

# THE JERSEY CHILD CARE TRUST

## CONSTITUTION

### Definitions

In this Constitution, the following words in the left hand column shall be defined in accordance with the expressions set out in the right hand column opposite.

"the Trust"	The Child Care Trust
"the States"	The States of Jersey
"the Committee"	The body of persons appointed from time to time in accordance with the provisions of paragraph 5.1.
"Auditor"	The person or persons appointed by the Committee in accordance with the provisions of paragraph 6.8.
"the Law"	"Loi (1862) sur les teneures en fidéicommis et l'incorporation d'associations".
"Independent Trustee"	A person who is not a States Member and who has no significant or material link between his/her personal or business affairs and the affairs of the Trust.

### 1. Name

The Association shall be called "The Jersey Child Care Trust" and shall be incorporated under the Law.

## **2. Aim**

To co-ordinate, promote and facilitate the expansion of high quality and affordable childcare provision in the Island.

## **3. Objectives**

- (a) Promote high standards of childcare.
- (b) Monitor and seek to improve the accessibility and affordability of child care facilities and services in the Island.
- (c) Promote and encourage improvements in the status and conditions of service of childcare staff.
- (d) Promote the training and development of staff in the childcare sector.
- (e) Provide information and advice to parents, professionals and other interested parties.
- (f) Co-ordinate childcare provision.
- (g) Sponsor and support research into childcare needs.
- (h) Provide support for childcare providers through grants and other forms of assistance.
- (i) Encourage employers and service providers to develop family friendly work places and service facilities.
- (j) Promote quality childcare and engage parents in this process.
- (k) Attract funding to pump prime initiatives for all of the above.

## **4. Means**

To achieve these objectives, the Trust may;

- (a) Raise money, for use solely in the furtherance of these objectives, by means of contributions, donations and legacies, grants, loans and other sources.
- (b) Receive and accept, from any source, gifts and grants of money and/or any other kind of property whether unconditionally or subject to any terms, conditions or trusts.
- (c) Purchase, take on, lease or exchange, hire or otherwise acquire any real or personal property which the Trust may think necessary for the promotion of its objectives and to construct, maintain and alter any buildings or erections necessary for the work of the Trust.

- (d) Make loans either interest free or at a rate of interest at or less than a commercial rate and/or to make grants and/or donations of money and/or of any kind of property to any individual, group of individuals, partnership or body corporate practising or promoting any childcare facilities and/or services and to provide such persons or bodies with any kind of financial assistance whether by way of guarantee, indemnity, or otherwise and so that any such grant or provision of financial assistance may be made unconditionally or subject to such trusts or conditions as the Trust may think fit to impose or accept.
- (e) Administer grants from funds provided by the States and contractual arrangements for private sector groups using States facilities.
- (f) Take such lawful steps by appeals, public meetings or other as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Trust in the shape of donations, or otherwise.
- (g) Arrange, prepare, print, publish, issue and disseminate any pamphlet, book, document, film, recording or other work and to fix, make and receive fees, royalties and other charges therefore and or admission to and otherwise in respect of any exhibition, lecture, display, course of instruction or other activity connected with the objects of the Trust.
- (h) Subscribe to, become a member of or co-operate with any organisation, institution, society or body involved or interested in matters which are within the objects of the Trust.
- (i) Sell, manage, lease, hypothecate, dispose of, or otherwise deal with all or any part of the property of the Trust.
- (j) At its absolute discretion, invest the moneys of the Trust not immediately required for its purpose in or upon such investments, securities or property as may be thought fit, subject nevertheless to such conditions (if any) and such consents (if any) as may for the time being be imposed or required by law and subject also as hereinafter provided.
- (k) Employ, contract with or otherwise commission, instruct or engage persons, whether as employees, officers, advisers or otherwise.
- (l) Do all or any of the things herein before authorised either alone or in conjunction with any other organisation, institution, society or body with which this Trust is authorised to co-operate.
- (m) Pay out of the funds of the Trust the costs, charges and expenses of and incidental to the formation, incorporation, maintenance and development of the Trust.
- (n) Do any such other lawful things as will further the attainment of the above objectives.

- (o) Apply all income to the Trust, howsoever generated, solely towards the objects of the Trust and no portion thereof, save as provided in clause 7.2 below, shall be transferred directly by way of dividends, bonus or profit to any member of the Trust and no member of the Trust shall be appointed to any office of the Trust paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the Trust.

## **5. Committee of Trustees**

- 5.1 The business and property of the Trust shall be controlled and managed by a Committee of Trustees. Trustees shall be appointed to the Committee of Trustees as follows:-

Chair: An independent person, who is not a States member, to be appointed by the States on the recommendation of the Minister for Education, Sport and Culture

Members: The Minister for Education, Sport and Culture shall appoint one Trustee who may or may not be a States Member.

The Minister for Social Security shall nominate one Trustee who is not a member of the States.

The Minister for Health and Social Services shall nominate one Trustee who is not a member of the States.

The Trustees appointed as above shall also appoint no less than five Independent Trustees from a list of persons nominated by or agreed by the Chair.

- 5.2 The Committee shall, at one of its meetings, appoint one of its members to be Vice Chair, another of its members to be Honorary Treasurer and another of its members to be Honorary Secretary for such period, save as indicated in clause 5.4 below, as it shall determine. A Trustee shall, at no time, hold more than one such office within the Committee.

- 5.3 The Committee may, as it sees fit, invite any person to attend its meetings and or provide advice in an ex-officio capacity.

- 5.4 All Trustees shall retire in rotation once every three years and may offer themselves for re-nomination and re-election. Such rotation to be organised in such a way as to provide for an orderly rotation over a three year period.

When a Trustee who holds the honorary position of either Vice Chair, Treasurer or Secretary retires, the Committee shall, as it sees fit, appoint another of its members to fill the vacant honorary position.

- 5.5 The Committee shall meet not less than three times in every calendar year and a quorum at any meeting of the Committee shall consist of five

persons including the Chair or Vice-Chair, or another member acting in that official capacity by agreement of the meeting and at such other times as they shall from time to time decide, subject, save in the case envisaged in Clause 9 below, on each occasion to not less than one week's notice being given to the members of the matters to be discussed.

- 5.6 All decisions of the Committee will be binding provided they are achieved through a simple majority of those members attending a properly constituted meeting. The Chair will have a second vote, to be cast in the event of there being a tied vote. In such a case, the Chair will cast his/her second vote in favour of the status quo.
- 5.7 Accurate minutes of all meetings of the Committee of Trustees shall be recorded and maintained by the Honorary Secretary. Such minutes will be considered and, subject to any amendment being agreed, approved at the meeting immediately following that which they record. Such minutes will be available to Trustees for inspection at any reasonable time.
- 5.8 If any member of the Committee shall, without reasonable cause and without giving reasonable notice, fail to attend three consecutive meetings of the Committee, the Committee may at its sole discretion terminate his/her membership of the Committee.
- 5.9 Should an Independent Trustee lose his/her independence, either by becoming a member of the States or for any other reason, the Committee may, or may not at its sole discretion, terminate his/her membership of the Committee.
- 5.10 Should a Trustee act in a manner deemed to be detrimental to the aim and objectives of the Trust, the Committee may, or may not at its sole discretion, terminate his/her membership of the Committee.
- 5.11 Should clauses 5.8, 5.9 or 5.10 be invoked and should a Trustee be removed from the Committee or should a vacancy occur due to a Trustee dying in or resigning from office then, in the case of:

**(a) a Trustee nominated by a Minister of the States ;**

That Minister shall be asked to nominate another candidate or candidates to the Committee;

**(b) an Independent Trustee;**

The Chair shall be required to nominate another candidate or candidates to the Committee;

**(c) the Chair**

The States shall appoint another candidate on the recommendation of the Minister for Education, Sport and Culture.

Persons appointed under this clause shall be appointed to complete the term of office of the Trustee they are replacing.

## **6. Accounts**

- 6.1 The Committee shall cause to be kept proper accounts of the finances of the Trust in respect of:-
  - a) all sums of money received and expended by the Trust and the matters in respect of which such receipts and expenditure take place; and
  - b) all assets and liabilities of the Trust.
- 6.2 There shall be a current account and deposit account under the name of the Trust opened and maintained in the bank established with a branch in Jersey and approved by the Treasurer of the States.
- 6.3 All funds of the Trust shall as soon as possible after receipt be paid into its bank accounts. Such accounts shall be under the control of the Committee, which shall from time to time provide for its method of operation, but so that the signature of at least two members of the Committee, one of whom shall be either the Honorary Treasurer or the Chair, shall at all times be required to operate the accounts.
- 6.4 The appropriation of benefits shall be approved by the Committee at its meetings or otherwise as it may from time to time decide.
- 6.5 The books of accounts shall always be open to inspection by Members of the Committee.
- 6.6 The Committee shall make adequate arrangements for the security and safe custody of all moneys and books belonging to the Trust.
- 6.7 The Committee shall cause the books to be audited at least once in each year by one or more qualified accountants and shall provide books of account in which shall be kept all proper accounts of all money received and paid respectively by or on behalf of the Committee.
- 6.8 The Auditor shall be appointed by the Committee under a formal contract and in accordance with procedures agreed by the Treasurer of the States.

## **7. Finance**

- 7.1 The financial year of the Trust shall be from January 1<sup>st</sup> to December 31<sup>st</sup>.
- 7.2 All property or money received by or for the Trust shall be applied for the objects of the Trust and shall not be given or paid to any member or officer of the Trust, except by way of payment for services actually rendered to the Trust or for expenditure properly incurred on its behalf.

7.3 The Trust may receive gifts and legacies of real and personal property and it may sell, let, exchange or hypothecate real property as shall be expedient in order to raise funds for its purposes.

7.4 Decisions on the acquisition or disposal of property shall be taken by a vote at a meeting of the Committee.

## **8. Duties**

8.1 Every five years the Trust shall produce a five year strategic report together with funding and action plans for the same period. Such plan shall be submitted to the Minister for Education, Sport and Culture for approval and will be presented to the States by the Minister on behalf of the Trust, for information and reporting purposes.

8.2 The Trust shall produce an annual report which will be presented by the Minister for Education, Sport and Culture to the States for information and reporting purposes.

## **9. Alteration to the Constitution**

This Constitution may be altered by a resolution passed by a majority of those present and voting at a Meeting of the Committee called for that purpose, provided that no such resolution shall be considered unless a notice in writing setting out the terms of the resolution shall have been sent to every member of the Committee not less than fourteen days before the date of the Meeting at which it is to be considered; PROVIDED ALWAYS that no alteration to this Constitution shall be effective until approved:-

- i) by the Minister for Education, Sport and Culture; and
- ii) by the Royal Court of Jersey in accordance with the Law.

## **10. Representation**

The Chair or Vice-Chair shall represent the Trust before the Royal Court and before all tribunals.

## **11. Dissolution**

11.1 The Trust may only be dissolved with the agreement of the States on the recommendation of the Minister for Education, Sport and Culture.

11.2 In the event of a decision being made to dissolve the Trust, the remaining funds and assets shall be dispensed according to the decisions of the Committee of Trustees subject always to the approval of the Royal Court pursuant to an application in accordance with the Law.