

# CONSTITUTION

## The British Flower and Vibrational Essences Association (including AGM voted amendments - March 2010)

### 1. NAME

- a. The Association shall be known as the "British Flower and Vibrational Essences Association" (hereinafter referred to as "the Association ") and also by the acronym "BFVEA".
- b. The name, symbols and acronym BFVEA may not be used for any purpose whatsoever without the prior written permission of the Association's National Executive Committee (as hereinafter defined).

### 2. OBJECTS

The objects of the Association (hereinafter referred to as "Objects") shall be:

- a. To be an association of persons engaged in the practice of, and/or study of, or with a general interest in Flower and/or Vibrational Essences.
- b. To promote the study of, and research into, (Vibrational Medicine, the production of) Flower and Vibrational Essences and to stimulate interest in Flower and Vibrational essences.
- c. To set guidelines for minimum content for Flower and Vibrational Essence practitioner training courses.
- d. To maintain the recognised Code of Ethics and Code of Conduct of the Association.
- e. To offer practitioner (and producer) support and also support for practitioner training courses which meet the BFVEA recognised guidelines for minimum course content.
- f. To provide a Group Insurance scheme.
- g. To maintain and publish a register of Practitioner Members (as hereinafter defined) of the Association who have each agreed to abide by the Code of Ethics and Code of Conduct.
- h. To compile, produce and distribute, from time to time, both to members and non members, information, leaflets, pamphlets, newsletters and (written or oral) guidance in relation to the practice, research or study of Flower and Vibrational Essences and any related laws, regulations and codes of practice; save that any information or advice, howsoever given, is understood to have been given in good faith, but carries no express or implied guarantee as to the accuracy of the said information or guidance, and persons acting on such information or guidance do so entirely at their own risk and cannot hold the BFVEA or any of its officers or members liable under any circumstances.

### 3. OFFICERS

- a. The Standing Officers of the Association shall consist of an elected Chairman, Treasurer & Secretary, **plus sufficient other voting members to meet the Association's administrative requirements** elected as Standing Officers. (Hereinafter these Standing Officers shall be collectively referred to as the Officers of the Association). These Officers form the BFVEA Executive Committee. The Committee shall be entitled to co-opt other BFVEA members or outside professional assistants from time to time to assist with the performance of the Committee functions, provided that no such co-opted person shall be entitled to vote on the decisions of the committee.
- b. Of the Standing Officers, the Chair, Treasurer, Secretary or one other Standing Officer shall also be designated as the Signatory Officers of the Association.

- c. If at any time during office any of the Signatory Officers (as identified at clause 3b.) should vacate their office or otherwise be unable to perform their duties, then the Executive Committee shall be entitled to appoint another person from the Committee (other than any person already serving in a capacity identified at Clause 3b.) to serve as a replacement for such vacated office or incapacitated Officer.

#### **4. MANAGEMENT**

- a. The business of the Association shall be conducted by a National Executive Committee (hereinafter referred to as "the Committee") which shall consist of the Officers of the Association as defined in Clause 3.
- b. The responsibility for the operation and conduct of the affairs of the Association shall rest with the Committee, which shall meet at least once annually and otherwise communicate by fax, e-mail, telephone and/or post as is required to responsibly carry out their duties.
- c. Only officers of the Committee may attend formal meetings of the Committee other than by specific invitation.
- d. The convening of meetings of the Committee is the responsibility of the Chairman or in his/her absence, the Secretary. A minimum of one week's notice of the date and place of any such meeting shall be given in writing by the Secretary to all members of the Committee and any other person(s) so required to attend.
- e. For the purposes of conducting the business of the Association during an Executive Committee meeting, 40% (rounded up to nearest whole number) of the current number of Committee members, at least one of whom should be a Signatory Officer, shall form a quorum.
- f. Prior to the first AGM, the Committee can co-opt or nominate a person from the national committee, to act as the Disciplinary Committee Chairman in the event of a complaint. He or she in turn may then co-opt at least two other Practitioner Members to form the Disciplinary Committee. Procedures for dealing with complaints are as outlined in the Code of Conduct.

#### **5. MEMBERSHIP**

- a.
  - i. **Practitioner Member.** Any person who has been vetted in accordance with the rules of the Association set by the Committee from time to time governing the vetting of a prospective Practitioner Member, who has been approved by the Committee as suitable, who has agreed to abide by the BFVEA Code of Conduct and who has paid their annual fee, current at that time, for Practitioner Membership of the Association, shall be entitled to Practitioner Membership, to be listed on the published list of Practitioner Members and to partake of the BFVEA Group Insurance scheme. Practitioner Members shall also be entitled to access to BFVEA information sheets, magazines, newsletters and other such information sent out from time to time. Practitioner Members have voting status.
  - ii. **Advanced Practitioner Member.** Any person who meets all the above requirements for Practitioner Membership and who has successfully completed a full, accredited BFVEA course and who has paid their annual fee, current at that time, for Advanced Practitioner membership of the Association, shall be entitled to Advanced Practitioner Membership.

Existing Practitioner Members may become Advanced Practitioner Members where their ongoing professional development since becoming a Practitioner Member meets the current training requirements of Advanced Practitioner membership as set down by the BFVEA Committee, and where their Advanced Practitioner Membership has been granted by the BFVEA Education and Membership panel plus the BFVEA Committee.

Advanced Practitioner Members are entitled to be distinguished by an 'A' when listed on the published list of Practitioner Members and to partake of the BFVEA Group Insurance scheme. Advanced Practitioner Members shall also be entitled to access to BFVEA information sheets, magazines, newsletters and other such information sent out from time to time and to have voting status.

iii. **International Practitioner and International Advanced Practitioner Member.** Any person living and working outside the UK who meets all the above requirements for either Practitioner or Advanced Practitioner Membership and who has agreed to take full personal responsibility for meeting any insurance and professional requirements for working in complementary therapy as set by their own country of residence and any country in which they practise. International Practitioner and International Advanced Practitioner Members shall also be entitled to access to BFVEA information sheets, magazines, newsletters and other such information sent out from time to time and to have voting status.

iv. **Tutor Member.** Advanced Practitioner Members may be called Tutor Members where they have been vetted in accordance with the rules of the Association set by the BFVEA Committee from time to time governing the vetting of prospective Tutor Members, where their courses meet some or all of the current course requirements as set down by the BFVEA Committee, and where their Tutor Membership has been granted by the BFVEA Education Panel and the BFVEA Committee. Only courses run by BFVEA Tutor Members and authorised by the BFVEA Education Panel and the BFVEA Committee will be endorsed by the BFVEA.

- b. **Expulsion.** The BFVEA Committee shall be empowered to expel from the Association any member whose conduct is, in their opinion, injurious, or which may tend to be injurious to the interests of the Association or its members, or which otherwise might bring the Association into disrepute. Before expelling a member, the BFVEA Committee shall investigate the circumstances and take action only in accordance with the BFVEA's Disciplinary Procedure, as set out in the BFVEA's Complaints and Disciplinary Procedure Appendix to this Constitution. The BFVEA Complaints and Disciplinary Procedure Appendix may only be amended in accordance with Clause 11 of the BFVEA Constitution.
- c. **Ceasing Membership.** Any person ceasing to hold membership of the Association for whatever reason shall not have any right to a refund of any membership fees already paid and shall forfeit all rights and privileges of membership, but shall be liable for the return of any property belonging to the Association or any dues or debts to the Association which became payable or were incurred before the date of resignation or expulsion.
- d. **Overseas BFVEA Members** will have all rights as per UK BFVEA Members but will pay an additional fee as decided by the Committee from time to time to take into account the extra communication charges.
- e. **Members of the public** with an interest in Flower and Vibrational Essences and/or the work of the BFVEA, shall be entitled upon payment of the required subscription, to receive copies of the Association's newsletter and *Essence* magazine. Such a subscriber may call themselves a 'Friend of the BFVEA' and become involved with the Association; but this arrangement does not confer membership status or voting rights upon such subscribers.

## **6. ELECTION OF OFFICERS**

- a. The Office of the Chairman and of all other Statutory Officers shall run for a period of two years. Each Officer, other than the Chairman, shall have the option of standing down at the end of one year of their term of office. Retiring Officers may stand for re-election.
- b. All Officers must be Practitioner (i.e. voting) Members

- c. All Officers shall be elected at the Annual General Meeting of the Association in accordance with the following rules:
- i. Any voting member may nominate any other voting member (other than a member of their immediate family), including themselves, for any of the elective offices provided that the nominator, if not nominating himself, has confirmed with the nominee of his/her willingness to stand for election to the office proposed.
  - ii. Any two nominations received in respect of a voting member for a specified office shall be deemed to constitute a duly proposed and seconded candidate.
  - iii. No voting member may nominate another voting member for more than one office, nor may they nominate more than one member from the same family for any of those offices that shall be also designated as Signatory Officers any such nominations so received shall be deemed invalid.
  - iv. The Committee shall be responsible for advising voting members that nominations for officers of the Association for the coming year are due and shall give members not less than four weeks notice of same prior to the date set by the Committee for the return of nominations to the Secretary. Notice shall be given by use of a Nomination Form which shall be sent to all voting members.
  - v. Only nominations received on the aforesaid Nomination Form shall be deemed valid.
  - vi. All voting shall be by secret ballot.
  - vii. The Committee shall advise members in writing of the date of the Annual General Meeting not less than six weeks prior to said date and shall, at the same time or at a time not less than four weeks prior to said date, also send all members with voting rights a Voting Form detailing the nominees for each office due for re-election.
  - viii. Voting members may indicate their order of preference in respect of nominees for a given office by stating their first, second, and subsequent choices. In the event of their first choice withdrawing or being elected to a different office then their vote shall be transferred to their second or subsequent choices.
  - ix. All Voting Forms must be returned to the Secretary in a sealed envelope clearly marked with the initials "AGM". Voting Forms shall be accepted by the Secretary up to the formal close of voting as announced by the Chairman at the Annual General Meeting.
  - x. The Annual General Meeting shall appoint teller(s) to count the votes submitted and to announce the results when requested to do so by the Chairman of the meeting.
  - xi. A majority vote shall be sufficient to elect a member.
  - xii. In the event of a tie vote being recorded the candidate with the longest previous service on the Committee shall take precedence, or where equal then the candidate with the greatest number of years of membership shall take precedence, or where there is still a tie then a second ballot shall be taken by immediate consensus of the people present at the meeting.
- d. Elected officers are required to give one month's notice in writing in the event of their wishing to resign during their term of office. In the event of an Officer resigning, the remaining Officers may appoint a pro tem replacement from amongst those members of the /committee currently not holding office.

## **7. MEETINGS**

- a. The Annual General Meeting of the Association shall be held on a day that falls on a date between 1st March and 30th June each year.
- b. The agenda of the Annual General Meeting shall be as follows:
  - i. Apologies for absence
  - ii. The Minutes of then last Annual General Meeting and matters arising therefrom.
  - iii. The submission by the Officers of reports on the activities of the Association relating to their Office in the preceding year, in the order: Chairman, Secretary, Treasurer, and any other committee member authorised by the Chairman to submit a report on behalf of the Committee. *The report by the Treasurer shall include an audited statement of accounts showing monies received and expended by the Society during the previous year and an interim unaudited statement of accounts for the current year.*
  - iv. The adoption of the reports of the Officers.
  - v. The consideration of Notices of Motion affecting the Constitution of the Association.
  - vi. The election of the Statutory Officers for the next twelve months
  - vii. The consideration of other Notices of Motion
  - viii. Any other business.
- c. Nine voting members present shall constitute a quorum.
- d. The adoption of any motion affecting the Constitution shall require a two thirds majority of the members voting at General Meeting; all other Motions shall be decided by a simple majority vote.
- e. Notices of Motion shall bear the name of the proposer and seconder and must be submitted in writing to the Secretary not less than fourteen days prior to the date of the General Meeting at which the Motion is to be heard.
- f. An Extraordinary General Meeting can be called either by two thirds majority of the Officers in Committee or by petition of any nine voting members of the Association. The reason and purpose of such a meeting shall be circulated to all voting members then in good standing not less than twenty one days prior to the date set and in the case of a petition within ninety days of the petition being submitted to the Committee.
- g. The rules governing voting at a General Meeting, shall be those as defined herein for an Annual General Meeting.
- h. At a General Meeting the Chairman of the Association shall take the Chair, in their absence the Secretary shall preside, provided that at an Extraordinary General Meeting being held as a result of a petition the petitioning members may request an alternate Chairman for the meeting.

## **8. FINANCES**

- a. The Treasurer shall receive all dues, donations, legacies and other income on behalf of the Association and shall be responsible for keeping accurate accounts of all financial transactions and in conjunction with the other Signatory Officers for transacting the financial business of the Association but shall not personally be liable for any of the debts of the Association.

- b. The accounts for each year shall be signed off within nine months of 30<sup>th</sup> April, the end of the Membership year.
- c. Members shall be notified when this action has taken place and full details shall be published on the website.
- d. The Treasurer shall request payment of all annual subscriptions due to the Association to be made on or about first day of May in each year.
- e. The rates of subscription to be paid each year in respect of each type of membership to the Association shall be proposed by the Committee to the members at the Annual General Meeting for their ratification or amendment.
- f. For any Practitioner Member joining for the first time after 31st October in a given year, the rate of subscription for membership for that year, and for the Producers' News-sheet if appropriate, shall be halved.
- g. The Signatory Officers shall be responsible for all financial transactions of the Association, two out of three being required to sign all cheques on the Association's bank account(s) and all other documents relating to the financial aspects of the Association's operation.

**9. PROPERTY**

All items of stationery and other consumables, including all electronic or optical media whether or not containing data and any files, records or correspondence howsoever pertaining to the affairs of the Society, provided by the Society to any person, excluding any minutes of meetings provided to a member for their own record, are considered at all times to be the property of the Society and shall be returned to the Committee when so requested.

**10. CODE OF CONDUCT AND ETHICS APPLICABLE TO MEMBERS**

- a. The Association expects and charges all of its members to conduct themselves at all times in such manner as to not bring the Association and its good name into disrepute.
- b. Each Practitioner Member shall be required to sign a statement to the effect that she or he has read this Constitution and the Code of Ethics and Code of Conduct as appended hereto, and has agreed to abide by them.

**11. ALTERATIONS TO THE CONSTITUTION**

No alteration or repeal of or addition to the rules of the Association shall be made otherwise than by resolution of the members at General Meeting carried by a majority of at least two thirds of the members voting thereon. Proposals for any such alteration, repeal or addition shall be put in writing to the Committee for submission as proper Notices of Motion to such meeting.

**12. INTERPRETATION**

The Committee shall be the final authority for the interpretation of the rules of the Association and of this Constitution.

**13. DISSOLUTION OF THE ASSOCIATION**

- a. In the event of the dissolution of the Association by agreement of at least two thirds of the members in General Meeting, all funds held by the Society shall be distributed to charities and worthy organisations, as shall be determined by the members then in attendance.
- b. There shall be no general refund of subscriptions to the members.

**NOTE:** The BFVEA is an Unincorporated Association and can, therefore, define its own constitution as long as it reflects British law and ethical practice. Explanatory notes on the Acts and ethics on which our constitution is based can be viewed on our website.

# COMPLAINTS AND DISCIPLINARY PROCEDURE APPENDIX

## 1. INTRODUCTION:

As BFVEA Officers, Practitioner and Tutors, whether acting professionally or in an informal lay capacity, the acceptance of the BFVEA Constitution and Code of Conduct demonstrates our awareness of the wide scope of our roles and responsibilities. The BFVEA Constitution and the BFVEA Code of Conduct clarify our responsibilities to ourselves, to those we serve, to the professional body of the BFVEA of which we are a part, to other health care workers, to the general public and to compliance with UK and European law (where applicable).

All Practitioner and Tutor Members of the BFVEA are required to abide by the BFVEA Constitution and Code of Conduct, and to comply with the following Disciplinary Procedure.

The purpose of this Procedure is to state the basis upon which all complaints received, and all disciplinary actions taken by the BFVEA Committee will be handled. The BFVEA believes in dealing with any such complaints and administering disciplinary procedures in a fair and impartial manner, to protect the public and to uphold the good standing of the BVEA and its Practitioner and Tutor Members.

Note: Where parties outside the framework of the BFVEA have instituted legal proceedings, any BFVEA Disciplinary Procedures may be held in abeyance pending the outcome of legal proceedings.

All complaints must be made in writing to the BFVEA Chairman. Any complaint received will be immediately acknowledged and the BFVEA Committee will then consider the complaint and whether the complaint is of a sufficiently serious nature for the Committee to initiate Disciplinary Proceedings.

## 2. INVESTIGATION OF THE NATURE OF A COMPLAINT:

The BFVEA Committee shall, after due consideration decide:

- a. Where the complaint is considered frivolous, trivial or irrelevant, to take no further action
- b. Where the complaint is considered not to be of a sufficiently serious nature to warrant Disciplinary Proceedings, to send the member subject to the complaint a warning letter.
- c. In any other case to refer the matter to the Disciplinary Officer (elected in accordance with clause 4a below) who will be responsible for obtaining fully itemized details in writing from the person or organisation lodging the complaint. At the same time he or she may propose a conciliation process where he or she considers it appropriate to do so.
- d. That the Disciplinary Officer will obtain the complainants written permission for a copy of their allegations to be sent to the individual who is the subject of the Complaint. If permission is not given the complaint will not be pursued.
- e. Within 14 days after permission has been given (see Clause 2d of this Appendix) and a formal complaint having been lodged in sufficient detail to warrant investigation, the Disciplinary Officer shall co-opt two other BFVEA Committee or Practitioner Members to form a Disciplinary Panel (see Clause 4 below)

## 3. MATTERS TO BE CONSIDERED FOR DISCIPLINARY PROCEEDINGS:

- a. The following matters shall be considered for Disciplinary proceedings if brought as a complaint to the BFVEA Committee:



- b. Conduct which in the opinion of the BFVEA Committee is likely to bring the BFVEA or any of its members into disrepute.
- c. Dishonesty or fraudulent misrepresentation when applying for Practitioner Membership of the BFVEA.
- d. Breach of the BFVEA Code of Conduct.
- e. Conduct that is likely to be of detriment to clients.

#### **4. PROCEDURE FOR THE FORMATION OF AN IMPARTIAL DISCIPLINARY PANEL**

- a. The BFVEA Committee shall elect from amongst their number, or from the wider membership of the Association, a Disciplinary Officer to deal with complaints brought against members of the BFVEA. In the event of a complaint, the Disciplinary Officer shall co-opt two members of the BFVEA Committee, or failing that, two Practitioner members of the Association, to serve with him/her on a Disciplinary Panel.
- b. The Disciplinary Officer and any other BFVEA Practitioner Members co-opted to serve on the Disciplinary Panel, must declare whether they have any interest, personal or otherwise, relating to this complaint. In the event of their declaring an interest, this interest must be recorded in the minute book of the BFVEA Committee, and that Officer, or co-opted Member(s) must be replaced on the Panel by another member or members co-opted by the Disciplinary Officer or by the BFVEA Committee.
- c. If either the individual (who is subject to the complaint), or the complainant, is not satisfied with the impartiality of any member(s) of the Disciplinary Panel, and if they can provide good reason for their dissatisfaction (and the Committee in its absolute discretion is satisfied that it is a good reason) the Committee shall require the member(s) to stand down and be replaced on the Panel by a substitute member or members co-opted by the Disciplinary Officer or the BFVEA Committee.

#### **5. DISCIPLINARY PROCEDURE**

- a. Once a Disciplinary Panel has been formed to deal with a valid complaint, the Disciplinary Officer will send a copy of the complaint to the individual who is the subject of the complaint, requesting agreement or rebuttal within 28 days. The Complainant will be informed of the same at this time.
- b. Within 28 days of receiving a written submission from the individual who is subject to the complaint, the Disciplinary Panel will consider the complaint. It may request either party to provide further information.
- c. Having considered the complaint and the rebuttal, and any further information gathered, the Disciplinary Panel will submit a written report and recommendation to the BFVEA Committee.
- d. The BFVEA Committee will consider the recommendations of the Disciplinary Panel and will vote on what action (if any) should be taken. The individual subject to the complaint shall be required to comply with the directions of the Committee in relation to this complaint. If the complaint is considered by the Committee (in its absolute discretion) to be sufficiently serious to warrant suspension or expulsion of the individual, a two-thirds majority of a quorum of the BFVEA Committee (including one Signatory Officer) may vote to suspend or expel a member following a Disciplinary Procedure. The BFVEA Committee will give their directions or state their decision in writing to the individual who is subject to the complaint.
- e. The BFVEA Disciplinary Officer is required to keep on file a record of all correspondence relating to complaints received and to all Disciplinary proceedings. All information and records relating to

the complaint and to Disciplinary proceedings must be treated as strictly confidential by the Disciplinary Officer, by members of the Disciplinary Panel and by members of the BFVEA Committee. Any records relating to these proceedings must be kept in a secure place.

**6. APPEALS:**

- a. Once the BFVEA Committee has given direction in relation to a complaint, or has voted to suspend or expel (as the case may be) the individual subject to the complaint, that said individual is offered the right to appeal within 28 days to the Chairman of the BFVEA Committee. This appeal must be made in writing to the Chairman. An appeal will be granted if the complainant can show that their case has not been dealt with in accordance with the BFVEA Constitution, Complaints and Disciplinary Procedure and Code of Conduct.
- b. The Chairman will, within 14 days of receipt of an appeal notice advise the individual in writing as to whether an appeal has been granted. If an appeal is granted, the Chairman will, within a further 14 days, co-opt two further BFVEA Committee members or two BFVEA Practitioner Members (who have not been involved on the Disciplinary Panel in this case) to form an Appeal Panel to review this appeal.
- c. The Appeal Panel may request further written or spoken submission from either party.
- d. The Appeal Panel will, within 28 days of being appointed, decide if the Disciplinary Procedure was carried out in accordance with the BFVEA Constitution and Code of Conduct. If the Appeal Panel finds that it was not, the Appeal Panel will make a final decision on the matter, which (save in the case of manifest error) will be binding on the Committee, the Association and the individual. The Appeal Panel may uphold the directions or decision of the Committee to suspend or expel the individual or may substitute lesser sanctions as it in its absolute discretion thinks fit.