

RULES

OF THE

**DEVON & CORNWALL
CONSTABULARY**

WIDOWS', ORPHANS'

AND

COMPASSIONATE FUND

Registered Charity No 256931

President

THE CHIEF CONSTABLE

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COMPASSIONATE FUND

Pynes Hill Business Centre, Maximus House
Pynes Hill, Exeter, EX2 5JL

1. Title and Office

The Fund shall be called the Devon & Cornwall Constabulary Widows', Orphans' and Compassionate Fund and is hereinafter referred to as 'The Fund'.

The place of business shall be Pynes Hill Business Centre, Maximus House, Pynes Hill, Exeter, EX2 5JL

2. Constitution and Membership

"2. Membership

The sole voting member of the Fund shall be South West Police Compassionate Fund (charity number 1191281) ("the CIO") and no further voting members of the Fund shall be appointed without the prior written consent of the CIO. All other memberships and voting rights arising as a result of membership of the Fund existing prior to the date of the resolution adopting this present version of Rule 2 shall terminate with immediate effect."

3. Objects of the Fund

The objects of the Fund shall be to provide financial aid to members and/or their Dependants who are in need.

4. Committee of Management – Composition * see note (e)

The Committee shall comprise the Trustees for the time being of the CIO."

5. Committee of Management – Functions

- (a) The committee (of whom 9 shall form a quorum) shall meet once a quarter or as may be arranged.
- (b) They shall consider all applications for grants and in all things act for and in the name of the Fund. They shall decide all questions by a majority and, if the votes are equal, the Chairman shall have a casting vote in addition to his vote as a member.
- (c) They shall review all matters in which the Fund is financially concerned.
- (d) The Committee may by Resolution (i) appoint one or more sub-committees consisting of such of its members from time to time as it shall decide and (ii) delegate any of its functions upon such terms as it shall think fit to such sub-committee(s).
- (e) A copy of any resolutions of the Committee of Management or any sub-committee thereof or of a meeting of the members of the Fund, purporting to be signed by the chairman of the meetings at which such resolution was passed, shall be conclusive evidence of the appointment of any sub-committee, of its composition, of its function, and of the terms upon which it shall act.
- (f) A Trustee of the Fund may apply to the fund for a grant but shall be excluded from any discussion or decision in relation to such an application.

6. Election of Officers

At the first meeting in each year, the Committee shall elect the following Officers who shall hold their

respective offices for that year or any part thereof.

- Chairman
- Vice-Chairman
- Treasurer
- Secretary
- Auditors

7. Treasurer

The Treasurer shall: -

- (a) Pay into the Account of the Fund at HSBC, Exeter or such Bank, as may be the Fund's Bankers for the time being, all monies received by him on behalf of the Fund.
- (b) Ensure the payment of all sums due to members or others as may have been granted to them by the Committee. The Treasurer, Secretary and one other shall be appointed signatories and all orders and cheques will be validated by signatures of any two of these.
- (c) Ensure the keeping of proper books of account, receipts and vouchers and the presentation of them to the appointed Auditors.
- (d) Present a Balance Sheet for each year ending 31st December, for distribution to all members prior to the Annual General Meeting"

8. Secretary

The Secretary or his Assistant for the time being, shall: -

- (a) Attend all meetings of the Fund.
- (b) Issue a copy of the Rules to each member.
- (c) Record the names of the Committee members present and the minutes of their proceedings, to be authenticated by the signature of the Chairman as the proceedings of the meeting.
- (d) On the Committee's instructions, deal with requests for financial assistance of every description which, after checking, and signing as correct, he shall present to the Treasurer for payment.
- (e) In conjunction with the Treasurer, keep the accounts, documents and papers relating to the Fund as the Committee may appoint.
- (f) After each meeting send a copy of the minutes to each Committee member and distribute copies to Sectional level through Constable Representatives.
- (g) Receive all applications for assistance.
- (h) Send application forms for continued membership to those leaving the Force who apply and who are entitled to such continued membership, except on resignation or dismissal.
- (i) Execute the Resolutions of, and any instructions given by, the Committee.

9. Auditors

At the conclusion of each financial year, the accounts of the Fund, receipts, vouchers and other necessary documents shall be submitted for audit to an independent and statutory auditor, approved by the Committee of Management, who shall prepare and submit to the Committee a statement of financial activities and balance sheet together with any report he considers necessary.

10. Annual General Meetings and Extraordinary Meetings

“The Chairman or the CIO shall have the power to call an Annual General Meeting, or an Extraordinary Meeting provided 14 days’ notice has been given.”

11. Contributions, etc.

(a) Each member shall pay a monthly contribution of such sum as may be from time to time be determined by resolution of the Committee, except

(1) When serving officers are subject to zero income under Police Regulations as result of sickness, they will be exempt from payment of monthly contributions until returning to work or retirement as appropriate.

(b) Donations etc., from sources approved by the Chief Constable may also be received on behalf of the Fund.

12. Urgent Cases

In urgent cases a Sub-Committee of not less than two, comprising the Chairman, Vice-Chairman, Treasurer and Secretary shall have power to make a grant not exceeding three thousand pounds, any such action to be reported to the next Committee meeting.

13. Ordinary Cases

When a case comes to the notice of a member he or she should report it to a member of the Committee who shall investigate it and send particulars in writing to the Secretary and each member of the Committee before the next meeting at which it shall be considered.

14. Re-Marriage and Co-Habitation

(a) On re-marriage or co-habitation, the dependant children of the Fund shall continue to receive a grant.

(b) Should a dependant child(ren) of the Fund or his/her parent wish to challenge a decision made under this rule they shall do so in writing to the Chairman within 14 days of being notified of the Committees decision. The Secretary shall send particulars in writing to each member of the Committee before the next meeting at which it shall be considered.

15. Extra Disbursements

(a) Any reasonable expense incurred on behalf of the Fund shall be met by the Committee provided they are satisfied that the expenditure was justified and recoverable from no other source.

- (b) The committee shall also be empowered to engage staff to carry out such work as is assigned to them at rates of pay agreed from time to time.

16. Arrears

If a member is six monthly contributions in arrears, he shall automatically forfeit his membership, but this shall not debar the Committee from permitting him to rejoin at a later date on payment of all arrears of contributions.

17. New Rules and Amendments

Rules may be added to, altered, or rescinded by way of written resolution signed by a duly authorised representative of the CIO, or at any Annual General Meeting or Extraordinary Meeting provided 14 days' notice has been given to the member of the proposed change of rule, subject in each case to Charity Commission approval where required. No additions, alteration or deletion shall be made, the result of which would be to cause the Fund to cease as a Charity at Law."

18. Custodian Trustee and Investment Adviser

- (a) Brewin Dolphin Ltd, shall be sole Trustees of the Fund and all investments, properties and securities of the Fund shall be vested in or under the control of the Brewin Dolphin Ltd and shall be held by Brewin Dolphin Ltd upon trust to deal with the same and the income therefrom in such manner as the Committee of Management or any sub-committee thereof shall from time to time by resolution direct.
- (b) Brewin Dolphin Ltd shall be responsible only for such investments, properties and securities as shall be actually transferred to or vested in or under the control of Brewin Dolphin Ltd and shall not be required to accept the transfer of any property or to comply with any direction which would or might involve Brewin Dolphin Ltd in personal liability.
- (c) Brewin Dolphin Ltd shall be entitled to receive such remuneration for acting as Trustee of the Fund as may from time to time be agreed between the Committee of Management and Brewin Dolphin Ltd may without accounting for any resultant profit act as banker and perform any service on behalf of the Fund on their usual terms and shall be entitled to retain the customary share of brokerage on the sale or purchase of, or other dealings with, investments.
- (d) In the event of any change in the Fund's Bankers and/or Investment Managers in the future, all references to HSBC in these rules will be deemed to have been deleted and the title or name of the new Bankers or Investment Managers substituted.

19. Dissolution

In the event of the Fund being wound up, the assets shall only be applied for charitable purposes.

EXPLANATORY NOTES RE THE AMENDMENTS TO RULES

- The resolutions were adopted at the Extra Ordinary General Meeting on the 18th of January 2021 to amend the Rules of the Fund charity to reflect that from 1 January 2021, the Fund charity's operations will be conducted through the new CIO.

- After this date, the 'old' Fund charity will remain in existence as a dormant charity under the control of the new CIO. This is in order to safeguard receipt of future legacies and gifts specifically made out to the old Fund charity.
- The changes to the Rules make it clear that the CIO becomes the sole voting member of the 'old' charity, and the trustees of the CIO for the time being will be the committee members of the old Fund charity.
- The proposed Rule changes, if approved, will bring the 'old' Fund charity under the control of the CIO, which is a separate legal entity.

The proposed changes will also enable the trustees to apply to the Charity Commission to link the old Fund charity to the new CIO for accounting and reporting purposes. This will simplify future administration by enabling the CIO to file a single annual report and accounts covering both charities, removing the need for the two charities to submit separate annual reports and accounts and annual returns to the Charity Commission.

As amended January 2021

