicising locally the existence of the Charity.



Financial Return to Treasurer

Copies of the accounts and banks statements should be passed to the Treasurer promptly at financial year end using the following format.

<b>Branch Name:</b>				
<b>Branch Finance Statement to:</b>				
<b>Receipts:</b>				
Donations				
Events				
Christmas Cards				
Fund Raising				
Other - give details				
<b>Payments:</b>				
Events				
Christmas Cards				
Other - give details				
Bank balance start				
Receipts				
Payments				
Bank balance end				
I enclose copies of bank statements not already supplied				
Signed : (Treasurer)				