



The Religious Society of Friends (Quakers) In Britain

QUAKER CONCERN FOR THE ABOLITION OF TORTURE

Governing Document

Adopted on the 25th day of 2021 by Minute 21.03 of the Quaker Concern for the Abolition of Torture.

Definitions¹

- i) The Religious Society of Friends (Quakers) in Britain refers to the church in Great Britain, the Channel Islands and the Isle of Man, in its entirety, including all its local meetings for worship and its constituent meetings for church affairs, as well as all their work. It is referred to below as the Religious Society. No part of Ireland is included.
- ii) Britain Yearly Meeting of the Religious Society of Friends (Quakers) refers to the centrally held and managed policy, property, employment and work of the Religious Society in Britain. It is referred to below as Britain Yearly Meeting.
- iii) Meeting for Sufferings is the standing representative body entrusted with the general care of matters affecting the Religious Society of Friends (Quakers) in Britain.
- iv) Area Quaker Meetings are the main regional meetings for church affairs. They are the level of the Religious Society at which individual membership is held. Each Area Quaker Meeting is a separate charitable entity and may be registered as such with the Charity Commission. Supporting Area Meetings are those which take on the Britain Yearly Meeting concern on the abolition of torture and who can nominate trustees to Q-CAT.
- v) A Quaker Recognised Body is an independent group where concerned Friends (and others) may explore a common interest, seek affirmation or carry out witness.

¹ The 'definitions' are used to ground the constitution as a Quaker body working through the Quaker business method.

Linked Recognised Bodies are part of the formal structures of Britain Yearly Meeting.

- vi) The current printed edition of the Book of Christian Discipline of the Religious Society of Friends (Quakers) in Britain is *Quaker faith & practice* (London, 2015) (referred to below as *Quaker faith & practice*). The current edition as amended by the latest Yearly Meeting is published on the Britain Yearly Meeting website.
- vii) The term Friend refers to a member of the Religious Society.
- viii) The term Attender refers to a person who is not a member of the Religious Society but who regularly attends its meetings for worship.
- ix) Reference is made in the text to the word 'concern'. This has a particular meaning when used by members of the Religious Society to describe how an individual or group or Meeting feels that he or she has a prompting, leading, or call to action and believes it to be divinely inspired, bringing it for testing to the appropriate body of the Religious Society of Friends. The concern is tested in local meetings/area meetings of members and, if appropriate, nationally to see if others feel it has legitimacy. This discernment includes whether the concern is laid on an individual or corporate group (local, area meeting or national body). Concerns are laid down when their purpose is achieved or force spent. Further elucidation may be obtained from *Quaker faith & practice*, especially chapter 13, which is the definitive account of the process of concern.
- x) Torture is defined according to Article 1 of the UN's Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1965): 'For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions'. Additionally, we take notice of definitions of torture as interpreted by a member of the UK judiciary in the course of his or her duties.

1. Name

The association's name is the Quaker Concern for the Abolition of Torture (Q-CAT) (and in this document it is called the charity).

2. Constitution.

- i) The Quaker Concern for the Abolition of Torture and its property² shall be administered and managed in accordance with the provisions in this constitution. A full account of the governance of the Religious Society is given in *Quaker faith & practice*. If any confusion should arise between this document and *Quaker faith & practice*, *Quaker faith & practice* shall prevail.
- ii) The charity constituted by this document was set up in 2008 by Wirral & Chester and North Wales Area Meetings of the Religious Society of Friends (Quakers) in Britain under authority delegated under minute 4ib of Meeting for Sufferings held 7 July 2001 and minute 4 iii c of Meeting for Sufferings held 3 November 2001. Such area meetings as are corporately committed to the concern are called 'supporting area meetings'. Other area meetings from time to time may by minute become additional supporting area meetings, or may cease to be so by minute. A current list of supporting area meetings is held by the charity. The charity functions as a Linked Quaker Recognised Body as a body within Britain Yearly Meeting of the Religious Society of Friends (Quakers) in Britain (minute MfS/17/10/14 of Meeting for Sufferings refers). The charity is the Britain Yearly Meeting body with authority to speak on the concern against torture

3. Objects

The charity's objects ('the objects') are

To promote, educate and raise the awareness of Quakers, members of other churches, people of other faiths, members of the government and the general public concerning: the absolute nature of the ban on torture under international law, the realities of the use of torture in the world today, including damaging effects on both victims of torture and torturers, and the wider effects of torture on civic society.

4. Administration

Subject to the matters set out below the income and property of the charity shall be administered in accordance with this governing document by the trustees constituted by clauses 8 and 9.

5. Application of income and property

- i) The income and property of the charity shall be applied solely towards the promotion of the objects.
- ii) None of the income or property of the charity may be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to any trustee. This does not prevent a trustee from receiving:
 - (a) a benefit from the charity in the capacity of a beneficiary of the charity;

² 'Property' includes all assets held.

- (b) reasonable and proper remuneration for any goods or services supplied to the charity.

6. Dissolution

- i) The charity may be dissolved if:
 - a) The trustees decide that it is necessary or advisable to dissolve the charity or to amalgamate with another Quaker body, with the agreement of the supporting area meetings and Meeting for Sufferings, or
 - b) All supporting area meetings withdraw their support and no new ones may be found, or
 - c) Meeting for Sufferings discerns that the religious concern at the basis of the charity's objects is no longer recognised, and has minuted to that effect.³
- ii) In such circumstances the trustees will remain in office as charity trustees and be responsible for winding up the affairs of the charity in accordance with this clause.
- iii) Trustees shall have the power to realise any assets held by or on behalf of the charity. Any assets remaining after the satisfaction of any proper debts and liabilities shall, with the agreement of Meeting for Sufferings, be given or transferred to Britain Yearly Meeting, or to some other charitable institution or institutions having objects similar to that of the charity, and failing that for such other charitable purpose as Britain Yearly Meeting shall direct.
- iv) The trustees must notify the Charity Commission promptly that the charity has been dissolved. If the trustees are obliged to send the charity's accounts to the Commission for the accounting period which ended before its dissolution, they must send the Commission the charity's final accounts.

7. Amendments

- i) Amendments to this governing document shall be agreed by a meeting of the trustees and recorded by minute of the charity.
- ii) No amendment may be made that affects the object of the charity (clause 3) or the benefits to trustees (clause 5) without the prior written consent of the Charity Commission, nor may the charitable status of the charity be affected. A copy of any minute amending this constitution shall be sent to the Commission within twenty one days of it being passed.

8. Officers and trustees

- i) The charity and its property shall be managed and administered by a committee comprising the officers and other members appointed in accordance with this constitution. The officers and other members of the committee shall be the trustees of the charity and in this constitution are together called 'the trustees'.

- ii) The trustees shall appoint from the trustee body a clerk, assistant clerk, treasurer, and nominations committee.⁴ The appointments shall be made for a fixed term, generally not more than three years. Only in exceptional circumstances shall an appointee remain continuously in post for more than six years.
- iii) A trustee must be a member or attender of the Religious Society of Friends and be appointed as in clause 9.
- iv) No one may be appointed a trustee if he or she would be disqualified from acting under the provisions of clause 11.
- v) The number of trustees shall be not less than four and a maximum of 12.
- vi) A trustee may not appoint anyone to act on his or her behalf at meetings of the trustees.

9. Appointment of trustees

- i) Trustees shall be appointed by the charity Trustees in session, and recorded by minute. Nominations for trustee service may come through the charity's own Nominations Committee, or by requesting Supporting Area Meetings, or other Quaker bodies, for nominations.
- ii) The appointments shall be reviewed at intervals not exceeding three years. A trustee can be reappointed on no more than two concurrent occasions to give an unbroken term of service as a trustee of the charity not exceeding nine years. That person would then normally not be reappointed as a trustee of that area meeting until three years have elapsed after the end of the last period of service in that capacity.

10. Powers of Trustees

The Trustees shall have the following powers, in exercise of which they shall at all times be guided by the Book of Christian Discipline of the Religious Society of Friends (Quakers) in Britain:

- i) To raise funds from contributions; from legacies; from grants and other sources; from investments and the use of assets; and from the sale of goods or services provided in furtherance of the charity's object;
- ii) To buy, lease or acquire property, and to sell, grant a lease or dispose of property, subject to the terms of clause 13 (vii) below;
- iii) To borrow money and to give security for loans (but only in accordance with the restrictions imposed by the Charities Act 1993 as amended from time to time);
- iv) To set aside income as a reserve;

- v) To make investments in accordance with legal constraints and the ethical testimonies of the Religious Society;
- vi) To co-operate with other charities or to enter into partnerships;
- vii) To establish or support trusts or institutions formed for charitable purposes within the charity's object;
- viii) To employ staff;
- ix) To pay pensions;
- x) To obtain and pay for goods and services;
- xi) To reimburse reasonable expenses, including those of the trustees, incurred when acting on behalf of the charity.
- xii) To open and operate bank accounts;
- xiii) To effect insurance;
- xiv) To insure themselves against the costs of a successful defence to a criminal prosecution brought against them as charity trustees or against personal liability incurred in respect of any act or omission which is or is alleged to be in breach of trust or breach of duty;
- xv) To delegate their powers or functions as set out in clause 14, below;
- xvi) To establish committees or working groups for carrying out agreed programmes of work;
- xvii) To do any other lawful thing that is necessary or desirable for the achievement of the object of the charity.

11. Eligibility, disqualification and removal of Trustees

A trustee may hold office until he or she

- i) notifies to the clerk of the trustees a wish to be released from service as a trustee;
- ii) ceases to be a member or attender of the supporting area meeting that made the appointment;
- iii) is determined by the trustees to no longer be a fit or suitable person to carry out the duties of a trustee;

iv) is believed by the trustees to have become incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;

v) comes to the end of her or his term of service.

Removal of a trustee under the terms of (iii) or (iv) above shall require a decision of the trustees.

Members or attenders of the Religious Society who are legally ineligible to act or who are disqualified from acting as trustees shall not be able so to act nor continue so to act.

Release of a trustee from office shall be recorded by minute of the charity.

12. Trustees not to be personally interested

- i) Subject to the provisions of sub-clause (ii) of this clause, and subject to sub-clause 10 (xiv), no trustee shall acquire any interest in property belonging to the charity (otherwise than as a trustee) or receive remuneration or be interested (otherwise than as a trustee) in any contract entered into by the trustees.
- ii) Any trustee for the time being, who possesses specialist skills or knowledge, may charge and be paid reasonable fees for business done by her or him or her or his firm when instructed by the other trustees to act on behalf of the charity, provided that at no time shall a majority of the trustees benefit under this provision, and that a trustee shall withdraw from any meeting at which her or his own instruction or remuneration, or that of her or his firm, is under discussion.

13. Meetings and proceedings of the trustees

- i) The business and activities of the charity shall at all times be conducted in accordance with the provisions of the current edition of the Book of Christian Discipline. The charity trustees conduct business by the Quaker business method. The Meetings for church affairs, in which the Religious Society conducts its business, are meetings for worship based on silence, carrying the expectation that God's guidance can be discerned if members are truly listening together and to each other. The unity that is sought depends on the willingness of all to seek the truth in each other's utterances. There is no voting in the meetings, because the Religious Society believes that this would emphasise the divisions between differing views and inhibit the process of seeking to know the right way forward, the will of God as expressed in the sense of the meeting.
- ii) The clerk of the meeting bears the final responsibility for preparing the business, conducting the meeting and drafting the minutes of the meeting. Minutes are drafted by the clerks during the course of the meeting, but the final decision about whether the minute represents the sense of the meeting is the responsibility of the meeting itself, not of the clerk.

- iii) The trustees shall hold at least one meeting in person each year. A special meeting of the trustees may be called at any time by the clerk to the trustees or by any two trustees upon not less than four days' notice being given to the other trustees of the matters to be discussed. This period of notice may be waived with the consent of all trustees. Trustees may also meet by telephone conference or by similar digital process.
- iii) If the clerk to the trustees is absent from any meeting, the trustees present shall choose one of their number to be clerk at that meeting before any business is transacted.
- iv) An effective working strength of the trustee body, normally represented by at least half of the trustees for the time being, should be present for decisions to be made in right ordering.
- v) Minutes are to be made in the meeting and accepted and signed in accordance with Quaker business method as set out in the Book of Christian Discipline. The trustees shall keep minutes of the proceedings at meetings of the trustees and of any sub-committee.
- vi) The trustees may from time to time make and alter arrangements for the conduct of their business, the summoning and conduct of their meetings and the custody of documents. No rule may be made which is inconsistent with this governing document.
- vii) The trustees shall report to Meeting for Sufferings from time to time in liaison with the Recording Clerk of Britain Yearly Meeting.

14. Power of Trustees to delegate

- i) The trustees may delegate any of their powers or functions to a committee including two or more trustees but the terms of any such delegation must be recorded by minute.
- ii) The trustees may impose conditions when delegating, including the conditions that:
 - a) the relevant powers are to be exercised exclusively by the committee to which they are delegated;
 - b) no expenditure may be incurred except in accordance with a budget previously agreed with the trustees.
- iii) The trustees may revoke or alter a delegation.

iv) All acts and proceedings of any such committee must be fully and promptly reported to the trustees.

15. Annual Report and Accounts

- i) The trustees shall ensure that an annual report and statement of accounts for the charity is prepared in compliance with current charities legislation.
- ii) The trustees shall submit an appropriate annual return to the Charity Commission in compliance with current legislation.
- i) The supporting area meetings shall receive the annual report and accounts and minute the same.
- ii) As a Linked Quaker Recognised Body, a copy of each annual report and statement of accounts shall be sent to the Recording Clerk of Britain Yearly Meeting.

16. Although the charity is not a membership organisation, the trustees shall maintain a list of supporting Friends as individuals or Quaker Meetings, and communicate with them by such ways as a newsletter or briefings.

Signed: *Jim Moxton* Clerk of the charity

and one of the following:

..... Assistant Clerk of the charity

Michael J. Hutchinson Treasurer of the charity