

Disability Beyond Borders **Constitution**

1. The name of the organisation is **Disability Beyond Borders** (hereinafter referred to as 'The Organisation'). The organisation is a registered Scottish Charitable Incorporated Organisation (SCIO). No. SC044849

The principal office of the organisation will be in Scotland (and must remain in Scotland).

2. Purposes

1. The promotion of equality and diversity by:
 - a. Providing, free of charge, manual wheelchairs to the many disabled people resident in Ukraine in need of a wheelchair, who otherwise have no means to gain or improve their mobility to enable them to take a more active role in their community and live a life with dignity, respect, choice and independence.
 - b. Supporting disabled people by providing, free of charge, a means for disabled people to gain access to their homes or place of residence and other buildings.
 - c. Being available to contribute to Ukraine, and other countries, on consultations and discussions concerning accessible environments for disabled people, thus contributing to treating disabled people equally in society even if that means treating them more favourably.
 - d. Providing, from time to time, the same services to disabled people in other countries who are equally disadvantaged because of their disability.
2. The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage by:
 - a. Contributing to the relief of life restrictions of disabled people by working with other organisations to ensure the standard, delivery and security of wheelchairs and mobility aids to those in most need in their respective communities.
 - b. To provide Aid, Assistance and Respite to those disadvantaged because of Social, Economic or Armed Conflict and Natural Disaster

1. Activities

In furtherance of these Purposes the organisation will:

- Source second-hand and used manual wheelchairs and Aids for disabled people, throughout the United Kingdom for refurbishment before shipment to their destination.
- Given the considerable number of wheelchairs required the organisation will also source new wheelchairs and/or wheelchair components to be constructed in Scotland before shipment to their destination.
- All wheelchairs will meet the ISO: 7176 standard as recommended by the World Health Organisation.

- Suitably qualified and trained members of staff will give advice on inclusive environments to disabled people, local and national governments, private sector, voluntary sector and statutory sector organisations.
- The organisation will employ personnel to refurbish and build wheelchairs, keep records and generally carry out the day-to-day work of the organisation.
- Be an equal opportunities employer. However, as disabled people are twice as likely to be unemployed than non-disabled people the organisation will operate 'the guaranteed interview scheme' to give disabled people an advantage in gaining employment with the organisation.
- Will source used and second-hand equipment for disabled persons that are not manual wheelchairs, for resale in the UK to provide an income-stream to assist in financially supporting the organisation to meet its charitable purposes.
- Can give advice and Guidance on matters of disability and access to other Organisations and Governments as deemed appropriate by the Committee of Trustees, as per the Purposes of the organisation.
- By creating employment in Scotland and providing wheelchairs and aids for disabled people in Ukraine the organisation will assist in improving and promoting better physical and mental health in both Countries.
- The Organisations main thrust shall always be disability but will also take into cognisance the other equality characteristics when going about its business.
- All equipment and machinery necessary to meet the objects of the organisation shall be purchased under the name of Wheelchairs for Ukraine.
- May make information about the organisation available from time to time in varying formats to members of the organisation and members of the public.
- The organisation will also develop and maintain a website which will provide up-to-date information about the organisation to both members of the organisation and the general public.

2. Equality Statement

Disability Beyond Borders has been set up in particular to benefit people who are disadvantaged in life because of having the common characteristic of having a disability (as defined in the Equality Act 2010). The organisation therefore falls under section 193 of the Equality Act 2010 as it is tackling a particular disadvantage faced by people who share a protected characteristic.

3. Powers

The Organisation shall have powers to:

- Raise funds; accept donations and sponsorship to ensure the on-going viability of the organisation.
- The organisation has power to do anything, which is calculated to further its purposes, or is conducive or incidental to doing so.

- The organisation will have the power to create named projects that will be complimentary to the work that the charity is undertaking at any given time or place. Any such projects must always be a project of the charity and cannot stand in isolation.
- Source and purchase all component parts and fittings to enable the Organisation to meet its purposes.
- To source and collect/have delivered second-hand wheelchairs and aids to be refurbished for the benefit of disabled people. To manufacture, when required, the aforementioned wheelchairs and mobility aids.
- The organisation will have the power to design, market and sell its own goods and services as a method of income maximisation to enable the organisation to meet its charitable purposes.
- Pay travel and subsistence costs to employees while on business on behalf of the organisation.
- Engage and pay fees to professional and other persons who provide specialist services, such as training and organisation of services, to the Organisation.
- The Trustees will be responsible for the strategic general management of the organisation. No remuneration will be paid to any Trustee as a Committee Member for the strategic management of the organisation; However, while on business for the organisation Trustees will be paid out-of-pocket expenses, mileage, travel and subsistence. Trustees offer their time and commitment on a Voluntary basis for the strategic running of the organisation.
- Will pay out of pocket costs to any volunteers for services provided to the Organisation, in doing so will always meet the Standards for Community Engagement.
- Will employ personnel to meet the objects of the organisation.
- Will raise funds and receive donations, gifts and finances.
- To receive and respond to requests for consultation, involvement and advice and to liaise with other agencies on relative matters of policy and practice, particularly in assisting the recipient countries in meeting the relevant equality characteristics as dictated by the Equality Act 2010 and access standards for the benefit of disabled people in that country.
- While the main thrust of the Organisation's work is concerned with disability and disabled people the Organisation nevertheless will take into cognisance and recognise all other equality characteristics contained in The Equality Act 2010.

4. Membership

Membership of Disability Beyond Borders will be open to members of Friends of Ukraine (Scottish Foundation), Association of Ukrainians in Great Britain, Friends of Scotland (Based in Ukraine), Ukrainian Paralympic Committee, Ukrainian Association of Disabled People, The Consul General of Ukraine in Scotland and People who are interested in and can contribute to the objects of the organisation.

Any person wishing to become a member of Disability Beyond Borders will fill out a 'membership form' designed for that purpose. The granting or refusal of membership will ultimately be the responsibility of the committee of Trustees.

Disability Beyond Borders will not have any 'Organisational' members but 'Individual' members only. i.e. members of other organisations will be welcome to apply for membership as individual members of Disability Beyond Borders.

Disability Beyond Borders will keep a 'register of members'. Annual membership data will be kept by the organisation for six years. The register of members will be supplied to any current member on request and subject to the Data Protection Act 1998 and GDPR (General Data Protection Regulations) i.e. details such as contact addresses, sensitive information etc. will be omitted.

Whether membership fees are required, and at what level, will be a decision for the Committee of Trustees but will be ratified by a majority vote of the membership attending the next AGM or an Additional General Meeting called for that purpose. Any membership fee will not be effected until after ratification by the membership attending an AGM.

Junior Membership

The charity shall have a junior membership subject to the following conditions:

Junior membership will be available from the age of 12 until the age of 16 with permission from a parent or guardian. Permission will be in the form of the signature of the parent or guardian on the junior membership form.

Junior members from the age of 12 until the age of 14 will be non-voting members.

Junior members from the age of 14 will have voting rights the same as any adult member. Although there is no lower age limit detailed in the Constitution there was always an implied acceptance that adult membership was from the age of 16, therefore junior members will be regarded as being adult members from the age of 16.

Junior members will comply with the dignity and respect clauses detailed in the membership form.

Membership Conduct

Any person, who indicates that they no longer wish to be a member of Disability Beyond Borders, will be entitled to leave the Organisation without prejudice unless there are legal reasons that require the member's delay in resignation.

Every member, after successful application, will receive a copy of a 'Code of Conduct' within 28 days of granting of membership that is expected to be honoured. Any breach of that 'Code of Conduct' will be a matter for the committee of Trustees. Any member may be subject to suspension or removal if in breach of the Code of Conduct.

The members of the organisation have no liability to pay any sums to help to meet the debts (or other liabilities) of the organisation if it is wound up; accordingly, if the organisation is unable to meet its debts, the members will not be held responsible.

Any member who is found to be detrimental to, or working against the objects and spirit of the organisation, can be removed as a member by a majority vote of the Committee of Trustees. Any such decision is final.

Any member who is being considered for removal must be notified in writing, by letter or e-mail, at least 21 days before the meeting of the Committee of Trustees stating the reasons for the removal of membership; that members have the right to challenge their removal in writing within the 21 days prior to the meeting being held. The eventual decision of the Committee of Trustees is final but the membership will be informed of that member's removal at the next suitable AGM.

5. Government of the Organisation

Any member of the organisation is eligible to be nominated by at least two other members as a potential Trustee as long as a position is available on the committee of Trustees at the time of nomination. Each Trustee must also be a member of the organisation.

The committee of trustees will be populated by between three and six persons. The quorum for all meetings will be a minimum of three unrelated trustees

Each trustee will serve a period of three years, after which they will be eligible for re-appointment, should they choose to do so. After serving an initial three-year period each trustee will come up for re-appointment on a rolling basis of one third each year for the following three years, and thereafter.

Trustees will be appointed at the Annual General Meeting or an Additional General Meeting convened for that purpose. Trustees may be co-opted until such times that an appointment meeting can be organised.

Before being eligible for appointment each potential trustee will submit an application form to be scrutinised by the existing committee of trustees to ascertain their suitability to the organisation and aptitude in meeting the objectives. If successful the potential appointees name will then be put forward by the committee of trustees to the members attending the Annual General Meeting, or Additional General Meeting, for democratic election.

The organisation will have a minimum of two office bearers, being:

- Convener
- Honorary Treasurer

Their peers on the Committee of Trustees will democratically appoint office bearers every three years.

The Committee of Trustees will have the power to appoint specialists for a limited time period, should the need arise for any such specialisation. Any such appointment will be on an ex-officio basis only.

Should any Trustee tender their resignation mid-term, the committee of Trustees will have the power to appoint an interim trustee (co-opt) until the next Annual General Meeting when that trustee or any other nominees will come eligible for election by those members present.

The registered office of Disability Beyond Borders will keep a register of interest for all trustees for at least 6 years.

All Trustees must ensure that the organisation complies with any direction, requirement, notice or duty imposed under or by virtue of the Charities and Trustee Investment (Scotland) Act 2005.

All Trustees must put the interests of the organisation before that of themselves or any other party or organisation.

Trustees who find themselves in a conflict of interest situation at any meeting must declare so and remove themselves from the meeting during that particular discussion and is barred from voting on that particular discussion, should that situation arise.

Any Trustee who is found to be detrimental to, or working against the objects and spirit of the organisation, can be removed as a member by a majority vote of the Committee of Trustees. As a Trustee must be a member of the organisation any such decision by the Committee of Trustees, subject to the appeals process below, will remove that person as a Member and a Trustee.

Should the defaulting member be a Trustee a vote of 'no confidence' must be made at a meeting of the committee of Trustees. Should such a vote be approved the aforesaid Trustee will immediately leave the meeting and the organisation. In the event of a Trustee facing a vote of no confidence that Trustee must be notified of the reason(s) in advance of the agenda being circulated and the agenda for such a meeting be circulated at least 21 days in advance of the meeting, during which time the Trustee will have the opportunity to consult with the Convener and also have the option of resignation. A vote of no confidence to dismiss a Trustee must be carried by at least 66% of the Trustees of the organisation. The decision of the Committee of Trustees is final. The membership will be notified of the decision at the next available AGM.

Any Trustee, who indicates that they simply no longer wish to be a Trustee of Disability Beyond Borders, will be entitled to leave the Organisation without prejudice unless there are legal reasons that require the Trustees delay in resignation; under such circumstances the Ex-Trustee may remain a member should they so wish.

The Committee of Trustees shall meet at least 3 times per year; more if deemed necessary but not less.

The day-to-day running of the organisation shall be the responsibility of the General Manager who will report to the Committee of Trustees as and when the committee meets.

The General Manager will sit on the Committee of Trustees in an ex officio capacity. However the Trustees may ask the General Manager to leave the meeting for a particular purpose without explanation.

6. Annual General Meetings/ Additional General Meetings (AGM)

The AGM shall be publicly advertised not less than 28 days prior to the meeting.

Each member of the organisation included on the 'register of members' will receive an invite to an AGM.

Each individual member in attendance in person at the AGM will be entitled to vote unless they have a conflict of interest or have been removed as a member by the committee of Trustees.

The AGM will be to

- Hear and accept annual reports
- Appoint any potential trustees for the ensuing three years
- Receive the accounts
- Appoint a 'person of good standing' to scrutinise the accounts for the ensuing year, if necessary. If the turnover of the organisation exceeds £100,000 in any one year the AGM will appoint a qualified Auditor proposed by the Trustees.
- Deal with all other business that can be construed in terms of the constitution as being appropriate for an AGM.
- Any member requiring raising a relevant issue at the AGM shall inform the Manager or an Office Bearer in writing or whatever format is suitable for use by that person, if the written word is not possible, at least 21 days in advance of the meeting. The relevance will be decided by the Convener.

7. Additional General Meeting

Members of the Organisation may at any time call an Additional General Meeting, with the written agreement of two thirds or more members may, by giving the committee of trustees 28 clear days notice.

An Additional General Meeting may be called by a majority vote of the committee of Trustees.

Any member requiring raising an issue at the Additional General Meeting shall inform the General Manager or nominated Office Bearer in writing or whatever format is suitable for use by that person, if the written word is not possible, at least 21 days in advance of the meeting.

8. Finance

None of the association's assets may be distributed or otherwise applied (on being wound up or any other time) except to further its charitable purposes.

All monies raised by or on behalf of Disability Beyond Borders shall be applied to the furtherance of the Purposes of the Organisation and no other purpose.

The General Manager shall ensure that accounts are kept showing all income, expenditure and assets of the group. A bank account shall be opened in the name of the Disability Beyond Borders with two Trustees and the General Manager being signatories, additional signatories can be appointed by the Committee of Trustees. Two from three bank-registered signatures will be required to issue cheques.

For ease of use online banking can be set up with the Organisation's bank.

All receipts and Invoices will be kept in a safe and secure environment for at least the statutory minimum time of six years.

The Accounts shall be examined in accordance with statutory and regulatory requirements.

The financial year shall be from 1st June to 31st May each year. The Annual General Meeting will be held within two calendar months of the end of the financial year.

9. Rules for procedure at all meetings

Minute

The Office Administrator or other member of staff or Trustee designated by the Committee of Trustees shall take a minute of the meeting.

After being accepted by the committee of trustees as an accurate record all minutes shall then be regarded as being in the public domain. The exception to this rule will be where any private and confidential matter, such as staffing, had been discussed.

Voting

Decisions at ordinary meetings shall be made by a majority of those Trustees present at a legitimately called meeting. In the case of an equality of votes the Convener shall have a second or casting vote.

In the event of an AGM decisions shall be made by a majority of those members present. In the case of an equality of votes the Convener shall have a second or casting vote.

Voting will always be by a show of hands. However, any unanimous decisions, without any dissension, may be made verbally by an 'aye' vote.

Quorum

Three unrelated trustees shall form a quorum at ordinary meetings. At an AGM the quorum shall be a minimum of six members and three unrelated trustees.

Alterations to the constitution

There must be at least six members present, plus three unrelated Trustees one of which must be an Office Bearer, in attendance at the AGM, specially called for the purpose.

A majority of two thirds of those present at an AGM, or Additional General Meeting specially called for the purpose, shall be necessary to carry any resolutions involving an alteration or change to the Constitution.

10. Dissolution:

If the Organisation decides by a two thirds majority vote at any time that there are justifiable grounds for dissolution, the Organisation shall call a General Meeting giving no less that 21 days notice stating the terms of the resolution to be proposed thereat. If this resolution is subsequently confirmed by two thirds majority of those present any remaining assets after the satisfaction of all debts and liabilities shall not be paid to or distributed among the members of the organisation, but shall be given or transferred to a recognised organisation having similar objects to those of Disability Beyond Borders.

This revised constitution was formally adopted at a constituted Annual General Meeting of the Trustees and Members of Disability Beyond Borders, duly signed as such below on Sunday 21st November 2021.

Signature:

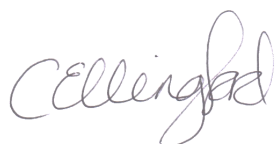
Certified as a true copy.

Position in Organisation: Convener

Name Cyanara Ellingford

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Signature



Date: 21st November 2021