

# conversion to new model governing documents for independent churches

These service information notes should be read alongside our briefing paper on the new model charity governing documents for independent, "leader led" churches, available at [http://www.stewardship.org.uk/briefing\\_papers.htm](http://www.stewardship.org.uk/briefing_papers.htm)

In association with our external solicitors, Ian and Margaret Gardner of Lawson Lewis Solicitors, Stewardship is able to offer a service for those churches wishing to or considering converting to one of the new model governing documents.

The service is in two parts:

## Part 1:

The first is advice on the appropriateness of conversion for your church, and an assessment of what legal steps are necessary. For instance, this will assess whether your existing governing document can be amended or whether a completely new charity is needed. It will also cover what other actions may be needed, e.g. transferring assets and liabilities to any new structure. The work will include an examination of and advice on your existing legal documents.

There is a fixed fee of £250 plus VAT for this part of the service, and it will include advice and a quotation of fees for the further work to give effect to the changes.

## Part 2:

Should you decide you want to go further and actually convert to the model document, this work and all associated work can be undertaken, for the fee that will be advised to and agreed with you.

It is important to note that until a proper assessment is made of your present position, it is not possible to advise on what would be involved or what the cost would be. A lot depends on the provisions within your existing governing document.

To start the process, please read through and complete the attached questionnaire, and then return it to us with supporting documents and payment of the initial fee of £287.50 (£250 plus VAT).

# Stewardship: Charity Conversion (Model Governing Documents) Questionnaire

Please complete all relevant sections. This form may seem long, but completing it fully will assist smooth progress. Incomplete forms may be sent back. If there is insufficient space use the continuation section or attach extra sheet(s)

## NAME, ADMINISTRATION & LOCATION OF CHURCH OR ORGANISATION

**Name:** You will have an existing name. You may take this opportunity to change the name. If so, check first with the Charity Commission (0870 333 0123) and ask for the *Central Register* in case your preferred name is already used. They will refuse to register if your name is the same as or too similar to an existing charity.

1 Full name of existing charity: .....

Any intended new name: .....

2 Any working name you use or wish to use:

3 Details of the main (official) correspondent including, where relevant, office address (if no office give home address):

Name ..... Mr/Mrs/Miss/\_\_\_ Capacity (*eg trustee*).....

Address.....

..... Postcode:.....

Daytime tel (.....) ..... Alternative tel (.....) ..... Fax:(.....).....

Email ..... Charity website .....

Is the above an office or home address?  Office  Home

4 Date started (this may be approximate) \_\_\_\_\_ For churches, approx. no. of members \_\_\_\_\_

5 Location or locations where based or where main activities carried out (include relevant District/London Borough). If a church you should include the location where your Sunday meeting(s) is held (*the Commission tend to ask for this*):

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6 If you will be working overseas give details of the countries where you are or will be operating:

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## DETAILS OF TRUSTEES

7 The trustees are the people having the legal powers and responsibilities to run the affairs, notably the financial affairs, of the charity. Their selection is therefore very important. For a church, it is sensible for the church leaders to be the trustees wherever possible. As you have an existing church charity, you need here to list the current trustees, and to include any new trustees you wish to add in the course of the conversion. Some general points on trustees: ■ There must be at least 3 ■ Avoid family members in the majority. ■ The majority of the trustees of a UK charity must be normally resident in the UK (ie, they must spend at least six months of the year in the UK)

Full name ..... Home Address .....

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Full name ..... Home Address .....

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Full name ..... Home Address .....

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Full name ..... Home Address .....

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Full name ..... Home Address .....

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If there was insufficient space to show all the trustees, use the continuation section on last page and tick box

**8 Trustee remuneration or other benefits**

One of the key features of the new model documents is the provision that is made for trustee remuneration. This allows for paid spiritual leaders to be trustees provided they are not in a majority.

A note on spouses: payment of a spouse of a trustees is classed as a benefit to the trustee. So in calculating the number of paid trustees, you have to include those with a spouse who is paid by the church.

Please list here the names of the trustees who are or will be remunerated by the church:

Name:	The nature and amount of the pay/benefits:
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9 Apart from your answer to 8, will any of the following benefit in any way, directly or indirectly from the organisation: (i) trustees; (ii) others involved in managing the organisation; (iii) a relative or business associate of (i) or (ii)? If so, give details, and include any use or occupation of property as a home or for business purposes:

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Note on next sections: this is standard information that is needed to present to the Charity Commission. If you need a completely new charity this will all be relevant. If it is sufficient simply to amend your existing governing document, not all will be relevant, but it is simplest to obtain it all at this point.

**INCOME, ASSETS & FINANCIAL ARRANGEMENTS**

**10 Financial Year**

Every charity needs to work to a financial year and the Trustees can decide for themselves when this should run to. Common year ends are the 31st December, 31st March, 30th June, but it is entirely up to you which would suit you best.

What is, or will be, your financial year end? *Month* \_\_\_\_\_ *Date* \_\_\_\_\_ (*eg, December, 31st*)

11.1 Total income for last full year: \_\_\_\_\_

12 Are all or most of the assets of the charity (bank accounts, property, investments, etc.) held in England and Wales?

YES  NO If NO, please give details .....

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**13 Bank account details:**

<i>Account name:</i>			
<i>Sort Code:</i>		<i>Account number:</i>	

**EXISTING GOVERNING DOCUMENT**

14 Please list/describe your existing governing document(s) (include any supplemental trust deeds):

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Please enclose copies of the above with this questionnaire. Please do not send originals at this stage. These may be asked for later.

15 Please also enclose a copy of the most recent appointment of trustees, eg deed, trustees' resolution or otherwise.

## CHARITABLE PURPOSES & ACTIVITIES

16 Please set out your main purposes and activities indicating which are current and which are intended for the future. This information will help us to include the appropriate charitable purposes (known as "objects") and powers in the document we will prepare. Use continuation section if necessary and/or attach additional information.

We will include standard objects for a church: to advance the Christian faith and to relieve need, hardship and sickness. If you think any of your activities will be wider than these objects, give details below.

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## GENERAL MATTERS

17 **Statement of Faith.** Many churches and Christian organisations wish to include a Statement of Faith in the Trust document and require Trustees to adhere to this. We often include the Evangelical Alliance Statement of Faith. Your own preferred statement could be used.

Do you wish to include a Statement of Faith?  YES  NO

If yes, will the EA Statement be acceptable?  YES  NO If NO:  Preferred statement enclosed

18 **'Sexual orientation regulations'**. It is considered that the Sexual Orientation Regulations 2007 do not restrict a church's right to refuse to hire a hall to groups which are promoting sex outside of heterosexual marriage, e.g. a 'gay rights' group, so long as the church does not operate on a commercial basis and that it is clear and consistent in applying its doctrinal standards. Do you wish a statement to be included in your Statement of Faith to establish that your Church has a doctrinal stance on this point restricting use by groups which promote sex outside heterosexual marriage?  YES  NO

19 **Charitable Company required:** Tick box  and answer the following:

Select option for tenure of office of trustees/directors:

- Indefinite (ie until resignation or removal)  retiring and offering for reelection each year  
 All retiring and offering for reelection every \_\_\_\_\_ year(s) - *specify frequency.*

Should the chairman have a casting vote?  YES  NO

Will you need provision for organisations to be members of the company?  YES  NO

Companies limited by guarantee have both **directors** (the trustees) and **members**. Normally the trustees are left to run the charity but have to report to members at the Annual General Meeting. We normally make the trustees/directors and the members the same people for simplicity. If you think you may prefer some other structure, please discuss with us.

### 20 Child Protection

20.1 Nearly all churches work with children and under 18s. Other charities may. If you do, the Charity Commission will require (i) that you have a suitable Child Protection Policy and (ii) that every trustee has a CRB (standard) disclosure certificate dated within 3 years from the date of application. If you need assistance, we recommend that you use the services of the Churches' Child Protection Advisory Service, who are specialists in this field.

Contact details: [www.ccpas.co.uk](http://www.ccpas.co.uk); e: [info@ccpas.co.uk](mailto:info@ccpas.co.uk); t: 08451 20 45 50.

20.2 If you already have a policy, please tick the box  and send a copy with this questionnaire.

20.3 Do you make Criminal Records Bureau checks for:

**Trustees**  YES  NO    **Employees**  YES  NO    **Volunteers**  YES  NO

