

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.

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 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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GAIN Constitution

GAIN GDPR Policy

GAIN Retention & Storage of Data

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 have their own bank accounts. The Charity defines a branch with a bank account and a management committee as an ‘association’.

2. Association

2.1. 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.

2.2. 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.

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

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

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

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

2.7. An Association can change to a **gain2gether** local by resolution of its members at an EGM with two thirds in favour.

3. Administrative Procedures

3.1. 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.

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

3.3. Members of branches must be members of the Charity, membership of GAIN is free.

3.4. Branches that hold events to which the public are present should notify the Office to ensure cover from the Charity’s public indemnity insurance.

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

3.6. 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.

3.8. 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.

4. The Compact between a Branch and the Parent Charity

4.2. In order to liaise with branches, a member of the Board or Management team may attend at least one meeting (including the AGM if applicable) every year at the expense of the parent Charity.

4.3. The Board reserves the right to appoint a member and/or a member of staff to attend any branch meeting.

4.4. The Charity will list branches in its newsletters and on its Web site and will encourage local members etc to join them.

4.5. All branches will be required to produce an annual report detailing the previous year's activities each April. This should be forwarded to the Chief Executive for inclusion in the Charity's Annual Report.

4.6. 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.

4.7. 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.

4.8. 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.

4.9. 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.

4.10. Signed forms of authority should be obtained from any individual for any photographs or quotes used in the public domain.

5. General Financial Procedures

5.1. Branches must exercise the same internal controls as the parent Charity. Association officers should consult Charity Commission document CC8 *Internal Financial Controls for Charities*.

5.2. Branches must be self-financing.

5.3. 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.

5.4. 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.

5.5. Cheques must have two signatories and 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.

5.6. 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 £200 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.

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

5.8. 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.

5.9. Branch accounts are subject to examination by the **GAIN** Treasurer.

6. Fund-raising

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

6.2. 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**, all branch funds are the legal property of **GAIN**

6.3. 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.

6.4. 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.

6.5. 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.

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

6.7. 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.

6.8. 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.

6.9. 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**.

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

7. Grants supporting local need

7.1. Branches can raise funds to be allocated to supporting local need in the geographic area covered by that Branch.

7.2 Applications for grants by individuals, can be funded by a Branch but must use the GAIN Personal Grant Application form. This form once completed must be submitted to the GAIN Head Office for processing by the Personal Grants Sub Committee

7.3 Branches may receive requests to support hospitals through appeals for money or equipment. GAIN, and therefore Branches, can only support these requests where the need is for treatment or relief of those affected by GBS, CIDP or related conditions exclusively. All such requests must be approved by the Board of Trustees.

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.

All the above positions need be established. 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

Do.....	Don't.....
Encourage people to join	Keep or share any lists or other personal data on members
Ask GAIN office to invite local people to go along to your meetings	Share any data such as names, addresses and phone numbers beyond the organiser & GAIN office
Keep the office informed if people leave or join the group	Offer any peer support or other services provided through the GAIN volunteer scheme
Familiarise yourself with the Constitution and other policy documents	Spend money other than to support your meeting (hall hire, tea & biscuits etc)
Publicise your group in the local area – posters are available from the office	Raise funds for local initiatives without the consent of the GAIN Board
Produce articles for the website	
Raise funds for the charity	
Consider the whole group when planning events and meetings	

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.

Branch Name:				
Branch Finance Statement to:				
Receipts:				
Donations				
Events				
Christmas Cards				
Fund Raising				
Other - give details				
Payments:				
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)				