

**Governing documents and Grants for the Arts**

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# 1 Grants for the Arts

Grants for the Arts (GFTA) is our Lottery-funded grant programme for individuals, arts organisations and other people who use the arts in their work. Grants are available for activities carried out over a set period and which engage people in England in arts activities and help artists and arts organisations in England carry out their work.

Activities we support must be clearly related to the arts and must be project-based, up to a maximum of three years in length. Grants normally range from £1,000 to £100,000 and we can fund up to 90 per cent of the cost of an activity.

All applicants must also read the ‘[How to apply guidance](http://www.artscouncil.org.uk/funding/grants-arts/2016/how-to-apply)’. Download it from our website or contact us for a copy.

# 2 Governing documents and Grants for the Arts

All organisations (including unincorporated groups) applying to Grants for the Arts must have a governing document. This information sheet explains why we require governing documents and what we expect to receive.

Before you can begin a funding application, you will need to set up an applicant profile for your organisation on our online system. You will be asked to upload your governing document as part of this process. We will review the profile you have created in a stage we call ‘profile validation’.

Guidance on setting up an applicant profile for their organisation on our online system can be found on our website:

[www.artscouncil.org.uk/funding/our-application-portal/pre-application-support](http://www.artscouncil.org.uk/funding/our-application-portal/pre-application-support)

# 3 What is a governing document?

A governing document is a legal document which represents the rule book for the way in which an organisation (or group) will operate.

A governing document usually contains information about:

* an organisation’s purpose and goals
* how decisions are made and by whom
* who controls the organisation’s finances
* the appointment, retirement and removal of members
* what happens if the organisation wishes to wind up

Different types of governing document include:

* including a constitution for an association
* a trust deed for a trust
* a will for a will trust
* articles of association for a company
* rules for an Industrial and Provident Society

**Charities, registered companies and other formal organisational structures**

There are legal requirements for the governing documents for charities, registered companies, Community Interest Companies (CIC), and other organisational structures. Guidance on these legally-required documents can be obtained from the relevant regulatory body.

**Unincorporated groups and associations**

For other types of organisation (for example, unincorporated groups or associations) governing documents are not required by law but it is good practice to have a document that sets out clearly what the group exists to achieve and how it operates. We still require this document to be able to validate a new applicant profile for an organisation, even if it is not required by law.

We are not able to offer advice on creating a governance document, but [www.gov.uk](http://www.gov.uk) and [NCVO](http://knowhownonprofit.org/how-to/how-to-write-a-governing-document-guide) provide guidance on how to create a governing document for an unincorporated group.

**Local authorities and other public sector organisations**

If you are a local authority or other public sector organisation your governance and record keeping should be in accordance with the relevant statute and guidance issued by the relevant regulatory bodies.

Public sector organisation do not need to upload a governing document when you set up an applicant profile for your organisations, however our online system will not allow you to proceed without uploading something to this screen. We suggest uploading a note explaining your organisational status on a letter headed document.

# 4 Why we require governing documents

We want to make sure that the organisations we fund have an appropriate governing document in place to support the work that they do.

When we review an applicant profile for an organisation, we want to make sure that the information provided by organisations matches the details on their governing documents.

Organisations should ensure that their governing document allows them to carry out the activities that will be included in their application to us.

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# 5 What we expect to see

Your governing documents must be up to date, correct and in line with the requirements of your regulatory body. We will accept a scan of the original governing document.

Depending on what status you tell us your organisation has, we will expect to receive:

|  |  |
| --- | --- |
| **Status given in applicant profile** | **Governing document needed** |
| Central government body | N/A – letterheaded explanation |
| Community Interest Company (CIC) | Articles of association (including evidence that they have been adopted – see below) |
| Company limited by shares | Articles of association (including evidence that they have been adopted – see below) |
| Company limited by guarantee (charity or non-charity) | Articles of association (including evidence that they have been adopted – see below) |
| Local government body | N/A – letterheaded explanation |
| Mutual society | Rules |
| Partnership or consortia | Appropriate governing document for lead organisation in the consortium (*partnership agreement not acceptable at this stage*) |
| Trust or foundation | Trust deed  |
| Unincorporated group (charity or non-charity) | Constitution or rules (including evidence that they have been adopted – see below) |
| Other | As appropriate |

# 6 What we will check

When you submit your governing document to us:

* We will check that the name of the organisation on your governing document matches the organisation name given on your applicant profile.
* We also need to know that the governing document has been accepted by your organisation. This is usually shown by the document being signed by an appropriate office bearer, or by the document being the same as the one held by Companies House. We will accept a scan of the original signed and dated governing document, or a copy of the document that includes the Companies House certificate of incorporation where appropriate.
* We will look at the type of document you have provided against the type of organisation structure you have told us best represents your organisation.
* We will also conduct more in-depth checks on a sample of the governing documents submitted to us at this stage. This will include checking company registrations with Companies House and the Charity Commission, and other checks to establish the validity of the governing document.

# 7 What happens if your governing document is not accepted

We will contact you to explain what the issue is, and what needs to be done to resolve it. If there are problems with your governing document, it may take us longer than our standard five working days to validate your applicant profile.

We may still validate your profile if there are minor problems with your governing document but we will tell you in your confirmation email that you must resolve the issues we have noted before making an application to us. We use the governing document during the eligibility and risk checking process, and if there are problems with the information provided this may affect how we view your application in terms of eligibility or risk. Please see the [How to apply guidance](http://www.artscouncil.org.uk/funding/grants-arts/2016/how-to-apply) for more information on how the document is used.

# 8 Once we have validated your applicant profile

By validating (or approving) your applicant profile we are confirming that the information you have provided – including your governing document – has allowed us set up your profile; it does not indicate that we have approved your governance arrangements as set out in that governing document.

Once we have approved your applicant profile, it is your responsibility to keep this governing document updated on your applicant profile if it changes. Your governing document will form part of the application form for any applications you make to us. If we receive an application from you that includes an outdated or incorrect governing document, we may not be able to process it.

To upload an updated version of your governing document, go into the attachments section of your applicant profile, delete the existing version of your governing document and upload the new version. For more information on making changes to your applicant profile, please see our information sheet ‘How to create and manage your user account and applicant profile’.

# 9 When you make an application to us

Before you apply, check that your governing document allows you to carry out the activities that will be included in your application to us.

As you work through the application form, check that the version of your organisation’s governing document brought forward from your applicant profile into the form is the latest version. If it is not, you should go back into your applicant profile and update the document there.

Although we have validated your applicant profile that included your governing document, this does not indicate any approval of your governance arrangements as set out in that governing document. We use the governing document during the eligibility and risk checking process, and sometimes during appraisal for larger applications. The [How to apply guidance](http://www.artscouncil.org.uk/funding/grants-arts/2016/how-to-apply) provides more information on how the document is used.

If at any stage we request an updated version of your governing document you should ensure that you send us the latest, correct and adopted version of the document.

# 10 Contact us

**Phone:** 0845 300 6200, 0161 934 4317

**Textphone:** 0161 934 4428

**Email:** enquiries@artscouncil.org.uk

**Website:** [www.artscouncil.org.uk](http://www.artscouncil.org.uk)

**Post:**  Arts Council England - Grants for the Arts,

The Hive, 49 Lever Street, Manchester, M1 1FN

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