

# **Balsall & Berkswell Football Club Ltd Constitution**



## **1. NAME**

The club shall be called **Balsall & Berkswell Football Club Ltd** (the Club)

## **2. OBJECTS**

- (a) The Club shall arrange association football matches and social activities for its members.
- (b) Promote football in accordance with the Club's Code of Conduct, which encourages the natural progression of its members, through the Club's junior/youth teams and into adult teams.
- (c) The Club will be based at 'The Lant' recreation ground in Balsall Common and will automatically belong to the Balsall & Berkswell Sports Association. The Club will contribute financially to the Sports Association, as determined by the Sports Association's General Committee, which will include representation from the Club.
- (d) The Club will participate by involvement in the Sports Association's aims and objectives.
- (e) Overall, the Club's General Committee will determine the Club's aims and objectives.

## **3. STATUS OF RULES**

- (a) These rules (the Club Rules) form a binding agreement between each member of the Club.
- (b) No alteration to these Club rules may occur except at an AGM or SGM and the requirement for such proposed rule changes is as defined in the rules for a general meeting.

## **4. RULES AND REGULATIONS**

- (a) The Club shall have the status of an Affiliated Member Club of The Football Association by virtue of its affiliation to/membership of The Football Association. The Rules and Regulations of The Football Association Limited and Birmingham County Football Association (BCFA) and any League or Competition to which the Club is affiliated for the time being shall be deemed to be incorporated into the Club Rules.
- (b) No alteration to the Club Rules shall be effective without prior written approval by the Parent County Association.
- (c) The Club will also abide by The Football Association's Child Protection Policies and Procedures, Codes of Conduct and the Equal Opportunities and Anti-Discrimination Policy.

## **5. CLUB MEMBERSHIP**

- (a) The members of the Club from time to time shall be those persons listed in the register of members (the Membership Register) which shall be maintained by the Club Secretary.
- (b) Any person who wishes to be a member must apply on the Membership Application Form and deliver it to the Club. Election to membership shall be at the sole discretion of the Club Committee. Membership shall become effective upon an applicant's name being entered in the Membership Register.
- (c) In the event of a member's resignation or expulsion, his or her name shall be removed from the Membership Register.
- (d) The Football Association and Parent County Association shall be given access to the Membership Register on demand.
- (e) All members of the Club shall be eligible to vote at General Meetings, however, where the member is below eighteen years old, a parent or guardian shall be eligible to vote on the junior members behalf, provided the relevant nomination form has been completed by the parent or guardian.

**6. ANNUAL MEMBERSHIP FEE**

- (a) An annual fee payable by each member, no later than 30<sup>th</sup> September each year, shall be determined from time to time by the Club Committee and set at a level that will not pose a significant obstacle to community participation. Any fee shall be payable on a successful application for membership and annually by each member. Fees shall not be repayable.
- (b) The Club Committee shall have the authority to levy further subscriptions from the members as are reasonably necessary to fulfil the objects of the Club.
- (c) The annual membership fee will include a sum to be agreed, for the inclusion of each junior member into a personal injury insurance policy.

**7. RESIGNATION AND EXPULSION**

- (a) A member shall cease to be a member of the Club if, and from the date on which, he/she gives notice to the Club Committee of their resignation. A member whose annual membership fee or further subscription is more than 2 months in arrears shall be deemed to have resigned.
- (b) The Club Committee shall have the power to expel a member when, in their opinion, it would not be in the Club's interests for them to remain a member.  
Member shall in turn have the right to appeal against any such sanctions, by way of the Club's Complaint Procedure.
- (c) The Club Committee shall have the power to expel any member who fails to attend three consecutive meetings without an explanation, deemed satisfactory by the Committee majority.
- (d) A member who resigns or is expelled shall not be entitled to claim any, or a share of any, of the Club Property.

**8. CLUB COMMITTEE**

- (a) The Club Committee shall consist of the following Club Officers: President, Chairperson, Vice Chairperson, Treasurer, Secretary, Club Welfare and Social Secretary, plus a Team Manager for each team and up to 5 Club members, elected at an Annual General Meeting. The President will only act in an advisory capacity and will be invited to attend meetings at the Committee's request
- (b) Each Club Officer and Club Committee Member shall hold office from the date of appointment until the next Annual General Meeting unless otherwise resolved at a Special General Meeting. One person may hold no more than two positions of Club Officer at any time. The Club Committee shall be responsible for the management of all the affairs of the Club. Decisions of the Club Committee shall be made by a simple majority of those attending the Club Committee meeting. The Chairperson of the Club Committee meeting shall have a casting vote in the event of a tie. Meetings of the Club Committee shall be chaired by the Chairperson or in their absence the Secretary. The quorum for the transaction of business of the Club Committee shall be six, with at least two of whom must be elected officers.
- (c) Decisions of the Club Committee of meetings shall be recorded by the Secretary, who will circulate the minutes to each of the Club Committee members, as well as maintaining a copy on file for inspection.
- (d) Any member of the Club Committee may call a meeting of the Club Committee by giving not less than 7 days' notice to all members of the Club Committee. The Club Committee shall hold meetings once per month, usually on the 4<sup>th</sup> Tuesday of the month
- (e) An outgoing member of the Club Committee may be re-elected. Any vacancy on the Club Committee, which arises between Annual General Meetings, shall be filled by a member proposed by one and seconded by another of the remaining Club Committee members and approved by a simple majority of the remaining Club Committee members.
- (f) Save as provided for in the Rules and Regulations of The Football Association and the County Association to which the Club is affiliated, the Club Committee shall have the power to decide all questions and disputes arising in respect of any issue concerning the Club Rules.
- (g) Appointments to Committees, Sub-Committees, Sports Association Committees and Team Management will be the responsibility of the Club Committee.

## 9. ANNUAL AND SPECIAL GENERAL MEETING

- (a) An Annual General Meeting (AGM) shall be held in each year no later than 31<sup>st</sup> July, to:
  - (i) receive a report of the activities of the Club over the previous year.
  - (ii) receive a report of the Club's finances over the previous year and appoint auditors.
  - (iii) elect the members of the Club Committee.
  - (iv) consider any other business.
- (b) Nominations for election of members as Club Officers or as members of the Club Committee shall be made in writing by the proposed and seconded, both of whom must be existing members of the Club, to the Club Secretary not less than 21 days before the AGM. Notice of any resolution to be proposed at the AGM shall be given in writing to the Club Secretary not less than 21 days before the Meeting.
- (c) A Special General Meeting (SGM) may be called at any time by the Committee and shall be called within 21 days of the receipt by the Club Secretary of a requisition in writing signed by not less than three members stating the purposes for which the Meeting is required and the resolutions proposed. Business at an SGM may be any business that may be transacted at an AGM.
- (d) The Secretary shall give to each Club member notice of the date of a General Meeting together with the resolutions to be proposed, and post a notice of the AGM in the Clubhouse at The Lant, Meeting House Lane, Balsall Common, at least 14 days before the Meeting.
- (e) The quorum for a General Meeting shall be ten members, with at least two of whom must be elected officers.
- (f) The Chairperson, or in their absence a member selected by the Club Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairperson of the Meeting shall have a casting vote.
- (g) The Club Secretary, or in their absence a member of the Club Committee, will circulate the minutes to each of the Club Committee members, as well as maintaining a copy on file for inspection.

## 10. CLUB TEAMS

- (a) At its first meeting following each AGM, the Club Committee shall appoint a Club member to be responsible for each of the Club's football teams. The appointed members shall be responsible for managing the affairs of the team. The appointed members shall present to the Club Committee at its last meeting prior to an AGM a written report on the activities of the team.
- (b) For all Junior teams, any persons that come into contact with children and young people under the age of eighteen, are required to complete a Criminal Records Bureau Enhanced Disclosure form which will be used to check if that person has a record of offences that would jeopardise the safety or well being of the junior members of the club.
- (c) All Junior Team managers and assistants will also be asked to supply two character references.
- (d) In the event of non-payment of subscriptions, match fees, fines or other fees, which become due to the club, the member or team responsible for the debt shall be automatically expelled from the club, after a notice period of 28 days has been served on that member. Notice period shall be deemed to have been served by proof of postage of the notice letter. Where a team incurs the debt, that debt will be apportioned to each member who will be held individually responsible for his share of the debt.
- (e) In the event of fines payable by teams or individual members due directly from the parent County Association or District Leagues, to which the Club is affiliated (unless an appeal is lodged), then the time constraints and rules laid down by the parent County Association or League must be adhered to.

Team managers are required to ensure that fines of disputes are settled within County Association or League rules and that the Club will not be under any threat of suspension. Should a team or member refuse to pay fines due then the Club will pay the fines and the Committee will suspend the member concerned or the whole team immediately until a decision is made at an Emergency Complaints Hearing called by the Club Secretary (to be held within seven days of the imposition of the sanction).

If, in the event of a failure to agree with the findings of the Complaints Committee, the member or team will be automatically expelled from the Club as per Constitution item 7.
- (f) Any member wishing to resign shall give notice to the Club Secretary, in writing and will be accompanied by payment of all and any club fees and subscriptions due at that date.

**11. CLUB FINANCES**

- (a) A bank account shall be opened and maintained in the name of the Club (the Club Account), by the Treasurer, on behalf of the Club Committee. Designated account signatories shall be the Club Chairperson, the Club Secretary and the Treasurer. No sum shall be drawn from the Club Account except by cheque signed by two of the three designated signatories. All monies payable to the Club shall be received by the Treasurer and deposited in the Club Account.  
Official receipts for monies received shall be signed by the Treasurer.
- (b) The income and assets of the Club (the Club Property) shall be applied only in furtherance of the objects of the Club, and shall be vested in the Club Committee.
- (c) The Club Committee shall have power to authorise the payment of remuneration and expenses to any member of the Club (although a Club shall not remunerate a member for playing) and to any other person or persons for services rendered to the Club.
- (d) The Treasurer shall keep proper accounts of income and expenditure and prepare an audited annual Financial Statement in such form as shall be published by The Football Association from time to time.
- (e) The Club Property, other than the Club Account, shall be vested in not less than two and no more than four custodians, one of whom shall be the Treasurer (the Custodians), who shall deal with the Club Property as directed by decisions of the Club Committee and entry in the Minute Book shall be conclusive evidence of such a decision.
- (f) The Custodians shall be appointed by the Club in a General Meeting and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
- (g) On their removal or resignation a Custodian shall execute a Conveyance in such form as is published by The Football Association from time to time to a newly elected Custodian or the existing Custodians as directed by the Club Committee. On the death of a Custodian, any Club Property vested in them shall vest automatically in the surviving Custodians. If there is only one surviving Custodian, a Special General Meeting shall be convened as soon as possible to appoint another Custodian.
- (h) The Custodians shall be entitled to an indemnity out of the Club Property for all expenses and other liabilities reasonably incurred by them in carrying out their duties.
- (i) A special Finance Sub-Committee will be formed to make the financial decisions on behalf of the Club. Such a committee will generally meet when the expenditure of club funds is applied for at Club Committee meetings and when, at that meeting, the level of expenditure requires further discussion by the Finance Sub-Committee. The Finance Sub-Committee will consist of Chairperson, Treasurer and at least two other Committee members.  
At the Club Committee meeting held at the following month, the Treasurer shall submit a report of the findings of the Finance Sub-Committee.

**12. DISSOLUTION**

- (a) A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three-quarters of the members present.
- (b) The dissolution shall take effect from the date of the resolution and the members of the Club Committee shall be responsible for the winding up of the assets and liabilities of the Club.
- (c) Any surplus assets remaining after the discharge of the debts and liabilities of the Club shall be transferred to the parent Association who shall determine how the assets shall be utilised for the benefit of the game. Alternatively, such assets may be disposed of in such other manner as the members of the Club with the consent of the Parent County Association shall determine.

**13. STATEMENT**

I.....being the Secretary of the Club confirm that this constitution has been presented to and agreed by the members of **Balsall & Berkswell Football Club Ltd** which is based at The Lant, Meeting House Lane, Balsall Common, on...12<sup>th</sup>..day of...July....2007.

Secretary Signature.....

Date ..12<sup>th</sup> July 2007.....

And witnessed by.....(Chairperson)

Date...12<sup>th</sup> July 2007.....



## **Balsall & Berkswell Football Club Ltd Anti Discrimination Policy**

- **Balsall & Berkswell Football Club Ltd** is responsible for setting standards and values to apply throughout the club at every level. Football belongs to and should be enjoyed by everyone, equally. Our commitment is to confront and eliminate discrimination whether by reason of sex, sexual orientation, race, nationality, ethnic origin, colour, religion or disability.
- Equality of opportunity at **Balsall & Berkswell Football Club Ltd** means that in all our activities we will not discriminate or in any way treat anyone less favourably, on grounds of sex, sexual orientation, race, nationality, ethnic origin, colour, religion or disability.

This includes:

- The advertisement for volunteers.
- The selection of candidates for volunteers.
- Courses.
- External coaching and education activities and awards.
- Football development activities.
- Selection for teams.
- Appointments to honorary positions.
- **Balsall & Berkswell Football Club Ltd** will not tolerate sexual or racially based harassment or other discriminatory behaviour, whether physical or verbal, and will work to ensure that such behaviour is met with appropriate action in whatever context it occurs.
- **Balsall & Berkswell Football Club Ltd** is committed to the development of the programme of ongoing training and awareness raising events and activities, in order to promote the eradication of discrimination within its own organisation, and within football as a whole.



## **Balsall & Berkswell Football Club Ltd Equality Policy**

- **Balsall & Berkswell Football Club Ltd** is committed to a policy of equal treatment of all members and requires all members of whatever level or authority, to abide and adhere to this general principle and the requirements of the Codes of Practice issued by the Equal Opportunities Commission and Commission for Racial Equality.
- All members are expected to abide by the requirements of the Race Relations Act 1976, Sex Discrimination Act 1986 and Disability Discrimination Act 1995. Specifically discrimination is prohibited by:
  - Treating any individual on grounds of gender, colour, marital status, race, nationality or ethnic or national origin, religion, sexual orientation or disability less favourably than others.
  - Expecting an individual solely on the grounds stated above to comply with requirement(s) for any reason whatsoever related to their membership, which is different from the requirements for others.
  - Imposing on an individual requirements, which are in effect more onerous on that individual than they are on others. For example, this would include applying a condition, which makes it more difficult for members of a particular race or sex to comply than others not of that race or sex.
  - Victimisation of an individual.
  - Harassment of an individual, by virtue of discrimination.
  - Any other act or omission of an act, which has as its effect the disadvantaging of a member against another, or others, purely on the above grounds. Thus, in all the Club's recruitment, selection, promotion and training processes, as well as disciplinary matters, it is essential that merit, experience, skills and temperament are considered as objectively as possible.
- **Balsall & Berkswell Football Club Ltd** commits itself to the immediate investigation of any claims of discrimination on the above grounds and where such is found to be the case, a requirement that the practice cease forthwith, restitution of damage or loss (if necessary) and to the investigation of any member accused of discrimination.
- Any member found guilty of discrimination will be instructed to desist forthwith. Since discrimination in its many forms is against the Football Club's policy, any members offending will be dealt with under the disciplinary procedure.
- The Football Club commits itself to the disabled person whenever possible and will treat such members, in aspects of their recruitment and membership, in exactly the same manner as other members. The difficulties of their disablement permitting assistance will be given, wherever possible to ensure that disabled members are helped in gaining access. Appropriate training will be made to such members who request it.



## **Goalpost Safety Guidelines supported by Balsall & Berkswell Football Club Ltd**

Balsall & Berkswell Football Club Ltd., The Football Association, along with the Department for Culture, Media and Sport, the Health and Safety Executive and the British Standards Institution, would like to draw your attention to the following guidelines for the safe use of goalposts. Too many serious injuries and fatalities have occurred in recent years as a result of unsafe or incorrect use of goalposts. Safety is always of paramount importance and everyone in football must play their part to prevent similar incidents occurring in the future.

1. For safety reasons goalposts of any size (including those which are portable and not installed permanently at a pitch or practice field) must always be anchored securely to the ground.
  - Portable goalposts must be secured by the use of chain anchors or appropriate anchor weights to prevent them from toppling forward.
  - It is essential that under no circumstances should children or adults be allowed to climb, swing on or play with the structures of the goalposts.
  - Particular attention is drawn to the fact that if not properly assembled and secured, portable goalposts may topple over.
  - Regular inspections of goalposts should be carried out to check that they are kept properly maintained.
2. Portable goalposts should not be left in place after use. They should be dismantled and removed to a place of secure storage.
3. It is strongly recommended that nets should only be secured by plastic hooks or tape and not by metal cup hooks. Any metal cup hooks should be removed and replaced. New goalposts should not be purchased if they include metal cup hooks, which cannot be replaced.
4. Goalposts which are "home made" or which have been altered from their original size or construction should not be used. These have been the cause of a number of deaths and injuries.
5. Guidelines to prevent toppling:
  - i. Follow Manufacturer's guidelines in assembling goalposts.
  - ii. Before use, adults should:
    - ensure each goal is anchored securely in its place
    - exert a significant downward force on the cross bar
    - exert a significant backward force on both upright posts
    - exert a significant forward force on both upright postsThese must be repeated until it is established that the structure is secure. If not, alternative goals/pitches must be used.

For reference, you should note that The F.A. and BSI have developed a standard for future purchases (PAS 36:2000), available from BSI. It is hoped this will be developed into a full British Standard in due course.

**REMEMBER TO USE ALL EQUIPMENT, NOT JUST GOALPOSTS, SAFELY AT ALL TIMES.**



## **Balsall & Berkswell FC Ltd Complaints & Appeals Procedure**

In the event that any member feels that he or she has suffered discrimination in any way, or that the Club Policies, Rules or Code of Conduct have been broken, should follow the procedures below.

1. They should report the matter to the Club Secretary or another member of the Committee.  
Your report should include:
  - i. Details of what, when, and where the occurrence took place.
  - ii. Any witness statement and names.
  - iii. Names of any others who have been treated in a similar way.
  - iv. Details of any former complaints made about the incident, date, when and to whom made.
  - v. A preference for a solution to the incident.
2. The Club's Management Committee will sit for any hearings that are requested.
3. The Club's Management Committee will have the power to:
  - i. Warn as to future conduct
  - ii. Suspend from membership
  - iii. Remove from membershipany person found to have broken the Club's Policies or Codes of Conduct
4. A member's appeal against any sanctions should be made in writing to the Club Secretary within seven days of the date of the imposition of the sanction.
5. On receipt of the letter of appeal, the Club Secretary shall call a meeting of the Club officers, at which three Club officers shall be appointed to adjudicate at a hearing date, to be specified by the committee.
6. The Club Secretary shall then write to the member advising them of the date of appeal
7. The decision of the Appeal Committee will be advised to the member within seven days of the date of the appeal hearing.

## **Balsall & Berkswell FC Ltd Child Protection Policy**



1 Balsall & Berkswell Football Club Ltd acknowledges its responsibility to safeguard the welfare of every child and young person who has been entrusted to its care and is committed to working to provide a safe environment for all members. A child or young person is anyone under the age of 18 engaged in any club football activity. We subscribe to The Football Association's child protection and best practice policy and procedures and endorse and adopt the policy statement contained in that document.

2 The key principles of The FA Child Protection Policy are that:

- The child's welfare is, and must always be, the paramount consideration
- All children and young people have a right to be protected from abuse regardless of their age, gender, disability, culture, language, racial origin, religious beliefs or sexual orientation
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately
- Working in partnership with other organisations, children and young people and their parents or carers is essential.

We acknowledge that every child or young person who plays or participates in football should be able to take part in an enjoyable and safe environment and be protected from poor practice and abuse. Balsall & Berkswell Football Club Ltd recognises that this is the responsibility of every adult involved in our club.

3 Balsall & Berkswell Football Club Ltd has a role to play in safeguarding the welfare of all children and young people by protecting them from physical, sexual or emotional harm and from neglect or bullying. It is noted and accepted that The Football Association's child protection regulation (see The FA Handbook) applies to everyone in football whether in a paid or voluntary capacity. This includes those who are a volunteer, match official, helper on club tours, football coach, club official or medical staff.

4 We endorse and adopt The FA's Child Protection and Best Practice Guidelines for Recruiting Volunteers and will:

- Develop a role profile
- Request identification documents
- As a minimum meet and chat with the applicant(s) and where possible conduct interviews before appointing.
- Request and follow up with two references before appointing
- Require an FA CRB Unit Enhanced Disclosure where appropriate in line with FA guidelines.

All current Balsall & Berkswell Football Club Ltd members with direct access to children and young people will be required to complete a CRB Enhanced Disclosure via The FA CRB Unit. If there are concerns regarding the appropriateness of an individual who is already involved or who has approached us to become part of Balsall & Berkswell Football Club Ltd, guidance will be sought from The Football Association. It is noted and accepted that The FA will consider the relevance and significance of the information obtained via The FA CRB Unit Enhanced CRB Disclosure and that all decisions will be made in the best interests of children and young people.

It is accepted that The FA aims to prevent people with a history of relevant and significant offending from having contact with children or young people and the opportunity to influence policies or practice with children or young people. This is to prevent direct sexual or physical harm to children and to minimize the risk of 'grooming' within football.

5 Balsall & Berkswell Football Club Ltd supports The FA's 'whistle blowing' policy. Any adult or young person with concerns about a colleague can 'whistle blow' by contacting The FA Child Protection Manager on 0207 745 4771, by writing to The FA Case Manager at The Football Association, 25 Soho Square, London W1D 4FA or by going direct to the police, social services or the NSPCC. Balsall & Berkswell Football Club Ltd encourages everyone to know about it and utilise it if necessary.

6 Balsall & Berkswell Football Club Ltd has appointed a Club Welfare Officer (CWO) in line with The FA's role profile and required completion of the child protection and best practice workshop. The post holder will be involved with designated person's training provided by The FA. The CWO is the first point of contact for all club members and parents or guardians regarding concerns for the welfare of any child or young person. They will liaise directly with the CFA CPO and will be familiar with the procedures for referring any concerns. They will also play a proactive role in increasing an awareness of poor practice and abuse amongst club members.

7 We acknowledge and endorse The FA's identification of bullying as a category of abuse. Bullying of any kind is not acceptable at our club. If bullying does occur, all players, parents or guardians should be able to tell and know that incidents will be dealt with promptly. Incidents need to be reported to the CWO, a member of the committee or, in cases of serious bullying contact the CFA CPO.

8 Codes of conduct for players, parents or spectators, officials and coaches have been implemented by Balsall & Berkswell Football Club Ltd.

In order to validate these codes of conduct the club has clear sanctions to deal with any misconduct at club level and acknowledges the possibility of potential sanctions, which may be implemented by leagues or the CFA in more serious circumstances. All prospective members will be informed of these codes.

9 Further advice on child protection matters can be obtained from:

- The County Football Association's Child Protection Officer, whose details can be found in the County Handbook
- The Football Association/NSPCC Child Protection
- 24-Hour Helpline 0808 800 5000
- [www.TheFA.com/Goal](http://www.TheFA.com/Goal)
- The FA child protection team on 0207 745 4649.