

STEP-BY-STEP GUIDE FOR VOLUNTARY AND COMMUNITY GROUPS

These pages will guide you through what you need to have in place to set up a voluntary and community group, and the options that are available to you.

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Starting a Group:

What will it be like?

Setting up a new organisation can be enjoyable, and can give you a lot of satisfaction. It takes energy, enthusiasm and hard work, and sometimes a good deal of patience, to make a success of a new organisation.

First steps

The best way to start is to bring together a small number of people who share your interest and talk with them about what you could do. At this stage, you want people to contribute their ideas and experiences, so as a group, you can decide what you want to focus your attention on.

How to find other people

- Ask people you know have an interest in the subject – friends, neighbours, community members, etc
- Use the local ‘grapevines’ – advertise in community centres, on community noticeboards, in libraries, through Parish councils and community workers.
- Advertise in local media (newspapers, radio etc)
- Use social media to spread the word

You need to tell people what you are trying to do, and ask interested people to contact you (so make sure you include some way of getting in touch with you!)

Only a few people may turn up to your initial meeting but it is important to get their input at all stages of the process.

Setting Aims and objectives

Once you have a got people interested, you need to discuss what it is your group will do (in other words, set your aims and objectives)

At this stage, people may have very different ideas, so you need to be open and listen to other people’s viewpoints. Discuss their ideas and see if you can come to an agreement about what it is you want to focus on.

A good place to start is to think about what issue or problem you want to tackle. Don’t be surprised if people see the issue in different ways to you – just explore all the options!

Investigate Other Organisations

Once you have all agreed on your aims and objectives, it is important to see whether there are any other local groups are doing a similar thing.

There are many groups in and around Rushmoor, so you need to check that you are not duplicating the work of other groups. If you have a very similar project to someone else, perhaps think about working together to share resources and experience, or perhaps simply joining their group instead of setting up a new one.

If you would like to check if other groups are already providing similar services to yours then please [contact us](#) and we will advise you.

Your first meeting

So you've got some interested people, have set your aims, and have checked to see that you are not duplicating the work of others. Now it's time to have your first meeting.

Normally you would hold a public meeting to tell others what you are trying to do. You can publicise this to the wider community, to other groups who work in your field, or prominent members of the local community (e.g. local councillors, local authority staff, parish councillors etc). It is up to you who you invite, but the idea is to:

- Tell others what you will do
- Attract more volunteers or support
- Raise your groups profile
- Get input from others about how you can develop

Your meeting could be a formal launch or an informal chat over a cup of tea. Whichever approach you take, make sure you record who was there, and the main points of the meeting so you have a record to draw upon. Even take photos if you can (and have permission from the attendees!)

You can also use this meeting to see if people would be willing to sit on your management committee. The management committee normally consists of a Chairperson, Treasurer and Secretary, plus a few general committee members. The role of the committee is to make the overall decisions about the group and its work, and to act as the accountable people for the group. You can find out more about the roles of the committee in our other spotlights.

Drawing up your Governing Document

A governing document is a set of rules that all members of the group agree to abide by. There are many templates available from RVS, but you will need to alter them to suit the needs of your group.

Your governing document will detail your aims and powers, how your management committee and membership will work, and how decisions will be made. It is important to have a governing document as it shows you are democratic and accountable, and can be referred to if there are any disagreements within the group or if decisions need to be made.

Once you have agreed the content, the governing document is signed by committee members and 'adopted' (agreed on) by people entering your group.

Finding volunteers

You may find volunteers come forward as they hear about your project. Alternatively you can advertise with Rushmoor Volunteer Centre who will help you to find volunteers and talk to you about how best to manage and support volunteers. Visit their website for details www.rvs.org.uk/volctr

Making a plan

It is important that your group draws up a simple plan to work out what you want to do, why you want to do it and how you will do it. You always need to think about how the activities you plan help you to achieve your group's overall aim – if they do not, you need to reconsider whether you should be doing them at all!

Your plan should include:

- What you want to do and why
- How you plan to do this
- Details of the resources you have in place (e.g. people's time and skills, money, equipment, use of premises etc)
- Details of resources you need and how you plan to get them
- Timetable of your activities, and the steps you need to reach your aim
- Details of how you will show if your event/activity was successful

If you have lots of ideas, it is a good idea to prioritise them. It is better to do a couple of things really well than to take on too much and not achieve what you want.

If you can, allocate specific jobs to people, as it is easier to keep track of your progress then.

Funding and managing money

Even at this early stage, you may need to think about finding funding to allow you to run your activities. There are lots of different ways to raise funds, from Do-it-yourself fundraising to applying for grants.

Structures for a Group:

There are lots of different structures you can use to set up your group. We suggest you use the 'Decision Tool' on the [Get Legal website](#), [or contact us](#) to see which is most suitable for your group.

Structures for Voluntary and Community Groups

In the first part of this sheet we look at legal structures which are suitable for community organisations, ranging from small neighbourhood groups run by local people to larger voluntary agencies with staff.

The three usual types of structure which your organisation may want to consider are:

- Unincorporated association
- Charitable trust
- Charitable Company

Whichever structure you choose, you must draw up a set of rules stating how your group will work (known as the governing document).

There are different types of governing document for each structure.

Unincorporated association

An unincorporated association is a membership organisation. It can be whatever its members want it to be, and carry out whatever activity you choose. It is the easiest, quickest and cheapest way for a group to set itself up. Unless there is a membership fee, you are not even obliged to keep a membership list – anyone who is entitled by your rules to be a member can simply turn up and take part. This structure is suitable for groups such as playschemes, pensioners associations, arts groups and campaigning groups.

You do not have to seek approval of any kind before setting up. Nor do you have to register with any regulatory body, though if your group has charitable aims and an annual income above £5,000 you are required to register with the Charity Commission.

You are free to draw up your own democratic constitution setting out the rules under which your group will be run. If your group plans to register as a charity, it may be best to adopt the Charity Commission's own model constitution for a charitable unincorporated association.

Advantages

- Simple and flexible.
- No need to have the constitution agreed by any outside body (unless you are registering as a charity)
- Cheap to run. No need to submit accounts to anyone outside (unless you register as a charity, or funders demand it).
- If you have charitable aims, you can register as a charity and gain advantages such as funding which is available only to charities.
- Democratic constitution

Disadvantages

- Some funders may prefer a more formal structure, especially if you are looking for big sums of money.
- Your group has no separate legal existence – it is a collection of individuals. This means that:

– it cannot own property in its own right

– it cannot enter into contracts – if it wants to rent premises or employ people, this is done in the eyes of the law by individuals on behalf the group.

- Individual members of your management committee are personally responsible for the group's obligations and debt and are liable if, for example, it is sued.

Summary

The fact that this is so flexible and cheap means it is ideal for many small groups. If you are considering doing something more major – employing a worker or managing a building – you may well need a structure, which gives the group a legal existence and gives members more individual protection.

Charitable trust

A charitable trust is a legal form, which is set up by means of a trust deed. Naturally the aims of the trust must be charitable and the trust will register with the Charity Commission.

A trust is usually set up to manage money or property for a charitable purpose. It is not a membership organisation but is run by a small group of people, known as trustees, although the trust deed can be written in such a way as to allow for members. The trustees make all the decisions and have all the responsibility. Trustees can be appointed for life when the trust is set up, or can be changed regularly. Trustees must not receive any remuneration from the trust or receive any personal benefit from its activities.

Advantages

- It is fairly cheap to establish. There is no registration fee, although there is a small stamp duty to pay.
- It is fairly simple to set up. The Charity Commission publishes a model declaration for a charitable trust (trust deed). However if you are at all uncertain about the trust deed it is sensible to get legal advice, as the deed is a formal document.
- It is worth considering for a charity with more professional aims which wants to employ a very small number of workers or manage a building. Property can be held in the name of individual trustees for use by the charity, though the charity cannot purchase property in its own name.
- It gives continuity to the group, and regulation by the Charity Commission gives a 'seal of approval' to its activities.
- Funders may find the more formal and stable structure reassuring. Some funders will give grants only to registered charities.

Disadvantages

- As a registered charity, your group has obligations. Among other things, you must draw up your annual accounts and report in a particular way and send a copy to the Charity Commission.
- A charitable trust is an unincorporated organisation, which means that its trustees are personally liable for its obligations and debts.
- You cannot carry out political or campaigning activities, but your group can have educational aims.
- There is not generally any formal method for users to influence the work of the organisation. All decisions are made by a small group of people who are not necessarily easily replaceable (The Charity Commission suggests having between 3 and 9 trustees). So it is not a suitable structure for a group, which wants to encourage a large and active membership.

Note on the Financial Liability of Trustees and Officers

If an unincorporated association or a charitable trust closes with outstanding debts, its officers or trustees will be personally liable for the debts. Some insurance companies offer a policy which will enable officers to claim for any debts which they have to cover. However, insurers usually state that closure of the group must be outside of the control of the officers or trustees. There are usually other exclusion clauses too which may make it difficult to put in a successful claim.

If you think that your group really needs this sort of insurance cover, then it may be a good idea to look again at your structure and consider forming a limited company (an incorporated organisation) instead. If, after that, you decide to remain unincorporated and take out financial liability insurance, look very closely at the policy.

Charitable Company

A Charitable Company is a limited company with charitable aims. It is an incorporated organisation, which means that it has a legal identity separate from its members. In law, a limited company is considered to be a person and it can therefore own land or enter into contracts. The directors are agents of the company and are not personally liable for its debts.

A company is a membership organisation. However, unlike an unincorporated association, members must be named and a list of members forms part of the Company Register. A company can also demonstrate, through its Memorandum & Articles of Association (its governing document) that it is accountable to the community and charitable in its aims. The directors of a Charitable Company are also its trustees and perform the role of the management committee.

The Charity Commission provides a model Memorandum & Articles of Association for a Charitable Company but you would be well advised to seek legal help in drawing these up. Establishing a Charitable Company currently involves registering with both Companies House and the Charity Commission. If your group is an unincorporated association, which is already registered as a charity, there may come a point when you wish to become incorporated. Forming a Charitable Company to take over the affairs of the unincorporated charity does this. The Charity Commission now has an application pack, together with advice and guidance, on its website which makes the process quicker and easier.

There are two types of limited company:

- Company limited by guarantee

There are no shareholders and any surplus is reinvested in the company. The Charity Commission recommends this type.

- Company limited by shares

This type of company is more usually found in the commercial sector, where its members (shareholders) are investing money in the hope of gaining a profit. However, there are some organisations in the community, which are set up as companies limited by shares.

Advantages

- It is very suitable for a larger organisation, which has considerable assets (e.g. equipment, a building) and employs more than a few staff.
- The company can take on legal obligations and buy property in its own name. The organisation and not its members are responsible for any debts. However directors do have a legal duty to act prudently and to ensure that the company manages its finances carefully.
- Many funders regard this structure as more stable, as they know the company will continue to exist even if there is a change of people involved. This increases your chances of success if

you are applying for larger sums of money. Some funders will give grants only to registered charities.

Disadvantages

- It is expensive to set up. It is time consuming to run and annual accountancy fees can be high. Both Companies House and the Charity Commission regulate a Charitable Company. You have to notify them of every change of directors/trustees and draw up a particular form of annual accounts and reports.
- A Charitable Company cannot have political or campaigning aims, but you can have educational ones
- Companies must follow the Companies Act, which leads to an increase in administration

Structures for Social Enterprise

Social enterprises have been defined as 'a business with primarily social objectives whose surpluses are principally reinvested for that purpose in the business or community, rather than being driven by the need to maximise profit for shareholders and owners'

Legal structures to consider are:

Limited companies

This may be a company limited by shares or limited by guarantee. Its Memorandum & Articles of Association must state that any surplus is put towards the company's social purpose and usually defines the company as democratic and accountable to the community through its membership.

In law, a Limited Company is considered to be a person and it can therefore own land or enter into contracts. The directors are agents of the company and are not personally liable for its debts. This is a flexible structure, suitable for a wide range of Social Enterprises, but regulation by Companies House is fairly strict and there are detailed requirements for annual reports & accounts.

Community Interest Company

A CIC is a limited company with special features to ensure that it works for the benefit of the community. It differs from a charitable company in that it can be established for any legal purpose which benefits the community, whereas a charity must have exclusively charitable purposes. A further advantage is that a CIC is subject to lighter regulation than a charitable company. On the downside, a CIC may not be eligible for funding which is available to a charity.

CICs commit their assets and profits permanently to the community by means of an "asset lock", ensuring that assets cannot be distributed to shareholders. They report to a new independent regulator, the Regulator of Community Interest Companies. A big advantage is that CIC's not-for-profit status is visible as well as assured. It is worth noting that a CIC cannot register as a Charity, but that a Charity may set up its trading subsidiary as a CIC.

CICs have to register with Companies House as a company limited either by guarantee or by shares and then apply to the new Regulator for CIC status. The CIC Regulator's website has detailed guidance notes on all aspects of setting up a CIC, or converting an existing limited company to a CIC.

Industrial and Provident Society (IPS)

An Industrial and Provident Society (IPS) is an incorporated organisation and its members benefit from limited liability. There are two types of IPS:

- a *bona fide co-operative society*

- a *society for the benefit of the community*

An IPS must register with the Mutual Societies Registration section of the Financial Services Authority, the regulatory body. In general regulation is lighter than for Limited Companies and the accounting requirements far less stiff.

An IPS is run by its members and there are several sets of model rules. Profits must generally be ploughed back into the business. Where parts of the profits are used for another purpose, that purpose should be similar to the main aim of the society, for example for philanthropic or charitable purposes. Where the rules of the IPS allow assets to be sold, the proceeds must be put into its business activities. A change in the law has now made it possible for a non-charitable IPS to have an “asset lock”, similar to a CIC above, to ensure that its assets are always used to benefit the community.

An IPS whose aims are wholly charitable is considered an ‘exempt charity’ - it cannot register with the Charity Commission and is not regulated by them, but it is generally bound by charity law.

However, following the March 2010 Act, Community Benefit Societies with an income over £100,000 will register with the Charity Commission. This change is likely to happen some time in 2011.

A charitable IPS already has an “asset lock” under charity law.

a) Bona Fide Co-operative Society - This is a business owned and democratically controlled by its employees and founded on seven basic principles, one of which is Concern for the Community. Although a co-op must make a surplus to be successful other motives may be equally important; for example, a recycling co-op will be based on concern for the environment. A co-operative must have at least two members.

A Credit Union is a specialist form of co-operative, regulated by an act of parliament covering financial services. It is a financial co-operative whose savers are its members. Money is saved in a common fund and can be used to make low interest loans to members. A Credit Union is run by a Board of Directors elected from among the membership at the AGM. There are other specialist co-operatives such as housing co-ops which are covered by separate regulation.

b) Community Benefit Society - A Community Benefit Society (called a Society for the Benefit of the Community until a recent change in legislation) must show that its activities benefit the wider community rather than simply its members. It also has to demonstrate a ‘special reason’ for registration as an IPS rather than as a company.

For more information of legal structures, please contact:

Charity Commission www.charitycommission.gov.uk

Companies House www.companieshouse.gov.uk

Community Interest Company Regulator www.cicregulator.gov.uk

Further Resources

Get Legal Toolkit - free online reference and decision-making tool for charities, social enterprises and co-operative organisations www.getlegal.org.uk

Information taken from the Resource Centre factsheet on ‘Finding a legal structure to suit your group’ www.resourcecentre.org.uk

Simple Construction Template:

The following constitution is ideal template to use for small-unincorporated groups who are not necessarily interested in becoming a registered charity but want a simple governing document.

If you want to become a Registered Charity and meet the aims of the Charity Commission please visit their website for a [sample constitution](#).

Please read the template and make changes to suit your group as appropriate

[Name of group] constitution

1) Name.

The name of the Group shall be [\[insert name of group here\]](#)

2) Aim.

The aim of the Group shall be to [\[insert aim of group here\]](#)

3) Powers [\[take out any 'powers' your group won't use\]](#)

In order to achieve its aim the Group may:

- a) Raise money
- b) Open bank accounts
- c) Acquire and run buildings
- d) Take out insurance
- e) Employ staff
- f) Organise courses and events
- g) Work with similar Groups and exchange information and advice with them
- h) Do anything that is lawful which will help it to fulfil its aim.

4) Membership

a) Membership of the Group shall be open to any individual over eighteen without regards to disability, political or religious affiliation, race, sex or sexual orientation who is:

- interested in helping the Group to achieve its aim
- willing to abide by the rules of the Group and
- willing to pay any subscription agreed by the Management Committee.

b) The membership of any member may be terminated for good reason by the Management Committee: Provided that the member concerned shall have the right to be heard by the Management Committee, accompanied by a friend, before a final decision is made.

5) Management Committee

- a) The Group shall be administered by a Management Committee of not less than three and not more than [insert number] individuals elected at the Group's Annual General Meeting (A.G.M.).
- b) The Officers of the Management Committee shall be: the Chairperson, the Treasurer and the Secretary.
- c) The Management Committee may co-opt onto the Committee, up to three individuals, in an advisory and non-voting capacity that it feels will help to fulfil the aim of the Group.
- d) The Management Committee shall meet at least **two times** a year. [check if this is feasible for your group - you can meet more often]
- e) At least three Management Committee members must be present for a Management Committee meeting to take place.
- f) Voting at Management Committee meetings shall be by a show of hands. If there is a tied vote then the Chairperson shall have a second vote.
- g) The Management Committee shall have the power to remove any member of the Committee for good and proper reason.
- h) The Management Committee may appoint any other member of the Group as a Committee member to fill a vacancy, provided that the maximum prescribed is not exceeded.

6) The Duties of the Officers

- a) The duties of the Chairperson shall be to:
 - Chair meetings of the Committee and the Group
 - represent the Group at functions/meetings that the Group has been invited to and
 - act as the spokesperson of the Group when necessary.

- b) The duties of the Secretary shall be to:
 - keep a membership list
 - prepare in consultation with the Chairperson the agenda for meetings of the Committee and the Group
 - take and keep minutes of all meetings and
 - collect and circulate any relevant information within the Group.

- c) The duties of the Treasurer shall be to:
 - supervise the financial affairs of the Group and
 - keep proper accounts that show all monies received and paid out by the Group.

7) Finance

- a) All monies received by or on behalf of the Group shall be applied to further the aim of the Group and for no other purpose.

- b) Any bank accounts opened for the Group shall be in the name of the Group.
- c) Any cheques issued shall be signed by the Treasurer and one other nominated member of the Management Committee.
- d) The Group shall ensure that its accounts are audited or independently examined every year.
- e) The Group may pay reasonable out of pocket expenses including travel, childcare and meal costs to members or Management Committee members.

8) Annual General Meeting

- a) The Group shall hold an Annual General Meeting (A.G.M.) in the month of [insert month]
- b) All members shall be given at least fourteen days notice of the A.G.M. and shall be entitled to attend and vote.
- c) The business of the A.G.M. shall include:
 - receiving a report from the Chairperson on the Group's activities over the year
 - receiving a report from the Treasurer on the finances of the Group
 - electing a new Management Committee and
 - considering any other matter as may be decided.
- d) At least [insert number or percentage] members must be present for the Annual General Meeting and any other General Meeting to take place

9) General Meetings

- a) There shall be 2 General Meetings (excluding the A.G.M) each year.
- b) All members shall be entitled to attend and vote.

10) Special General Meeting

A Special General Meeting may be called by the Management Committee or [insert number or percentage] members to discuss an urgent matter. The Secretary shall give all members fourteen days notice of any Special General Meeting together with notice of the business to be discussed.

11) Alterations to the Constitution

Any changes to this Constitution must be agreed by at least two-thirds of those members present and voting at any General Meeting.

12) Dissolution

The Group may be wound up at any time if agreed by two-thirds of those members present and voting at any General Meeting. In the event of winding up any assets remaining after all debts have been paid shall be given to another Group with a similar aim.

13) Adoption of the Constitution

Until the first A.G.M. takes place the persons whose names, addresses and signatures appear at the bottom of this document shall act as the Management Committee referred to in this constitution.

This Constitution was adopted on by

[Management committee to complete this section]

Name.....

Address

.....

Signed

Name.....

Address

.....

Signed.....

Name.....

Address

.....

Signed.....

Registering as a Charity:

Introduction

This information is for groups who are considering becoming a registered charity.

The law on charities and what organisations can be 'Charities' has changed when legislation came into force in 2006.

Under the new rules, if your activities are charitable you must register if your annual income is over £5000 a year or more. If you do not have this amount of income, the Charity Commission will not necessarily register you.

Are you a Charity?

The 2006 Charities Act introduced more categories about what is defined as 'charitable'. The new categories are numerous but more tightly defined:

1. the advancement of education

2. the advancement of religion
3. the advancement of health or the saving of lives
4. the advancement of citizenship or community development
5. the advancement of the arts, culture, heritage or science
6. the advancement of amateur sport
7. the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
8. the advancement of environmental protection or improvement
9. the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
10. the advancement of animal welfare
11. the promotion of the efficiency of the armed forces of the Crown; or the efficiency of the police, fire and rescue services or ambulance services, and;
12. any other purposes charitable in law

Category 13 is intended to cover existing charities which might have problems fitting into the other new categories.

Public Benefit

The test that a charitable activity must be 'For Public Benefit' is now applied more tightly. Now all Charities will have to meet this test by showing the organisation really does benefit a 'wider community' and is not just for the benefit of the 'active membership'. Guidance on the criteria used to assess public benefit is on the Charity Commission website at <http://www.charitycommission.gov.uk/Library/guidance/publicbenefittext.pdf>

Next steps

If you think you fit the criteria set out by the Charity Commission, you need to also consider why you want to be a Registered Charity.

These are the basic questions you need to answer.

- *Why* do we need a new Charity? What is the big picture in terms of your goals and values? What difference will it make, and to whom?
- *What* can we achieve in a realistic period (over next few years for example)
- *How* will we set up practical work to do what we want to do (actual projects over months or a year)

You also need to check that there aren't charities in Milton Keynes doing the same thing as you as the Charity Commission is less likely to grant you charitable status if there is any existing organisation

Registration

If you decide a new charity is needed, you then these are the basic steps towards registration

- Set out your aims and objectives, *all* of which must fall within one or other of the legal categories of 'charitable activity'. You must demonstrate that your proposed activities lead to a 'Public Benefit'
- Set out some clear rules and procedures for running your organisation, and demonstrate that using these rules and procedures will make sure you can stick to these aims and objectives and keep control of the money you raise.

- Register with the Charities Commission (unless you fall within some 'excepted' categories, such as being a very small charity, in which case other rules apply).

Advantages and Disadvantages

The main advantages are that charities:

- do not normally have to pay income/corporation tax (in the case of some types of income), capital gains tax, or stamp duty, and gifts to charities are free of inheritance tax;
- pay no more than 20% of normal business rates on the buildings which they use and occupy to further their charitable aims;
- can get special VAT treatment in some circumstances;
- are often able to raise funds from the public, grant-making trusts and local government more easily than non-charitable bodies;
- can formally represent and help to meet the needs of the community;
- are able to give the public the assurance that they are being monitored and advised by us;
- can seek advice from us; and
- can get information from us, for example, our range of free publications.

The main disadvantages of being a charity are:

- There are restrictions on what you can do, both in terms of types of work and ways you can operate
- Your aims must be exclusively charitable
- There are limits on your political or campaigning activities
- There are strict rules about trading by charities
- Trustees can not receive financial benefit from a charity unless it is stated in your governing document (this includes salaries, services etc)
- Trustees must avoid any situation where their personal interest conflicts with their duties as Trustees
- There are certain reporting obligations as you are accountable to the Charity Commission
- Charity status is a recognised legal status, but it does not provide a separate legal entity in the way that incorporation does.

Visit the Charity Commission website for more details <http://www.charitycommission.gov.uk/>

Trustees

You need to think about who you will put forward as Trustees or Board Members. They need to be credible, not only for their knowledge and enthusiasm, but also as people who can demonstrate competence and integrity (what the Charity Commission deems as 'fit and proper' people)

Make sure that the Trustees know what they are signing up for, and have robust and clear procedures and policies for them to follow.

Accounts

The annual accounts will need to be drawn up properly, and reports submitted annually. The Charities Commission will require reports in a specific format which will not necessarily be the form most useful for you in the day-to-day running of your organisation. You may find that you are faced with extra costs and administrative work to meet the requirements of being a charity.

Further Resources

Charity Commission www.charity-commission.gov.uk - have information on all aspects of running a charity

A copy of the Charity Commission booklet 'Registering as a Charity' is available online.
http://www.charity-commission.gov.uk/FAQS/Starting_a_charity/113.aspx

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