

THE ROYAL BRITISH LEGION

(Incorporated by Royal Charter)



Annual Conference 2014 Charter Motions and Motions Carried Responses by the Board of Trustees

**199 BOROUGH HIGH STREET
LONDON, SE1 1AA**

The Board of Trustees wishes to inform TRBL formations of the action taken on the Charter Motions and Motions carried at Annual Conference held on 17th and 18th May 2014 at Torquay.

Please note that changes to the Rules as requested by Annual Conference and approved by the Board of Trustees as notified herein are **effective immediately** and will be incorporated into the full printed version of the Royal Charter and Schedules and circulated in due course.

The Board of Trustees also wishes to take this opportunity to inform TRBL formations of the response by the Privy Council to Charter Motion 4 which was carried at Annual Conference 2013 at Llandudno, and accepted by the Board at its meeting on 20th June 2013.

CHARTER MOTIONS AND MOTIONS CARRIED

CHARTER MOTION 2

Charter Motion 2

Page 4 Article 3(e), before “to promote” add the words “as custodian of Remembrance.”

Vote at Annual Conference: 399 For 6 Against

RESPONSE BY THE BOARD OF TRUSTEES

A similar Charter Motion (Charter Motion 5) was carried at Annual Conference 2013 but not subsequently supported by the Board of Trustees because Trustees believed that the proposal argued that the word “remembrance” had a different meaning to “commemoration”, and that “commemoration” did not include acts of “remembrance.” The Board was also concerned that the inclusion of “remembrance” could possibly lead some Branches into believing that it would be permissible to begin spending charitable monies on war graves and/or war memorials. The Board of Trustees, therefore, at its meeting on 20th June 2013, decided not to support Charter Motion 5.

The Royal British Legion’s Remembrance Strategy, dated 27th March 2014, contains the following statements:

“4.1 Since its formation in 1921, The Royal British Legion has been regarded as the national Custodian of Remembrance.

4.2 The Royal British Legion created the national symbol of Remembrance [the red poppy], promotes the place of Remembrance in modern society and leads the British public in Remembrance activities.”

Taking into account the above, the Board of Trustees believes that Charter Motion 2 (2014) better makes the distinction between “remembrance” and “commemoration” and enshrines The Royal British Legion’s role as the national Custodian of Remembrance within the Royal Charter. However, formations should note that this does not give authority for expending charitable funds on war graves and/or war memorials. At its meeting on 19th June 2014, therefore, the Board of Trustees approved Charter Motion 2 by a two-thirds’ majority. It will now be submitted to the Charity Commission and the Privy

Council for their approval.

Charter Motion 3

Page 13, Rule 18(a), line 5 delete “3 members” and insert “1 member.” Page 14, Rule 18(a) insert after “Board of Trustees”, “2 members of the Membership Council appointed by the Chairman of the Membership Council.”

Vote at Annual Conference: 340 For 63 Against

The 2003 Royal Charter of Incorporation and Schedules, Version 8, 31st October 2013 contains, at page 19, the following definition of the Membership Council:

“A committee established by, and accountable to, the Board of Trustees, with such responsibility for the management and administration of members, other than Women’s Section Members, and membership issues as the Board of Trustees may from time to time determine.”

Annual Conference in its present form remains the responsibility of the Board of Trustees. However, the Board believes that this formal recognition of the Membership Council within the Royal Charter means that this body should be given a greater role in the management and administration of Annual Conference which is primarily a membership event.

At its meeting on 19th June 2014, therefore, the Board of Trustees approved Charter Motion 3 by a two-thirds’ majority. Given that there is no requirement to refer this matter to the Charity Commission and the Privy Council for further approval, this amendment takes effect immediately.

Charter Motion 4

Page 14, Rule 18(c), line 1, delete “2009 and each Annual Conference thereafter.” Delete Rule 18(b) and re-number Rule 18(c) as Rule 18(b).

Vote at Annual Conference: 340 For 16 Against

RESPONSE BY THE BOARD OF TRUSTEES

In 2008, the method of Annual Conference nominating members to serve on the Conference Committee changed from nominating three per year to nominating one per year in order to facilitate a rotation system. At that time, it was deemed necessary to explain in Rule 18 precisely how this change would be effected. As a full rotation of nominated members of the Conference Committee has now taken place, the Board believes that there is no reason to retain such an explanation in the Rules.

At its meeting on 19th June 2014, therefore, the Board of Trustees approved Charter Motion 4 by a two-thirds’ majority. Given that there is no requirement to refer this matter to the Charity Commission and the Privy Council for further approval, this amendment takes effect immediately.

Charter Motion 5

Page 15, Rule 28(e), insert “and administration” after “general policy.”

Vote at Annual Conference: 336 For 71 Against

RESPONSE BY THE BOARD OF TRUSTEES

The “Reason for Inclusion” for Charter Motion 5 states that its purpose was: “To give Annual Conference a more meaningful role in the governance of TRBL.” This theme of an increased role in governance for Annual Conference was repeated on three further occasions in the “Main Argument.”

Charity Law and Charity Commission guidance stipulates that the governance of a charity (which includes its strategic direction) is vested in its Board of Trustees, and that this responsibility cannot be delegated. The Legion membership, of course, has its say in the governance of the charity by electing the National Chairman, the National Vice-Chairman and seven elected Trustees. Annual Conference, in particular, has its say on governance by way of Charter Motions.

However, Charter Motion 5 is actually to add the words “and administration” as matters for debate at Annual Conference. What is unclear is what is meant by “administration” - the “Main Argument” for Charter Motion 5 includes the words “...but should have the right to raise major policy issues, e.g. Pathway for Growth.” A “major policy issue” is a strategic consideration, not a matter of administration. Apart from the fact that the Board of Trustees is responsible for setting the charity’s strategy, when Pathway for Growth was first presented to the Board in 2010, it went through several iterations and was debated at great length by twenty people; such debate would have been impossible at Annual Conference with four hundred plus delegates. Additionally, at Annual Conference 2014, Motion 3, concerning elements of Pathway for Growth, was debated and lost by 243 votes to 154.

Owing to this lack of clarity on what Annual Conference was attempting to achieve by way of Charter Motion 5, the Board of Trustees at its meeting on 19th June 2014 declined to support it. However, the Board of Trustees will recommend to the Conference Committee that Charter Motions and Motions submitted by formations that may, in the past, have been rejected as matters of administration, be considered more fully in the future.

Charter Motion 6

Page 15, Rule 24, line 1 insert after “Board of Trustees” “and members of the Membership Council”

Vote at Annual Conference: 385 For 21 Against

RESPONSE BY THE BOARD OF TRUSTEES

As Annual Conference provides a forum for all Branches to discuss and debate matters of interest and concern, the Board of Trustees, in proposing this Charter Motion, believes that members of the Membership Council, as the senior membership body, should be

allowed to participate in such debates and discussion.

At its meeting on 19th June 2014, therefore, the Board of Trustees voted by a two-thirds' majority to accept Charter Motion 6. Given that there is no requirement to refer this matter to the Charity Commission and the Privy Council for further approval, this amendment takes effect immediately.

Charter Motion 7

Page 15, after Rule 24 insert new Rule 25 and re-number subsequent Rules and cross references.

“25. Members of the Executive Board may, if so invited by the Chairman of Annual Conference, speak on any point of information, but are not entitled to propose, second nor speak for or against any Charter Motion or Motion. Neither may they vote or attend as the delegate of any Branch or County/District Conference.”

Vote at Annual Conference: 394 For 71 Against

RESPONSE BY THE BOARD OF TRUSTEES

There are occasions when Annual Conference may benefit from an expert opinion, for example, an internal TRBL policy or an external legal requirement. Should the Chairman of Conference believe that this may assist Conference delegates, and best be provided by a member of the Executive Board, he could invite a member of that body to address Conference. Such an address would be fact giving and not express any opinion for or against the item under discussion.

At its meeting on 19th June 2014, therefore, the Board of Trustees voted by a two-thirds' majority to accept Charter Motion 7. Given that there is no requirement to refer this matter to the Charity Commission and the Privy Council for further approval, this amendment takes effect immediately.

Charter Motion 8

Page 10, Rule 8(a), line 2, delete “in accordance with this Rule” and insert “of all Branches in accordance with procedures authorised by the Board of Trustees.”

Vote at Annual Conference: 387 For 11 Against

The current Rule 8 specifies not only who may stand for election to the Offices of National Chairman and National Vice-Chairman, and who is entitled to vote, but also the precise process to be undertaken. Such detail is not necessary in the Rules. Whilst this change allows change to the administration of elections between Conferences, it does not permit changes to the process of nomination of candidates or voting rights.

At its meeting on 19th June 2014, therefore, the Board of Trustees voted by a two-thirds' majority to accept Charter Motion 8. Given that there is no requirement to refer this matter to the Charity Commission and the Privy Council for further approval, this amendment takes effect immediately.

Charter Motion 9

Page 11, Rule 9, delete in entirety and insert:

“9. There are up to seven Elected Members of the Board of Trustees who are elected in accordance with the Governing Regulations.”

Vote at Annual Conference: 394 For 9 Against

Rule 9 was written to clarify the position as TRBL moved from a National Council to a Board of Trustees when, amongst other things, a limitation on the number of terms a person could serve on the Board of Trustees was introduced. This position has now lapsed through time as there are no longer any members of the Board of Trustees who also served on the National Council immediately prior to the change.

At its meeting on 19th June 2014, therefore, the Board of Trustees voted by a two-thirds' majority to accept Charter Motion 9. Given that there is no requirement to refer this matter to the Charity Commission and the Privy Council for further approval, this amendment takes effect immediately.

Charter Motion 10

Page 9, Rule 1, insert in alphabetical order new definition:

“Partial Term: a period of time less than a full term caused by either the premature ending of a full term held by the previous incumbent or by the current incumbent not fulfilling a full term for good reason if so agreed by the National Chairman.”

Page 12, delete Rule 12 in entirety. Page 13, delete Rule 17 in entirety. Insert new Rule 12 and re-number Rules and cross references accordingly. Re-word Governing Regulations 48 and 49 to avoid repetition and conflict.

“12. (a) The Chairman and Vice-Chairman take up Office at the close of the meeting of Annual Conference immediately following the date their election is declared and serve until the close of the third next meeting of Annual Conference unless their tenure of Office ends differently. The Chairman is not eligible for re-election or re-appointment to any position on the Board of Trustees. The Vice-Chairman is not eligible for re-election or re-appointment to any position on the Board of Trustees except he may be elected Chairman.

(b) Elected Members of the Board of Trustees become members of the Board of Trustees at the close of the meeting of Annual Conference immediately following the date their election is declared and serve until the close of the third next meeting of Annual Conference unless their tenure ends differently.

(c) Appointed members of the Board of Trustees hold that appointment from the date specified for that purpose upon their appointment until the expiration of their term of appointment, which shall be no longer than 3 years, unless their tenure ends differently.

(d) Members of the Board of Trustees, other than the Chairman of the Women’s Section, whether elected, appointed or a combination of both, may serve no more than 3 terms and one Partial Term. They may also serve a term as Vice-Chairman and a term as Chairman.

(e) In the event of a vacancy arising for the Office of Chairman or Vice-Chairman, the Board of Trustees shall have the power to appoint a fit and proper person, being a Member or Life Member of the Legion, to discharge the duties of the Office vacated until the unexpired portion of the Office in question expires. Such appointment shall not prevent the person concerned from being nominated for that Office for a further term.

(f) Any vacancy occurring among the Elected Trustees shall be filled, for the remainder of its term, by the unelected candidate who polled the next largest number of votes in the election at which the Elected Trustee who caused the vacancy was elected. Should there be no such candidate, and the remainder of the term for the position in question is greater than 15 months, a suitable Member or Life Member may be co-opted by the Board of Trustees for the unexpired period of the term; this would constitute a Partial Term for the person concerned.”

Vote at Annual Conference: 401 For 10 Against

RESPONSE BY THE BOARD OF TRUSTEES

These changes have been proposed as they more accurately and comprehensively reflect the way that TRBL controls the tenure of members of the Board of Trustees.

At its meeting on 19th June 2014, therefore, the Board of Trustees voted by a two-thirds’ majority to accept Charter Motion 10. Given that there is no requirement to refer this matter to the Charity Commission and the Privy Council for further approval, this amendment takes effect immediately.

Group “C” – General (Internal) - Motion 1

This Conference requests that the policy that requires caseworkers to be computer literate be amended in order that those experienced caseworkers without computer skills are able to continue their valuable and essential work.

Vote at Annual Conference: 322 For 87 Against

RESPONSE BY THE BOARD OF TRUSTEES

TRBL’s corporate strategy is to put the beneficiary at the heart of everything we do. The operating model has thus been designed to do exactly that, and to make the beneficiary journey as smooth as possible. In the operating model, caseworkers are case managers and will see a case through to a conclusion unless it becomes too complex for them to handle, at which point a case officer would be appointed to take it over. Cases are raised and passed to caseworkers through the Case Management System (CMS), a computer system that has some 7,000 users across 99 organisations in the military charity sector. This enables a far more effective and swifter passage of information from the point at which the beneficiary approaches TRBL for help, to the point at which a

caseworker becomes involved. CMS is directly linked to the Customer Relationship Management (CRM) system that gives TRBL caseworkers one view of the beneficiary, and data is automatically transferred between CMS and CRM. Providing this single view of each beneficiary reduces the frequently heard frustration of “having to repeat my story time and time again” each time that someone else becomes involved in a case. The only way that this single view can be achieved is electronically through clear and accurate data being maintained in one record through the digital medium.

To be allocated a case, therefore, caseworkers have to be able to access and manage it online. Moreover, there is no capacity within the Area teams for the manual transmission of cases with the associated requirement for the input of data into CMS by someone other than the caseworker. The management of information electronically by authorised individuals, rather than through paper files, creates a safer and more secure data management system which is easily auditable, thus reducing the risk of data protection infringement.

At its meeting on 19th June 2014, therefore, the Board of Trustees declined to support Motion 1.

Group “D” – General (External) – Motion 4*

This Conference calls upon the Board of Trustees to engage with the Home Office in order to seek assurances that the proposed changes to the policing of public parades will not impose charges for the policing of parades on Remembrance Sunday.

Vote at Annual Conference: 368 For 24 Against

RESPONSE BY THE BOARD OF TRUSTEES

This is already TRBL policy. Most local authorities and police forces do not charge for the policing of Remembrance Parades and are more than willing to work with TRBL to help organise them. However, in the past couple of years, a small minority (approximately seven local authorities) have decided to charge Branches some kind of fee, or had intended to until Head Office intervened.

In response to this worrying trend, in 2012 we wrote to the Home Secretary who responded with a supportive letter but which noted that this was a matter for local police forces and local authorities. In June 2013 we wrote to Sir Hugh Orde, President of the Association of Chief Police Officers (ACPO), to ask if he would be willing to produce a joint letter that would be sent to all Chief Constables of police forces in England and Wales. The letter was sent out in July 2013 and reminded local police forces that the Police Service as a whole has traditionally shown great support to TRBL during Remembrance Parades, whether by providing police officers to assist with the enforcement of road closures, or helping with general crowd control. Whilst acknowledging that there can be extenuating circumstances where making a charge is unavoidable, both TRBL and ACPO stressed to the various police forces that Remembrance is something that police officers have traditionally assisted with without charge.

TRBL similarly issued a joint letter with Sir Merrick Cockell, Chairman of the Local

Government Association (LGA), to all local authorities in England and Wales in August 2013. The letter urged local authorities to facilitate Remembrance Services and Parades without charge, and stressed that, whilst Branches and members play an active role in Remembrance Parades every year and are happy to take on the responsibility of organising such events, TRBL does not 'own' the parades. Local authorities were reminded that Remembrance Parades are often the responsibility of civic authorities and that, as such, Branches should not be left to cover the costs of these important community events.

Following the issue of these letters, we heard of no major issues with Remembrance Parades in November 2013. All local authorities in England, Wales and Scotland have now signed Community Covenants. Should we hear of any problems in the lead up to this year's Remembrance Services and WW1 commemorative events, TRBL will, of course, stand ready to take further action. The Board of Trustees supports this motion since it represents existing policy.

Group "D" – General (External) – Motion 6

This Conference requests that the Board of Trustees liaise with the Service Personnel and Veterans Agency regarding research into the introduction of a Veterans Identity Card.

Vote at Annual Conference: 359 For 57 Against

RESPONSE BY THE BOARD OF TRUSTEES

The prospect of introducing a Veterans Identity Card has been raised during many UK Parliamentary and Welsh Assembly Plenary debates regarding support for the Armed Forces. Most recently, the concept of a single form of identification for members of the Armed Forces community was raised in Lord Ashcroft's Veterans' Transition Review.

A card to enable veterans to access discounts already exists, which includes a basic identity check needed to prove eligibility for the card. The Defence Discount Service is currently open to Regular and Reserve Armed Forces personnel, Cadets, veterans, Service widows and widowers, and Armed Forces family members. Members of the Armed Forces community can sign up to the Defence Discount Service for free to start enjoying exclusive online discounts on the high street in a range of stores, restaurants and entertainment venues. The cost of the card is currently £4.99 for a five-year membership. We are aware that veterans' eligibility for this card is not widely known, however TRBL believes that, as the Ministry of Defence does more to promote and publicise the service, ever greater numbers of Service personnel and veterans will take advantage of the opportunity to access exclusive promotional offers that recognise and reward their service to the country.

In April 2013, the Welsh Government established a Task and Finish Group to look into the introduction of a Veterans ID Card for Wales: TRBL has played an active part in these discussions. A number of notable findings have come out of this working group, including the fact that there are already numerous forms of Armed Forces identity available to veterans, including proof of receipt of an Armed Forces pension, the 'official' Armed Forces Veterans Badge and the Ministry of Defence issued Privilege Card.

It is not, therefore, entirely clear precisely what benefit the introduction of a further form of identification for veterans will have. It is for this reason that TRBL has hitherto maintained that the funds needed to establish a new Veterans ID Card should instead be invested in the provision of high quality, essential frontline services for veterans.

At its meeting on 19th June 2014, therefore, the Board of Trustees declined to support Motion 6.

Group “D” – General (External) – Motion 7

This Conference recommends to the Board of Trustees that they obtain from the Ministry of Defence agreement that, for all future retiring Service personnel and for every Reservist on completion of an operational tour, during their resettlement process they be given a form asking them whether they wish their name and UK address to be passed to the nearest Branch of The Royal British Legion.

Vote at Annual Conference: 353 For 58 Against

A form is currently included in all regular Service leavers' packs which provides them with TRBL's contact details. Service leavers are inundated with information when they leave and we do not wish to burden them with yet another form. Indeed, we believe that Service leavers may already miss the existing form in their bundle of papers; therefore, rather than introduce them to another form, we need to build on the existing version.

TRBL's success in gathering additional information on Service leavers has been limited in the past. Requests by TRBL and other charities for more direct access on the Joint Personnel Administration (JPA) system has been denied by the Ministry of Defence (MoD) on the grounds of data protection.

We will request that the MoD ensures that the current contact details for TRBL in the existing Service leavers' form are up to date and include the number for the Contact Centre. We will also seek clarification on how this offer can be extended to Reservists returning from operational tours, and we will look at the messaging given by the Contact Centre to ensure that it includes the necessary membership information.

At its meeting on 19th June 2014, therefore, the Board of Trustees declined to support Motion 7.

Group “D” – General (External) – Motion 8

This Conference requests the Board of Trustees to lobby HM Government to ensure people on benefits who are volunteering to help The Royal British Legion are not disadvantaged by being threatened to have their benefits withdrawn.

Vote at Annual Conference: 234 For 157 Against

RESPONSE BY THE BOARD OF TRUSTEES

Official guidance from the Department of Work and Pensions (DWP) states that, in nearly all cases, there are no restrictions on individuals undertaking volunteering if they are in receipt of State benefits. There are, however, some cases where an individual's benefits

can be affected – for example, if the organisation with which they are volunteering pays a subsistence allowance, or they are carrying out work that someone else would normally be paid for.

TRBL is obviously concerned by reports that some individuals are being prevented from volunteering for us, but we feel that the current official guidance represents a reasonable approach to volunteering. Instead, we would stress to any individuals currently in receipt of State benefits that, before undertaking voluntary work with TRBL, they should first speak to Job Centre staff in order to clarify their position. If specific examples are found of restrictions being placed on volunteering activity which contravenes official guidance, TRBL will, of course, take this up with the local Job Centre and other relevant agencies.

At its meeting on 19th June 2014, therefore, the Board of Trustees declined to support Motion 8.

RESPONSE BY THE PRIVY COUNCIL TO CHARTER MOTION 4 AT ANNUAL CONFERENCE 2013 IN LLANDUDNO

Charter 4 at Annual Conference 2013 in Llandudno read as follows:

Page 7, Article 15, line 1 delete “Fundraising is to take place in the name of the Legion and only for purposes defined in the objects”, and insert “Fundraising carried out in the Legion’s name must be solely on behalf of the Legion and for the furtherance of the Legion’s objects.”

Effect if passed: it will help to ensure that all donations collected by Legion members, wearing Legion clothing under a Legion banner, actually go to the Legion.

The purpose of Charter Motion 4 was to clarify the anomaly of TRBL Branches fundraising on behalf of other charities, in particular other Service charities. At its meeting on 20th June 2013, the Board of Trustees voted by a two-thirds’ majority to accept Charter Motion 4 and it was duly forwarded to the Privy Council for approval.

In a letter dated 15th May 2014, the Privy Council responded as follows.

“Privy Council Advisors appreciate in principle why TRBL may wish to tighten its Royal Charter to help focus local fundraising efforts and Advisors have no objection in this regard. However, Advisors are concerned that there may be an unintended consequence of the change that TRBL may wish to consider further.

TRBL’s explanation for the proposed change is to ensure that “all donations collected by TRBL’s members in the name of TRBL, and using TRBL’s brand, would go to TRBL. Whilst it would prevent joint fundraising activities, it would not prevent the making of grants to any ex-Service charity that shares one or more of TRBL’s objects.” In regard to the local collection of donations, Advisors suggest that the proposed change is unlikely to create any difficulties. However, more widely TRBL works with Help for Heroes (H4H) and the Ministry of Defence (MoD) in the delivery of personnel recovery, and an element of this involves a degree of charitable fundraising activity. It would, Advisors suggest, be unfortunate if the new Royal Charter wording prevented or restricted such joint/collaborative working, for example, by preventing TRBL’s logo being displayed

alongside that of H4H.

In a similar vein, Advisors suggest that it would be disappointing for all concerned if the change also restricted any other collaborative activity by TRBL with other charities since, it is understood, this goes against the broadly understood aim of the Confederation of British Service Charities (COBSEO) (of which TRBL is a member) to encourage co-operation and collaboration between Service charities.

Advisors have asked that their comments be passed on to the Board of Trustees and look forward to hearing further from the Board when Trustees have had the opportunity to consider them.”

Applying the terms of this Charter Motion has caused difficulty in respect of joint fundraising activities since it was passed. The Board of Trustees believes that this eminently sensible and self-explanatory response by the Privy Council leaves open the possibility of TRBL working in collaboration and co-operation with other Service and non-Service charities in fundraising activities, where sensible, and in the pursuance of our objects. There was never any intention that the effect of the Charter Motion would be to prevent co-operation and collaboration with other organisations in the delivery of support to our beneficiaries.

At its meeting on 19th June 2014, therefore, the Board of Trustees accepted the advice of the Privy Council and asked that TRBL formations be advised of this course of action by its inclusion in the “Resolutions – Actions Taken Booklet” for Annual Conference 2014.