

Registration as a Charitable Incorporated Organisation

The protection of the interests of players in England Squash Masters (“ESM”) tournaments is of paramount importance to the functioning of England Squash Masters. In view of the increasing popularity and growth in ESM regional and national events the Committee undertook a review of the ESM structure to establish whether it is still appropriate to the needs of the players as well as to the other parties – e.g host clubs, referees, volunteers and IT service providers – that ESM depends on. As a result of this review the Committee has decided that the current structure of ESM does need to be amended and that the appropriate course of action is for ESM to register as a Charitable Incorporated Organisation (CIO). This is something that several county squash associations have already done.

Rationale

ESM is set up as an “unincorporated association”. This is how many sports clubs come in to being and simply reflects that a group of people with a common interest have come together and established a club with a set of rules for itself. Although this structure is very flexible it has two risks that the Committee believe are highly relevant to ESM :

- 1) Unlimited liability. The Committee and members of ESM would be individually exposed with unlimited liability in the event any claim was made against ESM
- 2) Lack of legal identity. ESM cannot own property, e.g. IT equipment, in its own name or enter into contracts with outside parties to provide support services. All this has to be done in the names of individual Committee members which impacts the ability of ESM to conduct its affairs and also makes it hard to transfer ownership of services or property as the Committee changes

With the growth in participation at ESM tournaments these risks critically hamper the ability of ESM to develop further the regional events which it offers and to formalise the relationships with external groups such as England Squash and the PSA that are necessary to promote the interests of masters players in the National Championships and British Open in the future.

The issues above are both addressed by incorporating ESM. There are two main routes to achieve this: i) incorporation as a company, or ii) incorporation as a CIO. Incorporation as a company would impose onerous ongoing responsibilities on ESM such as the obligation to maintain a board of directors and the Committee believe that registering as a CIO is more appropriate for ESM.

Implementation

The Committee is asking the players meeting to adopt a new constitution for ESM. This new constitution has been drafted from a template provided for use by organisations seeking CIO status. Although it is longer than the current version, most of the material relates to establishing the framework of rules around the actions of the trustees that protect the assets of the charity. Approval of the new constitution will be contingent on the application for registration being successful.

Implications for Players

The intention is that this change should not affect the players and the way that they enter tournaments or otherwise deal with ESM.

Membership – the new constitution has a formal definition of membership which is missing from the current terms of reference. There will be no separate membership fee for playing members, players will simply enter ESM events as they currently do. Membership is conferred when the tournament entry is accepted and will last for five years from the date of the last tournament entered unless terminated earlier. There will be three classes of membership – Full Playing, Associate Playing and Social. Full playing members are those registered with England Squash and eligible to represent England, full playing members will be entitled to vote at general meetings of ESM. Associate Playing members are those players registered with another national governing body other than England Squash and not eligible to represent England. Associate playing members will not be entitled to vote at general meetings of ESM. Social membership will be open to people who wish to support the aims of ESM but who do not want to enter and play in tournaments. Social members will not be entitled to vote at general meetings of ESM.

Players Meeting – Rules for incorporated charities require that a general meeting is held at least every eighteen months. In order to satisfy this requirement, the Committee is proposing that the biennial players meeting is replaced with an annual AGM that should be held during whichever of the National Championships or British Open is closest to a full calendar year from the previous AGM.

Committee – The Committee composition will not change and the requirements for fair gender representation will remain. Members who join the Committee will become trustees of the CIO during the period until they step down. With the change to an annual meeting, the Committee proposes that 1/3 of the trustees stand for re-election at each AGM on a rotating basis rather than the full Committee every two years as at present.

JNJ Sheppard – Secretary England Squash Masters

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