

The General Assembly (GA) Charitable Incorporated Organisation (CIO) Consultation

The Story So Far

A Resolution was passed at the 2024 Annual Meetings to hold a constitutional review meeting in order to put a Motion to the 2025 Annual Meetings to make the GA a CIO. The advantages of doing this were raised with the original documents. The intention is to keep the principles of governance of the GA as close as possible to the existing terms, while making the change to the new CIO structure.

The existing GA Constitution, the new draft CIO Constitution, and the Guidance Note from our Solicitors, were circulated, and people were asked to send comments by 02 September 2024 for consideration before an open Zoom meeting to be held on 02 October 2024. This meeting took place, and has resulted in further feedback which has been considered, and passed on to the Solicitors. We have incorporated some of these into the questions below.

Responses

We'd like to thank everyone who took the time to read the lengthy documents and send comments and questions as requested. There were a wide variety of responses, ranging from a simple "Yes, everything looks fine" through to specific and detailed comments, and even suggested wordings. The latter of these have been passed on to the Solicitors for consideration.

Rather than send out all the comments in their entirety, we've picked out some of the main themes and questions here.

Questions

Does this change / have you considered using this opportunity to change, the Name or Object of the GA?

No, the new draft Constitution doesn't seek to change either. Arguments for and against could be raised for both, and discussions about the Name and Object of the

GA would be considerably more complex. This process enables us to achieve our goal of converting the GA to a CIO in as simple a way as we can.

The change to CIO doesn't prevent the name or object being changed in the future, but there are no plans to do this.

Does the new Constitution change the nature of membership? Or should it?

The new Constitution does not change the nature of membership for the GA – we would still have individual Members (Full Members, Honorary Members, Associate Members) and organisational Members (Congregations, Districts and Affiliated Societies), as we do now.

Comments received included suggestions to make Associate Members effectively Full Members from the point of view of voting rights; and making local church members automatically members of the GA etc. There were a number of practical issues to consider with some of these suggestions, and again these would represent fairly major changes to what the GA is as an organisation. At present, the plan is to get the CIO in place as simply as possible. Any consideration of more extensive individual membership of the GA would need serious and considerable exploration and this is not something there are current plans for.

What effect will this have on us as a congregation / how does this affect Excepted Status?

The short answer is that it would not really have much of an impact on a congregation. Voting rights for congregations are unaffected.

Excepted Status requires a little further explanation. The GA is one of a small group of religious bodies (and others) who were given the legal right to 'except' their smaller congregations from having to register as individual charities with the Charity Commission. There have been plans to end this arrangement, which have been pushed back several times (currently to 2031). As we understand it, the CIO change would not affect our Excepting Body status, though this will be confirmed with the Solicitors and the Charity Commission.

(For those interested in more information about Excepted Charities, see:

<https://www.gov.uk/government/publications/excepted-charities/excepted-charities-2>)

Removal of members

Best practice is to allow for mechanisms to remove members (whether organisational or individual) and this is built-in to the new Constitution at 9.11.4 and 9.12. Comments were made about the process for this, mostly focused on the importance of ensuring a fair process, appeals process etc. There is a general provision for dispute resolution in 28. Rather than building an additional appeals process into the Constitution this could be best dealt with in the By-Laws 27.

Structure and usability

We have passed on feedback to the solicitors on the ordering of sections so that the constitution is easier to follow. We also plan to create a simple overview which explains our governance for those who are unlikely to read the whole Constitution but are still important stakeholders in our movement.

Consistency between current and new constitution

We have fed back to the Solicitors with some proposed changes that will limit the differences between the current and new constitution, e.g.:

- Continuing to use the term 'motion' for proposals up for discussion, and 'resolution' if they are passed by the membership
- Clarifying related governance documents such as the Standing Orders and By-Laws, to ensure that items are in the appropriate place

Next steps

The EC and GA staff are working with the Solicitors to made amendments to the Constitution in line with feedback received. The EC will then be putting forward a motion to the 2025 Annual Meetings for the new Constitution to be adopted as part of the move to the GA becoming a CIO.

Liz Slade and Andrew Mason

GA Staff

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