



National Disabled
Police Association
Cymdeithas Genedlaethol
yr Heddlu Anabl
www.ndpa.police.uk

NDPA CONSTITUTION 2010

I certify this is a true copy of the NDPA Constitution

Signed *Deborah Munday*

**Chair
National Disabled Police Association**

Date 5th May 2010

1 NAME

- 1.1 The name of the association shall be the National Disabled Police Association (“the NDPA”).
- 1.2 The NDPA shall have its registered address to a PO Box near to the current General Secretary so post can be recorded and passed on to the relevant person. The current registered address for the NDPA is
NDPA
PO Box 4282
Cardiff
CF14 8GL
- 1.3 The provisions set out in the Disability Discrimination Act 1995 (“the DDA”) and the Disability Discrimination Act 1995 (Amendment) Regulations 2003 (“the Amendment Regulations”) apply to and offer protection to disabled people. The Act sets out the circumstances in which a person is disabled. The NDPA will use the definition of disability as set out in the DDA and as amended by the Amendment Regulations. (See appendix A)
- 1.4 Whilst we are constrained by the definition as set out in the Act in terms of the extent to which we are able to challenge employers using the DDA, the NDPA does not consider itself constrained by this definition. It is our aim to be as inclusive as possible in terms of support, raising awareness and campaigning for positive change.

2 AIMS

- 2.1 The objects of the NDPA is:
 - 2.1.1 To promote for the public benefit the equality of opportunity for the disabled within the police services of the United Kingdom and the wider community;
 - 2.1.2 To promote the relief of disability, in particular within the police service.
- 2.2 In pursuance of Article 2 the objects shall be achieved by:
 - 2.2.1 Representing the views of all representative members of recognised disability networks or associations who are affiliated to the NDPA;
 - 2.2.2 Working towards equality of opportunity for disabled staff and members of staff who are sole carers of disabled people or staff affected by disability, and the wider community in general
 - 2.2.3 Providing a support function to regional/local disability networks or associations;
 - 2.2.4 Providing a support network to police officers, police staff, special constables and PCSOs or volunteers who are disabled or who are caring for disabled dependants and including those who are considering making an application to be a member of the police service;
 - 2.2.5 Advising and consulting on associated matters of disability at a national level;
 - 2.2.6 Working towards improving recruitment, progression, retention and representation of disabled people in the police service to reflect the communities we serve;
 - 2.2.7 Assisting the police service and other agencies in the development of new and existing policies, thereby influencing the direction of the police service nationally to improve equality and remove discrimination within the Police Service and wider Criminal Justice System for disabled people;
 - 2.2.8 Raising awareness of the issues surrounding disability for members of the public ;
 - 2.2.9 Establishing relationships and working with other groups and individuals whose aims are compatible with or supportive of the NDPA; and
 - 2.2.10 Working towards improving relationships between the police and disabled members of the public within the United Kingdom.
- 2.3 In pursuance of Article 2.2 the NDPA may exercise the following in furtherance of its objects:
 - 2.3.1 Holding support meetings for members and other organisations;
 - 2.3.2 Bringing together, in conference, representatives of voluntary organisations, local government departments, statutory authorities and individuals;
 - 2.3.3 Promoting and carrying out, or assisting in the promotion and carrying out, of research, surveys and investigations and publishing results that impact upon disabled staff within the police service or disabled people in the wider community in the United Kingdom;

- 2.3.4 Arranging and providing for, or joining in arranging and providing for, the holding of exhibitions, meetings, lectures, classes, seminars and training courses;
 - 2.3.5 Collecting and sharing information on all matters affecting such aims with other bodies having similar aims, nationally and/or internationally;
 - 2.3.6 Raising funds and inviting and receiving contributions, subject to the condition that in raising the funds the NDPA shall not undertake any substantial permanent trading activities and it shall conform to any relevant requirements of the law;
 - 2.3.7 Any gifts or donations received must be entered in the gift register; and
 - 2.3.8 Undertaking all such other lawful things as are necessary for the achievement of the objects of the NDPA.
- 2.4 The NDPA is seeking to work positively with the Police Federation of England and Wales, the Superintendents Association of England and Wales, Diversity Staff Support Associations, Trade Unions or other representative bodies.

3 MEMBERSHIP

- 3.1 Full membership is open to all members of the police family that are directly employed by police authorities or similar statutory bodies within the UK, including:
- Police Officers (incl. Special Constables)
 - Police Staff (incl. Police Community Support Officers and Police Support Officers)
 - Volunteers
 - Retired members of the police family
 - Potential Members (i.e. those applying to join the service)
- 3.2 Corporate Membership is open to persons or organisations whose aims are compatible with or supportive of the aims of the NDPA. Corporate Membership by any organisation is subject to a yearly renewal.
- 3.3 If it is discovered that someone is acting against our objectives, the Cabinet have the power to refuse membership.

4 COMPOSITION OF THE NDPA

- 4.1 NDPA Committee. Each UK Constabulary or Force who has a disability network or association may elect one representative who shall be a member of the Committee of the NDPA or 'the Committee'.
- 4.2 The Committee shall elect the following posts from within the Committee to form the Cabinet of the NDPA or 'the Cabinet':
- Chair
 - Vice Chair
 - General Secretary
 - Treasurer
 - Membership Secretary
 - Four Coordinators: England (North), England (South), Wales and Scotland (from Sept 2010 AGM)
 - Cabinet Member(s) without Portfolio
- 4.3 The Cabinet are answerable to the Committee.
- 4.4 In pursuance of the NDPA, the Cabinet may also appoint such assistants or other support staff as it deems necessary. This will be agreed by the Committee. Assistants or other staff will be subject to the Constitution of the NDPA.
- 4.5 The Cabinet shall have authority to terminate (at its discretion) the membership of a Corporate Member or Individual Member whose actions, or consistent failure to participate in the affairs of the NDPA, is deemed to be in conflict with the interest of the NDPA. The Corporate or Individual Member, or a representative of the Corporate Member, shall have the right to be heard by the Cabinet before a final decision is made and thereafter shall have the right of appeal to the next Committee meeting of the NDPA.

- 4.6 Any Corporate or Individual Member may resign their position by giving to the General Secretary written notice to that effect.
- 4.7 Corporate Members shall not be entitled to hold office, nor shall they have any voting rights.
- 4.8 Membership of the NDPA may, at the discretion of the Committee, be withdrawn or suspended for a specified period for any conduct that is in breach of the of the Constitution by simple majority vote of the Committee.
- 4.9 No member of the Cabinet shall acquire any interest in property belonging to the NDPA or receive remuneration (other than as a member of the Cabinet) or be interested in any contract entered into by the NDPA.

5 TRUSTEES

- 5.1 The NDPA and its property shall be managed and administered by a Committee comprising the Cabinet and other members elected in accordance with this Constitution. The Cabinet and elected members shall be the Trustees of the NDPA and in this Constitution are together called “the Trustees”.
- 5.1.1 A Trustee must be a member of the NDPA or the nominated representative of an organisation that is a member of the NDPA.
- 5.1.2 No one may be appointed a Trustee if they would be disqualified from acting under the provisions of Clause 5.4.
- 5.1.3 The number of Trustees shall be not less than three (unless otherwise determined by a resolution of the NDPA in general meeting) and shall not be subject to any maximum.
- 5.1.4 The first Trustees (including Cabinet) shall be those persons elected as Cabinet at the meeting at which this Constitution is adopted.
- 5.1.5 A Trustee may not appoint anyone to act on his or her behalf at meetings of the Trustees.
- 5.2 The Appointment of Trustees
- 5.2.1 The NDPA in general meeting shall elect the Cabinet and other Trustees.
- 5.2.2 The Trustees may appoint any person who is willing to act as a Trustee subject to sub -clause 5.2.4(b) of this clause, they may also appoint Trustees to act as Cabinet.
- 5.2.3 Each of the Trustees shall retire with effect from the conclusion of the annual general meeting next after his or her appointment but shall be eligible for re-election at that annual general meeting.
- 5.2.4 No-one may be elected a Trustee or a Cabinet at any annual general meeting unless prior to the meeting the NDPA is given a notice that:
- (a) is signed by a member entitled to vote at the meeting;
 - (b) states the member’s intention to propose the appointment of a person as a Trustee or as a Cabinet member;
 - (c) Is signed by the person who is to be proposed to show his or her willingness to be appointed.
- 5.2.5 The appointment of a Trustee, whether by the NDPA in general meeting or by the other Trustees, must not cause the number of Trustees to exceed any number fixed in accordance with this Constitution as the maximum number of Trustees.
- 5.2.6 The Trustees may not appoint a person to be a Cabinet member if a person has already been elected or appointed to that office and has not vacated the office.
- 5.3 Powers of Trustees
- 5.3.1 The Trustees must manage the business of the NDPA and have the following powers in order to further the objects (but not for any other purpose):
- (a) To raise funds and in doing so, the Trustees must not undertake any substantial permanent trading activity and must comply with any relevant statutory regulations;
 - (b) To buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;
 - (c) To sell, lease or otherwise dispose of all or any part of the property belonging to the NDPA. In exercising this power, the Trustees must comply as appropriate with sections 36 and 37 of the Charities Act 1993;

- (d) To borrow money and to charge the whole or any part of the property belonging to the NDPA as security for repayment of the money borrowed.
 - (e) To cooperate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;
 - (f) To establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the objects;
 - (g) To acquire, merge with or enter into any partnership or joint venture arrangement with any other Charity formed for any of the objects;
 - (h) To set aside income as a reserve against future expenditure but only in accordance with a written policy about reserves;
 - (i) To obtain and pay for such goods and services as are necessary for carrying out the work of the Charity;
 - (j) To open and operate such bank and other accounts as the Trustees consider necessary and to invest funds and to delegate the management of funds in the same manner and subject to the same conditions as the Trustees of a trust are permitted to do by the Trustee Act 2000 (or any statutory re-enactment or modification of that Act);
 - (k) To do all such other lawful things as are necessary for the achievement of the objects;
- 5.3.2 No alteration of this Constitution or any special resolution shall have retrospective effect to invalidate any prior act of the Trustees;
- 5.3.3 Any meeting of Trustees at which a quorum is present at the time the relevant decision is made may exercise all the powers exercisable by the Trustees.
- 5.4 Disqualification and Removal of Trustees
- 5.4.1 A Trustee shall cease to hold office if he or she:
- (1) Is disqualified for acting as a Trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision);
 - (2) Ceases to be a member of the NDPA;
 - (3) Becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;
 - (4) Resigns as a Trustee by notice to the NDPA (but only if at least two Trustees will remain in office when the notice of resignation is to take effect); or
 - (5) Is absent without the permission of the Trustees from all their meetings held within a period of six consecutive months and the Trustees resolve that his or her office be vacated.
- 5.5 Proceedings of Trustees
- 5.5.1 The Trustees may regulate their proceedings as they think fit, subject to the provisions of this Constitution.
- 5.5.2 Any Trustee may call a meeting of the Trustees.
- 5.5.3 The General Secretary must call a meeting of the Trustees if requested to do so by a Trustee.
- 5.5.4 Questions arising at a meeting must be decided by a majority of votes.
- 5.5.5 In the case of an equality of votes, the person who chairs the meeting shall have a second or casting vote.
- 5.5.6 No decision may be made by a meeting of the Trustees unless a quorum is present at the time the decision is purported to be made.
- 5.5.7 The quorum shall be two or the number nearest to one third of the total number of Trustees, whichever is the greater or such larger number as may be decided from time to time by the Trustees.
- 5.5.8 A Trustee shall not be counted in the quorum present when any decision is made about a matter upon which that Trustee is not entitled to vote.
- 5.5.9 If the number of Trustees is less than the number fixed as the quorum, the continuing Trustees or Trustee may act only for the purpose of filling vacancies or of calling a general meeting.
- 5.5.10 The person elected as the Chair shall chair meetings of the Trustees.
- 5.5.11 If the Chair is unwilling to preside or is not present within ten minutes after the time appointed for the meeting, the Trustees present may appoint one of their number to chair that meeting.

- 5.5.12 The person appointed to chair meetings of the Trustees shall have no functions or powers except those conferred by this Constitution or delegated to them in writing by the Trustees.
- 5.5.13 A resolution in writing signed by all the Trustees entitled to receive notice of a meeting of Trustees or of a committee of Trustees and to vote upon the resolution shall be as valid and effectual as if it had been passed at a meeting of the Trustees or (as the case may be) a committee of Trustees duly convened and held.
- 5.5.14 The resolution in writing may comprise several documents containing the text of the resolution in like form each signed by one or more Trustees.
- 5.6 Delegation
- 5.6.1 The Trustees may delegate any of their powers or functions to a committee of two or more Trustees but the terms of any such delegation must be recorded in the minute book.
- 5.6.2 The Trustees may impose conditions when delegating, including the conditions that:
- (a) the relevant powers are to be exercised exclusively by the committee to whom they delegate;
 - (b) No expenditure may be incurred on behalf of the NDPA except in accordance with a budget previously agreed with the Trustees.
- 5.6.3 The Trustees may revoke or alter a delegation.
- 5.6.4 All acts and proceedings of any committees must be fully and promptly reported to the Trustees.
- 5.7 Irregularities in Proceedings
- 5.7.1 Subject to sub-clause (2) of this clause, all acts done by a meeting of Trustees, or of a committee of Trustees, shall be valid notwithstanding the participation in any vote of a Trustee:
- (a) who was disqualified from holding office;
 - (b) who had previously retired or who had been obliged by the Constitution to vacate office;
 - (c) who was not entitled to vote on the matter, whether by reason of a conflict of interest or otherwise if without:
 - The vote of that Trustee; and
 - That Trustee being counted in the quorum and the decision has been made by a majority of the Trustees at a quorate meeting.
- 5.7.2 Sub-clause (1) of this clause does not permit a Trustee to keep any benefit that may be conferred upon them by a resolution of the Trustees or of a committee of Trustees if the resolution would otherwise have been void.
- 5.7.3 No resolution or act of the Trustees, any committee of the Trustees or the NDPA in general meeting shall be invalidated by reason of the failure to give notice to any Trustee or member or by reason of any procedural defect in the meeting unless it is shown that the failure or defect has materially prejudiced a member or the beneficiaries of the NDPA.
- 5.8 Minutes
- 5.8.1 The Trustees must keep minutes of all:
- (a) appointments of Officers and Trustees made by the Trustees;
 - (b) proceedings at meetings of the NDPA;
 - (c) meetings of the Trustees and committees of Trustees including:
 - the names of the Trustees present at the meeting;
 - the decisions made at the meetings; and
 - Where appropriate the reasons for the decisions.
- 5.9 Annual Report and Return and Accounts
- 5.9.1 The Trustees must comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to:
- (a) the keeping of accounting records for the NDPA;
 - (b) the preparation of annual statements of account for the NDPA;
 - (c) the transmission of the statements of account to the NDPA;
 - (d) the preparation of an annual report and its transmission to the Commission;
 - (e) The preparation of an annual return and its transmission to the Commission.

- 5.9.2 Accounts must be prepared in accordance with the provisions of any Statement of Recommended Practice issued by the Commission, unless the Trustees are required to prepare accounts in accordance with the provisions of such a Statement prepared by another body.
- 5.10 Registered particulars
- 5.10.1 The Trustees must notify the Commission promptly of any changes to the NDPA's entry on the Central Register of Charities.
- 5.11 Property
- 5.11.1 The Trustees must ensure the title to:
- (a) all land held by or in trust for the Charity that is not vested in the Official Custodian of Charities; and
 - (b) All investments held by or on behalf of the NDPA, is vested either in a corporation entitled to act as custodian Trustee or in not less than three individuals appointed by them as holding Trustees.
- 5.11.2 The terms of the appointment of any holding Trustees must provide that they may act only in accordance with lawful directions of the Trustees and that if they do so they will not be liable for the acts and defaults of the Trustees or of the members of the NDPA.
- 5.11.3 The Trustees may remove the holding Trustees at any time.
- 5.12 Repair and Insurance
- 5.12.1 The Trustees must keep in repair and insure to their full value against fire and other usual risks all the property of the NDPA. They must also insure suitably in respect of public liability and employer's liability.
- 5.13 Notices
- 5.13.1 Any notice required by this Constitution to be given to or by any person must be:
- (a) in writing; or
 - (b) Given using electronic communications.
- 5.13.2 The NDPA may give any notice to a member either:
- (a) personally; or
 - (b) by sending it by post in a prepaid envelope addressed to the member at their address; or
 - (c) by leaving it at the address of the member; or
 - (d) By giving it using electronic communications to the member's address.
- 5.13.3 A member who does not register an address with the NDPA or who registers only a postal address that is not within the United Kingdom shall not be entitled to receive any notice from the NDPA.
- 5.13.4 A member present in person at any meeting of the NDPA shall be deemed to have received notice of the meeting and of the purposes for which it was called.
- (a) Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given
 - (b) Proof that a notice contained in an electronic communication was sent in accordance with guidance issued by the Institute of Chartered Secretaries and Administrators shall be conclusive evidence that the notice was given
 - (c) A notice shall be deemed to be given 48 hours after the envelope containing it was posted or, in the case of an electronic communication, 48 hours after it was sent.
- 5.14 Rules
- 5.14.1 The Trustees may from time to time make rules or bye-laws for the conduct of their business.
- 5.14.2 The bye-laws may regulate the following matters but are not restricted to them:
- (a) The admission of members of the NDPA (including the admission of organisations to membership) and the rights and privileges of such members, and the entrance fees, subscriptions and other fees or payments to be made by members;
 - (b) The conduct of members of the NDPA in relation to one another, and to the NDPA's employees and volunteers;
 - (c) The setting aside of the whole or any part or parts of the NDPA's premises at any particular time or times or for any particular purpose or purposes;

- (d) The procedure at general meeting and meetings of the Trustees in so far as such procedure is not regulated by this Constitution;
- (e) The keeping and authenticating of records. If regulations made under this clause permit records of the NDPA to be kept in electronic form and requires a Trustee to sign the record, the regulations must specify a method of recording the signature that enables it to be properly authenticated.
- (f) Generally, all such matters as are commonly the subject matter of the rules of an unincorporated association.

5.14.3 The NDPA in general meeting has the power to alter, add to or repeal the rules or bye-laws.

5.14.4 The Trustees must adopt such means as they think sufficient to bring the rules and bye-laws to the notice of members of the NDPA.

5.14.5 The rules or bye-laws shall be binding on all members of the NDPA. No rule or bye-law shall be inconsistent with, or shall affect or repeal anything contained in, this Constitution.

6 RESIGNATION AND REMOVAL FROM THE COMMITTEE

6.1 This Article 6 shall apply to the resignation and removal of a member of the Cabinet or Committee

6.2 Any member of the Cabinet or Committee may tender their resignation at any time by delivering a written notice to the General Secretary.

6.3 Any member(s) of the Cabinet or Committee may be removed from office for any breaches of the Constitution of the NDPA

6.4 Any member(s) of the Cabinet or Committee whom it is proposed to censure will have voting rights suspended for the relevant vote.

6.5 Whenever a vacancy occurs in a member's position on the Committee the vacancy shall be filled by an elected member or a volunteer from the relevant force, from which that Committee member was nominated, consistent with the established procedure set out in Article 4 of the present Constitution.

7 THE BUSINESS PROCESS OF THE COMMITTEE

7.1 The Committee shall have at least one third of the members present for a quorum and shall take decisions on the basis of a simple majority. In the event of an even vote, the Chair of the meeting shall have an additional vote.

7.2 Any member of the representative disability network or association may attend a Committee meeting and participate in any discussion. However, fourteen days notice must be given when any special matters need discussion. Any vote taken shall be limited to the Committee members only.

7.3 Where a Committee member is not able to attend the Committee meeting, then the member's disability network or association may appoint a deputy who shall have voting rights.

7.4 The Committee may exclude any or all non-committee members from its meeting, where circumstances warrant the need, by majority vote of the Committee.

7.5 The Committee shall meet at a minimum of twice a year in addition to holding an Annual General Meeting. The Cabinet will meet four times a year.

7.6 In urgent cases, the Chair and General Secretary of the Cabinet may take action as is required without a vote of the Cabinet. The Chair will then give a report at the next meeting of the Cabinet.

7.7 The Committee may appoint sub-committees, or working parties, as required. Such committees may co-opt non-committee members. Such committees will observe the Meetings Protocols and Guidance attached to this Constitution e.g. for projects.

7.8 Extra meetings of the Committee may be called provided fourteen calendar days notice is given to Committee members.

7.9 The proceedings of the Committee shall not be invalidated by any vacancy among their number or by any failure to appoint or any defect in the appointment of a member.

8 GENERAL MEETING

8.1 This Article shall apply to every meeting of the Cabinet, Committee and of its members

- 8.2 The Cabinet shall call every AGM.
- 8.3 The General Secretary shall give at least fifty-six calendar day's notice of the AGM to all members. All members shall be entitled to attend.
- 8.4 The Officers may call a special general meeting of at any time. The General Secretary shall give at least twenty-eight calendar days notice to all members.
- 8.5 The Committee shall be required to be quorate at a special general meeting (one third of its members).
- 8.6 A special general meeting shall only consider the business stated in the notice to be circulated to all Committee members fourteen calendar days prior to the date of the special general meeting.
- 8.7 Any general meeting may, by simple majority vote, agree to consider any other urgent business that has arisen since the notice of the meeting was given.
- 8.8 The Cabinet shall present to each AGM the report and accounts of the Committee of the NDPA for the preceding year.
- 8.9 In pursuance of Article 8.8, all records shall be maintained by the Treasurer.
- 8.10 Every member shall be entitled to inspect specified business records of the NDPA upon a written request.
- 8.11 In pursuance of Article 8.10, the Committee shall:
- (a) Determine the records that shall be open to inspection by members subject to any relevant legislation current at the time.
 - (b) The inspecting member shall make the written request to the General Secretary, or any other person the Cabinet has designated for the time being, at least fourteen calendar days, but within a reasonable duration of time, allowing for a person to be on holiday, before the date of the inspection.
 - (c) The inspecting member shall be entitled to make copies at their expense.

9 FINANCES

- 9.1 This Article shall apply to the finances of the NDPA.
- 9.2 A bank account shall be opened in the name of the NDPA.
- 9.3 All cheques shall be signed by not less than two authorised signatories, as determined from time to time by the Cabinet.
- 9.4 In pursuance of Article 9.3, the signatories shall be the Cabinet, subject nevertheless to the condition that one of those signatories shall be the Treasurer.
- 9.5 All funds raised by or on behalf of the NDPA shall be applied for the furtherance of the aims of the NDPA.
- 9.6 The Cabinet shall invest all funds of the NDPA not immediately required for the furtherance of its objects, in or on such investments or securities to property as may be thought fit, subject nevertheless to such conditions (if any) as may for the time being be imposed or required by law.
- 9.7 No loan(s) or advance(s) shall be contracted on behalf of the NDPA, and no documentary evidence, or otherwise, shall be issued in its name, unless it is so authorised by the Cabinet.
- 9.8 In pursuance of Article 9.7, any authorisation by the Cabinet may be general or confined to specific instances. The authorisation may include authorisation to pledge, as security for the loan(s) or advance(s) so authorised, any or all securities and other personal property at the time being held by the NDPA.
- 9.9 In pursuance of Article 9.8, the Cabinet seek independent financial and/or legal advice before granting such authorisation.
- 9.10 The Cabinet shall enquire into the character of the individual, group or organisation making any contribution ("the Contributor") to the NDPA before accepting any contributions.
- 9.11 In pursuance of Article 9.10, if the Cabinet determines that the character of the Contributor(s) is not in the best interests of the NDPA.
- 9.12 Personal gifts made to a member of the Committee shall be disposed of in accordance with Article 12.8, 12.9 and 12.10.

- 9.13 All members of the Cabinet shall serve without a fixed salary, subject nevertheless to the condition that the NDPA shall authorise reimbursement for reasonable expenses incurred by the members in the performance of their duties on behalf of the NDPA.
- 9.14 In pursuance of Article 9.13, the Cabinet shall authorise the reimbursement of the expenses, as long as prior approval was obtained from the Treasurer, in emergencies, the Chair.
- 9.15 Nothing in the Constitution expressly or by implication prevents the NDPA presenting a business case for the appointment of fulltime, non-paid Cabinet post holders.
- 9.16 In pursuance of Article 9.15, the Cabinet shall fix the salary of the posts.
- 9.17 The Trustees shall have the power to provide indemnity insurance for themselves out of the income of the NDPA. The insurance shall not extend to:
- (a) Any claim arising from any act or omission which:
 - i. the Trustees knew to be a breach of trust or duty; or
 - ii. was committed by the Trustees in reckless disregard of whether it was a breach of trust or breach of duty or not; and
 - (b) The costs of an unsuccessful defence to a criminal prosecution brought against the Trustees in their capacity as Trustees of the NDPA.
- 9.18 In pursuance of Article 9.17, no member shall settle a claim wherein they seek indemnification without first submitting a written request to the Trustees, and allowing the Trustees twenty-eight calendar days to respond to the request.
- 9.19 The NDPA shall not indemnify any Committee member for intentional and wilful misconduct or conduct determined to be reckless.
- 9.20 In pursuance of Article 9.19, the Cabinet to determine whether the misconduct of the member(s) concerned was intentional and wilful or reckless.

10 INTERPRETATION AND AMENDMENTS

- 10.1 In the event of any question of interpretation, or any point on which this Constitution is silent, the Committee reserves to itself the right to act according to its interpretation of the Constitution.
- 10.2 No word or construction in this Constitution shall be taken to imply any discrimination contrary to discrimination law or the Human Rights Act.
- 10.3 The Constitution may be clarified on any point by the drafting of a schedule. This Schedule will be the legal basis on which decisions are based until amended. Amendments to the constitution will only be made by a majority vote at an AGM or Extraordinary General Meeting (“EGM”).
- 10.4 In pursuance of Article 10.3, the General Secretary of the NDPA shall give 28 calendar days notice in writing to all its members that the proposed amendment(s) to the Constitution shall be put before all members of the NDPA who have power to vote at the next AGM of the Association. The said notice shall outline the Article(s) of the Constitution to be amended and the proposed change(s):
- (a) No amendments may be made to article 1.1, article 2.1, article 8 or article 9 without prior consent in writing of the Charity Commission.
 - (b) No amendment may be made which would have the effect of making the NDPA cease to be a charity at law.
 - (c) The Trustees should promptly send to the Charity Commission a copy of any amendment made under this clause.

11 WINDING UP PROCEDURE

- 11.1 If the Cabinet, by a simple majority, decides at any time that on the grounds of expense or otherwise it is necessary or advisable to dissolve the NDPA, it shall call an EGM of all members of the NDPA who have authority to vote.
- 11.2 In pursuance of Article 11.1, the General Secretary must give at least twenty eight calendar days notice to all NDPA members, stating the terms of the resolution to be proposed.
- 11.3 In pursuance of Article 11.1, the Committee shall have at least one third members present for a winding up general meeting.

- 11.4 In pursuance of Article 11.1, if the proposition is confirmed by two thirds of the NDPA members present and who have power to vote, the Cabinet shall have the power to dissolve the NDPA and dispose of any assets held by or on behalf of the NDPA.
- 11.5 Any assets remaining after the satisfaction of any debts and liabilities shall be given or transferred to such other charitable institution(s) having aims similar to the objects of the NDPA, as the Committee may determine.

12 CODE OF CONDUCT

- 12.1 This article shall apply to the conduct of Individual, Corporate, Committee and Cabinet members of the NDPA, all will be referred to as 'Members' in this article.
- 12.2 The Code of Conduct as determined from time to time by the Committee shall provide standards of conduct for members of the NDPA in the pursuance of the aims, ethos and policies of the NDPA.
- 12.3 The Code of Conduct shall be that every member shall discharge their duty with integrity, politeness, tolerance, courtesy, respect, openness and truthfulness.
- 12.4 In particular, every member shall:
- (a) Avoid all forms of harassment, victimisation, unreasonable discrimination, abusive or derisive attitude, or behaviour towards other individuals or groups
 - (b) Behave in a manner that does not bring discredit to the NDPA.
 - (c) Avoid favouritism to any particular group or individual.
 - (d) Treat any information that comes into their possession during the course of their appointment as confidential and shall not use it for personal benefit, nor shall they divulge that information to other parties except in the proper course of NDPA business.
- 12.5 Members shall enter into the NDPA gratuities and gifts register any item received exclusively by that member or on behalf of the NDPA.
- 12.6 All cash gifts will be paid into the NDPA account and entered into the gift register.
- 12.7 If the gift is of a personal nature (not cash) the Committee will determine whether the member may retain the gift or if it be retained by the NDPA or returned.
- 12.8 Any member of the NDPA who knowingly breaches the Code of Conduct of the NDPA, or who commits any act (by word or deed) which may be deemed by the Cabinet as being detrimental to the NDPA, shall have his or her membership temporarily suspended, pending consideration by the Cabinet at the first available Cabinet meeting. Thereafter any decisions made by the Cabinet will be based upon a simple majority vote.

13 CODE OF ETHICS

- 13.1 This Article shall apply to the ethics adopted by Individual, Corporate, Cabinet and Committee members of the NDPA. All will be referred to as 'members' in this Article.
- 13.2 The Code of Ethics as determined from time to time by the Committee shall provide standards of conduct for members of the NDPA in the pursuance of the aims, ethos and policies of the NDPA.
- 13.3 The Code of Ethics will be that every member will comport themselves with:
- (a) **SELFLESSNESS:** Members should take decisions solely in terms of the NDPA interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.
 - (b) **INTEGRITY:** Members should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
 - (c) **OBJECTIVITY:** In carrying out NDPA business, including making NDPA appointments, awarding contracts, or recommending individuals for rewards or benefits, members should make choices in a non discriminatory manner.
 - (d) **ACCOUNTABILITY:** Members are accountable for their decisions and actions to the Trustees and must submit themselves to whatever scrutiny is appropriate to their office.

- (e) OPENNESS: Members should be as open as possible about all decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider NDPA interest clearly demands such action.
 - (f) HONESTY: Members have a duty to declare any private interest relating to their NDPA duties and to take steps to resolve any conflicts arising in a way that protects the NDPA interest.
 - (g) LEADERSHIP: Members should promote and support these principles by leadership and example.
- 13.4 Any member of the NDPA who knowingly breaches the Code of Ethics of the NDPA, or who commits any act (by word or deed) which may be deemed by the Chair or Vice Chair as being detrimental to the NDPA, shall have his or her membership temporarily suspended, pending consideration by the Trustees at the first available Trustees meeting, thereafter. Any decisions made by the Trustees will be based upon a simple majority vote.

14 CHARITABLE STATUS

- 14.1 Subject to the following provisions of this clause, the Constitution may be altered as outlined in Article 10.3 above.
- 14.2 No amendment may be made to Article 1.1, Article 2.1, or this Article without prior consent, in writing of the Charity Commissioners.
- 14.3 No amendment may be made to the Constitution, which would have the effect of making the charity cease to be a charity at law.

Meetings Protocols for the National Disabled Police Association

Membership and Process Guidance

1. Committee members and any individuals co-opted either as guests or advisors may participate, including NDPA co-ordinator(s).
2. Only Committee members will have voting rights.
3. The Committee and any sub-committees thereof shall have at least one third members present or in agreement (where conducted over the internet or a telecommunication system) for a quorum and shall take decisions on the basis of a simple majority. In the event of an even vote, the chair of the meeting shall have an additional vote.
4. Where a Committee member wishes to put forward a proposal they must indicate clearly to the Chair that they wish to make a proposal and give their supporting reasons. A proposal needs to be seconded before it can be considered for a vote or consensus view.
5. Proposals by members may be considered to have been agreed and carried where the general consensus in the opinion of the chair is in favour either through lack of objection or indication of agreement. Conversely the same will apply where the general consensus would appear to be against a proposal. (This process will allow the meeting to progress without the need to formally count votes for each and every proposal)
6. Where in the opinion of the Chair those in favour or against a proposal are unclear or doubtful a vote by show of hands will need to be undertaken. A count of those for, against and abstaining will be counted and recorded in the minutes.
7. All members will speak through the Chair and avoid engaging in separate dialogue with others present without agreement of the Chair.
8. As a demonstration of respect for all members and to ensure effective involvement of all present executive members will avoid:-
 - Interrupting
 - Over talking
 - Finishing sentences for others
 - Attacking
 - Shutting out
 - Patronising

- Demonstrating non-verbal communication that may offend or upset any member who may be speaking at a given moment in time.
9. Members are expected to observe the NDPA Code of Ethics.
 10. Wherever possible the views of all present should be sought.
 11. Only the Chair in the interests of keeping to the agenda will be permitted to ask members to stop or limit their airtime.

Conduct of Meeting

1. The Chair should confirm the agenda and priorities so that all members agree to an item being discussed and are fully informed on that issue. The Chair should ask if there is any other business not on the agenda that members wish to be added for discussion at the end. The Chair may ask that the additional matter be discussed at some later date.
2. Agenda items will be allocated a time limit by the Chair, except in exceptional circumstances.
3. The role of the Chair is to remain impartial, however should the Chair need to make a proposal the Vice-Chair or General Secretary will chair the meeting during that specific motion.
4. Members should be made aware of the purpose of each agenda item and of any outcomes or links from the previous meeting
5. All meetings should include a standard agenda item to allow a review to be made of previous action plan progress and status. Previous minutes of a meeting must be agreed prior to the discussion of any new matters.
6. Each agenda item should be summarised by the Chair for agreement among members and for the benefit of the minute taker.
7. The Chair must ensure that all decisions taken are agreed to and actions planned in terms of responsibility, time scale and status.
8. At the conclusion of the meeting the Chair should briefly review the meeting's procedures and evaluate them.
9. The Chair should then ask all members individually if there are any other matters that need to be discussed not covered during the meeting.
10. Any person in attendance can raise an 'in confidence ' issue during the meeting; such issues will not be recorded in the minutes. The minute taker will record the fact that an 'in confidence' issue was raised.
11. Only one set of minutes will be taken by the nominated NDPA minute taker. (Usually the General Secretary or nominee). The final minutes should be agreed by the Chair and circulated no later than twenty-one calendar days of the meeting the minutes were made at. All actions allocated during the meeting will be updated, in writing, to the General Secretary at least twenty-one 21 calendar days prior to the next meeting wherever possible. An updated action list and agenda for the forthcoming meeting will be circulated at least fourteen 14 calendar days before the proposed next meeting.
12. All NDPA Committee members and National Co-ordinators, local disability networks or associations, heads of Human Resources for all ACPO affiliated Constabularies please note:
This Conduct of Meeting section must be read in conjunction with the Membership and Process Guidance section of the Constitution.

Appendix A

The details set out in this Appendix A are for illustrative purposes only and as such are not exhaustive.

The provisions set out in the DDA and the Amendment Regulations apply to and offer protection to disabled people. The Act sets out the circumstances in which a person is "disabled". The NDPA will use the definition of disability as set out in the DDA and as amended by the Amendment Regulations. The DDA applies to disabled people, that is to say:

“A physical or mental impairment which has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to-day activities”

The Act sets out the circumstances in which a person is "disabled". The definition of disability presented below is the current version (Feb 2005)

For the purposes of the Act:

- substantial means neither minor nor trivial
- long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
- normal day-to-day activities include everyday things like eating, washing, walking and going shopping
- a normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, speech, hearing, seeing and memory

Some conditions, such as a tendency to set fires and hay fever, are specifically excluded.

People who have been disabled in the past and meet this definition are also covered by the scope of the Act.

There are additional provisions relating to people with progressive conditions.

The DDA 2005 amended the definition of disability. It ensured that people with HIV, cancer and multiple sclerosis are deemed to be covered by the DDA effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

Appendix B

The Cabinet member duties are: -

Chair:

- To provide strategic direction to the NDPA
- To assess progress made against goals or objectives and take action to improve any shortfall
- To develop the agenda and preside at all meetings
- To serve as official representative or spokesperson for the NDPA
- To ensure that the members follow NDPA rules

Vice Chair

- To assist the Chair in any duties as deputised
- To chair meetings in the absence of the Chair

General Secretary

- To maintain official correspondence and documents of work undertaken by the NDPA
- To notify members of meetings and activities
- To circulates minutes, agendas and other pertinent documents

Treasurer

- To administer and account for the NDPA's funds in accordance with the NDPA as follows:
 - To keep accounts for all NDPA expenditure and income
 - To ensure that any creditors are promptly paid
 - To submit an audited annual return to the NDPA by the end of April of the following year
 - To keep the committee informed of the associations financial position,
 - To ensure that there are sufficient funds available to meet forthcoming expenditure and that any planned expenditure will remain within the NDPA budget
 - To submit financial information to the NDPA as required
 - To prepare budgets as required

Membership Secretary

- To maintain a confidential list of individual and corporate members, disability networks and associations
- To ensure the membership list complies with the Data Protection Act
- To ensure memberships are up to date and to seek new memberships

Regional Coordinator

- To undertake general tasks on behalf of the NDPA
- To organise, direct and coordinate or support NDPA activities

Cabinet Member without Portfolio

- To provide additional help within the Cabinet

Each Cabinet Members may appoint a maximum of two assistants from within the Committee