

CONSTITUTION FOR THE NATIONAL ASSOCIATION OF SOCIAL WORKERS IN MALAWI (NASWIM)

Preamble

We, the members of the national Association of Social Workers in Malawi Board of Trustees enact this Constitution for the purpose of establishing an orderly set of standards by which we shall govern ourselves. The Social Work profession strives at promoting social justice and strengthening the abilities of the disadvantaged and vulnerable members of the society to solve their social problems and function positively to support themselves and their families. Efforts to form an Association of Social Workers in Malawi started as back as the 1980s by different stakeholders and a need for a harmonized approach has culminated in the development of this constitution.

Article 1 : Name

The name of the Association shall be “The Registered Trustees of the National Association of Social Workers in Malawi (NASWIM)’ hereinafter referred to as ‘the Association’.

1. Interpretation Of Terms

1.1 In this constitution unless consistent with the context:

“Association” means the National Association of Social Workers in Malawi.

“Executive” means a person elected to the Association leadership.

“Executive Committee” means the office bearers and 11 other members elected in accordance with section 5.1 of this constitution.

“Office Bearers” means President, Vice President, General Secretary, Vice Secretary, Treasurer and Publicity Secretary.

“Member” means a person so approved by the Executive Committee to be a member of the association under any of the specified categories with or without voting privileges.

“General Secretary” means the Secretary of the Association.

“President” means a person elected at an Annual General Meeting to be the Executive President of the Association.

“Honorary Member” means a person who has shown keen interest in the Association; or has rendered distinguished service to the Association; or has championed the cause of disadvantaged groups such as disabled persons, orphaned children and the elderly; or has advocated policies for improvement in social conditions.

- 1.2 Any reference to a part, section, paragraph or schedule in this constitution shall be construed as reference to a part, section, paragraph or schedule of this constitution unless the intention to the contrary is escaped.

Article 2

The provisions of this constitution shall at all times be applied subject to and in line with any relevant legislation or regulation which may be in force in Malawi from time to time.

Article 3 : Address

The Association shall be housed in the Sociology Department of the University of Malawi’s Chancellor College, P.O. Box 280, Zomba.

Article 4 : Goals and Objectives

1. The overall goal of the Association is to promote and advocate for accelerated social development of the individual, family, community and the Malawian society as a whole and in particular the disadvantaged and vulnerable segments namely the poor, persons with disabilities, children; children in conflict with the law, the elderly, the sick and others in need, or at risk of social and economic deprivation.
2. The specific objectives will be:
 - a) Promotion and protection of social workers rights as employees of different organizations with respect to terms of conditions of employment and other benefits.
 - i. To promote the social work profession through publications, conferences, workshops, and appropriate public forums.

- ii. To increase public understanding of the social work profession by promoting peoples` right to make their own choices and decisions irrespective of their values and life choices, provided this does not threaten the rights and legitimate rights of others.
 - iii. To formulate a Code of Ethics for all practicing social workers and to form a compliance mechanism of the Code among the membership.
 - iv. To solicit for scholarships and training opportunities for social workers
- b) Provision of support to government and other organizations, programmes and policies towards achievement of social work goals.
 - c) Safe guarding clients
 - i. To be a development catalyst and link to national, regional and global initiatives and specifically to liaise with internationally recognized bodies for the sake of coordinated development work in Malawi.
 - d) To do all such things as conducive to the attainment of the above objectives.
 - e) To ensure that education institutions are included and involved in the development of social work in Malawi, after the training of social workers

Article 5 : Powers and Rights

The Association shall have the following powers and rights to enable it carry out its organizational mission/objectives in Article 4.

- a) To accept, borrow and raise financial and other resources
- b) Cooperate or enter into any lawful relationships or transaction with other local or foreign organizations whose objectives may be partly or wholly similar to those in this constitution.
- c) Purchase, sell, hire, take leave or otherwise acquire fixed and movable property and any rights and privileges necessary or convenient.
- d) Carry out any other functions to furtherance of its objects and goals.

The Association shall have an existence apart from its members and shall be capable of suing and being sued of holding property in its own sign and performing such acts as it may by law perform.

Article 6 : Memberships

The Association shall be composed of individuals whose applications have been approved under any of the various membership categories as follows;

6.1 Full Membership: Full membership shall be open to graduates of two year certificate, diploma or degree from any accredited school of social work and people with recognized training in related discipline such as case work, Group Work and Community Work, on payment of a registration fee of MK1000- and Annual Subscription of MK10,000-.

6.2 Associate Membership: Associate Membership shall be open to persons:

- (a) Who have been engaged in social work practice for a period or more than 3 years and who may not necessarily have the required professional training.
- (b) Who have interest and are supporters of social work profession and activities and may not be social workers by profession. Associate members in (a) and (b) shall so qualify upon a payment of a registration fee of MK1,000 and an annual subscription of MK5, 000.

6.3 Student Membership: Student membership shall be open to those pursuing studies leading to the award of Social Work Certificate, Diploma or Degree in all accredited school of Social Work; on payment of MK 1, 000- and an annual subscription of MK 1, 500. Any student membership application shall be recommended by a recognized social work students` body.

Student membership does not entitle the member to nominate, to vote, or to be elected into the Executive Committee.

6.4 No member of the Association shall be liable for or contribute towards the payment of the debts and liabilities of the Association beyond the amounts of any contribution agreed to be given and remaining unpaid.

6.5 Membership shall be terminated upon:

- a) The death of a member
- b) Expulsion for action contrary to the interests of the Association; non-payment of subscription fee for a period of 12 months
- c) Resignation written notification being given three months in advance of intention to resign provided that no resignation shall be valid until and unless

the member wishing to resign has fully discharged his financial and any other obligations towards the Association.

Article 7 : **Board of Trustees**

7.1 There shall be a board of trustees (hereinafter called “the Board”), which shall be composed of at least 4 (four) but not more than 10 (ten) members.

7.2 The Board shall elect from among itself a Chairperson and a Secretary

7.3 The Board shall be the governing body of the organization and shall have such powers as conferred upon it by this constitution.

Article 8 : **Terms of office of members of the Board of Trustees**

A member of the Board shall hold office for a term of 5 (five) years with eligibility for re-appointment.

Article 9 : **Vacancy in the Board of Trustees**

9.1 A vacancy in the Board of Trustees shall arise upon:

9.1.1 The expiry of office of a member

9.1.2 The resignation of a member

9.1.3 Death of a member

9.1.4 A member’s failure to attend three consecutive meetings of the Board of Trustees without valid reason

9.2 The Board shall have power to fill casual vacancies in the Board. Where all members of the Board are due for retirement, they shall first appoint a new succeeding Board before so retiring.

9.3 A member of the Board may resign from office by giving 30 (thirty) days written notice to the Secretary of the Board on the date of which he shall cease to be a member.

Article 10 : **Powers and Duties of the Board of Trustees**

- 10.1 To carry out and implement all policies of the association.
- 10.2 To appoint such officers of the organization and also to employ such person as it deems necessary for the proper execution to the organization's aims and objectives.
- 10.3 To arrange for and determine the salary or allowance of any person employed by the association.
- 10.4 To be custodians of all the funds and property, real or personal of the association.
- 10.5 To purchase, take on lease or in exchange, hire, or otherwise acquire any immovable property or any rights whether directly or indirectly necessary or convenient for the use and purpose of the association.
- 10.6 To sell, manage, develop, lease, mortgage, exchange, dispose of or return to account or otherwise deal with all or any part of the property or any right for the time being held by the association.
- 10.7 To conclude transactions and transfer to the Trustees property of whatsoever nature belonging to or acquired or agreed to be acquired by the association.
- 10.8 To institute, conduct or defend, abandon or compound any lawsuit action or proceedings instituted by or against the association in any court of law.
- 10.9 To collect monies, take and receive gifts, grants, donations, fees, and contributions in cash or kind or otherwise raise money to fulfill these stated purposes.
- 10.10 To raise or borrow monies, issue bonds, mortgages, notes, or other obligations, secure monies so borrowed or in payment for the property or for any or all of the purposes stated above in the name of the trustees.
- 10.11 To delegate any of the above-mentioned powers or duties to any committee, council, or officer or officers of the organization.
- 10.12 To act within the limitations laid down by this Constitution and in accordance with the laws from time to time in force in Malawi.
- 10.13 To do all such other things as shall further and are incidental or conducive to the attainment of all or any of the aims and objects of the association.

Article 11 : **Meetings of the Board of Trustees**

11.1 The quorum at meetings of the Board shall be 4 (four)

11.2 The Board shall have power to make rules regulating its own procedure.

11.3 At least 7 (seven) days written notice of meeting exclusive of the day of service of such notice shall be given to all members of the Board. The board may waive the necessity of such notice to any meeting or set of meetings. The notice shall specify the place, date and hour of meeting and nature of business to be transacted and it shall be signed by the Secretary to the Board.

11.4 All resolutions of the Board shall be carried by a simple majority of the votes of the members present and voting. In case of equity of votes, the Chairperson of the meeting shall have a second or casting vote.

11.5 Subject to the provisions of any written law, a resolution in writing signed by all the members for the time being entitled to receive notice of and attend and vote at any meeting of the Board shall be as valid and effective as if the same had been passed at a properly convened meeting.

11.6 The Board shall meet as often as its affairs require and proper minutes of the proceeding at such meetings shall be kept. The minutes of the Board shall be signed by the chairperson.

Article 12 : **Elections**

12.1 General Provisions Relating To Committees

1. Save as hereinafter expressly provided for, decisions affecting the policy and general administration of the Association shall, subject to the overriding power of the annual general meeting, be taken by the executive committee.
2. "Office bearers provided for under sub-article one shall be elected by secret ballot and hold office for 3 years, but shall be eligible for re-election."
Provided that:-
 - a) No member shall hold the office of President, Treasurer or Secretary for two consecutive terms
 - b) The Executive Committee as the case may be, shall elect not less than half of its office bearers every year.

- c) The Executive Committee as the case be, may fill any vacancy occurring in their membership for whatever reason by appointing to such vacancy and for the remainder of the term of office any member of the Association as is most likely to discharge the duties of such office.
 - d) In electing office bearers, members of the Association shall at all times and in so far as it is administratively practicable, ensure the representation on all its committees of all members of the Association.
 - e) The committees herein before provided for under-sub article one shall, as far as is practicable, and in addition to any number of ordinary members which shall from time to time, be determined according to rules made by the Association, consists of a President, a Vice President, a Secretary and a Treasurer.
 - f) The President may be in consultation with his committee, co-opt any person who may, or may not be a member of the Association to serve on the committee, if the service of such person is deemed essential for the success of the business for which the committee intends to co-opt him.
3. Subject to the decision of the delegates to the Annual General Meeting or any other general assembly convened wholly or partially for the purpose of issuing directions on a matter affecting the interest of some or all members of the Association, the executive committee shall:-
- a) Make rules concerning the general administration of the Association
 - b) Appoint, pay or dismiss such non-elected officials or servants as it may deem necessary.
 - c) Form subcommittee and determine the terms of references of such sub committees:
 - i. Provided that the membership of sub committees so established shall as far as is practicable, reflect the diverse categories of social workers who are members of the association.
 - ii. Do all such things as it may deem necessary and expedient under the provisions of this constitution to further the aims and objectives of the association.

12.2 Subcommittees

- a) For the proper discharge of its functions, the National Executive Committee may establish subcommittees in various areas of interest, provided that such committees shall have set the terms of reference, and their establishment shall not divest the National Executive Committee of its powers and responsibilities.

- b) A Disciplinary subcommittee shall be established by the National Executive Committee, with the main mandate of adjudicating on disciplinary matters and making appropriate determinations.

12.3 Power to Establish a Secretariat

The National Executive Committee may, subject to approval of a General Meeting, establish a full time secretariat on such terms as it deems fit, and at such place as it may decide, bearing in mind the interests of members.

Article 13 : Duties of Office Bearers of the Committee

13.1 All office bearers of the executive committee shall perform their duties, as hereinafter specified in this article, and subject to the decision of the annual general meeting.

13.2 The President

The executive committee President or, in his absence, the executive committee vice President shall:-

- a) Preside over and be responsible for the proper conduct of the business of executive committee meetings and annual general meetings
- b) Together with the executive committee secretary or any member of the executive committee lawfully appointed to perform secretarial duties in the absence of the executive secretary, sign the minutes of any meeting over which he has presided as authentic.
- c) Provide leadership and direction to the Association.
- d) Be the head of the NASWIM executive committee.
- e) Have powers to call for emergency meetings.
- f) Represent the association in all forums both national and international and uphold positive image of the association.
- g) Shall present an annual report to the general meeting at the end of the year.
- h) Shall be co-signatory to the Association Bank Account.

13.3 The General Secretary

The Executive Committee General Secretary in collaboration with Vice General Secretary shall subject to the general supervisory authority of the executive committee President:

- a) Be responsible for the organization of the secretarial work of the association.

- b) In consultation with the executive President, regional committee and district committees, as the case maybe, draw up the agenda of the executive committee meetings or annual general meeting of the association.
- c) Prepare, issue and circulate minutes of meetings.
- d) Together with the Executive Committee President and Executive Treasurer, sign cheques issued by or on behalf of the association.
- e) Carry out any other duties assigned to him/her by the President.
Provided that such duties shall be consistent with the other provisions of this constitution and not already assigned to him/her by the executive committee.

13.4 The Treasurer

The Executive Treasurer shall without prejudice to the generality of his responsibility for the management of the financial matters of the association.

- a) Be responsible for the collection, receipting and safe custody of the funds, receipt-books, cheque-books and other financial records of the association.
Provided that upon vacating his office for disciplinary or any other reasons what so ever, the executive committee treasurer shall hand over or cause to be handed over to the trustees of the association any funds or financial records under his control, or in his power or possession.
- b) Pay any expenses incurred by or on behalf of the association.
- c) Check, examine or verify any payment expenditure made or incurred by the association.
- d) Prepare a financial report for the consideration of the annual general meeting.
- e) Be responsible for the preparation of estimates of expenditure for the succeeding financial year
- f) Together with the executive committee secretary and executive committee President, sign cheques issued by or on behalf of the association
- g) Carry out such other duties as may be consistent with provisions of this sub-article, and in so far as the same shall not have already been assigned to him by the executive committee.

13.5 The Publicity Secretary

The Publicity Secretary shall:

- a) Publicize the Association's Activities.
- b) Perform public relations functions of the Association
- c) Perform any other duties that may be assigned from time to time to him/her by the President, the Executive Committee or the General Secretary

13.6 The Committee Members

The Committee members shall:

- a) Carry out duties as may be assigned by the President.
- b) Act as the link between the branches and the National Executive Committee.

Article 14 : Meetings

1. The Executive Committee President may, at regular and reasonable intervals, in the course of the financial year of the Association, convene ordinary or special meetings, as the case may be, of the executive committee for the purpose of deliberating on the business of the Association.
2. The Executive Committee President shall, in consultation with the executive committee, convene an annual general meeting of the Association thirty days before the end of the financial year.
3. a) The Executive Committee may, at its own initiative or at the written request of 10 of the members of the Association convene a special general meeting of the Association.
b) A special general meeting convened under paragraph (a) of this sub-article shall be held within thirty days after the resolution to hold such a meeting has been passed by executive committee
4. Procedures for holding meetings:-
 - a). Every member or person entitled to attend a meeting shall be served with a notice and agenda of such a meeting not less than fourteen days before the date of the meeting.
 - b) Every member attending a meeting shall be entitled to one deliberative vote
 - c) The President or any other member of the Association presiding over the meeting in the absence of the President shall have a deliberative and casting vote.
 - d) Except in the election of office bearers, which shall be by secret ballot, the resolutions of meetings shall be voted upon by show of hands. Provided that if the President of the meeting or any member present demands a secret poll, a secret poll shall be taken in such a manner as the President of the meeting may decide.
 - e) Resolutions of all meetings shall be recorded in writing.
 - f) The quorum of meetings of members of the association or of any of its committees shall be ten percent of the full membership, provided that a meeting may proceed with only 10 members if an earlier attempt done, had failed for want of a quorum. Where a quorum has not been established, the meeting shall

be deemed postponed to a date and time fourteen days from the original date, or as may be publicized by the National Executive Committee.

- g) The quorum for a National Executive Committee shall be any 4 members.
- h) The provisions of this section shall apply *mutatis mutandis*, to meetings of the Branches.

Article 15: Financial Matters

15.1 Income of the Association

The Association's activities shall be financed mainly from the following resources:

- a) Membership subscription fees
- b) Donations from members and well-wishers
- c) Fundraising initiatives

15.2 Bank Accounts and Signatories

The Association shall maintain accounts with reputable commercial banks and the Association, through its National Executive Committee, shall establish the signatory arrangements for bank transactions.

15.3 Accounts, Expenditure and Audit Procedures

- a. Proper books of accounts shall be maintained for income and expenditure as per accepted accounting practices. Such a statement shall be approved by the General Meeting of the Association.
- b. When financially able to do so, auditors shall be appointed at an annual general meeting for a period to be determined by the General Meeting, preferably at the recommendation of the National Executive Committee.
- c. The Financial year of the Association shall run from 1 January to 31 December.
- d. These financial provisions shall apply to branches *mutatis mutandis*.

Article 16: Amendment of Constitution

- a) No amendment of this constitution shall be valid unless a resolution to that effect has been approved by two thirds of eligible members at a General Meeting.
- b) No resolution to effect a constitutional amendment shall be voted on at a General Meeting unless the proposal has been circulated at least 21 days before the General Meeting by the National Executive Committee at the written instance of the proposer of that amendment, together with a brief justification.

Article 17: Dissolution of the Association

- a) The Association including Branches shall only be dissolved by a two thirds vote of members at a General Meeting or Branch AGM in the case of Branches, following the procedure for a constitutional amendment, *mutatis mutandis*.
- b) The assets of the Association shall, if the Association is duly dissolved, then be deemed donated to the Association’s regulating body, duly recognized to have that role over the Association by the members.

Article 18: Advisory Committee

There shall be a committee, to be called the Advisory Committee, appointed by the National Executive Committee with the approval of members in General Meeting, which shall consist of at least 2 and at most 5 people of integrity and standing, whose function shall be to give advice and resolve conflict or difficult disputes in the Association as may be required or appear necessary, sparingly, and to clarify on any unclear area of the constitution or to decide on any fundamental issue not covered by the Constitution, and on resuscitation of the Association or structure, or take appropriate measures to resuscitate the Association in the event that any or all of its structures have ceased to function, or has clearly abandoned its functions or the AGM has not been called or held when due. Term of office of the Advisory Body shall be three years.

Article 19 : Common Seal

The Board shall provide for the safe custody of the common seal, which shall only be used by the authority of the Executive Secretary or the Board or any, if its officers authorized in that behalf. Every instrument to which the seal shall be affixed shall be signed by two authorized members of the Board or by one of the authorized members of the Board and the Executive Secretary or Executive President.

Article 20 : Indemnity

For losses or liabilities of the Board, which members of the Board may incur or sanction in carrying out their duties, every member shall be indemnified. No personal liability shall be attached to any member except as provided for in section 5 of the Trustees incorporation.

Article 21 : Certification of the Constitution

This is to certify that this is a true copy of the constitution of the registered trustees of the National Association of Social Workers in Malawi.

Signature: Signed

Jubilee Tizifa:

Date: 10th June, 2016

Chairperson