

NSC Agenda Request from GSR, Rep from Region or Committee member

Please use this form to submit a report, proposal for discussion/vote, service role vacancies/nominations, information to be circulated to the fellowship with NSC papers etc.

Date of meeting: 6th November 2021

GSR/Rep/Committee member:

Pete H / Louise R / charity committee

1: Report – please paste the text below or attach a separate document:

N/A

2: Exact proposal for NSC consideration (2 sentences ideally):

1. For the CoDA UK Charity Committee to proceed with charity registration on behalf of CoDA UK using the approach that is felt by members of the committee to be appropriate. To use the address “3-5 Albany Park, Cabot Lane, Poole, BH17 7BX” as the initial registration street address.
2. To receive proposals and vote in trustees whose name and address details will be provided for the formation of the charity. I put myself forward as a trustee (Pete H).

Supporting background information to be circulated prior to the meeting (please include links to online documents or indicate that there are attachments to be circulated with the agenda):

Further to previous raising of the idea that CoDA UK be registered as a charity a small committee has gathered to investigate the options and information around the setting up of a charity. The committee has looked at the benefits and risks of registering as a charity and of not registering. The outcomes of this are summarised below:

As we have managed to raise over £5000 per year in member donations (income) for the last couple of years there is a legal obligation to register as a charity. There is not a penalty or legal liability for not doing so.

As things stand, without a limited liability incorporation or charity registration, should there be a liability for costs from an outside entity (e.g. rent and organisational fees for a cancelled event or retreat, large literature loan, damages etc) then members of the NSC would be individual liable for those costs. Historically these liabilities have been taken on by individuals knowingly or unknowingly which is not safe or healthy for the members or fellowship and not well boundaried. Protecting members giving service may help encourage members to get involved in service, or at least not deter them due to risk of personal financial liability.

The CoDA youth committee has found that to help serve young people safeguarding requirements will need members facilitating meetings or youth activities to be DBS (disclosure and barring service) checked. These checks must be requested through the organisation, through CoDA, and DBS checks from other organisations cannot be transferred or used. To request a DBS check we would need to ‘officially’ exist as an organisation and charity registration would allow this. Charity or business registration would be a requirement of CoDA youth services.

If registered as a charity (legal entity) then CoDA UK can hold licenses and copyright. This would allow CoDA UK to hold the license from CoRE for literature publishing instead of deferring that to the literature publishing business. This would allow CoDA UK to make the relationship with the literature publisher into a provider of service only. CoDA UK could create literature, publications, etc and hold copyright for publishing on those to ensure they are used to benefit the members.

We would need to submit annual accounts no matter the charity registration method. Even with the currently simple accounts it would be recommended to make use of a professional accounts services to submit these in a timely manner. Whilst this is a cost not currently incurred it may help to further our use of funds to serve the fellowship and reach fellow codependents.

Depending on the method of registration there would be some requirement for record keeping in terms of people voted into service or trustee positions. Some members providing service as trustee or registered members for the charity may be asked to share their full name and address which would be recorded with government organisations.

Trustees would have their full name published on the charity register (but not address). If registering as a company is identified as the suitable way forward, then an address would also be published. Whilst I would accept this to be my home address initially (Pete H) it might be a better boundary to use my employer's street address where correspondence could be collected which they have agreed to.

Whilst not currently commonly used, should we set up a payment method to allow groups, individuals, or retreats to donate directly to CoDA UK then those payments could be made eligible for gift aid for individuals who are happy to meet the terms of gift aid (shared name/address with HMRC). Whilst this shares the personal information of an individual it is understood from the WSC that this does not breach the principle of anonymity or traditions. This would be more of a future option to work on when a treasurer is in post.

Becoming a legal entity will make obtaining rent, contracts, services easier for events, retreats, etc. some may also be subsidised, reduced rate, and exempt from certain charges when acting as a charity.

Banking charges and service charges may be reduced when we exist as a legal entity or charity.

There are three potential types of charity registration that may be applicable to CoDA UK

- Companies limited by guarantee (CLG)
- Charitable Incorporated Organisations (CIO) foundation model
- Charitable Incorporated Organisations (CIO) association model.

A CLG is a company incorporated at companies house and then registered with the charity commission. Directors/trustees of the company have their details registered with companies house and are publicly searchable.

A CIO foundation model is registered with the charities commission and all members are trustees. A record of all members must be kept and provided to the charities commission.

A CIO association model is registered with the charities commission and trustees act on behalf of the members. Only a record of trustees must be provided to the charities commission.

One approach to making this work proposed is to use the CIO association model where we vote in trustees willing to put their names to CoDA UK with the charities commission. NSC and other

meetings continue to work as they do and from a legal standpoint the formal approach would be that the trustees automatically pass all votes resulting from group conscience decisions. This minimises the number of people that would be giving their names to a government organisation (charities commission).

Further information that will be considered when selecting the method of registration:

- There is a small cost to registering as a company (£40 for paper registrations, £12 for online registrations).
- Registering a company is almost instant, registering as a CIO can take weeks or months to be processed.
- If we register as a company then we must have Directors as well as Trustees (although they can be the same people) and we will be governed by both Company and Charity Law, whereas as a CIO we would just be regulated by the Charities Commission.
- As a company we would have to deal with HMRC as well as companies house.

Is a vote required (If N is selected, this item is just for discussion to share the Experience, Strength and Hope of the NSC): Y/~~N~~

Yes

3: Notification of a service role becoming vacant and an updated job description/Nomination for a service position:

N/A

4: Any other information to be circulated to the fellowship with NSC papers etc

N/A – provided above.