

# **LIBERATE (Guernsey) CONSTITUTION and RULES**

(updated January 2025)

**1. NAME AND LEGAL STATUS:** The name of the charitable organisation will be "**LIBERATE**" (hereinafter referred to as "**the Charity**") and it will operate as a charitable trust.

**2. PURPOSE AND OBJECTIVES:** The charity has been established to promote fairness and equality, as well as support, for the Lesbian, Gay, Bisexual, Transgender, Queer and Questioning ("LGBTQ+") community, their friends and families within the Bailiwick of Guernsey.

We campaign for positive change in laws and opinions with the aim to promote acceptance of everyone identifying as LGBTQ+. We aim to do this with the input and support of the LGBTQ+ community.

We want to stand as positive role models and provide a voice for the Bailiwick's LGBTQ+ community.

We wish to put in place support services for LGBTQ+ people growing up and growing old within the Bailiwick of Guernsey.

We wish to create an island community where everyone stands in equal footing with their neighbour regardless of their ability, age, beliefs, gender identity, race, religion, sex or sexuality.

**3. MANAGEMENT:** The Management (known as The Committee) of the Charity is structured by an elected group of Trustees, CEO, Secretary and Treasurer.

a) New Committee members will be elected by the existing Committee and will serve a term of 24 months after which they will be eligible for re-election.

b) The Committee will comprise of at least three unconnected persons with two of those unconnected persons being elected to the roles of Secretary and Treasurer.

c) At meetings we will elect a Chairperson to Chair that meeting.

d) The frequency of Committee meetings will be as deemed necessary by the Committee given that the presence of a majority of Committee members will be required to constitute a quorum for the transaction of business and for the passing of resolutions.

e) There will be a minimum of 4 Committee meetings per year taking place quarterly.

f) Voting at meetings will be on a simple majority basis with the proviso at all times that a minimum of two unconnected Committee members are present and that a casting vote can only be made by a third unconnected person.

g) The CEO will have general responsibility for the smooth running of the Charity in accordance with this Constitution.

h) The Treasurer will ensure that accurate and up to date records are kept of all the financial transactions carried out on behalf of the Charity and will be responsible for the banking of monies (along with the CEO) and the preparation of accounts as detailed below.

i) The Secretary will be responsible for giving notice of all Charity meetings

and for recording and circulating accurate minutes. The Secretary will also keep a record of the names and addresses of all Committee members.

j) A Committee Member may resign at any time by giving written notice to the Trustees. The acceptance of such notice shall not be necessary to make it effective.

k) A Committee Member may be removed at any time by unanimous vote of the remaining Members of the Committee.

l) The majority of the members of the Committee will be Guernsey residents.

m) Conflicts of interest that arise on the part of any member of the Charity will be resolved in accordance with the 'Disciplinary and Grievance Resolution Policy & Procedure' and the provisions contained therein.

4. **FINANCES:** All monies received by the Charity will be used to further its aims and purposes through the implementation of projects identified and deemed worthy of support by the Charity, and for no other purpose PROVIDED THAT nothing contained herein will prevent the repayment to Committee Members of essential and reasonable out of pocket expenses or the legitimate costs incurred in fund raising activities.

a) **All monies** received by the Charity will be fully accounted for and will be passed promptly to the Treasurer or CEO for payment into the Charity bank account. Responsibility for the approval process with respect to the release of funds and the mechanism of such a release shall rest with at least two unconnected individuals.

b) **Fund Raising Activities** may be undertaken by the Charity to further support the Purpose and Objectives of the Charity.

c) **Bank Account:** A Bank Account is established for the sole purpose of facilitating transactions related to the work of the Charity. Any expenses will be charged to this account as appropriate. The Bank Account will be operated over the signatures of two authorised signatories acting jointly one of which must be the Treasurer or CEO. If deemed necessary more than two Committee Members may be authorised as signatories but no two signatories may be family members or be closely related to each other.

d) **Annual Financial Statements / Accounts:** will be kept by the Treasurer in accordance with clause 3h) above and will be submitted for scrutiny and approval by the Members once a year or more frequently if requested by the Committee. Where deemed necessary at the discretion of the Committee and subject to any legal considerations including those of data protection and privacy, the Accounts may also be placed into the public domain.

e) **Audit:** There is no legal duty to have charity accounts audited. We may from time to time choose to have the Annual Financial Statements independently verified or inspected by an appropriately qualified third party unconnected and unrelated to any member of the Committee.

f). **Financial risk mitigation:** Payments over £5,000 made to people or organisations outside of the Bailiwick of Guernsey will be subject to identification checks as part of our financial risk mitigation strategy. These will be kept together with details of any contracts entered into with international

partners and affiliated organisations. **6. FISCAL YEAR:** For accounting purposes the fiscal year will end on 31st December or as amended by Resolution of the Committee.

**7. AMENDMENTS TO THE CONSTITUTION:** This constitution may be amended by a majority vote at any Committee meeting at which a quorum is present.

**8. RISK MITIGATION:** On behalf of the charity, the Committee members will put in place risk-based processes as listed below to try and ensure that it is not used for criminal purposes.

a) **Identification of donors:** In line with the Bailiwick Charity Law 2022 and Liberate's Anti-Financial Crime Policy the Committee will establish, verify and document the identity of donors particularly if the donation comes from outside the Bailiwick, is for a significantly large amount (over £5,000) or is considered in anyway unusual because of its origin, nature or for some other reason.

b) **Identification of beneficiaries:** In all normal circumstances the Committee will establish, verify and document the identity, credentials, bona fides and good standing of any legal or natural person to whom it provides funds, assets or other forms of assistance particularly if the beneficiary is resident outside the Bailiwick, the assistance is of a significantly large monetary value or the request is considered in any other way an unusual one.

c) **Interaction with other NPO's:** When working and transacting with other charities or NPO's particularly those operating outside the Bailiwick, the Committee will in all normal circumstances establish, verify and document their identity, credentials, bona fides and good standing. Whenever possible the Charity will only interact with partners it knows and trusts on the basis of both personal contact and previous working relationships.

**9. DISSOLUTION:** The Charity may be dissolved by resolution of the Committee. In the event of dissolution all monies held will be transferred to the separate recognised bank accounts of partner charities chosen by the Committee.