

Devon Ambulance Staff Benevolent Fund (DASBF)

Constitution



**November
2024**

DASBF Constitution

Constitution

Adopted on the 27 November **2024**

1. Adoption of the Constitution

The association and its property will be administered and managed in accordance with the provisions in Parts 1 and 2 of this Constitution.

2. Name

The association's name is

Devon Ambulance Staff Benevolent Fund (and in this document it is called the DASBF)

3. The Objects

The DASBF's objects (the Objects) are to offer support and financial assistance to its members in the event of death, retirement, severe medical problems, or unavoidable and unforeseen financial hardship not due to negligent, wilful or irresponsible behaviour.

4. Application of the Income and Property

(1) The income and property of the DASBF shall be applied towards the promotion of the Objects.

(2) An Officer may pay out of, or be reimbursed from, the property of the DASBF for reasonable expenses properly incurred by them when acting on behalf of the DASBF if authorised by the Committee.

5. Dissolution

(1) If the members resolve to dissolve the DASBF the Officers will remain in office and shall be responsible for winding up the affairs of the DASBF in accordance with this clause.

(2) The Officers must collect in all the assets of the DASBF and must pay or make provision for all the liabilities of the DASBF.

(3) The Officers must apply any remaining property or money:

(a) to existing members of the DASBF using appropriate calculations based on time as a member, as agreed by the Committee.

(b) directly for the Objects; and/or

(c) by transfer to any benevolent fund for purposes the same as or similar to the DASBF.

(4) The members may pass a resolution before or at the same time as the resolution to dissolve the DASBF specifying the manner in which the Officers are to apply the remaining property or assets of the DASBF and the Officers must comply with the resolution if it is consistent with paragraphs (a)-(c) inclusive in sub clause (3) above.

6. Amendments

The DASBF may amend any provision contained in this Constitution at a general meeting passed by a two-thirds majority of those entitled to vote and present at the meeting.

7. Membership

(1) Membership is open to any individual employed by South Western Ambulance Service NHS Foundation Trust (the Trust) who holds a permanent hours contract only (this does not include bank contracts). The individual must either live in or be based within the county of Devon at the time of application. Members subsequently based elsewhere in the Trust may retain their membership providing they remain permanently employed by the Trust.

(2) The admission of members shall be vested in the Committee. The Committee may admit as a member any person requesting appointment. The Committee shall not admit as a member any person unless they are satisfied that the candidate meets the criteria listed at paragraph 7(1) above and are suitable for membership. If the Committee refuses an application for membership, they must inform the applicant in writing of the reason of refusal within 21 days of the decision.

(3) The Committee must keep a register of names and addresses of the members, who are under a continuing duty to notify the Committee of their up-to-date postal address, telephone number and email address.

(4) Membership of the DASBF commences from the first day of the month following receipt of the initial subscription fee.

8. Termination of Membership

(1) Membership is terminated if:

(a) the member dies;

(b) the member resigns by written notice to the DASBF unless, after the resignation, there would be fewer than two members;

(c) the member's permanent contract of employment is terminated;

(d) any sum due from the member to the DASBF is not paid in full within three months of it falling due;

(e) the member is removed from membership by a resolution of the Committee that it is in the best interests of the DASBF that their membership is terminated. A resolution to remove a member from membership may only be passed if:

(1) the member has been given at least twenty-one days' notice in writing of the meeting of the Committee at which the resolution will be proposed and the reasons why it is to be proposed; and

(2) the member or, at the option of the member, the member's representative (who need not be a member of the DASBF) has been allowed to make representations at the meeting.

(2) Any members taking a career break or unpaid leave should pay their membership in advance for the period of their absence. Failure to make any payments due within three months of commencing their time away from the Trust will result in termination of membership. This does not apply to those on maternity/paternity/adoption leave.

(3) Where a member has failed to pay any subscription fee within one month of the due date for payment but has recommenced payment of the subscription fee within three months, the Committee may, at their absolute discretion, allow the member's membership to continue, notwithstanding clause 8(1)(d). The member's membership will be treated as having ceased for the period of non-payment, recommencing on the payment date. (the **Recommencement Date**). The member's membership start date will be treated as the Recommencement Date unless the member pays all previous sums and subscription fees for months in respect of which payment had not been made.

9. Annual General Meetings

(1) An annual general meeting (AGM) must be held each year and not more than fifteen months may elapse between successive annual general meetings.

(2) The purpose of the AGM is:

- for the members to receive the reports of the Committee and any sub-committee in respect of the DASBF's activities since the previous AGM (including the election of members);

- to approve the accounts of the DASBF;
- to deal with the election of Officers of the DASBF;
- fixing and considering subscription fees; and
- for the transaction of the general business of the DASBF.

(3) all members shall be given 14 days' notice in writing of the date of such meeting, together with an agenda.

(4) no member, save with the permission of the Chair of the meeting, may bring any matter before the meeting unless, at least 7 days prior to the meeting, they have given notice in writing to the Committee of the substance of the matter they wish to raise at the AGM.

10. Special Meetings

(1) A special meeting of the members shall be convened by the Committee or by a written request signed by not less than one fifth of the total membership of the DASBF. All members shall receive 14 days' notice in writing of such meeting. The notice will specify the purpose of the meeting, and no other matter may be brought before such meeting.

11. Quorum and voting at meetings

(1) A general meeting (an AGM or a special meeting) may proceed to business if four members are present within half an hour after the time fixed for the meeting, otherwise the meeting, if convened on the requisition of the members, shall be dissolved but, if convened by the Committee, shall stand adjourned to the same time and place in the following week, save that the adjourned meeting may proceed to business whatever the number of members present.

(2) Only fully paid-up members shall be allowed to vote at a general meeting and shall have one vote each. The Chair of the meeting (elected by the Committee for a term determined by the Committee from time to time) shall have an additional casting vote in the event that there is equality of votes and shall present at the meeting.

(3) Any motion to be carried shall require a simple majority of those entitled to vote and present at the meeting, save for any amendment to this Constitution or the dissolution of the DASBF which shall require a two-thirds majority of those entitled to vote and present at the meeting.

(4) Any member may participate in an AGM or a special meeting in person or by means of video conference, telephone or any suitable electronic means agreed by the Committee and by which all those participating in the meeting are able to communicate with all other participants. If all the members participating in the meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

(5) A resolution in writing signed by each member who would have been entitled to vote upon it had it been proposed at a general meeting shall be effective. It may comprise several copies each signed by or on behalf of one or more members.

12. Officers

(1) The DASBF shall have the following Officers, all of whom shall be elected at the AGM. Upon election, all Officers shall hold office until the next AGM when their term of office shall expire but they may offer themselves for re-election:

- A Chair;
- A Vice-Chair;
- A Secretary;
- A Treasurer;
- A Welfare Officer;
- A Membership Officer; and
- Such other officers as may from time to time be decided at an AGM.

(2) No one may be appointed an Officer if he or she would be disqualified from acting under the provision of clause 15.

13. Management of the DASBF.

(1) The DASBF and its property shall be managed and administered by a committee comprising the Officers (the **Committee**).

(2) the number of Officers shall be not less than three but (unless otherwise determined by the DASBF at a general meeting) shall not be subject to any maximum.

(3) the Committee shall meet as and when appropriate and any Officer can call a meeting. The quorum for meetings of the Committee shall be two or the number nearest to one third of the total number of Officers, whichever is the greater, or such larger numbers as may be decided from time to time by the Committee. The Committee shall elect a Chair for meetings and the Chair shall have a casting vote in the event of equality of votes. All resolutions or decisions taken by the Committee shall require a simple majority of those present at the meeting, and all Officers will have one vote.

(4) The Committee may regulate their proceedings as they think fit, subject to the provisions of this Constitution.

(5) No decision may be made by a meeting of the Committee unless a quorum is present at the time the decision is purported to be made, other than for the purpose of filling vacancies or of calling a general meeting.

(6) Any Officer may participate in a meeting of the Committee in person or by means of video conference, telephone or any suitable electronic means agreed by the Committee and by which all those participating in the meeting are able to communicate with all other participants. If all the Officers participating in the meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

(7) A resolution in writing signed by all the Officers entitled to vote upon the resolution had it been at a meeting of the Committee shall be as valid and effectual as if it has been passed at a meeting of the Committee (as the case may be).

14. Powers of the Committee

(1) The Committee must manage the business of the DASBF and has the following powers in order to further the Objects :

(a) to raise funds and retain and hold as property of the DASBF all sums of money coming into the DASBF and to bank said funds. In doing so, the Committee must comply with any relevant statutory regulations. Three Officers will be authorised signatories of the DASBF business accounts from time to time, and cheques drawn on the accounts must be signed by two of the three authorised signatories;

(b) to open and operate such bank and other accounts as the Committee consider necessary and to invest funds and to delegate the management of funds in the same manner and subject to the same conditions as the Executive Committee of a Benevolent fund are permitted to do so;

(c) to obtain and pay for such goods and services as are necessary for carrying out the work of the DASBF;

(d) to do all such other lawful things as are necessary for the achievement of the Objects;

(e) to make rules, consistent with the Constitution for the purpose of administration and organisation of the DASBF's affairs;

(f) where necessary delegate business to a sub-committee or action panel (Action Panel). An Action Panel shall conduct its business in accordance with the directions of the Committee and/or any agreed terms of reference from time to time and shall periodically report its proceedings to the Committee. The Committee may revoke or amend any such delegation from time to time.

(g) to arrange payment of awards and benefits from the fund in accordance with the rules relating to awards and on the advice of any sub-committee or Action Panel;

(h) to consider written appeals from members relating to benefits and awards.

(i) to fill any vacancy amongst the Officers until the next AGM;

(j) to permit, unless a contrary direction is given, all Officers to pay out-of-pocket expenses or fees authorised by the Committee;

15. Disqualification and Removal of Officers

An Officer shall cease to hold office if he or she:

(1) ceases to be a member of the DASBF;

(2) becomes incapable, by reason of mental disorder, illness, or injury, of managing and administering their own affairs;

(3) resigns as an Officer by notice to the DASBF (but only if at least two Officers will remain in office when the notice of registration is to take effect); or

(4) is absent without the permission of the Committee from all Committee meetings held within a period of six consecutive months and the Committee resolves that their office be vacated.

16. Irregularities in Proceedings

The proceedings of any meeting or the taking of any poll or the passing of a written resolution or the making of any decision shall not be invalidated by reason of any accidental informality or irregularity (including by accidental omission to give or any non-receipt of notice) or want of qualification in any of the persons present or voting or by reason of any business being considered which is not specified in the notice.

17. Notices

(1) Any notice required by this Constitution to be given to or by any person must be:

(a) in writing; or

(b) given using electronic communications.

(2) The DASBF may give any notice to a member either:

(a) personally; or

(b) by sending it by post in a prepaid envelope addressed to the member at his or her address;
or

(c) by leaving it at the address of the member; or

(d) by giving it using electronic communications to the member's address.

(3) A member who does not register an address with the DASBF shall not be entitled to receive any notice from the DASBF. It is the member's responsibility to ensure their updated contact details and working location are notified to the Membership Officer.

(4) A member present in person at any meeting of the DASBF shall be deemed to have received notice of the meeting and of the purposes for which it was called.

18. Rules

(1) The Committee may from time to time make rules or bye-laws for the conduct of their business.

(2) The bye-laws may regulate the following matters but are not restricted by them:

(a) the admission of members of the DASBF and the rights and privileges of such members, and the subscriptions and other fees or payments to be made by members;

(b) the procedure at general meetings;

(c) the keeping and authenticating of records;

(d) the conduct of members of the DASBF in relation to one another;

(e) generally, all such matters as are commonly the subject matter of the rules of an unincorporated association.

(3) The Committee in general meetings has the power to alter, add to or repeal the rules or bye-laws.

(4) The Committee must adopt such means as they think sufficient to bring the rules and bye-laws to the notice of the members of the DASBF.

(5) The rules or bye-laws shall be binding on all members of the DASBF. No rule or bye-law shall be inconsistent with, or shall affect or repeal anything contained in, this Constitution.

Rules

1. Members Subscriptions & Awards

A schedule of member subscriptions, awards and benefits payable from the fund will be determined and reviewed annually by the Committee and submitted for ratification by the membership at the AGM.

Member subscriptions shall be made by monthly salary deduction through the appropriate financial services agency.

2. Subscriptions

Subscriptions payable by DASBF members as at the date of this Constitution are:

£3 per month standard membership; or

£5 per month standard membership and DASBF Lottery.

3. Awards

Membership of the DASBF entitles members to the following awards:

(a) Death in Service

The nominated beneficiary of a member will be entitled to a payment of £8,000 following the death of a member. Confirmation of payment will be provided within five working days following notification of the death, or application for the payment by the beneficiary, and on evidence of the death satisfactory to the DASBF being provided.

(b) Retirement

Upon the retirement of a DASBF member they will be entitled to payment of £30 for each full year of membership which dates back no longer than the recognised date of establishment of the DASBF which is 1 January 1990. To receive a retirement grant DASBF members must complete a retirement form which should be submitted to the DASBF Membership Officer.

(Note: Retirement does not include the Mutually Agreed Resignation Scheme (MARS) when taken in isolation).

(c) Hardship

Requests by DASBF members for Hardship awards, in the form of a grant, should be made to the DASBF's Welfare Officer or the Committee by submitting a hardship award form with supporting documentation. The Welfare Officer will form an Action Panel to consider the request. To be eligible to apply for a Hardship award, the applicant must have been a member of the DASBF for a minimum of three months.

4. Redundancy through Organisational Change/Loss of Trust Contract

In circumstances where DASBF members are made redundant or have their employment contract transferred to another employer requests for ex-gratia payments in lieu of the retirement grant that they would no longer be eligible for should be made to the Committee for consideration. Ex Gratia awards are discretionary payments and there is no obligation on the DASBF to routinely provide them.

5. Action Panels

Action Panels will consider and decide upon Hardship claims submitted to the Fund. When a claim is submitted an Action Panel will be formed by the Welfare Officer or if they are not available the Chair or Vice Chair. Each Action Panel shall consist of three Officers who are unconnected with the claimant, of which at least two will be Officers.

The Action Panel will consider the claim together with supporting evidence and make decisions in accordance with the schedule of subscriptions and awards.

6. Lottery

For those members whose subscription includes entry to the DASBF lottery, prizes will be awarded quarterly. Ten prizes are awarded three times a year with an increase to fifteen prizes in the Christmas Draw. Lottery prizes will be reviewed annually at the AGM with the breakdown of prizes reflecting the current level of member subscriptions. Lottery membership, and thus eligibility for prize-winning, is monitored on a monthly basis. At the point of a draw, a member must be up-to-date with their membership fee payments to be eligible for prize-winning.