



# Policy, Organisation and Rules

## Autumn 2024

This edition of POR came into effect for 'Early Adopter' Counties and for Nations and UK Headquarters from 21<sup>st</sup> November 2024, and for all other Counties from 29<sup>th</sup> November 2024.

This PDF version of the Autumn 2024 edition of POR contains four changes from the version published on 29th November 2024:

- Updated Teams and Accreditation tables following feedback from users
- Correction to the rule numbers referred to from rules 4.3.10.2, 4.3.10.5 and 16.7.4.18
- Rule number corrections in 4.5.1 and 4.5.2
- Minor formatting corrections in chapters 5, 9 and 16

## Chapter 5

### Local governance and finance of Groups, Districts, Counties

#### Chapter contents

- 5.1 Scope
- 5.2 Constitution – governance context
- 5.3 Constitution - requirement
- 5.4 Constitution for a Group <sup>[SV – Annex A]</sup>
- 5.5 Constitution for a District <sup>[SV – Annex B]</sup>
- 5.6 Constitution for a County <sup>[SV – Annex C]</sup>
- 5.7 Finance and commercial matters

About the structure of this chapter:

- 5.1, 5.2, 5.3 and 5.7 are rules which must be followed.
- 5.4, 5.5, 5.6 are model constitutions for, respectively, Groups, Districts, Counties <sup>[SV]</sup>

Timings:

- The changes to membership of the Trustee Board were effective from the first Annual General Meeting (AGM) following 31st March 2024. In most cases that will be at the 2024 Annual General Meeting. The name change (to Trustee Board and Trustees) and the changed Trustee Board purpose statements were introduced in POR in April 2023 and already apply.
- Previously, Section Leaders (if they opted in), Deputy Group Scout Leaders and Group Secretary (if appointed) were ex-officio members of the Group Trustee Board. Their ex-officio role as a Trustee may continue but must end at the next Group AGM after 1<sup>st</sup> April 2024, or on 31<sup>st</sup> March 2025, whichever is sooner.
- Previously, the District Explorer Scout Commissioner, the District Scout Network Commissioner and the District Secretary (if appointed) were ex-officio members of the District Trustee Board. Their ex-officio role as a Trustee may continue but must

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end at the next District AGM after 1<sup>st</sup> April 2024, or on 31<sup>st</sup> March 2025, whichever is sooner.

- Previously, the County Secretary (if appointed) was an ex officio member of the County Trustee Board. Their ex-officio role as a Trustee may continue but must end at the next County AGM after 1<sup>st</sup> April 2024, or on 31<sup>st</sup> March 2025, whichever is sooner.

### 5.1 Scope

5.1.1.1 This chapter applies only to Groups, Districts and Counties within the Scouts' federation of charities operating under The Scout Association's Royal Charter. Matters concerning UK Headquarters and Country Headquarters are detailed in Chapter 6 of POR.

5.1.1.2 Except in Scotland, each Group, District and County is a separate, unincorporated educational charity within the Scouts' federation of charities and operating under the Royal Charter, and must operate as such, regardless of whether the Group, District or County is registered with a charity regulator. These local charities must not be incorporated and they exist within the federated structure.

In Scotland, a Group, District or Region may decide to register as an Unincorporated Scottish Charity but is not required to do so. They must not register as a Scottish Charitable Incorporated Organisation (SCIO) as they must be able to exist within the Scouts' federation of charities and operate under its Royal Charter.

5.1.1.3 Whether registered or not, members of the relevant Trustee Board must act collectively as the Trustees of their Scout unit, and in the best interests of the Scout Unit's members.

5.1.1.4 The members of the Scout unit eligible to vote at their AGM are the members of the Scout Council as detailed in Rule 5.3.3.

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- 5.1.1.5 As unincorporated charities, Groups, Districts and Counties do not have their own corporate status. This means they must not enter into contracts in the name of the Group, District or County itself. Contracts and other legal documents must be entered into by the trustees on behalf of the organisation. They may be described as ‘the Trustees of ...’ or named individually ‘as trustees of ...’. These documents must be signed by trustees authorised by the Trustee Board.
- 5.1.1.6 Scout charities must be constituted and operate within the framework of the Royal Charter, Byelaws and the Policy, Organisation Rules (in particular this Chapter 5) to benefit from formal membership of the Association. This also includes:
- a) Membership (Chapter 3)
  - b) Insurance (Chapter 8)
  - c) Wearing of uniform (Chapter 10)
  - d) Use of branding (Chapter 14)
- 5.1.1.7 The governance and financial arrangements for Groups, Districts and Counties are governed by this POR chapter.
- 5.1.1.8 Chapter 13 also applies if the charity is registered with their charity regulator (or, in England and Wales, if it is an excepted charity), including if it has ownership of land or property.
- 5.1.1.9 For Counties that have no Districts, or have a directly administered District, or have a directly administered Group, the County Trustee Board must also enact the District-related or Group-related responsibilities of this chapter.
- 5.1.1.10 For Districts that have a directly administered Group, the District Trustee Board must also enact the Group-related aspects of this chapter.

## 5.2 Constitution – governance context

- 5.2.1.1 Good governance focusses on oversight and strategy and maintains focus on supporting and assuring the organisation’s strategic goals. Every charity must adopt a governing document. In the Scouts’ federation of charities, and in this chapter, the governing document is referred to as a constitution.

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- 5.2.1.2 A governing document explains what the charity is set up to do, and how it operates, it sets out the rules to be followed in the governance of the charity. All Trustees must understand their constitution, and make sure it is kept up to date.
- 5.2.1.3 The principal governing document of The Scout Association is the Royal Charter.  
Except for Scotland, for each Group, District and County, a model constitution is established in accordance with the Royal Charter and POR of the Scout Association.  
Except for Scotland, this chapter 5 includes that model constitution which should be adopted by each Group, District and County (see 5.4, 5.5, 5.6 respectively) as their governing document.  
In Scotland, a model constitution for a Group, District or Region is appended as Annex A, B and C respectively to Scottish Variations from POR.<sup>[SV]</sup>
- 5.2.1.4 Every Trustee Board must ensure that their charity's aims are aligned with The Scout Association's overall aims and strategic goals and are being delivered effectively and sustainably.
- 5.2.1.5 Charities exist to fulfil their charitable purposes. Trustees must understand the environment in which the charity is operating and lead the charity in fulfilling its purposes as effectively as possible with the resources available. To do otherwise would be failing beneficiaries, funders and supporters.
- 5.2.1.6 Charity Trustees must collectively:
- ensure that the charity is carrying out its purposes for the public benefit
  - comply with the charity's governing document and the law
  - act in the charity's best interests
  - manage the charity's resources responsibly
  - act with reasonable care and skill
  - ensure the charity is operating in compliance with POR and the local charity regulator, including effective management of each of the Key Policies listed in Chapter 2
- 5.2.1.7 As with all teams (see Chapter 4) there is a team description for a Trustee Board.

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- 5.2.1.8 Some Groups, Districts or Counties may also need to register as a charity (See Rule 13.1.3). Although Chapter 5 of POR must be followed, it is important that each Trustee Board is also aware of the charity regulator that governs them, see 13.1.2.
- 5.2.1.9 If a registered charity, the charity's registration number must be recorded on the membership system.
- 5.2.1.10 Each Scout Charity must not use any other charity number than their own. For example, a Group must not use the charity number for their District or County, or UK Headquarters.
- 5.2.1.11 To support effective governance and share good practice across the Groups of the District, the District Chair and Treasurer should create a support network amongst the Group Chairs and Group Treasurers of the District.
- 5.2.1.12 To support effective governance and share good practice across the Districts of the County, the County Chair and Treasurer should create a support network amongst the District Chairs and Treasurers of the County.

## 5.3 Constitution - requirement

Rule 5.3 applies to each Group, District and County, whether or not it is registered with a charity regulator.

Every charity within the Scouts' federation of charities must have an agreed constitution. Although a charity may agree its own constitution, it is very strongly encouraged that each Group, District and County adopts the model constitutions that are shown in Rule 5.4, 5.5 and 5.6, respectively, in this chapter.

Except for Scotland, the model constitutions in Rules 5.4, 5.5 and 5.6 describe the role, membership and operation of the Scout Council, and the Trustee Board.

In Scotland, a model constitution for a Group, District or Region in Scotland is appended as Annex A, B and C respectively to Scottish Variations from POR.

Any variations to the model constitution must be consistent with the rest of POR, and must not cause the Group, District or County to operate in a manner that breaches POR.

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5.3.1.1 In the interest of openness, especially for new members of the Scout Council, the Scout Council must re-adopt their charity's constitution at each AGM. This must be recorded in the minutes of the AGM.

5.3.1.2 A Group, District, or County which adopts unchanged the model constitution in 5.4, 5.5, 5.6 as appropriate must record in their AGM minutes that Rule 5.4, 5.5 or 5.6 is fully adopted as its constitution. In this case, a copy of 5.4, 5.5 or 5.6 does not need to be attached to the minutes – it is sufficient for the adoption of 5.4, 5.5, 5.6 to be stated in the AGM minutes.

In Scotland, a Model Constitution for a Group, District or Region in Scotland is appended as Annex A, B and C respectively to Scottish Variations from POR.

5.3.1.3 A Group, District, or County which adopts the model constitution in 5.4, 5.5 or 5.6 but makes a local amendment to the model constitution, must describe at their AGM, gain the Scout Council's approval for the local amendments, and record in the minutes of their AGM:

- a) the adoption of the model constitution in Rule 5.4, 5.5 or 5.6 as the basis of their constitution
- b) the specifics of the local amendment(s) that it has adopted.
- c) clear reasoning for each local amendment.

A Group, District, or County which adopts its own constitution, must describe at the AGM, gain the Scout Council's agreement to the differences and record in the minutes of their AGM:

- a) the differences between their constitution and the model constitution
- b) clear reasoning for each of the differences
- c) confirmation that their Scout Council AGM recognises that it has approved a constitution that is not based around the model constitution from POR, and that the Scout Council has fully endorsed the differences between their constitution and the model constitution

5.3.2 Scout Council – Annual General Meeting

5.3.2.1 Each Scout Council must hold an Annual General Meeting (AGM) within six months of the end of the Group's, District's or County's financial year. Trustee Boards should give all members of their Scout Council at least four weeks' notice of the date of the AGM.

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5.3.2.2 Before the AGM, the Trustee Board must prepare and approve the Trustees' Annual Report and the annual statement of accounts. The accounts must have completed their examination by an appropriate auditor, independent examiner, or scrutineer (see 5.7.3). This must include the formal report prepared by the auditor, independent examiner, or scrutineer.

5.3.2.3 Following each AGM, the Trustee Board administration must ensure that the Trustees' Annual Report and Accounts, including the formal report prepared by the auditor, independent examiner, or scrutineer are filed as described in Rule 5.7.

It is good practice for the new Trustee Board to verify the draft Minutes of the AGM at their first meeting following the AGM, even though the minutes cannot be formally approved by the Scout Council until the charity's next AGM.

### 5.3.3 Scout Council Membership

5.3.3.1 Ex officio members of the Group Scout Council are:

- a) all adult members of the Group – see Group roles listed in the Chapter 16 Teams Table
- b) all Patrol Leaders of the Troop(s) in the Group.
- c) all parents of Squirrels, Beavers, Cubs and Scouts in the Group.
- d) all Explorers, if so stated in a Partnership Agreement between the Unit, the Group and the District
- e) all parents of Explorers, if so stated in a Partnership Agreement between the Unit, the Group and the District
- f) the Sponsoring Authority, where there is one, or its nominee
- g) the District Lead Volunteer
- h) the District Chair

5.3.3.2 Ex officio members of the District Scout Council are:

- a) all adult members with a District role - see District roles in the Chapter 16 Teams Table of The Scout Association's Policy, Organisation and Rules
- b) all Group Lead Volunteer members of each Group Leadership Team from the District
- c) all Group Leadership Team Members of each Group in the District

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- d) all Group Section Team Members of each Group in the District
- e) all Group Trustee Board Chairs from the District
- f) all Group Trustee Board Treasurers from the District
- g) all Explorers (including Young Leaders) in the District
- h) all members of the Scout Network in the District
- i) all parents of all Explorers (including Young Leaders)
- j) <sup>(NI)</sup> only) Regional Lead Volunteer
- k) the County <sup>(NI)</sup> Country) Lead Volunteer
- l) the County <sup>(NI)</sup> Country) Chair

5.3.3.3 <sup>(NI)</sup> this does not apply in Northern Ireland)

Ex officio members of the County Scout Council are:

- a) all adult members with a role in the County – see County roles in the Chapter 16 Teams Table of The Scout Association Policy, Organisation and Rules
- b) all District Lead Volunteers from the County
- c) all District Youth Leads from the County
- d) all District Trustee Board Chairs from the County
- e) all District Trustee Board Treasurers from the County
- f) one or two representatives from each District Scout Council, selected by the District Scout Council at their AGM
- g) the Regional Lead Volunteer (in England and in Wales)
- h) the Chief Volunteer of Scotland (in Scotland)
- i) the UK Chief Volunteer for International (for British Scouting Overseas and for Gibraltar)

5.3.3.4 The appointed members of the Scout Council are other supporters of the Group, District or County appointed by the Scout Council at their AGM on the recommendation of the Trustee Board for a fixed period not exceeding three years.

A Scout Council does not need to have any appointed members.

5.3.3.5 The community members of the Scout Council are representatives of the local community appointed because of their role rather than by their name. For example, local headteachers, or Parish Council members.

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- 5.3.3.6 They are appointed by the Scout Council at their AGM, on the recommendation of the Trustee Board, for a period of one year.  
A Scout Council does not need to have any community members.
- 5.3.3.7 Membership of the Scout Council does not provide any member status of the Scouts.
- 5.3.3.8 The County (<sup>[NI]</sup> Country) Lead Volunteer has the right of attendance at each Group Scout Council meeting in the County. (<sup>[NI]</sup> this right of attendance also applies to Regional Lead Volunteers).
- 5.3.3.9 An individual's membership of a Scout Council ends when:
- The Scout Council member resigns
  - The Scout Council member no longer qualifies as a member of the relevant Scout Council
  - The Scout Council is dissolved
  - Scout Council membership is terminated by UK Headquarters following a recommendation by the relevant Trustee Board.
- 5.3.4 Trustee Board Membership
- 5.3.4.1 A Trustee Board should comprise a maximum of 12 Trustees (the total of all ex officio, appointed and co-opted Trustee categories), with a minimum of 5 Trustees. The maximum number of Trustees must be agreed by the Scout Council at its AGM.
- 5.3.4.2 Each ex officio, appointed and co-opted member of the Trustee Board is a charity Trustee of the Group, District or County.
- 5.3.4.3 It is good practice for a Trustee Board, and any sub-teams, to have at least two Trustees aged between their 18<sup>th</sup> and 25<sup>th</sup> birthdays.
- 5.3.4.4 A person must have reached their 18<sup>th</sup> birthday before they take on a charity Trustee role in the Scouts.
- 5.3.4.5 There are three classifications of Trustee:
- Ex officio  
These people are Trustees by virtue of their role in the Scouts. They are a vital part of the Trustee Board, providing a clear link with the leadership and operation of the charity. They are:
    - For the Group Trustee Board – the Group Lead Volunteer

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- b. For the District Trustee Board – the District Lead Volunteer and District Youth Lead
- c. For the County Trustee Board – the County Lead Volunteer and County Youth Lead.

There is only one ex officio Trustee role for each of the above roles, so where there are joint role holders for a role, the role holders must decide, in discussion with the Chair, which of them should be the ex officio Trustee. However, each role holder of any of the above roles must be eligible to be a Trustee (as specified in POR 16.1.3.1(e)).

- b) Appointed by the Scout Council  
These Trustees are appointed by the Scout Council at their AGM following a rigorous and transparent selection process agreed by the members of the Trustee Board. This includes the Chair and Treasurer roles.
- c) Co-opted by the Trustee Board  
These Trustees are appointed by the Trustee Board. Co-opting offers the Trustee Board a way of broadening its skills mix or to introduce potential new Trustees mid-year, as well as providing a method of filling vacancies that may occur between AGMs.
- d) The Trustee Board must ensure that co-opted appointments follow an appropriate selection process, similar to that described for Appointed Trustees.

**5.3.4.6** The selection processes leading to appointment of Trustees must include a rigorous and transparent selection process and may include a nominations process or an election process or other locally appropriate procedures. It may include selection of persons with specific skills from outside the Scouts.

The Trustee vacancies should be advertised widely, including to all members of the Scout Council aged 18 or over, so that it is clear that it is an open process.

Persons recommended for appointment to the Trustee Board may include members of the Scout Council and may also include people from outside the Scout Council (including people from outside the Scouts) provided that there is no conflict of interest.

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5.3.4.7 Certain people are disqualified from being charity trustees by virtue of the Charities Acts (in Scotland, the Charities and Trustee Investment (Scotland) Act 2005). This must be determined during the appointment process through the Trustee's declaration and by Trustee eligibility checks (see Rule 16.1.3.1(d) and (e)).

5.3.4.8 Governance roles must be distinct to help manage conflicts of interest. This includes a requirement that the roles of Chair and Treasurer must be kept separate and be undertaken by two different people.

Subject to the conflict of interest rules (see Chapter 16 and the definition of 'conflict of interest' in the Definitions Chapter), a Trustee may be a member of more than one Trustee Board.

5.3.4.9 Trustees - term of appointment

- a) Appointed Trustees are appointed by the Scout Council for an initial period of no longer than three years. The Scout Council may agree further periods of appointment.
- b) Co-opted Trustees are appointed by the Trustee Board for an initial period of one year. Further periods of appointment may be agreed by the Trustee Board, however co-opted Trustees are encouraged to move to being appointed Trustees at the next AGM.
- c) Appointed and co-opted Trustees must serve no more than nine years in any Trustee role on the specific Trustee Board (this includes Chair and Treasurer). As example, if a Trustee served three years and then became Treasurer on the same Trustee Board, that person could serve as Treasurer for no more than six years.
- d) Ex officio Trustees serve as a Trustee for as long as they hold the ex officio role. Their membership of the Trustee Board ceases as soon as they are no longer in a role that includes Trustee responsibility. If their ex officio role is held for less than nine years, then they may hold an appointed or co-opted Trustee role to a maximum of nine years as a Trustee on the specific Trustee Board, including their time as an ex officio Trustee. As example, if a Group Lead Volunteer served five years in that role and then became an appointed Trustee on the Group Trustee Board, that person could serve as an appointed Trustee for no more than four years.

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- e) A volunteer who has been a Trustee on a specific Trustee Board for a total of nine years may be considered for re-appointment to the same Trustee Board after a gap of three years. The nine years need not be consecutive.
- a) This nine-year Trustee maximum term rule comes into effect from the charity's AGM held during 2024 – it does not include years served as a Trustee before the 2024 AGM.
- 5.3.4.10 All Trustees must complete learning as specified in Chapter 16.
- 5.3.4.11 All Trustees, and members of sub-teams, must be recorded on the membership system.
- 5.3.4.12 If a Trustee Board Chair or Treasurer resigns, then Rule 16.9.2 of The Scout Association Policy, Organisation and Rules must be followed.
- 5.3.4.13 Each Trustee Board requires effective administration. The administration may be provided by one or more persons as appropriate to the Trustee Board.
- 5.3.4.14 People invited to attend a meeting of the Trustee Board, or with right of attendance, may be present at the meeting but are not charity Trustees and have no voting rights.
- a) The District Lead Volunteer, the District Chair and the County <sup>(NI)</sup> Country) Lead Volunteer each have the right of attendance at meetings of each of the Group Trustee Boards in the Districts in the County, <sup>(NI)</sup> Country).
- b) The County <sup>(NI)</sup> Country) Lead Volunteer and the County <sup>(NI)</sup> Country) Chair each have the right of attendance at meetings of each of the District Trustee Boards in the County, <sup>(NI)</sup> Country).
- c) These members have the right of attendance at meetings of the County Trustee Board:
- the Regional Lead Volunteer (in England and in Wales)
  - the Chief Volunteer of Scotland (in Scotland)
  - the UK Chief Volunteer for International (for British Scouting Overseas and for Gibraltar)
- c) These members must be invited to attend meetings of the County Trustee Board:

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- the County's Nominated Member(s) on the Council of The Scout Association
  - the County's Nominated Youth Representative on the Council of The Scout Association
- d) Right of attendance at Group Trustee Boards also extends to:
- The Sponsoring Authority (or their delegate) of a Sponsored Group
  - For a Joint Scout and Guide Group, the Guide equivalent of the Group Lead Volunteer has right of attendance at the Scout Trustee Board.

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