Charities can take a variety of legal forms. Many charities have a two-tier governance structure meaning it has both trustees and members.

Charitable forms which have constitutional members are:

* Unincorporated association
* Charitable incorporated association (CIO)
* Company limited by guarantee (CLG)

The membership of these forms can be narrow or wide:

* A few constitutional members – a foundation model
* Many constitutional members – an association model

A charity that identifies a need to restructure may require Charity Commission consent to amend the governing document.

Constitutional members are legally defined in your charities governing document. The document should clarify:

* Who the constitutional members are.
* How to become a constitutional member.
* How long constitutional membership lasts.
* Conditions and rules regarding running and voting at meetings.
* How constitutional members can leave or be removed.
* How alterations to the constitution or dissolution of the charity can be decided.

Trustees are required to make decisions for the running of the charity on a day-to-day basis without the membership becoming involved.

Charity members can often be split into three groups:

1. Those who contribute to decision making in the organisation.
2. Those who are relied upon for general support e.g., providing finances or by volunteering.
3. Those who hold a membership to receive information or benefits (some charities reclassify this section of their membership to ‘supporters’ or ‘friends’ and they are not involved in the voting procedures)

Benefits and motivations for becoming a member of a charity:

* Enhancing the trustee board’s transparency and accountability
* Providing a greater appreciation of the needs of beneficiaries
* Providing fundraising opportunities
* Raising the profile of the charity
* Providing a consistent source of trustees
* Enabling more involvement in the local community

The charity’s membership is its ‘sovereign body’. In general, constitutional members will have the power to:

* Remove and replace trustees.
* Approve amendments to governing documents.
* Approve transactions between the organisation/company and trustees.
* Make decisions about how assets are handled if the charity is wound up.
* Call a general meeting if enough members ask the trustees.

The Charity Commission holds the view that charity members should exercise their powers in the best interests of the charity.

The best practice principles to mitigate the possibility of difficulties that membership charities can experience are:

* Keeping an accurate membership list
* Encouraging members to read and understand the membership provisions of their charity.
* Keeping and communicating information about the roles and responsibilities of different types of members in the charity.

To improve communication between trustees and members, trustees should:

* Make use of technology e.g., email members who are happy to receive information in that format.
* Ensure any communications are in an appropriate format that is accessible and understandable to all members.