

CONSTITUTION OF

THE ST. HELENA CHARITABLE SCHOLARSHIP TRUST

Adopted on _____

1. INTRODUCTION

- 1.1 The development of the people of St Helena is a key priority of the St Helena Government (SHG) and a vital component of all planning for the sustainable economic development of the island. This importance is evidenced through SHG's Strategic Objective 2.1 ***'Improve education and training to increase opportunities for all citizens to achieve their full potential'*** and 2.2 ***'Improve and build capacity of St. Helena's workforce through effective investment in education and training opportunities.'*** Further, SHG's 10 Year Plan and Sustainable Economic Development Plan 2018 – 2028 both identify the development of people as a key contributing factor to the sustainable economic development of St. Helena.
- 1.2 The St Helena Charitable Scholarship Trust is supported by the St Helena Government as part of a wider commitment to developing the human capital of St Helena. This Trust recognises the importance of giving opportunity to our young people to aspire to higher education and training and that very few individuals in St Helena have the opportunity and financial resources to self-fund overseas tertiary study. At the same time, the skills, knowledge and qualifications gained by such study are of great benefit to the individual learner and to the wider community.
- 1.3 Equally, it is clear that the education and training needs of St Helena's growing economy cannot be met by the St Helena Government alone. A partnership between the St Helena Government, the private sector and outside funding organisations is necessary to ensure that our young people have the opportunity to further their education and training.

2. KEY PRINCIPLES

- Equal opportunity for all students who qualify to develop their knowledge and skills
- Targeted support for key development priorities for St Helena
- The promotion of high standards to achieve high aspirations
- Fair and equitable application of agreed eligibility criteria
- Scholarship awards are subject to available resources
- Scholarship recipients are selected on the basis of merit and of their ability to positively contribute to the development of St Helena

3. ADOPTION OF THE CONSTITUTION

- 3.1 The association and its property will be administered and managed in accordance with the provision of this constitution.

4. NAME

4.1 The association's name is **The St. Helena Charitable Scholarship Trust** (and in this document it is called the charity).

5. OBJECTIVES OF THE CHARITABLE SCHOLARSHIP TRUST

5.1 The charity's objectives are to:

- Promote the charitable cause, in particular the advancement of education through the Scholarship Awards Scheme for the benefit of our young people and St. Helena through raising funds from local and external contributors in addition to funding gained from the annual transfer payments of St. Helena Government (SHG).
- Manage the main business of the Scholarship Awards Scheme as set out in sections 2 to 4 of this document.
- Contribute to the sustainable development of St Helena
- Promote the interests of the student community
- Provide the opportunity and support for excellence in further and higher education
- Promote the principles laid out in key strategic planning documents for St Helena

6. MEMBERSHIP

6.1 The Trust shall be administered and managed by a Board. The Board shall be made up as follows:

Chairperson:	Director of Education and Employment
Members:	St Helena Government Head of Human Resources and
Organisational	Development
	Chairperson, Education and Employment Committee
	Representative of the Chamber of Commerce
	Representative from the Bank of St. Helena
	Head Teacher, Prince Andrew School
	Assistant Director of Education (Lifelong Learning)
	Head of 6 th Form PAS
Secretary:	Staff Member, Education and Employment Directorate
Treasurer:	Staff Member, Education and Employment Directorate

6.2 There must be at least eight members.

6.3 If a member of the Trust Board is unable to attend a meeting, then a representative from the relevant organisation nominated by the member is required to attend and assume all responsibilities during that meeting.

6.4 Where necessary or appropriate to their deliberations, members may co-opt a relevant, qualified person to join the committee on a temporary basis.

7. TERMS OF APPOINTMENT

7.1 All members serve on the committee in their capacity as specific post holders and on a continual basis.

7.2 The work of the committee requires that members analyse, evaluate and act on complex issues related to education and human capital development. Members selected to form part of the committee are key stakeholders with specific knowledge and experience in these areas as determined by the post they hold and are therefore expected to provide the required information, advice and guidance for impartial and appropriate decision-making.

7.3 Duty of care and extent of liability: When exercising any power in administering or managing the charity, each of the members must use the level of care and skill that is reasonable in the circumstances, taking into account any special knowledge or experience that he or she has or claims to have ('the duty of care').

7.4 No member, and no one exercising powers or responsibilities that have been delegated by the members, shall be liable for any act or failure to act unless, in acting or in failing to act, he or she has failed to discharge the duty of care.

8. QUORUM AND VOTING PROCEDURES

8.1 Quorum - Subject to the following provision of this clause, no business shall be conducted at a meeting unless at least 3 of the 7 members are present throughout the meeting.

8.2 Voting - At meetings, decisions must be made by a majority of the members present and voting on the subject at hand. The Chairperson shall have a casting vote whether or not he or she has voted previously on the same matter but no member in any other circumstances shall have more than one vote.

8.3 Persons who are eligible to vote are:

Director of Education & Employment (Chairperson)
Head of Human Resources and Organisational Development
Chairperson, Education and Employment Committee
Member of the Chamber of Commerce
Head Teacher, Prince Andrew School
Assistant Director of Education (Lifelong Learning)
Representative from the Bank of St. Helena

NB: The Head of Sixth Form is a non-voting member

9. MEETINGS

9.1 The committee will meet on a quarterly basis or more frequently as required.

9.2 All meetings are recorded by the Secretary and minutes are agreed by the committee before being signed by the Chairperson.

9.3 The agenda and relevant papers will be circulated to members at least one week before a meeting.

9.4 Minutes of a meeting will be completed within seven working days of the meeting and circulated to members. All minutes will be kept on electronic file in the Education and Employment Directorate.

9.5 The Treasurer will provide updated accounts at every quarterly meeting. Accounts will be audited on an annual basis as per the requirements of the Charities Act 2011.

9.6 A special meeting may be called at any time by the Chairperson or by any two members. Not less than four days' clear notice must be given to the other members of the matters to be discussed at the meeting.

10. CONFLICT OF INTEREST AND DECLARATION OF INTEREST

10.1 A Conflict of Interest refers to situations where a conflict arises between a person's duties, or information which they have access to by reason of their employment, and their private interests. It is not necessary for a conflict to be actual - it may be potential or reasonably perceived to exist by a third party. A declaration of interest enables the committee to identify and manage these situations for the benefit of all involved, but does not imply of itself that any wrongdoing has occurred or will occur. If a member is in any doubt, it is recommended that a declaration is made.

10.2 A Declaration of Interest must be submitted as soon as a member becomes aware that a person who falls within the Third Party relationship definition below has lodged any application with or is otherwise personally affected by the decisions of the committee. In this case, the member must advise the Chairperson of the committee and will be recused from any decision-making.

10.3 Third party relationship definition

'Relative' is defined as:

- the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant, adopted child or step-child of the person or of the person's spouse;
- the spouse or partner of the person or of a person referred to in part a) above.

'Other' relationships defined as:

- a person outside of the relative category defined in 1) above, such as, but not limited to, a friend, neighbour or business associate with whom the member has a close personal relationship.

10.4 Any member absenting himself or herself from any discussions in accordance with this must not vote or be counted as part of the quorum in any decision of the charity on the matter.

11. POWERS

11.1 The Trust has the authority to identify and allocate funding for the purpose of educational advancement to the Scholarship Award Scheme. The amount of funding available for allocation shall be agreed in August of each year to inform the scholarship opportunities for the incoming year.

11.2 In addition to any other powers they have, members may exercise any of the following powers in order to further the objects of the Charitable Trust (but not for any other purpose):

- To raise funds.
- To accept donations.
- To co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them.
- To enter into any partnership or joint venture arrangement with any other charity formed for the object.
- To create such advisory committees as the trustees think fit.
- To employ and remunerate such staff as are necessary for carrying out the work of the charity.
- To do any other lawful thing that is necessary or desirable for the achievement of the object.

11.3 The Trust may issue policy to regulate the operational business of scholarships.

12. DISPUTES

12.1 If a dispute arises between the members about the validity or propriety of anything done by the members under this policy, and the dispute cannot be resolved by agreement, the members party to the dispute must first try in good faith to settle the dispute by mediation.

12.2 In the event that a dispute cannot be resolved an appeal can be made to the Chief Magistrate and the decision taken by the Chief Magistrate will be considered final.

13. ACCOUNTS, ANNUAL REPORTS AND ANNUAL RETURN

13.1 The members must comply with their obligations under the Charities Act 2011 with regard to:

- The keeping of accounting records for the charitable trust;
- The preparation of annual statements of account for the charitable trust;
- The auditing or independent examination of the statements of account of the charity;

14. REGISTERED PARTICULARS

14.1 The members must notify the Charity Commission promptly of any changes to the charity's entry on the Central Register of Charities.

15. BENEFITS TO TRUSTEES AND CONNECTED PERSONS

15.1 A trustee or connected person may receive a benefit from the charity in the capacity of a beneficiary of the charity provided that a majority of the trustees do not benefit in this way.

15.2 A trustee or connected person may take part in the normal trading and fundraising activities of the charity on the same terms as members of the public.

16. DISSOLUTION

16.1 The trustees may dissolve the charity with the written approval of the Chief Secretary if they decide that it is necessary or desirable to do so. To be effective, a proposal to dissolve the charity must be passed at a special meeting by a two-thirds' majority of the trustees.

16.2 The Charity Commission must be notified promptly that the charity has been dissolved and, if the trustees were obliged to send the charity's accounts to the Charity Commission for the accounting period which ended before its dissolution, they must send the Charity Commission the charity's final accounts.