

## 4- Pre-School Constitution

### 1. Name

The name of the Pre-School is the Cornerstone Under 5s Pre-School and is referred to in this constitution as “The Pre-School.” The Pre-School is a body in membership of the Pre-School Learning Alliance.

### 2. Governance

**CORNERSTONE UNDER 5s** Pre-School is sponsored by **THE PAROCHIAL CHURCH COUNCIL OF THE ECCLESIASTICAL PARISH OF LEYTON ST CATHERINE AND ST PAUL** Registered Charity No 1137601 whose registered office is at 149 Canterbury Road Leyton London E10 6EH (hereinafter known as ‘The Cornerstone’) and run by a church and parents/carers management committee. This means that Cornerstone Under 5s is legally responsible to the PCC of The Cornerstone and the PCC members serve as the pre-school's charity trustees. In that sense, it is The Cornerstone PCCs right to determine the overall setting within which the early year's provision is offered and to be involved in the appointment of senior management. The management committee are responsible for the implementation of the overall setting as outlined by The Cornerstone PCC and the for the management of the pre-school including but not limited to setting policy, employment, disciplinary measures, admissions, and finances, as delegated by The Cornerstone PCC. Our most recent OFSTED inspection concluded that we are an “Outstanding” provision (see Appendix C). We successfully gained the Voluntary Action Waltham Forest (VAWF) Certificate of Maintained Standards in 2012 through the Local Authority and also gained the top rank of NO.1 from the Early Years Team. We are proud of our highly qualified staff and are committed to ensuring they all receive relevant training

### 3. Mission Statement

Here at the Cornerstone Under 5s we believe that every child needs to know God's love”. The Cornerstone Under 5s seeks to provide a safe, secure, happy and stimulating environment where children can grow spiritually, educationally, emotionally and socially.

We seek to work with children and parents in a spirit of partnership to ensure each child has the opportunity to develop essential skills and abilities through a selection of play experiences within a healthy, enjoyable and safe atmosphere. This provides a firm foundation for each child starting education, so that they can become confident and proud of what they have achieved.

We strive for the best outcomes for the children through the Early Years Foundation Stage 2017 for children ages 0-5.

Adopted June 2011/Updated September 2013

### 4. Aims

The aims of the Pre-School are to enhance and develop the education of children primarily under statutory school age by:

- Offering appropriate play, education and care facilities, family learning and extended hours groups.
- Giving parents and carers the right to take responsibility for and to become involved in the activities of such groups.
- Ensuring that such groups offer opportunities for all children whatever their race, culture, religion means or ability.
- Encouraging the study of the needs of such children and their families and promoting public interest in and recognition of such needs in the local area.
- Instigating, adhering to and furthering the aims and objectives of the Pre-School Learning Alliance.

## 5. Powers

To further its aims the Pre-School has the following powers:

- To provide accommodation and equipment.
- To raise money to pay for the Pre-School activities.
- To make such payments as shall be necessary.
- To fix and collect the fees payable in respect of the children attending the groups run by the Pre-School.
- Subject to adherence with all applicable legislation, to control the admission of children to the groups run by the Pre-School and, if appropriate, require parents or guardians to withdraw them.
- As a member of the Pre-School Learning Alliance to send an accredited representative to vote at local Branch and/or County meetings and to the national Annual General Meeting of the Pre-School Learning Alliance.
- To hire or acquire assets of any kind.
- To buy, lease or rent any land or buildings and to maintain and equip it for the use of the Pre-School.
- To sell lease or otherwise dispose of all or any part of the Pre-School's property subject to complying with the provisions of sections 36 and 37 of The Charities Act 1993.
- To set aside funds for special purposes or as reserves against future expenditure.
- To maintain and pay for membership of the Pre-School Learning Alliance.
- To insure the property and assets of the Pre-School against any foreseeable risk and to take out other insurance policies to protect the Pre-School as required.
- To provide indemnity insurance to cover the liability of the Committee members which by virtue of any rule of law would otherwise attach to them in respect of negligence, default, breach of trust or breach of duty of which they may be guilty in relation to the Pre-School provided that any such insurance shall not extend to any claim arising from any act of omission which the members knew to be a breach of trust or breach of duty or which was committed by the Committee members in reckless disregard to whether it was a breach of trust or breach of duty or not provided also that any such insurance shall not extend to the costs of any unsuccessful defence to a criminal prosecution brought against the Committee members in their capacity as Committee members of the Pre-School.
- To employ such paid and unpaid staff, agents and advisors as may be required from time to time.
- To do any other lawful things which are necessary or desirable to enable the Pre-School to achieve its aims.

## 6. Membership

6.1 Membership of the Pre-School is divided into three kinds:

- Family membership: Parents or guardians of all children who attend any group run by the Pre-School. Each family holding family membership will count as one member of The Pre-School and will be entitled to one vote at any General Meetings of Members of the Pre-School.
- Affiliate Membership: Affiliate membership is open to those individuals, organisation's or other bodies interested in supporting the aims of the Pre-School. Affiliate members may join at any time with the agreement of the Committee. An affiliate member will be entitled to one vote at any General Meetings of Members of the Pre-School.
- Church membership: Church membership is open to members of the church appointed by the Parochial Church Council of St Catherine's and St Paul's, Leyton.

## 6.2 Membership of the Pre-School will cease if the member concerned

- Gives written notice of resignation to the Pre-School as detailed in the parent contact.
- Dies or in the case of the organisation ceases to exist.
- Fails to pay their Pre-School fees, in the case of Family members, within two months from the date on which it is due, in which case the member will cease to be a member with effect from the date on which the period of two months expires.
- Withdraws their child, in the case of a Family member, this will take place at the end of the last term in which any child of the Family member attended any group run by the Pre-School.
- Is removed from membership by a resolution passed by a majority of the members of the Committee on the grounds that they have acted in a way which brings the Pre-School into disrepute or has failed to abide by the rules of the Constitution. Before the committee decides whether to remove the member, the committee will give the member written notice of the misconduct or failure alleged to have occurred. The member will have not less than 14 days in which to submit a written response to the notice. The Committee will have regard to this written response before making the final decision on whether or not to terminate their membership.

## 6.3 Membership of the Pre-School is not transferrable.

6.4 Individual membership may change if the member's circumstances change during the year from a Family/Church member to an Affiliate member

## 7. Committee

7.1 The management and running of the pre-school will rest with the individual members of Cornerstone Under 5s Management Committee (The Committee). The Parochial Church Council of the Ecclesiastical Parish of Leyton St Catherine and St Paul retain overall responsibility for the pre-school and serve as the charity trustees.

7.2 The minimum number of Committee members shall be 5 and the maximum shall be 12 together with up to a further 3 co-opted members. The committee shall consist of;

- no less than 1 and up to 6 church members and
- no less than 1 and up to 5 family or affiliate members
- From these the following will be elected a Chair (who will be a Church member) Vice-chair, Treasurer and Secretary, they will be known as The Officers.
- there should be no less than 50% church members plus up to 3 co opted members

7.3 No less than 50% of the Committee members shall be church members.

7.4 Where an individual is elected as a committee member it is that individual who is the committee member and no other individual with whom they share Family membership or Affiliate Membership shall be entitled to stand in their place at Committee meetings or have any other rights as a committee member.

7.5

a) The committee members in 7:2 a,b and c shall be elected for one year at the Annual General Meeting which will be held in the Autumn Term. All elected committee members will have a right to vote and co-opted members will be only in an advisory role.

b) Co-opted members may join at any time on the invitation of the committee, but shall retire at the next Annual General Meeting. No co-opted members shall serve for more than six consecutive years.

c) In the event of a death or resignation of an elected committee member, the vacancy shall be filled until the next Annual General Meeting by a member appointed by the committee.

7.6 All committee members will have one vote each at Committee Meetings. In the event of a tie the Chairperson has a second or casting vote. In the event of their chairs absence from a meeting the casting vote will be delegated to a named church member.

7.7 A quorum shall be not less than half the committee, including two of the Officers.

7.8 All members shall be eligible to stand for election to the Committee, except ordinarily a member who is a paid employee of the Pre-School. A member who is a paid employee of the Pre-School may however be eligible for election to the Committee subject to the following conditions being satisfied.

- No committee member may be paid for services provided to the Pre-School that form part of their duties as a Committee member and trustee of the Pre-School.
- Any services which are provided by a Member who is a paid employee to the Pre-School must be the subject of a written agreement between the individual and the Pre-School on such terms as are considered by the Committee to be in the interests of the Pre-School and have been approved by a resolution of the Committee.
- The amount of the remuneration for such services are what is reasonable in the circumstances and do not exceed the amount that is customarily paid by the Pre-School to other persons who are not committee members for such services and
- Not more than a minority of Committee Members may at any time be the subject of such arrangements with the Pre-School and no such committee members shall vote on or sit in any committee meeting at which any matters concerning any such agreement relating to their provision of services to the Pre-School is considered by the Committee.

7.9 Not less than two weeks before the date of the next Annual General Meeting of the Pre-School at which the election of the elected Committee members will take place each member shall be sent a form which any member wishing to stand as a candidate for election to the committee must complete and return to the Secretary to indicate their willingness to act as a member of the Committee if elected.

7.10 At the Annual General Meeting the prospective new elected members of the committee will be those candidates receiving the highest number of the votes from the members, up to a maximum of 12 elected Committee members in total. Candidates will need to notify their willingness to stand on the Committee to the Secretary.

7.11 At the first committee meeting following the Annual General Meeting at which the newly elected members of the Committee are elected they shall choose from amongst their number the members who will act as Chair, Vice-Chair, Treasurer and Secretary.

7.12 The term of office of any Committee Member will automatically cease if:

- They are not re-elected or re-appointed in accordance with the provisions of clause 6.
- They are disqualified under the Charities Acts from acting as a charity trustee.
- They are incapable whether mentally or physically of managing their own affairs.
- they resign (but only if at least 5 other elected members of the committee will remain in office)
- They are removed from the Committee by a resolution passed by a majority of the members of the Committee on the grounds that they have acted in a way which brings the Pre-School into disrepute or has failed to abide by the rules of the Constitution. Before the committee decides whether to remove the member, the committee will give the member written notice of the misconduct or failure alleged to have occurred. The member will have not less than 14 days in which to submit a written response to the notice. The Committee will have regard to this written response before making the final decision on whether or not to terminate their membership.

## 8.0 Proceedings of the Committee

8.1 The Committee shall hold at least two meetings each year.

8.2 Every issue considered at Committee meetings may be determined by a simple majority of the votes cast at the meeting. A written resolution signed by all the members of the committee is as valid as a resolution passed at a meeting.

8.3 A Committee member must absent themselves from any discussions of the Committee in which it is possible that there is a conflict of interest between their duty to act solely in the interests of the Pre-School and any personal interest (including but not limited to any personal financial interest) which the Committee may have in the matter under consideration and take no part in any vote on the matter.

## 9.0 General Meetings

9.1 The Pre-School shall in the Autumn Term of each calendar year hold a general meeting as its Annual General Meeting, in addition to any other general meetings in that year and specify the meeting as such in a notice calling it The Annual General Meeting. All general meetings other than the Annual General Meetings shall be called Extraordinary General Meetings.

9.2 Each Annual General Meeting will be chaired by the chair or in their absence another member of the committee and will

- Receive the accounts of the Pre-School for the previous financial year.
- Receive an Annual Report from the Committee.
- Elect the new members of the Committee.
- Transact any other business properly put to the meeting.

9.3 An extraordinary general meeting may be called at any time at the request of the Committee or not less than one quarter of the members:

9.4 The Secretary or Chair shall send a note of the date, time and place of each Annual General Meeting and any Extraordinary General Meeting with a list of items to be discussed, to all members at least two weeks before the date of the meeting.

9.5 If the Chair or Secretary does not call an Extraordinary General Meeting within two months of a proper request to do so, any member may call the meeting, by putting a notice by the main door of the Pre-School and including details in the newsletter, at least two weeks before the meeting.

9.6 The quorum for a General Meeting shall be 10% of the members, or five members whichever is the greater. If fewer attend, a new meeting must be called at a time and place determined by the Committee. If at the adjourned meeting a quorum is again not present 1 hour after the time appointed for the meeting then the members present shall constitute a quorum.

## 10 Finance

10.1 The Committee will ensure that the Pre-School complies with the requirements of the Charities Acts as to the keeping of financial records, the auditing of accounts and the preparation and transmission to the Charity Commission of

- Annual reports.
- Annual returns.
- Annual statement of accounts.

10.2 The accounting records shall in particular contain



- Entries showing from day to day all monies received and expended and the matters in respect of which the receipts and expenditure took place.
- A record of the assets held and any monies owed by the Pre-School.

10.3 At each meeting of the Committee the treasurer shall normally present an up-to-date written statement of the accounts to the Committee.

10.4 All accounting records relating to the Pre-School shall be available for inspection by any member of the Committee at any reasonable time during normal office hours and may be available for inspection by Members at the discretion of the Committee.

10.5 The Pre-School may open one or more bank accounts. All bank accounts will be in the name of the Pre-School.

10.6 Cheques and orders for payment of money from these accounts shall be signed by two designated persons, one of whom shall be an officer. A duplicate of all bank statements should be accessible to the Chair. Any electronic payments not authorized by the committee (or allocated in the Annual Budget) must be agreed in writing/via email, by the chair.

10.7 The committee may resolve to set aside income as a reserve but only in accordance with a written reserves policy.

## 11.0 Minutes

11.1 The committee will keep minutes of all proceedings at all meetings of the Pre-School and of the Committee. The minutes shall record:

- the names of everyone present at the meeting
- the decisions made at the meeting
- where appropriate, the reasons for and any actions arising from the decisions
- any other material details regarding the meeting

## 12.0 Dissolution

12.1 If the Committee resolves that the aims of the Pre-School can no longer be fulfilled, the Committee will convene an Extraordinary General Meeting of the Pre-School to consider the dissolution of the Pre-School.

12.2 If the Extraordinary General Meeting referred to in para 10.1 decides by a two thirds majority of the Members present and voting that the Pre-School should be dissolved the Committee shall transfer all of the assets of the Pre-School (subject to the satisfaction of all debts and liabilities of the Pre-School ) In accordance with para 10.4

12.3 If at the Extraordinary General Meeting a quorum is not present within one hour of the time appointed for the meeting then the meeting will be adjourned to a more suitable date. If at the adjourned meeting a quorum is again not present within one hour of the time appointed for the meeting then the members present shall constitute a quorum.

12.4 If the Pre-School is dissolved and after all its debts and liabilities have been satisfied there remains any property or assets, these shall not be paid or distributed amongst the members of the Pre-School but shall be applied in one or more of the following ways:

- transferred to the Cornerstone Church or with the agreement of the church to another Pre-School established as a charity whose governing instrument prohibits the distribution of income and property to an extent at least as great as is imposed on the Pre-School and whose objects are similar to those of the Pre-School; or



- In such other manner consistent with the charitable status of the Pre-School as the Charity Commission have approved in writing in advance.

### **13.0 Indemnity**

13.1 Subject to the provisions of the Charities Act, every member of the Committee shall be indemnified out of the assets of the Pre-School against any liability incurred by them in defending any proceedings, whether Civil or Criminal in which judgment is given in their favour or in which they are acquitted or in connection with any application in which relief is granted to them by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Pre-school

### **Pre-School Learning Alliance Number 50858**

### **The Constitution was approved by the members of Cornerstone Under 5s**

**This policy was agreed at an Under 5s AGM meeting held on.....14<sup>th</sup> May 2018.. (Date)**

**Signed on behalf of the preschool.....(Chair)**