

Eligibility and Governance

It's important that we're able to satisfy the public and Government that public funds are being properly and well spent. One of the ways that we're able to provide that assurance is by making sure that the organisations that apply to us are set up properly.

The types of organisations that are eligible for each funding programme we run will differ and will be clearly outlined in the guidance notes for that scheme.

Typically, Organisations can apply to us if they're based in Wales or the wider UK and formally constituted as one of the following:

- a Company Limited by Guarantee
- a registered charity (including charitable trusts)
- a Charitable Incorporated Organisation (CIO)
- a Community Interest Company (CIC)
- a Company Limited by Shares (see public benefit criteria below)
- an Unincorporated Association
- a Partnership, including a Limited Liability Partnership
- a local authority, University or other Public Body
- a school (applications may only be made through our Creative learning through the arts programme)

Organisations that aren't eligible to apply to us for funding include:

- Government departments
- organisations based outside the UK

Organisations based outside the UK may, however, be eligible to be a partner in a project application provided the public benefit is clearly relevant to Wales. Please see the eligibility criteria in the funding programme guidelines you wish to apply for.

If you've never applied to us for funding before:

- you'll need to upload a **signed** copy of your governing document on our online portal before you can submit an application

If you've applied to us for funding in the past:

- if you haven't submitted your governing documents to us during the last two years, or if it's been updated since you last provided us with your governing documents,

you'll need to upload a **signed** copy of your governing document on our online portal before you can submit an application..

In Appendix 1 you'll find a table that outlines the types of organisation, and what we'll need to see included within your governing documents. Please read this carefully.

Appendix 1 – Organisational Structures and Governance

The table that outlines the types of organisation we can fund, and what we'll need to see included within your governing documents. Please read this carefully.

If you can't see your type of organisation in the list, or if you're not sure whether your organisation is eligible, please get in touch with our Grants & Information Team at Grants@arts.wales

Organisation Structure	Governance Requirements
<ul style="list-style-type: none"> • Company Limited by Guarantee • Charitable Incorporated Organisation • Community Interest Company • Charitable Trust 	<p>The organisation must have a minimum of two directors/trustees who are not related or do not live at the same address.</p> <p>Governing documents must:</p> <ul style="list-style-type: none"> • be signed by at least two directors/trustees • be registered with Companies House and/or The Charity Commission • specify that regular board meetings are to be held • include an appropriate quorum for decision making • include an appropriate Dissolution Clause or Asset Lock (see below for guidance)
<ul style="list-style-type: none"> • Company Limited by Shares 	<p>The organisation must have a minimum of two directors/trustees who are not related or do not live at the same address.</p> <p>Governing documents must:</p> <ul style="list-style-type: none"> • be signed by at least two directors/trustees • be registered with Companies House and/or The Charity Commission. • specify that regular board meetings are to be held

	<ul style="list-style-type: none"> include an appropriate quorum for decision making
<ul style="list-style-type: none"> Unincorporated Association 	<p>The organisation must have a minimum of two trustees who are not related or do not live at the same address</p> <p>Governing documents must:</p> <ul style="list-style-type: none"> be signed by at least two directors/trustees specify that regular meetings are held by a board or governing body include an appropriate quorum for decision making include an appropriate Dissolution Clause or Asset Lock (see below for guidance)
<ul style="list-style-type: none"> Health Boards Universities Local Authorities Organisations governed by the above 	<p>Governing documents are not required for these organisations, but we will need to see letters of support from two senior personnel.</p>
<ul style="list-style-type: none"> Limited Liability Partnership Limited Partnership Partnerships 	<p>The organisation must have a minimum of two members/partners who are not related or do not live at the same address</p> <ul style="list-style-type: none"> Partnership agreements must: be signed by all members/partners specify that regular partnership meetings are to be held include an appropriate quorum for decision making include an appropriate Dissolution Clause

<ul style="list-style-type: none"> • Band Partnerships 	<p>Partnership agreement must:</p> <ul style="list-style-type: none"> • be signed by all partners • It must also detail: <ul style="list-style-type: none"> • your band’s financial arrangements • how you make decisions relating to the band • how you manage group equipment • how you manage a change in membership and what happens if a member leaves • what happens if you disband • how you manage the ownership of group recordings, publishing copyright and income
<ul style="list-style-type: none"> • Statutory Corporations 	<p>Please speak to an Arts Council Officer before applying</p>
<ul style="list-style-type: none"> • Housing Associations 	<p>Please use the table above to identify your structure</p>

Your organisation doesn’t have to have specifically include “the arts” within the objectives of your governing document, but we’d would strongly encourage this. It may provide us with additional assurance of the artistic basis of the project that you’re applying for.

A Note on Definitions

We define related trustees as:

- Family members extending to mother, father, brother, sister, son, daughter, grandmother or grandfather.
- Marriage relations extending to spouse, son or daughter in law, and mother or father in-law.

A Dissolution Clause states what will happen to any remaining assets (which includes cash and other assets) – should the organisation be wound up or dissolved. Arts Council of Wales requires that any remaining assets will be transferred to another organisation with similar objectives. This ensures that the investment of public money in the arts is protected.

An Asset Lock makes sure that the assets of an organisation (including any profits or other surpluses generated by its activities) are used for the benefit of the community.