



IN PARTNERSHIP WITH



Constitution of Merseyside Black Police Association

**Merseyside Black Police Association
Eaton Road Police Station
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Tel: 0151 777 4406
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ARTICLE 1: NAME

- 1.1 The name of the association shall be Merseyside Black Police Association (herein known as MBPA).
- 1.2 The MBPA shall have its office at Room 1/11 Eaton Road Police Station, Eaton Road, Liverpool L12 3HF.
- 1.3 The definition of '**BLACK**' does not necessarily pertain to one's appearance or even one's ethnic origin, but rather places emphasis on having the typical common experience and determination of people of African, African-Caribbean, Asian, Asian Sub-Continent, Middle Eastern Origin who oppose the effects of racism and victimisation.

ARTICLE 2: AIMS

- 2.1 The Merseyside Black Police Association seeks to improve the working environment of all racial minority staff by protecting the rights of those employed* within the Police Service

(*hereon in the word 'employed' is used as it is typically understood, even though Police officers are crown servants, as opposed to employees and civilian staff are actually employed by Merseyside Police Authority).

- 2.2 To ensure the equality of treatment within the service and also the quality of service given to the local racial minority communities. Thus assisting in delivering a fair and equitable service to all sections of Merseyside Police and the community.
- 2.3 In pursuance of Paragraph 2.1 and 2.2, the aim shall be achieved by:
 - (1) Having regard for the collective view of all representative members of the constituted Black Police Associations (herein known as BPAs), or equivalent who are affiliated to NBPA but also reserving the right to take an autonomous standpoint, as deemed appropriate by MBPA.
 - (2) Influencing the direction of policies locally, in line with equality issues and anti-discrimination policies within Merseyside Police.
 - (3) Advising and consulting on matters of racism, internally and externally; locally or further a field as deemed appropriate by MBPA.
 - (4) Working to bring greater/better understanding between Merseyside Police and the minority racial communities of Merseyside.

- (5) Working towards increasing recruitment and retention and progression of black & racial minority members employed within Merseyside Police.
- (6) Assisting Merseyside Police in the development of new policies, and improving existing policies, subject to an appropriate+ consulting environment

(+the ‘appropriate’ test will normally be applied by the MBPA Chair, with current MBPA policy borne in mind).
- (7) Establishing working relationships with other groups and individuals whose aims are compatible with those of the MBPA.
- (8) Providing a support network for MBPA members and to extend our support beyond this if deemed appropriate+.

2.4

In pursuance of paragraph 2.3, the MBPA may exercise the following powers for the furtherance of its aims:

- (1) To hold, support meetings for members.
- (2) To bring together for meetings and consultation with the MBPA representatives from the all voluntary sectors local government departments, and other statutory authorities and individuals.
- (3) To promote or otherwise assist in the promotion of research, internal surveys and internal investigations into the Police Service, and to publish said results, with particular emphasis with regard to the impact upon the racial minority staff within Merseyside Police or the racial minority communities of Merseyside, as appropriate+.
- (4) To arrange, facilitate and or participate in, the holding of exhibitions, talks, lessons, seminars and training courses, to outline the MBPA’s aims, as agreed by the Executive members.
- (5) MBPA may collate and communicate any information on matters relating to the MBPA aims and objectives, to racial minority staff, ACPO representatives within Merseyside Police, Unions and Staff Associations, individuals and other support networks who have similar aims and objectives, whether local, national or abroad.
- (6) Raise funds, invite and receive contributions, subject to the condition that in raising the funds the MBPA shall not undertake any substantial permanent trading activities and it shall conform to any relevant requirements of the law.
- (7) Do all such other lawful things as are necessary for the achievement of the aims and objectives of the MBPA.

- 2.5** The MBPA is not seeking to supersede any statutory Staff Association, Unions or other representative body, but nor are we subordinate to any such organisation and reserve the right act either in conjunction with or independent of said bodies, as deemed appropriate by MBPA.

ARTICLE 3: MEMBERSHIP

- 3.1** Full membership is open to all serving Police Officers, Special Constables and Police Staff directly employed by the Merseyside Police Authority who meet the requirements set out in paragraph 4.1.
- 3.2** Any person who does not meet the requirements for full membership, as set out in paragraph 4.1, Shall be entitled to apply to become an associate member of the MBPA.
- 3.3** Full members shall have the following rights:
- (a) To vote on membership of the executive committee
 - (b) To stand for office on the executive committee
 - (c) To request items be put on the agenda.
 - (d) To be given a copy of the constitution
 - (e) To examine the published accounts or MBPA spending.
- 3.4** Associate Membership of the MBPA will be all other approved persons who do not meet the requirements for full membership as set out in paragraph 4.1. An associate member can be an individual or organisation whose aims are compatible with that of MBPA.
- 3.5** The Executive Committee shall approve all Associate Memberships both internally and externally by conducting a vetting process. The process is to be determined by the Executive Committee.
- 3.6** Full members must register by completion of an application form in order to enjoy the rights of full membership. Associate Members will not be entitled to hold office, nor shall they have any voting rights.
- 3.7** Application for Associate membership of MBPA shall be made by completing a membership application form. This can be obtained/submitted from/to the MBPA office, as per 1.2.
- 3.8** The executive committee reserves the right to refuse membership without an explanation.
- 3.9** All membership shall commence on the date of approval of the application by the process approved by the MBPA Executive Committee.

- 3.10** On leaving the Police Service, for whatever reason, membership of the MBPA shall cease, unless successful application has been made to the MBPA office to remain an associate member.
- 3.11** If you are an associate member and you wish for your membership to cease, you must inform the MBPA office in writing or via other verifiable means such as e-mail.
- 3.12** Membership of MBPA may be withdrawn or suspended for a specified period of time for any conduct that is a breach of the MBPA Code of Conduct (Article 12) by a majority vote of the Executive Committee members.
- 3.13** In pursuance of paragraph 3.12, the member shall be notified by mail as to the charge(s), being brought against him/her and will be provided with a copy of the charge(s).
- 3.14** The member shall reply within fourteen (14) days of receipt of the charge(s), admitting or denying the charge(s).
- 3.15** In pursuance of paragraph 3.12, the fourteen (14) day period shall not commence until the day the member has received the charges by recorded mail.
- 3.16** In pursuance of paragraph 3.12, the member has the right to a hearing before a panel, comprising of the Chair and two (2) other Executive members, unless the individual waives the right by failure to respond within the fourteen (14) days period or by admitting the charge(s).
- 3.17** The Executive Committee members reserve the right to appoint a membership committee to review its decision.
- 3.18** Where a membership committee has been appointed, it's members shall be drawn from a BPA (or other NBPA affiliate) other than Merseyside.
- 3.19** During the review period of the membership committee, the individual's membership to the MBPA shall be suspended, including voting rights.
- 3.20** In pursuance of paragraph 3.19, the member may make a written application in order to appeal against the withdrawal or suspension of membership.

ARTICLE 4: MEMBERSHIP DEFINITION

- 4.1** Full Membership to the MBPA is open to **all** serving employees of Merseyside Police, as described in paragraph 3.1 who satisfy the definition of 'black' as set out in 1.3.
- 4.2** Associate Membership shall be open to those persons or organizations

whose aims are compatible with and who are supportive of the aims of the MBPA, but who are otherwise ineligible for Full Membership to the MBPA.

ARTICLE 5: COMPOSITION OF THE MBPA EXECUTIVE COMMITTEE

- 5.1** The executive committee shall consist of the following roles:
- (1) Chairperson (herein known as the Chair)
 - (2) Deputy Chairperson
 - (3) General Secretary
 - (4) Treasurer
 - (5) Executive Member
 - (6) Executive Member
 - (7) Executive Member
 - (8) Executive Member
 - (9) Executive Member
- 5.2** In pursuance of paragraph 5.1, each post holder's role will be defined by the Executive Committee, which shall be appended in the appendices to this Constitution.
- 5.3** Any member of the executive may not be absent from service in excess of three (3) continuous months. If this occurs, a new executive member shall be voted in to undertake the absent members duties, just for the period of absence. This process may be undertaken in anticipation of a 3 month absence (usually established with anticipated absentee). This process is designed to fill a vacancy and not constrain MBPA by way of obligation.
- 5.4** In pursuance of the aims of the NBPA, the Chair will attend NEC meetings (or equivalent) to represent the interests of MBPA. The Chair (or Deputy in his/her absence) can appoint an appropriate representative to serve the same function if he/she (or Deputy Chair) is unavailable to serve this function
- 5.5** In pursuance of paragraph 5.4, the Chair (or Deputy in his/her absence) may also appoint an assistant(s).
- 5.6** In pursuance of paragraph 5.4 and 5.5, the NEC representative and the assistant(s) shall be members of the executive committee.

- 5.7 As executive committee members, the representative &/or assistant(s) will have voting rights at the aforesaid NEC meeting (or equivalent).

ARTICLE 6: RESIGNATION AND REMOVAL FROM THE EXECUTIVE COMMITTEE

- 6.1 Any member of the MBPA Executive Committee may tender his/her resignation at any time, in writing. The resignation shall be effective from the date it is received.
- 6.2 Any member(s) of the Executive Committee may be removed from office for any breaches of the MBPA Code of Conduct and the removal is consistent with the established procedure enunciated in Article 3 (Paragraphs 3.12 to 3.19 inclusive).
- 6.3 Whenever a vacancy occurs on the Executive Committee, said vacancy may be filled via means of an election, the process of which to be determined by the MBPA Chair.

ARTICLE 7: THE BUSINESS PROCESS OF THE EXECUTIVE COMMITTEE

- 7.1 The Executive Committee shall have at least fifty-five percent of 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 the deciding vote. In the event of an executive committee member being absent and unable to participate in MBPA business, they will be excluded from the quorate calculation. Exactly what constitutes 'absence' and 'unable to participate in MBPA business is to be decided on a case by case basis.
- 7.2 Only Executive Committee members shall attend Executive Committee meetings. Non Executive Committee members may attend, but only with the express permission of the Chair (or Deputy in the Chair's absence). This will typically be to participate in specific discussion, after which they will normally be expected to leave. Such attendees will have no voting rights at Executive Committee meetings.
- 7.3 Where an Executive Committee member is not able to attend the Executive Committee meeting, then the member may vote by proxy, were a vote is anticipated.
- 7.4 The Executive Committee may exclude any or all non-committee members from its meeting, for failure to comply with our agreed meeting protocols or for any other reason by majority vote of the Executive Committee.

- 7.5** In extreme cases, the Chair of the meeting may expel the person without a vote. The Chair must give a report at the next executive meeting, to justify this decision.
- 7.6** The executive committee shall meet a minimum of once (1) every month.
- 7.7** The Executive Committee may appoint sub-committees, or working parties, as required. Such committees may co-opt non-executive members.
- 7.8** Extra meetings of the Executive Committee may be called providing seven (7) days notice is given. This notice may be waived by the Chair (or deputy in the Chair's absence), where this can be facilitated, to bring the Executive Committee together quicker. If 7 days notice is waived, it should not exclude any Executive Committee member.
- 7.9** All members of the Executive committee shall remain in office for a maximum term of two (2) years from the date of election. After two (2) years all members of the executive committee shall retire from office, but they may be re-elected.

Note: The only exception to 7.2 will be were an Executive Committee member is elected mid-term to replace a vacant position on the committee. In this case tenure will cease with that of the remaining committee.

- 7.10** The proceedings of the executive committee shall not be invalidated by a failure to elect or appoint another committee member.
- 7.11** The MBPA constitutional year shall run from May to May. The AGM will also take place in May, on a date to be set by the MBPA Executive committee.

ARTICLE 8: ANNUAL GENERAL MEETING

- 8.1** The Executive Committee shall call every AGM
- 8.2** The Secretary or equivalent shall give at least (28) day's notice of the AGM to members. Only full members shall be entitled to vote at the meeting.
- 8.3** The Executive Committee shall present to each AGM the report and yearly expenditure of MBPA for the preceding financial year.
- 8.4** In pursuance of paragraph 8.5, all MBPA records shall be maintained at the principal office shown at the front of this document.
- 8.5** Every full member shall be entitled to inspect specified business records of MBPA upon making a written request. Inspection shall be made during business hours.

- 8.6** In pursuance of paragraph 8.5, the Executive Committee shall determine the records that shall be open to inspection by members subject to any relevant legislation and with full regard to maintaining confidences.
- 8.7** The inspecting full member shall make the written request to the General Secretary or equivalent no less than fourteen (14) days before the date of the inspection. The date of inspection must be mutually convenient. The inspecting member shall be entitled to copies, subject to any relevant legislation and with full regard to maintaining confidences.
- 8.8** The executive committee may call a special general meeting at any time. The General Secretary shall give at least fourteen days notice (14) to all members.
- 8.9** The executive committee shall be required to be at least quorate at a special general meeting.
- 8.10** A special general meeting shall only consider the business stated in the notice.
- 8.11** Any general meeting, can consider any other urgent business that has arisen since the notice of the meeting was given, to be approved by the meeting Chair.

ARTICLE 9: FINANCES

- 9.1** The Executive Committee shall submit a statement of expenditure for the last financial year to the Annual General Meeting.
- 9.2** A bank account shall be opened in the name of the MBPA (Bank Plc/Building Society).
- 9.3** Not less than two authorised signatories, normally the Chair and the General Secretary or two other signatories, as approved by the Executive Committee, shall sign all cheques.
- 9.4** All funds raised by or on behalf of the MBPA shall be applied for the furtherance of the association's aims with the constraints of any specific funding spending, borne in mind.
- 9.5** No loan(s) or advance(s) shall be contracted on behalf of the MBPA, and no documentary evidence, or otherwise, shall be issued in its name, unless it is so authorised by the Executive Committee.
- 9.6** The Executive Committee shall enquire into the character of the individual group or organisation making any contribution (herein known as the contributor) to the MBPA before accepting any contributions, so far as is reasonably practicable.
- 9.7** If the Executive committee determines the character of the contributors (s) does not comply with the aims of MBPA, then the contribution(s) will not be accepted.

- 9.8** Any member of the Executive Committee may accept a gift on behalf of the MBPA from an individual, group or organisation, subject nevertheless to the conditions of paragraph 9.10.
- 9.9** The gift shall be the property of the MBPA.
- 9.10** The member receiving the gift shall declare it to the Executive Committee sitting next. The Executive Committee may elect to proffer the gift to that member by a simple majority vote, in accordance with the rules approved by the executive committee. The Committee will take cognisance of Force policy pertaining to this prior to coming to a decision.
- 9.11** No person empowered to act on behalf of MBPA shall accept any personal gift, whilst representing MBPA unless the process at 9.10 is undertaken.
- 9.12** All members of the Executive Committee shall serve without a fixed salary. The MBPA shall authorise reimbursement for reasonable expenses incurred by the members in the performance of their duties on behalf of the MBPA in accordance with the agreed criteria.
- 9.13** The Executive Committee shall authorise the reimbursement of all expenses to be paid through the treasurer or equivalent in the absence of a treasurer.

ARTICLE 10: INTERPRETATION AND AMENDMENTS

- 10.1** In the event of any question of interpretation, or any point on which this Constitution is silent, the Executive Committee reserves 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 the discrimination law or article 14, of the Human Rights Act.
- 10.3** The Constitution may be clarified on any point by the drafting of a schedule.
- 10.4** The General Secretary of the MBPA shall give 28 days notice in writing to all its members that the proposed amendment(s) to the Constitution shall be put before all members of the MBPA 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).
- 10.5** This Constitution should be read as a living document.

ARTICLE 11: WINDING UP PROCEDURE

- 11.1** If the Executive Committee, by a simple majority, decides at any time that it is necessary or advisable to dissolve the MBPA, it shall call a general meeting of all members of the MBPA who have power to vote.
- 11.2** The general Secretary must give at least twenty-eight (28) days notice to all MBPA members, stating the terms of the resolution to be proposed.
- 11.3** In pursuance of Paragraph 11.1, a minimum of 66% of the current executive committee from the MBPA is required to attend the general meeting.
- 11.4** If the proposal is confirmed by two-thirds of the MBPA members present and who have power to vote, the Executive Committee shall have the power to dissolve the MBPA and dispose of any assets held by or on behalf of the MBPA.
- 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 MBPA as the Executive Committee may determine.

ARTICLE 12: CODE OF CONDUCT

- 12.1** The Code of Conduct as determined from time to time by the Executive Committee shall provide standards of conduct for members of the MBPA in the pursuance of the aims, ethos and policies of the MBPA.
- 12.2** The Code of Conduct shall be that every member shall discharge his/her duty with integrity, politeness, tolerance, courtesy, respect, openness and truthfulness.
- 12.3** Every member shall avoid all forms of harassment, victimisation, unreasonable discrimination, abusive or derisive attitude or behaviour towards other individuals or groups. Each member must behave in a manner that does not discredit the MBPA.
- 12.4** Members must avoid favouritism to any particular individual or group; treat any information that comes into his/her possession during the course of his/her duties as confidential. They must not use such information for personal benefit nor shall they to other parties except in the proper course of MBPA business.
- 12.5** Any member of the MBPA who knowingly unduly compromises the aims of the BPA (Article 2), or who wilfully disregards any of the requirements of paragraph 2.3, or who commits any act (by word or deed) which may be deemed by the Executive Committee as being detrimental to the MBPA, shall have its, his/her Membership revoked upon a majority vote of the Executive Committee

CONFIDENTIALITY CLAUSE

The function of the MBPA support worker is to provide information; support and a listening ear to any person seeking help and advice on any matter relating to issues of race within Merseyside Police.

It is important to note that prior to the commencement of any discussion of issues raised by the person seeking advice/support, hereinafter referred to as the client, the support worker must make it clear that the discussion will be conducted in the strictest confidence.

However, it must be pointed out to the client that any disclosure of criminal acts or serious disciplinary offences may need to be reported. This is due to the fact that all staff both police and support, have a duty to inform the Professional Standards Department, of *any* criminal *acts* or *serious* disciplinary offences conducted by any member of the service.

It should also be made clear that in order to progress or move a particular issue on, it may be necessary to discuss the matter with other individuals &/or organisations, but this would normally be agreed, at least in principle, with the MBPA support worker and client beforehand.

Merseyside Black Police Association Constitution 2009/10

(Ratified at the MBPA AGM Friday 29th May 2009)

