

Preparing or updating a Constitution for your Sports Association.

1. What is a constitution?

A constitution is a document, which sets out the governance, rules and regulations for running an organisation. This document has been produced to support National Governing Bodies of Sport with the production of a constitution.

2. Why have a constitution?

A constitution is one of the key documents required in order to gain recognition as a Governing Body of Sport (sports association) with the Gibraltar Sports & Leisure Authority (GSLA).

If you are going to provide a sporting or leisure service for the community a constitution gives your association credibility with the GSLA, potential sponsors and the wider community. It gives members direction and allows all to work together to achieve association aims. Your constitution says who you are and what you aim to do. It lays out how to deal with problems and provides the framework for the management of the association. It reduces the 'make it up as we go along' situation that can cause problems and disagreements. In summary, a constitution spells out how members work with each other in pursuit of their common goal.

3. The constitution.

1. States an association's aim and objectives and how you as an association are going to work towards achieving them and agreed to by all members.
2. It acknowledges clear lines of responsibility, provides a series of steps for making decisions and resolving disputes.
3. It is a statutory requirement in gaining recognition as a National Governing Body of Sport in Gibraltar, gains credibility in the public sector and potential sponsors.
4. It ensures accountability.
5. It is a requirement if any association wants to register as a charity.
6. It enables trustees to be formally appointed and if necessary, hold property in trust for the National Governing Body of Sport.

4. How do we start to prepare a constitution?

After a Public Meeting, it is advised that a caretaker committee is set up to work through the questions below and consider any issues that these questions raise. Record these issues and answers and the content will form the basis of your association's first constitution. It is then recommended that you take legal advice on the document before presentation to the GSLA and members for approval.

5. Questions to ask yourselves as a caretaker committee when preparing a constitution.

- What is the main purpose of your association?
- What sport and disciplines of the sport does the constitution cover? Try to put this in general terms so it leaves room to develop into other areas as the association progresses.
- Do you have specific objectives?
- Do you want to provide opportunities for players and athletes to develop to their full potential and play at a recreational level?
- Do you want to organise coach education?
- Do you want to encourage more of your volunteers to take on administrative or coaching roles?
- Do you want to act as the support umbrella for all clubs in your association?
- Do you want to join the International Federation?
- Will you have a local competitive infrastructure?

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- How will players be selected to represent Gibraltar in International Competition?
- What working partnerships might you want to develop?

6. Aims and Objectives.

What sort of things do you see association doing to achieve the above aims? List a series of initiatives that you may wish to undertake to achieve the aims of your association so everyone knows the general direction your association is taking; this list will not stop you from adding things later.

7. Membership.

Who can be members of the association? How do we ensure that members are eligible to join as full Gibraltar members i.e. ID cards? Do you want to limit membership in any way? Remember you can have two types of membership, full and associate (associate members can be family members, overseas members or other supporters). Will you have junior and social membership categories? Will you have club membership? Which membership categories will have voting rights? Do members have to pay a yearly subscription? What will they receive for this membership fee? How do they register annually? If they stop paying how long is it before their membership will cease? Does membership cover insurance? Who can represent Gibraltar in official international competitions?

8. Management of the Association.

At this point it is a good idea to think about the best way to manage the association's affairs. You will almost certainly want to set up a management committee – a small number of members who will take responsibility for the business of the group which could include, for example; looking after the finances, communication with members, chairing meetings, minute taking, fixtures secretary, marketing and social media, junior development, partnership and resourcing all aimed to ensure the growth and development of the association.

- 8.1** Responsibilities are usually shared out between these members Chairperson or President, Secretary, Treasurer, other executive committee members who may take on roles depending on priorities such as fundraising secretary, junior development officer, fixtures secretary, coach education officer, promotions officer. It is recommended that the committee consists off an odd number with 5 to 7 members being the optimum. This division of responsibilities helps the group to avoid risk that all the work will be taken over by one person. The committee is usually elected annually or every two years at an annual general meeting, it then meets a certain number of times in the year. You may also want to look at staggered voting in dates for executive committee.
- 8.2** The executive committee may want to co-opt people with special skills or experience onto the committee from outside the group i.e. a representative from Education or Sports Development. Do members think they should be able to do this? Will co-opted members have voting rights on specific issues? How many places for co-opted members on committees?
- 8.3** Committee members can and often do resign between elections, so it is wise to have a plan ready for how to fill such vacancies for the rest of the year. You could hold another election, or the committee could itself make another appointment without consulting the membership – or you could simply invite the runner up to take the post. Which do you think would be the best approach for you?
- 8.4** People don't always come to meetings of the group of which they are members. What is the minimum numbers of members present at meetings to be able to take decisions that will be accepted as valid by the rest of the committee or the membership as a whole, will you allow virtual attendance? You need to think about both committee meetings and general meetings – What is your quorum? Do you allow proxy votes?

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- 8.5** It may happen at either general meetings or committee meetings there is a vote that leaves the group evenly split for and against. It is best to plan for this by giving your chairperson a second casting vote. Many people think that it is proper to do this without a prior decision. This is not the case – the availability of a casting vote for the chair must be agreed by the whole group, as one of its basic rules for operation at an early stage. Do you think this is a good idea for your group?

9. Dissolution of a Sports Association.

Anyone making a donation to your funds, or giving you a grant for running costs, buildings or equipment is likely to wonder what will happen to the money if your association goes out of existence. All the association members should agree at the start what the procedures for winding up the association will be. A typical rule is that any assets remaining at that point should be transferred to another group or organisation having similar aims. There is usually an additional rule forbidding the distribution of profits or property directly or indirectly among members.

10. Sports Association bank Account.

Your association will need an association bank account in order to receive funding from GSLA and or sponsors.

11. Rules, regulations, disciplinary and appeals procedures.

Does your association have rules and a disciplinary policy that you would like all members to sign up to? How do you ensure an independent appeals system?

12. Commitment to equality and inclusion.

Does the association have a policy to ensure equality? How can your sports association offer opportunities and access for all ages and abilities, inclusion?

13. Safeguarding Children and Young People in Sport.

If your association is working to attract children and young people to the sport, you will need to meet GSLA Safeguarding criteria which includes producing a Safeguarding policy, having a nominated and trained Child Welfare Officer and all coaches, volunteers and official working directly with children and young people must be police vetted, have attended a safeguarding child training course and have a minimum level 1 coaching qualification. ***Does your association have a safeguarding policy for vulnerable adults?***

14. Elite Athletes.

Does your association have an infrastructure to identifying elite athletes? What support might be available to elite athletes?

NB: When your association applies for recognition and registers with the GSLA you are agreeing to adopt the rules and regulations of the Gibraltar Sports & Leisure Authority (as the NADO in Gibraltar) with regards to all anti doping matters.

If you have considered all these questions, set criteria and recommendations for what you would like to achieve in the future, congratulations, you have just drafted your first constitution.

Please contact sportsdevelopment@gsla.gi for support and advice on the production and updating of Sports Association constitutions.