

# 1. Choosing your organisation structure

Some banks offer accounts to registered charities only. They may offer specific accounts if an organisation is incorporated or unincorporated. Other banks offer different accounts for voluntary organisations that aren't charities.

It is very important that you know your organisation's structure or form so that you select the right bank account.

How an organisation is set up is known as its legal structure. There are many different legal structures to choose from. Choosing the right one is important as it will affect how your organisation works in terms of: who will run it, whether it can enter into contracts or employ staff in its own name, and who will be liable for what the organisation does. The format of your governing document should assist you to determine the legal form / structure of your organisation. You can find more information about the different types of governing document in the [Glossary](#) section of this guide.

You can find out whether your organisation is a registered charity on the public register, and if so, who are its Trustees, by searching for it by its legal name (the name on the governing document) in the public register of charities. The public register is kept by the charity regulator in the nation where your organisation is based. Trustees have a significant part to play in the organisation. They have general control and management of the administration of a charity.

If your organisation is in the public register, it will have been assigned a unique registration number by the regulator. If you are unsure, then ask the other members/trustees or check the guidance pages below for further help.

## How to choose your structure

If you are starting an organisation but don't know which structure to choose, then use the following guidance for your area to decide:

# England and Wales

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## Setting up your organisation - practical steps

The National Council for Voluntary Organisations (NCVO), and the Wales Council for Voluntary Action (WCVA) have produced useful information for you to consider when setting up your organisation. This is available via the following links and includes: your organisation's legal structure, whether you need to register your charity, and information about governing documents.

- [National Council for Voluntary Organisations \(NCVO\)](#)
- [Wales Council for Voluntary Action \(WCVA\)](#)

NCVO has also produced guidance to help you think about whether you should set up a new charity.

The Charity Commission also has a step-by-step [guide](#) for setting up a charity, including information on whether you need to register with the Charity Commission.

## Legal structure

NCVO has produced [guidance](#) to give you detailed information on what to consider when choosing your legal structure and the main characteristics of each legal structure.

The Charity Commission has also produced guidance on choosing a legal structure [here](#).

## Finding local support - England

If you need further support and guidance, you can contact your local voluntary sector support organisation. They can help you choose your legal structure, set up governing documents and get registered. [National Association for Voluntary and Community Action \(NAVCA\)](#) members have information about what is happening in your local area and will be able to connect you to appropriate resources or support.

If your local infrastructure organisation cannot help you, you can also contact NCVO's Small Charity Helpdesk. Their helpdesk is open Monday – Friday, 10am – 4pm.

## **Writing your governing document**

NCVO has produced this [guide](#) giving detailed information on what a charity's governing document is and what it should include. The Charity Commission also hosts helpful [guidance](#).

## **Small charities checklist**

A [comprehensive guide](#) from NCVO, providing step-by-step guidance for setting up a charity, from the initial idea through to registration.

## **Excepted Charities**

NCVO's [Charity Set-up tool](#) provides step-by-step guidance on setting up a charity, from the initial idea through to registration.

## **Setting up your organisation and effective governance - practical steps**

Third Sector Support Wales (TSSW) have produced [useful information](#) for you to consider when setting up your organisation. This includes: your organisation's legal structure, whether you need to register your charity, and information about governing documents.

The Charity Commission also has a step-by-step guide for setting up a charity, including information on whether you need to register with the Charity Commission.

## **Legal structure**

TSSW have produced a guide to give you detailed information on what to consider when choosing your legal structure and the main characteristics of each legal structure.

The Charity Commission has also produced guidance on choosing a legal structure [here](#).

## **Finding local support**

If you need further support and guidance, you can contact your local County Voluntary Council (CVC). They can help you choose your legal structure, set up governing documents and get registered. They have information about what is happening in your local area and will be able to connect you to appropriate resources or support. A list of all CVCs is available on TSSW website.

## **Excepted Charities**

Some charities in Wales are 'excepted' from charity registration. They don't have to register or submit annual returns to the Charity Commission. Apart from that, the Commission regulates them just like registered charities. Most exceptions are permanent.

## **Scotland**

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### **Setting up your organisation - practical steps**

The Scottish Council for Voluntary Organisations (SCVO) has useful information for you to consider when starting an organisation.

The Scottish Charity Regulator also has some guidance for you to consider when setting up a charity.

### **Good Governance**

Trustees have a significant part to play in your organisation. They are there to oversee and take responsibility for everything your organisation does, and the role should not be taken on without an understanding of what's involved. This SCVO guide is for the people in management and control of your organisation.

### **Setting up a Charity**

Comprehensive guidance from SCVO on how to set up a charity in Scotland. This includes what to consider when setting up a new voluntary organisation, legal structures, model constitutions, and how to apply to become a registered charity.

### **Third Sector Interface (TSI) Scotland Network**

The TSI Network is a body of charities that support the third sector across Scotland. There are 32 TSIs, one for each local authority area. You can search for your local TSI by using their [directory](#).

## Northern Ireland

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### **Setting up your organisation - practical steps**

The Northern Ireland Council for Voluntary Action (NICVA) has provided the following [information](#) on choosing a structure.

The Charity Commission also has some useful [guidance](#) to consider before you start a charity, along with [guidance](#) to follow once you have decided to set up a charity.

### **Setting up a voluntary or community organisation**

If you are looking to set up a new voluntary or community organisation in Northern Ireland, then please see the following guidance from [NICVA](#) at the links below.

- [Legal Structures for Voluntary and Community Groups](#)
- [Setting up an Association](#)
- [Setting up a Charitable Company](#)
- [Charitable Status](#)

NICVA's [governance and charity](#) advice team provide free advice to new organisations looking to formalise their structure. Contact [governance@nicva.org](mailto:governance@nicva.org) to arrange a call.

### **Setting up or registering a charity**

The Charity Commission for Northern Ireland has produced the following detailed guidance for those organisations that wish to establish a charity:

- [Start up a charity](#)
- [The public benefit requirement](#)
- [Running your charity guidance](#)
- [Charity Essentials guidance](#)

## Helper Groups

A number of organisations have volunteered to provide [practical support](#) to individual organisations going through the registration process.

## Check if you are a registered charity

If the bank asks if you are a registered charity and you are not sure, you can check using the charity register for your area:

### England and Wales

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[Search the register of charities - England & Wales](#)

### Scotland

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[Search the register of charities - Scotland](#)

### Northern Ireland

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[Search the register of charities - Northern Ireland](#)