

QUAKERS IN SCOTLAND



**The Religious Society of Friends (Quakers)
in Scotland**

DRAFT

PROPERTY MEMORANDUM OF UNDERSTANDING

April 2025

Quakers in Scotland—Coordinating Group

Draft QIS Property MoU 14 April 25

Introduction

1. What is a 'memorandum of understanding'?

A memorandum of understanding (MOU) describes who does what within Quakers in Scotland (QiS), whether by QiS itself or its trustees, or its constituent Local Meetings (LMs). It seeks to provide clarity about

- Who does what particularly in areas of overlapping responsibility
- What should be reported to whom
- Legal responsibilities of the trustees and where these are delegated to QiS or LMs

Quakers in Scotland (QiS) functions as an Area Meeting for its constituent LMs, and Quaker faith & practice advises that:

Each local meeting should agree with its area meeting the duties and responsibilities which the local meeting undertakes on behalf of the area meeting. This agreement should be formally recorded as part of a memorandum of understanding. The local meeting should report regularly, as required, to its area meeting on the discharge of these responsibilities. In the case of smaller meetings which are not able to carry forward all the responsibilities listed above, the recorded agreement should make clear the work that they are able to do themselves and what is done in co-operation with another local meeting.
(Qf&p 4.34)

Trustees are responsible for the assets of Quakers in Scotland, which in law includes all the assets of its constituent local meetings, and for the stewardship of its resources; in practice day-to-day decisions and the running of Local Meetings are left to local Friends.

What this document attempts is to give advice on who has responsibility for what relating to property owned by Quakers in Scotland. It aims to ensure LMs have a large degree of freedom to run their own affairs within a budget agreed with the QiS Property Committee. The QiS Property Committee will also provide mutual support over property matters while ensuring that the QiS trustees maintain an overview of what is happening so that they may fulfill their financial and legal responsibilities.

Paid staff will be needed to carry out a number of local management responsibilities at some larger properties.

The Memorandum of Understanding will be reviewed every five years, or earlier if an LM or Trustees feel this would be helpful and agreed to re-issue the memoranda to all local meetings. We therefore ask each LM to adopt their Memorandum by minute, with a cover sheet signed by the clerk, and send this minute to the clerk of QiS Foundation trustees.

Stewardship involves prayer, and it involves thought, and it involves applying what emerges from the two. As individuals our particular talents may lead us to greater emphasis on one of those two elements, but they can never be wholly divided within any of us, and as a community we need to be faithful to all three: prayer, thought and application. (Christine Davis Qf&p15.01)

2. Charitable registration

Quakers in Scotland is the body registered with the [Office of the Scottish Charity Regulator \(OSCR\)](#) and has adopted a governing document and appointed trustees to conform to charity law. Trustees are responsible for the whole of the area meeting charity including the local meetings; the memorandum of understanding indicates how the trustees formally delegate certain powers and tasks to other groups of Friends, though remaining ultimately responsible.

3. Trusteeship

The QiS Trustees have a responsibility to ensure that all LMs behave with probity in the management of the assets entrusted to them and in the carrying out of activities which are subject to legal regulation, including work with children, employment of staff, data protection and health and safety

The property and funds of each LM belong in law to QiS. The funds of an individual LM form a restricted fund which may only be spent with the approval of that LM. All funds must be accounted for in the financial statements prepared annually by the QiS Treasurer for inclusion with the Trustees Annual Report and submitted to OSCR.

4. Local Meeting

This **Memorandum** sets out the terms of understanding between Quakers in Scotland and the Local Meeting with regard to the relationships and responsibilities between the two for each area where Trustees have a legal responsibility. It is intended that the Meetings for Worship for Business of the Local Meeting and Quakers in Scotland retain their management roles as set out in *Quaker faith & practice, particularly chapter 4* while maintaining effective communication and clarity of responsibility among the two meetings and the Trustees.

Alteration to this *memorandum of understanding* requires the agreement of the Trustees of Quakers in Scotland and the Local Meeting.

In this document

Local Meetings (LM), refers primarily to their formal business proceedings and the actions of those Friends appointed to specific roles. Qf&p 4.32 refers to their relationship with QiS/AM

Worshipping communities (LMs and worshipping groups) may wish to meet together, with agreement of the QiS clerk, as an **Intermediate Meetings (IM)**, to consider delegated QiS business relevant to their group of LMs. The role of an IM is not included in this document as their possible format is flexible and the range of delegated responsibilities will vary and be specific to any particular IM.

Quakers in Scotland (QiS), refers primarily to their formal business proceedings at a Quakers in Scotland meeting for worship for church affairs (**QiS in session**) their Quaker minutes and the actions of those Friends appointed to specific roles, unless otherwise stated as a named committee responsibility.

QiS is a **Scottish Charitable Incorporated Organisation SCIO** with appointed trustees. Every member of QiS is a member of the SCIO. The members appoint and oversee the work of its trustees.

Trustees are the trustees appointed by members of the SCIO and work in accordance with its governing document which sets out how the charity and its assets are to be administered and managed.

Trustees are required to take responsibility for the affairs of the membership body in relation to:

- a) Ensuring that its financial procedures are appropriate and its funds are put to proper use
- b) The maintenance and management of properties
- c) Ensuring that potential risks, including reputational risks are identified, evaluated and managed
- d) Compliance with legal requirements pertaining to charitable bodies including such matters as employment, safeguarding, health and safety and property management. This includes compliance with the Charities (Regulation and Administration) (Scotland) Act 2023 and the regulations of the Office of Scottish Charity Regulators OSCR.

Trustees will act independently in these areas of responsibility, but on any major issue impacting on the life of an LM or of QiS itself will consult with them.

Communication

It is the responsibility of the trustees to report to QiS and its membership as laid down in the Governing Document and to establish, maintain and publicise the communication channels by which QiS can raise matters with the Trustees.

Informal communication between trustees and roleholders in LMs and QiS is important but formal matters should be dealt with by means of an exchange of minute. The QiS committees for Employment, Finance and Property will provide an important communication link between LMs and trustees

Minutes of Trustee meetings will be sent to the QiS clerks for information and are publicly available on the QiS website. Where confidential matters have been raised and minuted, these may be redacted before being made publicly available.

QiS minutes will be sent to the clerk of trustees for information.

The table which follows sets out the delegation and division of responsibility relating to property, and the various actions that are required.

A separate General MOU gives more detail relating to other responsibilities.

	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Arrangements for property management	<ul style="list-style-type: none"> • Appoints Local Property Committee. This should include Friends from outwith LM where the property benefits the Quaker community more widely and/or where their particular knowledge and skills are needed. • Nominates representative to QiS Property Committee 	<ul style="list-style-type: none"> • Meets regularly and reports to Trustees. • Receives reports from Local Property Committees. • Develops property policies for consideration and adoption by Trustees. 	<ul style="list-style-type: none"> • Appoint 1-2 Trustees to QiS Property Committee and agrees its remit. • Have legal responsibility for property. • A trustee, normally the clerk of trustees or delegate, signs all legal documents.

Day-to-day upkeep	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Cleaning and supplies	<ul style="list-style-type: none"> • Arrange regular cleaning, voluntary or paid. • Ensure the availability of domestic supplies. 		
Security	<ul style="list-style-type: none"> • Ensure the security of building. • Maintain list of key-holders. • Deal with unexpected problems e.g. arising from behavioural issues. 		

Financial arrangements	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Budget setting (see <i>Financial policy for details</i>)	<ul style="list-style-type: none"> • Prepare annual income and expenditure projections for budget setting. • Projected income to include that from property lettings. 	<ul style="list-style-type: none"> • Agree LM/LPC budgets. • Income and expenditure will be allocated to and recorded within designated LM/LPC funds unless alternative arrangements are agreed. 	<ul style="list-style-type: none"> • Approve budgets.

	<ul style="list-style-type: none"> • Include recurrent expenditure and any planned additional expenditure on surveys or maintenance. 	<ul style="list-style-type: none"> • Make recommendations to Trustees about financial support from QiS funds where local income is insufficient for day-to-day running of a property. 	
Utility and other bills	<ul style="list-style-type: none"> • Authorise payment for all service bills 		
Reserves (see <i>Reserves policy for details</i>)	<ul style="list-style-type: none"> • Agree the level of reserves required to meet unexpected major property expenses. 	<ul style="list-style-type: none"> • Reserves to be held as designated LM funds. • Consider possible future contributions to a Property Pool for planned major works. 	<ul style="list-style-type: none"> • Hold any agreed Property Pool

Lettings	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Letting rooms (see <i>Lettings policy for details</i>)	<ul style="list-style-type: none"> • Promote the use of the Meeting House and other owned properties. • Set room hire charges. • Day to day handling of lettings by a lettings clerk/lettings group, employed staff, or contracted out. • Ensure the hirers are suitable in Quaker terms, consulting with QiS Property Committee and Trustees where necessary. • Ensure the hirers sign room hire agreements and are made aware of and comply with all necessary health and safety, risk assessment and other policies. • Ensure the hirers have access to the building and pay the agreed hire charge. 	<ul style="list-style-type: none"> • Develop the marketing of Meeting Houses to potential hirers e.g. through a common website. • Provide support to LM/LPCs over decisions about the suitability of organisations wishing to hire rooms. • Develop common lettings policies and report to Trustees. • Consider proportions of time to be made available for external and Quaker groups. 	<ul style="list-style-type: none"> • Approve lettings policies

Leasing of part or all of the building (see <i>Lettings policy for details</i>)	<ul style="list-style-type: none"> Find appropriate tenants, negotiate a legally binding lease or license to occupy, and ensure compliance with the tenancy agreement. With the agreement of QiS Property Committee, a Factor or lettings agent may be used to manage these landlord functions. 		<ul style="list-style-type: none"> Oversee the legal negotiations taking legal advice where necessary, and sign and hold longer-term leases.
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Building Works	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Major works (refurbishments and extensions)	<ul style="list-style-type: none"> Discernment in liaison with QiS Property Committee and Trustees. Development of business plan. Involvement in fund-raising. 	<ul style="list-style-type: none"> Discernment in liaison with LM/LPC and Trustees. 	<ul style="list-style-type: none"> Discernment in liaison with LM/LPC and QiS in session. Discussion of how any work would be carried out and funded. Minute of agreement between LM/LPC and Trustees required before proceeding.
Maintenance (repairs and renewals)	<ul style="list-style-type: none"> Regular review of buildings and grounds for any damage or deterioration. Arrange work needed (with Friends' working party or local contractor) paying proper regard to cost effectiveness and environmental concerns. Check spending limit agreed with Trustees. 	<ul style="list-style-type: none"> Share experience between LM/LPCs. Consider developing template checklists. Monitor to ensure that regular reviews are carried out and acted upon. Recommend budgets and spending limits to Trustees. 	<ul style="list-style-type: none"> Set spending limits based on agreed budgets.
Quinquennial survey	<ul style="list-style-type: none"> Make detailed arrangements with surveyor and attend the survey. Be involved with setting priorities for repairs. 	<ul style="list-style-type: none"> Organise quinquennial survey of all property if required. Liaise with LM/LPC about implementing survey recommendations. 	<ul style="list-style-type: none"> Ensure that arrangements are in place for the surveys and that finance for implementing recommendations is available.

	<ul style="list-style-type: none"> • Help to raise additional funds if these are required to implement survey recommendations. 	<ul style="list-style-type: none"> • Formulate a plan to cover building work over a number of years to ensure the long term viability of all properties. 	
Burial Grounds	<ul style="list-style-type: none"> • If a LM has responsibility to maintain a burial ground the LM/LPC should visit at regular intervals and report any remedial work required to QiS Property Committee. 	<ul style="list-style-type: none"> • Receive LM reports of regular inspections and report to Trustees. 	<ul style="list-style-type: none"> • Maintain a register of Quaker burial grounds. • Provide a maintenance budget and authorise any remedial work by LM/LPC.

Purchase or sale of a property	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Purchase (see <i>Financial policy for details</i>)	<ul style="list-style-type: none"> • Discernment and a minute to QiS in session, QiS Property Committee and Trustees. • If agreed by all parties, LM/LPC will be responsible for leading any fund-raising in accordance with a business plan and for detailed negotiations with agents and solicitors (Trustees to be kept informed) 	<ul style="list-style-type: none"> • Help with discernment in liaison with LM and Trustees. 	<ul style="list-style-type: none"> • Consider LM and QiS in session minutes. • Consider how the purchase will be financed. • Oversee the legal process with the QiS SCIO to be the owner and title-holder of the property.
Disposal/sale (see <i>Financial policy for details</i>)	<ul style="list-style-type: none"> • If LM discerns that it is time to dispose of or sell a particular property, or part of a property, it consults with Trustees at all stages. • LM sends a minute to Trustees and QiS Property Committee. • LM/LPC are involved with sale negotiations with agents, solicitors and purchasers. 	<ul style="list-style-type: none"> • Help with discernment in liaison with LM and Trustees 	<ul style="list-style-type: none"> • If Trustees discern that it is time to dispose of or sell a particular property they agree the way forward with QiS in session and LM before proceeding and consult with LM at all stages • Trustees make the final decision on price and ensure that due legal processes are followed.

Proceeds of sale (see <i>Financial policy for details</i>)			<ul style="list-style-type: none"> • Net proceeds to be applied first to any future plans of the LM making the sale that were agreed during the discernment process. • Any surplus generally to be for the benefit of Friends across the SCIO, but the terms of an original Trust deed may mean that the proceeds need to be in a restricted fund.
Borrowing (see <i>Financial policy for details</i>)			<ul style="list-style-type: none"> • The SCIO will not borrow on the security of any property without the minuted consent of the relevant LM.

Employment	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Employees (see <i>Employment policy for details</i>)	<ul style="list-style-type: none"> • Responsible for day-to-day line management. • Liaise with QiS Property Committee over job descriptions, salary scales, pensions, staff recruitment and induction. 	<ul style="list-style-type: none"> • Recommend to Trustees where staff should be employed. • Support LM/LPC in recruiting suitable staff, drafting contracts and in line management. • Develop common employment policies and keep these updated. • Ensure arrangements for induction/training are in place for employees and for Property Committee members or trustees as needed. 	<ul style="list-style-type: none"> • Agree employment policies • Agree to employment of staff • Deal with all legal aspects of employment.

Health and safety	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Scheduled testing of services and equipment (see <i>Health & Safety policy for details</i>)	<ul style="list-style-type: none"> • Test gas and electricity supplies at required intervals and carry out any remedial work. Inform QiS Property Committee of any major work. 	<ul style="list-style-type: none"> • Confirm that tests are being carried out on time. 	<ul style="list-style-type: none"> • Agree any major remedial works with LM/LPC

	<ul style="list-style-type: none"> • Ensure Portable Appliance Testing (PAT) is carried out at the required intervals. • Ensure regular servicing and testing of any lifts. • Ensure fire alarms are tested regularly and fire-fighting equipment is serviced at required intervals. • Check first aid supplies at required intervals. 		
Risk assessments	<ul style="list-style-type: none"> • Ensure risk assessments for fire and LM activities are carried out. • Ensure that regular building inspections are made for safety from fire and other hazards. • Ensure that local health & safety and fire safety policies are in place. 	<ul style="list-style-type: none"> • Share experience and confirm that risk assessments and safety inspections are being carried out, and that actions identified are implemented and signed off • Consider developing a standard format for safety policies. 	<ul style="list-style-type: none"> • Approve safety report from QiS Property Committee. • Agree any major remedial works that may be required with LM/LPC.

Insurance	Local Meeting (LM) with Local Property Committee (LPC)	QiS Property Committee	Trustees
Insurance for employees (see <i>Insurance policy for details</i>)	<ul style="list-style-type: none"> • Display certificate of employers' liability in the property. 		<ul style="list-style-type: none"> • Arrange employers' liability insurance. • (Self-employed workers must make their own insurance arrangements.) • Send employment liability insurance certificates to LMs for public display.
Buildings and contents insurance (see <i>Insurance policy for details</i>)	<ul style="list-style-type: none"> • Notify events affecting insurance and potential claims to trustees and insurance agents without delay. 	<ul style="list-style-type: none"> • Investigate options for a common policy for buildings, contents and public and employee liability insurance for all property including burial grounds. • Ensure valuation and rebuild costings are available for all properties. 	<ul style="list-style-type: none"> • Arrange and pay for buildings, contents and public and employee liability insurance. • Liaise with insurance agent on all insurance matters.

Alteration

The terms of this Memorandum may be altered at any time by mutual agreement in the form of Minutes of the constituent bodies and the Trustees respectively.

Signed on behalf of the proposed SCIO Quakers in Scotland

..... (Clerk of Trustees) Date.....

Signed on behalf of Constituent body

..... (Clerk) Date.....