



Options and Proposed Timeline for SHARP to move towards Charitable Incorporated Organisation (CIO) status

1. Introduction

This paper identifies the principal options and recommendations for moving SHARP forward in terms of both restoring membership voting rights, and encouraging wider involvement in the running of SHARP as Trustees, as envisaged by its founder, Dr Nail Faulkner. This paper also represents the first stage in a consultation process regarding the establishment of a Charitable Incorporated Organisation (CIO).

2. Consideration of the Options

In order to move forward from the current situation, where the 2018 Constitution took us away from principles of 'democratic archaeology', through removing membership rights, and towards a future where we can both restore members rights, and encourage more people to be directly involved in the running of SHARP as Trustees, the SHARP Committee has considered the following Options:

Option 1: Do Nothing

Pros:

- Easy to achieve

Cons:

- Excludes Members from voting
- Does not take us towards a CIO and so does not give protection from liability to Trustees, therefore discourages wider direct involvement in running SHARP
- Outdated mention of Directors / doesn't clarify respective Trustee and Committee member roles, responsibilities and liabilities

Timescale considerations: N/A

Option 2: Press directly ahead with CIO at AGM on 26th July 2023

Pros:

- Restores voting rights for Members

- Provides immediate protection from liability to Trustees, encouraging wider involvement in the running of SHARP
- Opportunity to clarify and simplify Trustee and Co-opted Committee member roles

Cons:

- Limited time to undertake meaningful consultation with Members

Timescale considerations

- This is practically feasible in the timescale (the model Charity Commission constitutions for an Charity Association and a CIO are very similar); but meaningful consultation will take longer

Option 3: Create an 'interim constitution', based on the Charity Commission model for a Charitable Association for agreement at the AGM on 26th July 2023

Pros:

- Opportunity to restore voting rights for Members
- Provides more time for meaningful consultation with Members re the move to CIO status, starting at the AGM on 26/7/2023
- Adopting an interim constitution closer to the Charity Commission's model simplifies a later move towards adopting a CIO constitution
- Opportunity to clarify and simplify Trustee and co-opted Committee member roles, responsibilities and liabilities

Cons:

- This would not provide immediate protection from liability to Trustees; discouraging wider involvement in the running of SHARP

Timing: This is feasible in the timescale.

Option 4 Defer move to CIO and take forward in Winter 2023/Spring 2024 via an EGM, subject to agreement of the membership

Pros:

- This is consistent with Option 3, with ALL of its benefits; including restoration of voting rights for members
- Provides more time for meaningful consultation with Members re CIO status, starting at the AGM on 26/7/2023

- CIO status would provide protection from liability to Trustees in advance of the 2024/25 season, therefore encourages wider participation of Trustees in running SHARP in the medium term
- If an interim constitution has already been adopted which is closer to the Charity Commission's model (per Option3), fewer changes would be required in moving towards a CIO constitution

Cons:

- This would not provide immediate protection from liability to Trustees, therefore discourages wider participation in the running of SHARP in the short-term; although the prospect of moving to CIO in the near future has already encouraged a large number of Trustees to come forward and seek nomination as Trustees

Timing: This is practically feasible in the timescale, and allows time for meaningful consultation with Members on the CIO structure, starting at the AGM on 26/7/2023

Recommendations

The SHARP Committee discussed the above options at its Committee Meeting held on 26th June 2023, and **recommends** that both **Option 3** and **Option 4** be taken forward.

The combination of these options maximises the advantages to Trustees, Committee Members and the wider Membership.

Summary of benefit of a combination of **Option 3** and **Option 4**:

- *restores democratic voting rights for Members*
- *provides more time for meaningful consultation with Members regarding the move to becoming a CIO, starting at the AGM on 26/7/2023*
- *encourages wider participation in the running of SHARP by encouraging more people to apply to become Trustees under the CIO model through limiting Trustees' personal exposure to liability, in advance of the 2024/25 season*
- *simplifies a later move towards adopting a CIO constitution through the adoption of an interim constitution which is closer to the Charity Commission's model*
- *clarifies and simplifies respective Trustee and co-opted Committee member roles, responsibilities and liabilities*

Conclusion

A Combination of **Option 3** in creating an '**interim constitution**', based on the Charity Commission model for a Charitable Association; and **Option 4** in undertaking a consultation process with members in respect of progressing towards a **CIO in the coming Winter 2023/Spring 2024** would take us a long way forward in terms of encourage wider membership in the running of SHARP to create a diverse and multi-skilled Board; and also restoring membership voting rights; thereby taking SHARP back to the principles of 'democratic archaeology' upon which it was founded.