Appendices

A. The constitution of a community based organisation
B. Good governance
A. The constitution of a community based organisation

One of the first things that the organisation may need to develop to become legally registered is a constitution. This is a formal, legal document that states how your organisation will operate.

Decide what kind of organisation you are writing a constitution for. Discuss the aims and objectives of your organisation, what structures exist or should exist, and how you wish to see the organisation function. In discussing these issues, use the following guidelines:

1. **Name.** Write down the full name and abbreviation of the organisation and what kind of organisation it is.
2. **Legal status.** Insert a clause outlining the organisation’s legal status.
3. **Mission, aims and objectives.** Define the organisation’s mission, aims and objectives.
4. **Membership.**
   - Discuss and write down:
   - Who may join and how? For example, filling in membership forms.
   - The duties and privileges of members.
   - The amount, if any, of membership subscription fees.
   - What happens if members do not pay their subscriptions for a certain period? Will they cease to be members of your organisation?

5. **Structure and decision-making**

Discuss and write down:

- What structures should exist, such as Annual General Meetings, general meetings, an executive board, sub-committees etc.
- The notice period required for certain meetings.
- What quorum is needed to make meetings constitutional.
- What responsibilities certain structures/positions have.
- What powers and duties each structure has.

6. **Meetings Procedure**

Discuss and write down:

- Who will chair the meetings.
- How the agenda will be followed.
- How voting will take place.
- How minutes are recorded, read and approved.

7. **Election of office bearers**

Discuss and write down:

- At which level of the organisation office bearers are elected.
- How office bearers are elected. For example, by verbal nominations and a show of hands or by nomination forms and a ballot.
- How the results of the voting procedure are announced.
- How vacancies are filled.

8. **Staff**

Where an organisation does employ staff, it must say:

- How staff are appointed.
- What their positions and duties are.
- To whom they are accountable.

9. **Discipline**

Discuss and write down:

- What kind of behaviour is expected of members.
- What kind of behaviour is unacceptable.
- How an investigation or disciplinary hearing is instituted.
- How members may be disciplined and dismissed.

10. **Financial control**

Discuss and write down:

- Who is responsible for keeping financial records and to whom is that person accountable.
- Who can sign cheques.
- How often money has to be banked and by whom.
- Who has to approve withdrawals from the organisation’s account beyond a certain limit.
- Who is responsible for drawing up financial statements.
- When the organisation’s financial year will end.
- Whether audited statements are necessary and when and to whom they are submitted, for example, once a year to an Annual General Meeting.

**Affiliation**

Write down:

To whom the organisation is affiliated.
What responsibilities and duties this carries.
B. Good governance

a) The governance of a community based organisation (CBO)

All community organisations need some kind of governing body which is legally responsible for the organisation.

Governance is the way in which an organisation distributes formal power, rights and is accountable.

The governing board or committee is responsible for the overall leading and governing of the organisation and for ensuring that the work of your organisation is carried out according to the constitution of the organisation in a timely and cost effective manner.

Every organisation is different and so will be the role of your governing board. The extent to which the governing board is involved in the day to day running of the organisation will be different for every organisation. Governing boards are legally responsible for making sure that the activities of the organisation are carried out appropriately. However they usually delegate the different jobs that need to be done to paid staff and volunteers. For example, the governing board may ask a book keeper to do the book keeping and compile the financial statements, but it needs to make sure that they are done by checking these tasks at each meeting. It is the paid staff (supported by the volunteers) who deliver the services and administer the day to day running of the activities of the organisation, and it is the governing board who oversee this work.

b) The role of a governing board

Planning and policy

To provide leadership, guidance and policy direction for the organisation to ensure that the organisation stays focused.

Legal

To ensure that all national, provincial and local laws and regulations are met. For example, funding contracts or agreements with donors, registration, insurance, permits, lease agreements, licences, copyright, defamation, occupational health and safety, taxation, and pay roll.

Financial

To ensure that the organisation can meet all of its financial commitments and be accountable for all the funding. For example, bookkeeping systems, maintenance of bank accounts, audits, and reporting on funds.

Personnel

To ensure that both staff and volunteers are provided with a safe workplace and that they are valued, respected and supported in their work. For example, job descriptions, employee contracts, training policies, regular supervision and support, discipline and dismissal procedures, and volunteer contracts.

Premises and equipment

To ensure that the physical space in which the staff and volunteers work is adequate and safe and that equipment is maintained and functional at all times.

Promotion and marketing

To ensure that the organisation has a good public image and is well placed in the community.

Reporting and accountability

To ensure that the organisation is accountable to clients, volunteers, members, staff, funders and other stakeholders, by meeting all reporting requirements in a timely and accurate manner. The board is also the body responsible for producing an annual report on the activities of the organisation which is handed out at the AGM (Annual General Meeting) of the organisation.
c) Who should you consider recruiting onto your governing board?

- People who want to be involved and have the commitment and interest
- People from your client group
- Local community, civic or religious leaders
- Local business people
- People from other similar community organisations
- People from local social or sports clubs
- People with specific skills in finance, law or fundraising
- People with practical skills and knowledge in your area of work such as community artists, health care workers and traditional healers
- Some organisations also invite a member from their funding body. This has advantages and disadvantages. A funder representative can be appropriate because it can give you a direct link with your funder and may increase their understanding of your issue.
- However it can raise conflict of interest issues and undermine the autonomy and independence of your organisation. Think very carefully before you do this.