

Parentkind

Bringing together home & school

Constitution

The constitution is probably the most important document your association has as it sets out the rules and procedures by which committee members govern the association. Any PTA wishing to register as a charity will need to have adopted a constitution.

It is quite complex for any PTA to develop its own constitution. To assist members, Parentkind, in conjunction with its charity lawyers, has developed two model constitutions; one for members in England and Wales and one for members in Northern Ireland. Both reflect current Charity Law, good practice and are accepted by the Charity Commission for England & Wales and Charity Commission for Northern Ireland for the purpose of charity registration.

Adopted without change the [Parentkind model constitution - England and Wales](#) or [Parentkind model constitution Northern Ireland](#) qualifies your PTA for fast track charity registration which is usually achieved within six weeks. The Parentkind model constitution is the copyright of Parentkind and may only be used by Parentkind member associations. Any changes to the Parentkind Model Constitution need to be discussed and agreed with the appropriate Charity Commission and will therefore not be eligible for the fast track scheme. This may require independent legal advice.

Parentkind recommends the need for a constitution even if your association is not seeking charity registration. Working with a constitution is the best way of ensuring that there is a shared understanding of how the association should be governed. It will determine whether or not the association has made decisions correctly and is the means by which any disagreements within the association can be resolved.

Adopting a constitution

Adopting a constitution can only be done by a majority vote of the whole association, not just the committee, at either an Annual or Extraordinary General Meeting (AGM/EGM).

It is important to establish whether or not your association has already adopted a constitution. PTAs that have existed for a long time may have adopted a constitution many years ago and until an alternative constitution is formally adopted, the existing constitution is legally binding.

Any existing constitution may be held in the PTA's files. Alternatively, if your association is already registered as a charity a copy of the constitution may be held on file by the Charity Commission (England and Wales) or Charity Commission for Northern Ireland. If you do not have a copy of your constitution but you are a registered charity contact your relevant Commission and they may be able to send you a copy.

If your association already has a constitution and wants to either make changes to it or adopt

the Parentkind Model Constitution/Parentkind model constitution Northern Ireland, you may need to obtain pre-approval from the Charity Commission **before** holding an AGM or EGM, as specified within your current constitution see our information on [making changes to your constitution](#).

For those without a constitution, best practice is to call an AGM or EGM, giving 21 days' notice and publicise the meeting, in writing, to all members of the association. This might include posters on all school notice boards or being featured in a school mailing to home or via book bags. We would recommend a printout of the constitution is left in the reception area of the school for anyone to see beforehand or they can be sent a copy on request if they are unable to visit the school you need to inform members of this on the agenda for the AGM/EGM.

The decision to adopt the constitution should be recorded in the minutes of the meeting and the statement on the reverse of the constitution completed by the Chair of the meeting which also needs to be countersigned by a witness.

If your type of association is not listed you should tick the 'Other' box e.g. PFA

Parentkind resources

- [Parentkind constitution and guidance notes - Northern Ireland](#)
- [More on charity registration in Northern Ireland](#)

Useful contacts

- [Charity Commission - the regulator for charities in England and Wales](#) / 0300 066 9197
- [Charity Commission for Northern Ireland](#) / 028383 20220

Key points

- The constitution is probably the most important document your association has as it sets out the rules and procedures by which committee members govern the association.
- Any PTA wishing to register as a charity will need to have adopted a constitution.
- Parentkind, in conjunction with its charity lawyers, has developed two model constitutions; one for members in England and Wales and one for members in Northern Ireland.
- Any changes to the Parentkind Model Constitution need to be discussed and agreed with the appropriate Charity Commission. This may require independent legal advice.

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