

The background of the image is a large, semi-transparent version of the BMFA logo. The logo consists of a circular emblem with a stylized aircraft in flight, rendered in blue and red, set against a grey background. The letters 'BMFA' are prominently displayed in a bold, blue, sans-serif font across the upper portion of the emblem.

BMFA

**CLUB CORNER ONLINE
SEMINAR**

**THE IMPORTANCE OF AN EFFECTIVE CLUB
CONSTITUTION**

Heard at the field...



Its all just club politics!

We don't need all that, we just want to have fun!

Just use common sense!

We have unwritten rules!



...responses

All life is politics, it always has been!




**A constitution means you can continue to
have fun!**

Whose version of common sense?

If a rule is not written it doesn't exist!

Introduction







-  **Most model flying clubs are unincorporated associations**
 -  **Such an association does not have an identity distinct from that of its members.**
 -  **Special care is needed when drafting the constitution.**
- For the purposes of this seminar when 'club' is used it will be in relation to an unincorporated association.**

Introduction



Issues in clubs generally fall in to 2 categories





-  **The club does not have its own legal identity.**
-  **Causes issues when the club needs to contract with third parties**
-  **Members have no protection by virtue of membership**
-  **Issues can arise between members**

A well drafted constitution must deal with both of these issues.

Overview



The following elements are essential for an effective constitution
(minimum requirements - not an exhaustive list)

-  The formation of the club
-  The rights and duties of membership
-  The management of the club
-  Dissolution of the club

The formation of the club







This should include:

-  The name of the club
-  The objects and purposes of the club

The rights and duties of membership







This should include:

-  **The admission of members to the club**
-  **Resignation of membership of the club**
-  **Suspension or expulsion of members**
-  **The payment of subscriptions**

The rights and duties of membership



Admission of new members to the club

-  Define the criteria to be met by any prospective member
-  Club can set its own parameters for membership including any probation period
-  Club can refuse membership to new members
-  Laws of discrimination apply (Equality act 2010)

The rights and duties of membership






Resignation of membership of the club

-  Clearly define how a member resigns from the club
-  Clearly define when a member is deemed to have resigned after not renewing
-  Attempted renewal after this treated as new member

The rights and duties of membership



Suspension or expulsion of members





-  **Area of constitution most likely to be challenged**
-  **Difficult to suspend or expel a member if no provision in constitution**
-  **Consistency with the rules of natural justice is essential**

More on disciplinary matters later....

The management of the club



This should include:

-  **Composition of the management committee;**
-  **Management of the club's affairs;**
-  **Alteration of the constitution;**
-  **The power to create by laws (club rules)**

Composition of the committee










This should include:

-  **Number of committee members**
-  **Specify Officers of the committee**
(Chairman, Secretary Treasurer etc)
-  **Process for committee elections**
-  **Facility to remove absent committee members**
-  **Process for filling positions that become vacant**
-  **Validity of resignations**

Management of the club's affairs





This should include:

-  **Committee members voting rights**
-  **Authority for committee to negotiate and make decisions on behalf of the club**
-  **Expenditure limit before seeking members approval**
-  **Control of club bank accounts**
-  **Committee meeting procedures**
-  **General meeting procedures**
-  **AGM/EGM calling procedures**




Alteration of the Constitution



-  Without an express power to amend the constitution any alteration, regardless of its nature can be difficult.
-  Define a process to review and amend the constitution as part of the AGM agenda.

The power to create by laws



-  Rules should only be changed at a general meeting, however.....
- ensure constitution includes provision for committee to introduce new club rules for urgent safety matters
-  Any rule changes should be ratified by the membership at a general meeting.

Dissolution of the club



- **Constitution should contain the process for making this decision**
- **Decision should be made at an EGM, carefully consider an appropriate quorum for this particular decision**
- **If the decision is made what happens to club assets? This has wider effects than just if the club dissolves.
E.G. Grant funding**

Disciplinary issues



Unfortunately the BMFA Club Support officer is asked to assist with disciplinary matters far too frequently!

Standard initial response is...

“Refer to your club constitution”

**The area of a club constitution that is most often challenged,
important to get this right!**

Disciplinary issues



Don't let this.....



Disciplinary issues



...turn in to this!



Disciplinary issues



Try to prevent issues developing into disputes where the disciplinary procedure is required.

Remember we are in this for fun and enjoyment!

Will a quiet word in the ear work?

If it doesn't you will need a robust disciplinary procedure

Disciplinary procedures










Suspension or expulsion of members

- Really only 1 acceptable disciplinary procedure
 - Verbal warning
 - Written Warning
 - Invite member to meeting in writing and advise expulsion is being considered (Final written warning)
 - If decision is to expel, notify in writing with reasons
 - Must give an opportunity to appeal to members at a general meeting
 - Only exception to above is for Gross Misconduct

Gross Misconduct



Summary dismissal acceptable

-  Summary Dismissal acceptable, but...
-  ...must still give the right to appeal to members.
-  Examples of gross misconduct **(not exhaustive list)**
 -  Dishonesty, theft/fraud from the club or members
 -  Deception, lying on applications, falsifying expenses etc
 -  Vandalism/sabotage of club equipment
 -  Violence, threats of violence and offensive/abusive language

Why do problems arise?



2 main reasons

1. Constitution not fit for purpose
2. Constitution not followed

So to prevent issues, do it by the book....

....after ensuring you have the right book!

Resources



- Example constitution available to download
see <https://clubsupport.bmfa.uk/example-club-constitution>
- Constitution review service
see <https://clubsupport.bmfa.uk/constitution-review>

New Club Support website

See <https://clubsupport.bmfa.uk/>

And Finally.....



The club constitution is up there as one of the most important assets a club has.

In a comprehensive fit for purpose constitution there will be many clauses, many of them are just like the insurance.

“We hope you don’t need them, but if you do, you better hope you have got them!”

Thank you for listening



Any questions?

New Club Support website

See <https://clubsupport.bmfa.uk/>