



# PCS RULE BOOK 2019



# **PUBLIC AND COMMERCIAL SERVICES UNION RULES**

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## SUBSCRIPTION RATES

The following information on subscription rates is published in line with SR3.14 (i);

### a) Banding Formula

Band	Salary Range	2019 direct debit rate*
A	Over £26,001	£14.57
B	£24,001 - £26,000	£13.79
C	£22,001 - £24,000	£12.74
D	£20,001 - £22,000	£11.71
E	£18,001 - £20,000	£10.65
F	£16,001 - £18,000	£9.59
G	£14,001 - £16,000	£8.54
H	£12,001 - £14,000	£7.48
I	£10,001 - £12,000	£6.43
J	£8,001 - £10,000	£5.37
K	£6,001 - £8,000	£4.32
L	Up to £6,000	£3.26

\* From June 2019 includes 50p ring fenced for the Fighting Fund.

b) Maximum Rate - £14.57

c) Check off rate – 0.6% of gross basic pay (plus 50p ring fenced for Fighting Fund)

d) Associate Member - £2.09

e) Members not covered by collective bargaining capped at £6.98, or £3.82 if they work fewer than 25 hours a week. Members not covered by collective bargaining arrangements do not pay the 50p ring fenced for the Fighting Fund.

## UPDATES

<b>May 2019 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ New 3.14 (d)</li> </ul>
<b>May 2018 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ Change to A2</li> <li>▪ New rules 7.8(a), (b), (c), (d), (e).</li> <li>▪ Change to 7.9</li> <li>▪ Change to 3.19(d)</li> <li>▪ Change to 5.20</li> </ul>
<b>March 2018</b>	<ul style="list-style-type: none"> <li>▪ Political fund rules appendix C – new rules agreed in accordance with the requirements of the Trade Union Act 2016.</li> </ul>
<b>July 2015</b>	<ul style="list-style-type: none"> <li>▪ Political fund rules Appendix D - Rule D8 Change of address of Northern Ireland Certification Office</li> <li>▪ Political fund rules Appendix D – Rule D8 Change in cited Article of the Trade Union and Labour Relations (Northern Ireland) Order 1995.</li> </ul>
<b>May 2015 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ Delete SR3.14 and replace with new SR3.14</li> </ul>
<b>May 2014 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ Change to A2</li> </ul>
<b>May 2013 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ Change to PR.11</li> <li>▪ Change to SR5.20</li> <li>▪ Change to SR8.6</li> </ul>
<b>May 2012 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ Change to SR3.14a</li> </ul>
<b>August 2010</b>	<ul style="list-style-type: none"> <li>▪ Delete Appendix D and Appendix E as time expired and remove all cross references to Appendix D. Re-letter all remaining appendices in alphabetical order. Approved by membership ballot August 2010.</li> </ul>

<b>May 2009 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ Agreed election of member trustees: revision to SR6.23 and SR9.1.</li> </ul>
<b>November 2009</b>	<ul style="list-style-type: none"> <li>▪ Political fund rules Appendix F- Rule F3(b) Change of address of Certification Office</li> <li>▪ Political fund rules Appendix F - Rule F5 Change of address of Certification Office</li> <li>▪ Political fund rules (Northern Ireland) Appendix G - Rule G8</li> <li>▪ Change of address of Certification Office.</li> </ul>
<b>May 2009 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ Delete SR9.22 and replace with new 9.22.</li> </ul>
<b>July 2007</b>	<p>June-July 2007 membership ballot. PR16 deleted, subsequent change to PR14; Appendix C deleted; subsequent changes to:</p> <ul style="list-style-type: none"> <li>▪ SR 3.6(c)</li> <li>▪ new SR 3.14</li> <li>▪ SR 5.9</li> <li>▪ Insert new SR 19, renumber accordingly</li> <li>▪ SR 9.23</li> </ul>
<b>May 2007 (ADC)</b>	<p>Include new SR 10, and changes to:</p> <ul style="list-style-type: none"> <li>▪ SR 6.4</li> <li>▪ SR 6.37</li> </ul>
<b>January 2007</b>	<ul style="list-style-type: none"> <li>▪ October-November 2006 membership ballot. PR 17 deleted, relevant sections renumbered accordingly.</li> <li>▪ Insertion of Political Fund rules, for implementation 1 April 2007</li> </ul>
<b>June 2006 (ADC)</b>	<ul style="list-style-type: none"> <li>▪ SR 5.7 deleted, relevant sections renumbered accordingly.</li> </ul>
<b>February 2006</b>	<ul style="list-style-type: none"> <li>▪ December 2005 membership ballot. Change to PR10A.</li> <li>▪ January 2006 membership ballot. Agreed creation of a Political Fund.</li> </ul>
<b>June 2005 (ADC)</b>	<p>Includes changes to:</p> <ul style="list-style-type: none"> <li>▪ SR 5.5</li> <li>▪ SR 6.23 and SR 10.12</li> <li>▪ SR 7.1 and D23</li> <li>▪ SR 7.31</li> <li>▪ SR 9.12</li> <li>▪ Appendix C (Various)</li> </ul>
<b>January 2005</b>	<ul style="list-style-type: none"> <li>▪ January 2005 membership ballot. Change to: PR1 (f)</li> <li>▪ APPENDIX E (New) – Transfer of Engagements of AMO to the Union</li> </ul>
<b>June 2004 (ADC)</b>	<p>Includes changes to:</p> <ul style="list-style-type: none"> <li>▪ SR 3.17</li> <li>▪ References to BDC, Biennial etc.</li> <li>▪ SR 6.13 and 6.14</li> <li>▪ Appendix A – A6, A14 and A41</li> <li>▪ SR 10.22</li> </ul>
<b>January 2004</b>	<p>December 2003 membership ballot Includes changes to:</p> <ul style="list-style-type: none"> <li>▪ PR11</li> <li>▪ PR20</li> </ul>

# PRINCIPAL RULES

## OBJECTS

- PR1** The Union's Objects shall be to:
- (a) Protect and promote the interests of its members.
  - (b) Regulate relations between members and their employers, and improve members' employment conditions and promotion prospects.
  - (c) Provide benefits and services for its members and employees, and for other persons.
  - (d) Provide financial and other help to members, former members (including former members of antecedent unions), and dependants of deceased members, who are in need.
  - (e) Maintain the effectiveness and professional status of the services in which members are employed.
  - (f) To promote equality for all:
    - (i) Through collective bargaining, publicity material and campaigning, representation, union organisation, and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities including the union's employment practices and
    - (ii) By opposing actively, all forms of harassment, prejudice and unfair treatment whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic.
  - (g) Promote the educational and cultural well-being of members.
  - (h) Promote the most effective available trade union structure for the representation of employees in public and commercial services.
  - (i) Co-operate with TUC unions to protect the interests of working people generally.
  - (j) Do anything which the National Executive Committee ("NEC") considers incidental or conducive to achieving any of the above Objects.

## POLICIES OF THE UNION

- PR2** Delegate Conference shall be the principal policy-making body of the Union, and shall determine the policies of the Union, subject to the following:
- (a) Between Delegate Conferences, the NEC shall have discretion to determine the policy of the Union on any matter, consistent with the policies established by Delegate Conference or by the overriding authority of a membership ballot.
  - (b) On any matter which the NEC considers to be an issue of major policy, the NEC may hold a membership ballot under these Principal Rules, and the result of such a ballot shall where appropriate prevail over any decision taken by any body or unit of the Union.

## BRANCHES

- PR3** Branch officers and other Branch Executive Committee ("BEC") members (other than local or senior representatives) shall be elected by secret, individual ballot of the members in the Branch.
- PR4** Local (or senior) representatives shall be elected by means of secret, individual voting by the members within the constituency (or constituencies) concerned.

## REPRESENTATIONAL STRUCTURE

- PR5** The election of Group Executive Committees ("GECs") shall be conducted on the same basis as that laid down for membership ballots under these Principal Rules.

**PR6** Where either (a) the NEC; or (b) the relevant Group Executive Committee; or (c) the relevant body of the Union designated by the NEC as responsible for the conduct of negotiations with an employer, considers that an employer is proposing a major change in members' terms and conditions of employment, that change shall not be endorsed by the Union except with the support of the members concerned as determined by a majority of those voting in a ballot conducted on the same basis as that laid down for membership ballots under these Principal Rules.

## **DELEGATE CONFERENCE**

**PR7** A Delegate Conference (other than Special Delegate Conferences) shall be held annually.

## **NATIONAL EXECUTIVE COMMITTEE**

**PR8** The management and control of the Union, and the handling of its whole affairs, shall be vested in the National Executive Committee ("NEC"). The NEC shall conduct its affairs in accordance with: (a) the Rules of the Union; and (b) the policies determined by Delegate Conference or by membership ballot.

**PR9** The NEC shall be elected annually. NEC elections shall be conducted on the same basis as that laid down for membership ballots under these Principal Rules, except that the General Secretary shall, after consulting the Independent Scrutineer, issue regulations for the conduct of the elections which shall be published to Branches and be binding on all members.

**PR10** Industrial action shall only be authorised or endorsed by the Union following a membership ballot of the members concerned under these Principal Rules in which a majority of those voting vote in favour of such action.

**PR10A** (a) The NEC shall consist of the President, Deputy President, three Vice-Presidents together referred to as the Senior Lay Officers and 30 ordinary members, in each case elected by a ballot of the whole membership, and any Senior Full-Time Officer elected in accordance with principal rule PR11.

(b) There shall be an election for President by a ballot of the whole membership.

(c) There shall be an election for Deputy and Vice-Presidents by a ballot of the whole membership. The candidate securing the highest number of votes shall be elected Deputy President and the three candidates securing the next highest number of votes shall be elected Vice-Presidents. If, but for this rule, more than one member employed by a particular employer would be elected as Deputy or Vice-President in the same election, the candidate or candidates with the lower or lowest votes of such members shall be displaced by the member or members with the highest votes employed by an employer who does not employ any of the members otherwise elected as Deputy or Vice-President in that election, so that each Deputy and Vice-President shall be a member employed by a different employer.

(d) There shall be a Senior Vice-President who shall be the Vice-President elected in accordance with (c) above who has the longest continuous service as a Senior Lay Officer/Vice-President or, in the event of an equality of such service, who has the longest aggregate service, whether or not continuous, on the NEC and/or on the national executive body of the union's antecedents (whether as a Senior Lay Officer or otherwise).

(e) There shall be an election for ordinary members of the NEC by a ballot of the whole membership.

(f) If, but for this rule, fewer than two seats for ordinary members of the NEC would be filled by a member who on being nominated identified themselves as being from a black racial group, the highest polling member or members who did so identify themselves shall displace the member or members with fewest votes (out of those who would otherwise have been elected) who did not so identify themselves (only if such replacement member or members is available).

(g) If, but for this rule and after the application of paragraphs (f) above, 9 or more seats for ordinary members of the NEC would be filled by members employed by the same employer, the highest polling member or members from other employers shall displace the member or members with fewest votes (out of those who would otherwise be elected), but only if such replacement member or members is available, so that the number of ordinary members who

are employed by the same employer does not exceed 8, save that this rule shall not operate so as to reduce below two the number of seats filled by members who on being nominated identified themselves as being from a black racial group.

(h) This principal rule shall prevail over any provisions in the supplementary rules and, in particular, over supplementary rules 7.1, 7.2, 7.4, 7.5, 7.6 and 7.8.

## **SENIOR FULL-TIME OFFICERS**

**PR11** The Senior Full Time Officers shall consist of a General Secretary and an Assistant General Secretary. The Assistant General Secretary shall also be the National Treasurer of the Union. The General Secretary and other Senior Full-Time Officers posts shall be filled by an election, conducted on the same basis as that laid down for membership ballots under these Principal Rules. A person so elected shall serve for a period of five years, subject to not having reached their normal retirement date (as specified under their contract of employment). In the event of a casual vacancy arising of any of the Senior Full-Time Officers during their five-year term of office, the vacancy shall be filled by an election, conducted in accordance with this rule.

## **RULES OF THE UNION**

**PR12** The Union's Rules shall consist of the Principal Rules, the Supplementary Rules, and the Appendices thereto.

**PR13** The Principal Rules shall be amended, deleted or added to only where any such amendment, deletion or addition has been approved by (a) not less than two-thirds of the votes entitled to be cast by delegates present at a Delegate Conference, or (b) not less than two-thirds of those present and voting at a meeting of the NEC; and, in either case, where it has thereafter been approved by a simple majority of those members voting in a membership ballot. Any such ballot shall be conducted in accordance with these Principal Rules. Where the NEC proposes to hold a membership ballot under this rule, it shall give sufficient notice thereof to allow prior consultation with Branches.

**PR14** In the case of conflict between a principal rule and any other rule of the Union, the principal rule shall prevail.

**PR15** Subject to principal rule PR14, the Supplementary Rules and Appendices A-B thereto shall not be amended except: (a) by a Delegate Conference (in order to be carried, a motion proposing an amendment shall require the support of not less than two-thirds of the votes entitled to be cast by delegates present, subject to supplementary rule 6.10 relating to card votes); or (b) by the National Executive Committee where it considers it necessary to accommodate the transfer of engagements, or the transfer of membership, of any other union to the Union; or (c) by the National Executive Committee in order to make or amend political fund rules and political fund ballot rules in accordance with statutory requirements.

## **MEMBERSHIP BALLOTS**

**PR16** Subject to these principal rules, a membership ballot shall be held by the NEC: (a) at its discretion; or (b) where so requested by Delegate Conference; or (c) where so requested by Branches together representing a majority of the members of the Union (provided that such request has been endorsed at a properly constituted General Meeting of each Branch concerned, subject to supplementary rule 4.4). In any case where the NEC has been requested under this rule to hold a ballot, the ballot shall be completed by not later than six months after the date of the request.

**PR17** Membership ballots shall be conducted on the basis that all eligible members: (a) have an equal entitlement to vote; and (so far as is reasonably practicable): (b) are given an equal opportunity to vote, which shall not be conditional on attendance at a meeting; and (c) are able to vote in secret. Elections for the NEC and for any Senior Full-time Officer post filled by election in accordance with principal rule PR11 shall, in addition to the foregoing provisions,



be conducted so far as is reasonably practicable on the basis that those members entitled to vote shall: (a) be sent a voting paper by post; and (b) be given a convenient opportunity to vote by post.

- PR18** Subject to these Principal Rules, the NEC may issue regulations for the conduct of any membership ballot. Such regulations shall be published to Branches and shall be binding on all members. In any ballot on policy or an amendment to the rules (where, and only where, the NEC is asking members to reject a motion carried by Delegate Conference), the following provisions shall apply:
- (a) The ballot paper shall include the text of the policy motion or rule amendment carried by Conference, a note stating that it was carried by Conference, and the question which shall ask if the member agrees with the policy or rule amendment.
  - (b) There shall be included with the ballot paper two A4 sheets of paper putting the arguments for and against the proposal. One shall be prepared by the NEC, and the other by the Branch which proposed the motion at Conference. Both shall contain only the PCS logo, the text on one or both sides at the author's discretion, and a bold heading YES (for the Conference motion) or NO (against the Conference motion) as appropriate.
  - (c) No other National or Group publications, leaflets or circulars, including the PCS magazine and Group Journals, shall contain any material arguing for or against the motion in question until after the ballot has closed.

## **DISSOLUTION**

- PR19** A Delegate Conference may, by a two-thirds majority of delegates present, pass a resolution to dissolve the Union. If such a resolution is carried, a resolution shall be taken as to the disposition of all residual assets, including the appointment of a person(s) to carry out the dissolution and deal with any consequential matters. The resolutions shall be put to all members in a membership ballot, and both shall require a two-thirds majority of those voting in order for the dissolution to proceed.

# SUPPLEMENTARY RULES

## SECTION 1: NAME

- 1.1 The Union's name shall be the "Public and Commercial Services Union" (hereafter "the Union").

## SECTION 2: POWERS

- 2.1 Without prejudice to any other rule, the Union may in furthering its Objects:
- (a) Raise moneys by way of subscription, levies or otherwise, accept gifts and operate trusts in relation to any such gifts which conform to any of the Objects, and maintain funds containing those moneys.
  - (b) Acquire, purchase, lease, hold, charge, exchange, sell or otherwise deal with land and buildings of any tenure and property of all kinds.
  - (c) Contribute to the funds of or guarantee money for or otherwise aid, or combine with or affiliate to or enter into agreement with, any other organisation, whether corporate or incorporate, having similar objects or interests.
  - (d) Maintain pension schemes and/or funds for the benefit of employees or past employees of the Union (and of its antecedent unions) or their dependants, and/or effect policies of insurance for these purposes.
  - (e) Carry out educational work and publish books, journals and other material.
  - (f) Take any action which the NEC considers will further any of the Objects.

## SECTION 3: MEMBERSHIP

### ORDINARY MEMBERSHIP

- 3.1 A person shall be qualified for ordinary membership if they are employed by a government department or agency, by a public body, or by a private body designated by the NEC. Any person dismissed from GCHQ on grounds of union membership shall be qualified for ordinary membership.
- 3.2 The procedure for admission shall be as follows:  
(a) Application shall be made to a local representative, Branch Secretary, or the General Secretary, in such form as the NEC may prescribe. A decision as to whether an application shall be accepted or rejected shall be communicated to the applicant within three months of the application being received.  
(b) A decision under (a) to accept an application shall be subject to ratification by the NEC (or by a person or body acting under delegated powers), and shall not take effect until then. A former member shall be readmitted only after paying subscriptions accruing since the last payment: these subscriptions may be waived in whole or part by the NEC.  
(c) Where a local representative or Branch Secretary considers that an application should not be accepted, they shall refer it to the Branch Executive Committee ("BEC"). Where a BEC considers that an application should not be accepted, it shall refer it to the General Secretary.  
(d) Where the General Secretary considers that an application should not be accepted, the applicant shall be so informed and given reasons. The applicant shall be informed that they may within 14 days make written representations to the NEC, whose decision shall be final.
- 3.3 Ordinary members who are dismissed from their employment shall continue as ordinary members for such time as the Union is taking action to secure a remedy for them.
- 3.4 Except where the Union's Rules provide otherwise, an ordinary member may take part in Branch activities, vote, hold office, and be entitled to Union benefits.
- 3.5 *deleted*

### ASSOCIATE MEMBERSHIP

- 3.6 The following shall be qualified for associate membership:  
(a) A member who has retired (whether due to ill health or reaching retirement age or under an early retirement scheme).  
(b) A member who is made redundant, or who resigns from their employment.  
(c) A Full-time Officer of the Union. Any former full-time officer of the Inland Revenue Staff Federation ("IRSF") shall continue to receive those benefits to which they would otherwise have been entitled as an ordinary member of the IRSF.  
Application shall be made in such form as the NEC may prescribe.
- 3.7 Associate membership shall cease automatically where a member either:  
(a) takes up a post not represented by the Union, unless (i) they have been an ordinary member for the 2 previous years, and (ii) they belong to a union which the NEC considers an appropriate union, and which is recognised as independent by the Certification Officer for Trade Unions and Employers' Associations; or  
(b) becomes qualified again for ordinary membership.
- 3.8 An associate member may attend General Meetings of the Branch of which they were last an ordinary member or which is nearest to their place of residence. They may not speak (except at the invitation of the Branch), or propose or second any motion or amendment, or vote on any issue, or hold any Union office specified in the Union's Rules (subject to supplementary rule 3.19(f)). They shall have those rights and benefits expressly provided for in the Union's Rules, and those determined by the NEC. Nothing in this rule shall limit the powers of a Full-time Officer to perform the duties of their post.

- 3.9 The NEC shall establish machinery for representing the interests of associate members who are retired.

### **LIFE MEMBERSHIP**

- 3.10 In recognition of services to the Union, life membership may be conferred on any person who has ceased to be qualified as an ordinary member. Life membership may be honorary or distinguished, and may be awarded posthumously.
- 3.11 No one with fewer than 15 years' ordinary membership (of the Union and/or one of its antecedents) shall be eligible for life membership, except where the NEC considers they have given exceptional service.
- 3.12 Branches, Groups and Associations may make nominations for life membership. The final decision as to the award of honorary life membership shall be taken by the NEC, and as to the award of distinguished life membership by Annual Delegate Conference on the recommendation of the NEC. Group, Association or Branch life members may be created under the constitution of the Group, Association or Branch concerned, but shall not be deemed to be life members of the Union for the purposes of the Union's Rules.
- 3.13 A life member who is also an associate member shall enjoy the rights and benefits of, and be subject to the duties of, associate membership; except that a life member may be a Member Trustee subject to supplementary rule 9.1.

### **SUBSCRIPTIONS**

- 3.14 Subscription rates shall be as follows:
- (a)(i) The primary payment method for members (ordinary and associate) paying subscriptions shall be by direct debit. The NEC shall make alternative payment arrangements for those who are not able to pay by direct debit. All new members or members rejoining PCS shall be required to pay by these methods.
  - (b) The subscription for ordinary members paying by direct debit or the alternative arrangements agreed under paragraph (a) will be governed by an affordable banding mechanism subject to a maximum rate. This mechanism and maximum rate shall be increased on 1 January each year by an amount set at the discretion of the NEC taking account of pay rates, settlements and pay differentials of PCS members. The NEC may suspend any such increase at its discretion.
  - (c) Where members continue to pay by check off the subscription rate shall be a common percentage equal to 0.6 of gross, basic pay, subject to the maximum rate set by the NEC.
  - (d) Ordinary members paying subscriptions by direct debit and check off in accordance with paragraphs (b) and (c) shall pay an additional 50 pence per month to be ring fenced for the union's fighting fund. The money raised will be used solely for the purpose of giving financial support to members taking industrial action.
  - (e) The subscription payable by associate members shall be determined annually by the NEC.
  - (f) Members not covered by collective bargaining arrangements shall pay subscriptions according to the affordable banding mechanism capped at the band rate identified as half of the ordinary maximum, or one quarter of the ordinary rate if they work fewer than 25 hours a week.
  - (g) Casual workers, and workers on fixed term contracts (including apprentices), shall pay no subscriptions for the first six months from the date of signing their application form.
  - (h) Annually, at its first full meeting following ADC the NEC shall consider a "Subscription policy document". This document will have full regard to the policies set by the ADC and will cover issues concerning:
    - (i) harmonisation rates for sections of members transferring from other employee organisations
    - (ii) non-standard workers not covered by any other part of this rule,
    - (iii) subscription waivers and refunds
    - (iv) subscription rate payable by associate members.
  - (i) The subscriptions rates determined via (a), (b), (c) and (d) shall be published annually with the PCS rules.
  - (j) The NEC shall determine the level of subscriptions in any case where doubt arises.

- 3.15** No subscriptions shall be payable by a life member, or by an associate member who is a full time Officer.
- 3.16** A member in arrears by 3 months' subscriptions or more shall be given written notice by the Branch that they may be excluded from the Union unless within 28 days of the notice date:
- (a) The arrears are paid, or arrangements satisfactory to the BEC for their payment are made; or
  - (b) A written explanation is given which is satisfactory to the BEC.
- If at the end of the 28 days the conditions provided for in (a) and (b) above have not been satisfied, the person's membership shall terminate. The BEC or Head Office shall confirm to any such person, in writing, that their membership has terminated and that any appeal to the NEC against loss of membership must be received by the General Secretary within 14 days of the date of the letter confirming termination. The NEC decision on the appeal shall be final.

#### **MEMBERSHIP : GENERAL**

- 3.17** Any person who is, or becomes, a member of an organisation which the NEC considers to be a fascist or racist organisation, or who supports, or speaks or circulates material on behalf of, any organisation concerned with disseminating racist beliefs, attitudes and ideas, or who undertakes actions against others (whether members or non members) designed to discriminate on grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic, shall be subject to the disciplinary procedures under these Rules and may be expelled from the Union.
- 3.18** Where any doubt arises as to whether a person is qualified to be a member, the decision of the NEC shall be final.
- 3.19** All members shall:
- (a) Belong to such Branch as the NEC may direct.
  - (b) Pay all subscriptions and other sums payable under the Union's Rules, when due.
  - (c) Abide by the Rules and any decision made under them; and carry out any duty or direction arising under them.
  - (d) Ensure that Head Office has their correct details recorded on the membership system including date of birth, gender, racial group, sexuality, disability and employer details.
  - (e) On ceasing to be a member, give up any right in the Union's funds and property. (f) On ceasing to be an ordinary member, immediately resign any office and cease to represent the Union, except that: (i) a National Appeals Committee member or Standing Orders Committee member who becomes a member of another type shall not be required to resign until the next appropriate election, and (ii) a Member Trustee shall not be required to resign.

#### **TERMINATION OF MEMBERSHIP**

- 3.20** Notwithstanding the Union's Rules the NEC may by giving 6 weeks' written notice terminate the membership of any member if necessary to comply with a decision of a TUC Dispute Committee.
- 3.21** A member may resign by giving not fewer than 4 weeks' written notice to the Branch Secretary.

## **SECTION 4: BRANCHES**

### **COMPOSITION OF BRANCHES**

- 4.1** Members shall be organised into Branches at the discretion of the NEC, wherever practicable on the basis of those sharing the same employer or bargaining group located within reasonable proximity to one another or in a single place of work. The minimum number of members in a Branch shall be 50, unless the NEC considers there are exceptional circumstances.
- 4.2** Each Branch shall:
- (a) Take action, subject to the authority of the NEC, to protect and promote the interests of its members.
  - (b) Recruit and retain members.
  - (c) Promote the most effective practicable system of local and workplace representation.
  - (d) Promptly furnish any information, and complete any returns, required by the NEC.
  - (e) Assist the NEC to carry out the Objects, and comply with the Rules, of the Union.
- 4.3** The NEC may allocate to a Headquarters Branch any person qualified to be a member whom it is not practicable to include in any other Branch. The Union's President and General Secretary shall be the Chairperson and Secretary respectively.

### **BRANCH GENERAL MEETINGS**

- 4.4** Except where the NEC considers that the scattered location of members makes it impracticable, each Branch Executive Committee ("BEC") shall arrange Branch General Meetings as follows:
- (a) An Annual General Meeting ("AGM").
  - (b) One or more General Meetings to determine motions and nominations for the Annual Delegate Conference; where such a meeting is not the AGM it shall be convened on the same basis as it.
  - (c) One or more General Meetings to instruct the Branch delegate(s) on motions and other Delegate Conference business.
- 4.5** Each Branch's constitution shall provide for a Special General Meeting to be convened at the request of a minimum number or proportion of members, and for an Extraordinary General Meeting to be convened by the BEC.

### **BRANCH EXECUTIVE COMMITTEES**

- 4.6** Each Branch shall elect a Chairperson, Secretary and Treasurer. The name and address of a newly elected officer shall be notified to the General Secretary by the Branch Secretary within 7 days. Where a new Branch is formed (other than by a Branch merger), a Branch Secretary may be appointed by the NEC; the member so appointed shall convene a General Branch Meeting within 6 weeks to approve the Branch constitution.
- 4.7** Each Branch shall have a BEC composed of:
- (a) Branch officers and other members elected by all Branch members.
  - (b) Local (or senior) representatives.
- Local (or senior) representatives shall constitute a majority on the BEC, except where the NEC after consulting the Branch considers it impracticable.
- 4.8** Where a Branch has members from more than one category of grades, its constitution shall ensure that the interests of members from each category are adequately represented.

## **LOCAL REPRESENTATIVES**

- 4.9** Each Branch shall have a system of local representatives, except where the NEC after consulting the Branch considers it impracticable. Members shall be grouped into constituencies by workplace, location, grade, or function. Each constituency shall elect annually a local representative.
- 4.10** Each local representative shall be a BEC member, except that Branches may establish a system of senior representatives, elected by local representatives, who may replace them in their entirety on the BEC. A local representative elected as a Branch officer may be replaced as local representative by further election.

## **BRANCH ACCOUNTS**

- 4.11** Each Branch shall at its AGM elect 2 auditors, who shall not be BEC members, to audit the Branch accounts.
- 4.12** The Branch Treasurer shall present to the AGM a financial report and audited accounts for the preceding year in the form prescribed by the NEC. A copy shall be sent to the Head Office as soon as practicable, and in any event by not later than 31 March. Branch accounts shall be kept available for inspection for 6 years following the last date to which they relate.
- 4.13** Any subscriptions paid in cash shall be sent by the Branch Treasurer to the Head Office as soon as practicable (and in any event not later than the last week in each quarter).

## **FUNDING OF BRANCHES**

- 4.14** The NEC shall make payments to each Branch for Branch expenses, on a per capita basis for each ordinary member. The level of payment shall be determined by the NEC, and shall take into account special circumstances affecting Branches. If a Branch considers that it requires a supplementary payment it may apply to the NEC: applications shall be accompanied by a budget statement detailing all Branch spending since the last annual financial return, and all proposed Branch spending. Applications for supplementary payments covering local education or campaign spending shall be made separately. The NEC's decision on any application shall be final.
- 4.15** A Branch's membership shall be that used to determine representation at Delegate Conferences, except that a new Branch shall be assessed for the first year by the General Secretary.
- 4.16** Payments to a Branch shall be varied by the NEC to reflect the balance of a Branch's funds at the end of the previous financial year, after excluding funds raised by the Branch's own activities; except that a Branch which has complied with this Section of the Rules shall be permitted an operating balance at the start of the financial year of not less than one instalment of the payment to it determined in accordance with supplementary rule 4.14.
- 4.17** Payments to Branches shall be used solely to meet expenditure on activities which the NEC considers to be in conformity with the Union's policies.

## **BRANCH CONSTITUTION**

- 4.18** Each Branch shall be governed in accordance with the Model Branch Constitution contained in Appendix B to these Rules. Branches may amend their constitution, except that any amendment must be consistent with this Section of the Rules and shall not take effect unless:
- (a) Supported by not less than two-thirds of the votes cast at an AGM or at a General Meeting convened for the purpose of considering it; and
  - (b) Subject to NEC approval, or the approval of a body or officer delegated by the NEC, and not valid or binding until then.

## **LOCAL TRADE UNION SIDES**

- 4.19** Co-ordinating committees shall be established where more than one Branch is involved in a local trade union side. Branch representatives on a local trade union side shall be accountable to the co-ordinating committee or BEC (where no co-ordinating committee exists) and act in conformity with Union policy. No member shall sit on a local trade union side without Union authority.



## SECTION 5: REPRESENTATIONAL STRUCTURE

- 5.1 The Union shall be organised so as to promote the method which is most effective for representing members' interests in negotiations with employing bodies, and for the representation of their professional and occupational concerns. In pursuance of this rule, Employer Groups ("Groups"), Occupational Associations ("Associations"), and other bodies of the Union shall be established covering spheres of employment, occupations or grades designated by the NEC.

### EMPLOYER GROUPS

- 5.2 Where the members employed by an employing body do not all belong to the same Branch, the Branches to which such members belong may be formed by the NEC into a Group. A Branch may have members in more than one Group.
- 5.3 The management of the affairs of each Group shall, subject to the overriding authority of the NEC and to the Group constitution, be vested in a Group Executive Committee. Each Group Executive Committee shall, within the sphere of employment covered by it:
- (a) Protect and promote the interests of members.
  - (b) Organise Branches effectively and give them such help as they may require.
  - (c) Ensure the effective recruitment and retention of members.
  - (d) Keep such records, and render such returns and information, as the NEC may require.
  - (e) Co-operate with the NEC in the conduct of the Union's affairs.
- 5.4 Each Group shall have autonomy in formulating policy specifically affecting members covered by it. On matters which the NEC considers affect the Union's general interest, policy decisions shall be subject to consultation with, and the final direction of, the NEC.
- 5.5 Each Group constitution shall specify the frequency of Group Executive Committee elections and of Group Delegate Conferences. An Annual Group Delegate Conference shall be held once every year no sooner than 1 May and no later than 15 June at such time and place as the GEC decides. Group Executive Committee Elections shall be held annually. Group constitutions shall not be valid until approved by the NEC.
- 5.6 The funds of each Group shall consist of the money remitted to it by the NEC, and may only be expended on purposes consistent with the policies of the Union. Annual accounts for the preceding year shall be prepared in the form prescribed by the NEC, and submitted to the Head Office as soon as practicable (not later than 28 February); the NEC may request the Union's professional accountants to audit them.

### *Government Communications Group*

- 5.7 There shall be a Government Communications Group, to which members employed in GCHQ shall be allocated. The Group shall have autonomy in determining policy on any issue solely affecting members within it. The affairs of the Group shall be managed by a General Executive Council ("GEC"). The GEC may at its absolute discretion request the assistance of Full-time Officers in negotiations with GCHQ.
- 5.8 Members of the Group shall not take part in any industrial action which has not been duly endorsed by a majority of the members concerned voting in a secret, individual ballot under the rules of the Group.
- 5.9 The Group shall be provided with funds necessary to maintain its membership services, office facilities, and democratic functions (including GEC meetings and Delegate Conferences). All moneys and property held by the Union's Member trustees which had been previously owned by the Government Communications Staff Federation ("GCSF") shall be: (a) accounted for in a separate fund, or funds; and (b) applied (together with any interest or income earned therefrom) by the GEC for the sole benefit of members in the Group.

- 5.10** The Group may not be dissolved except in accordance with a simple majority of the members who vote in the Group, or on the dissolution of the Union.

### **OCCUPATIONAL ASSOCIATIONS**

- 5.11** Where members with common professional or occupational concerns do not all belong to the same Branch, the Branches to which such members belong may be formed by the NEC into an Association. A Branch may have members in more than one Association.
- 5.12** The management of the affairs of each Association shall, subject to the overriding authority of the NEC and to the Association constitution, be vested in an Association Committee. Each Association Committee shall, within the area covered by it:
- (a) Protect and promote the interests of members.
  - (b) Ensure that the professional and occupational concerns of members are effectively represented in dealings with employers and other official bodies.
  - (c) Keep such records, and render such returns and information, as the NEC may require.
  - (d) Co-operate with the NEC in the conduct of the Union's affairs.
- 5.13** Each Association shall have autonomy in formulating policy specifically affecting members within the Association, except that matters affecting the Union's general interest shall be subject to consultation with, and the final direction of, the NEC.
- 5.14** Each Association constitution shall not be valid until approved by the NEC. No person may be an Association President for more than 4 consecutive years.
- 5.15** The funds of each Association shall consist of the money remitted to it by the NEC, and may only be expended on purposes consistent with the principles and policies of the Union. Annual accounts for the preceding year shall be prepared in the form prescribed by the NEC, and submitted to the Head Office as soon as practicable (not later than 28 February); the NEC may request the Union's professional accountants to audit them.

### **AFFILIATE GROUPS**

- 5.16** The NEC may establish an Affiliate Group, on such terms as it may agree, in any case where an independent trade union or professional body, having aims and objectives similar to those of the Union, wishes to affiliate to the Union.

### **GEOGRAPHICAL STRUCTURE**

- 5.17** Branches shall be organised by the NEC into units based on geographical areas, wherever the NEC considers that a sufficient degree of participation by Branches can be maintained.
- 5.18** Units established under this Section shall, subject to NEC direction, co-ordinate the Union's educational, recruitment, organisational, and campaigning activities within the geographical area concerned, and help the NEC carry out the Union's Objects.
- 5.19** The constitution governing units established under this Section shall be subject to endorsement by the NEC.

### **EQUAL OPPORTUNITIES**

- 5.20** The NEC shall establish an Equality, Health and Safety Department and such bodies as it considers necessary to represent the interests of women members, black members, young members, members identifying as having non-heterosexual sexual orientations and/or a gender different to that as was assigned to them at birth (to be recognised as LGBT+), and disabled members.

## SECTION 6: DELEGATE CONFERENCES

### ANNUAL DELEGATE CONFERENCE

6.1 A Annual Delegate Conference ("ADC") shall be held once every year, no sooner than 1 May and no later than 15 June, at such time and place as the NEC decides.

6.2 The following documents shall be sent to Branches by the dates indicated:

*Weeks before the ADC:*

Annual Reports	14
Conference papers	12
Financial report	8
Booklet of motions	4

6.3 A Conference paper may be issued after the due date only if the President confirms that it could not reasonably have been issued by the due date.

6.4 The ADC shall be attended by Branch delegates, Observers elected at Branch AGMs, Standing Orders Committee ("SOC") members, NEC members, Member Trustees, Full-time Officers, and such other persons as the General Secretary after consulting the NEC may authorise.

6.5 The ADC minutes, which shall be a record of decisions taken, shall be circulated to Branches by the end of the year in which the ADC is held, on the basis of one copy per delegate.

### SPECIAL DELEGATE CONFERENCE

6.6 A Special Delegate Conference may be called by the NEC, or on receipt by the General Secretary of a written application by Branches together representing one quarter or more of the membership.

6.7 The NEC shall determine the timetable for a Special Delegate Conference. Branches shall be given at least one month's notice. Only business detailed on the notice paper shall be dealt with.

### DELEGATE CONFERENCES: GENERAL

6.8 Delegate Conferences shall be governed by the Standing Orders in Appendix A, and shall not be invalidated by any accidental omission to give any notice required, or by any defect in the election or qualification of any delegate. The quorum shall be a majority of delegates entitled to attend.

6.9 The President or (in the absence of the President) the Deputy President or one of the Vice Presidents shall preside as Chairperson.

6.10 Voting shall be by show of hands except when a card vote is either called by the Chairperson or demanded by at least 50 delegates. A card vote may take place either before a vote is taken or immediately after the result of one is declared. The basis of a card vote shall be one vote for every ordinary member of the Branch. Only Branch delegates may cast a vote, except that the Chairperson shall have a casting vote where an equal number of votes are cast for and against a motion. For the purpose of determining the level of support for any motion at Conference, the total of those present shall be deemed to be the total of Branch delegates duly registered as being in attendance at Conference.

## **CONFERENCE REPRESENTATION**

- 6.11** Representation shall be from Branches on the basis of membership (excluding those 3 months or more in arrears with subscriptions) on the qualifying dates as follows:  
(a) The preceding 31 December for Conferences between April and September.  
(b) The preceding 30 June for Conferences between October and March.
- 6.12** Branches shall send the Head Office a membership return within 15 days of each qualifying date. Any Branch not complying shall be notified in writing. If it fails to submit a return within 14 days thereafter, the number of members in the Branch shall be determined by the NEC. The NEC may accept a later date for the receipt of information, where it considers there are factors outside the Branch's control.
- 6.13** Branches may send delegates to Delegate Conferences on the following basis:  
up to 250 members: 1 delegate  
251-500: 2  
501-1000: 3  
1001-1500: 4  
Plus one delegate for each complete additional 1000 members.
- 6.14** Branches may combine in a consortium to elect a delegate, on a basis approved by the NEC, provided they notify the General Secretary in writing at least six weeks before Conference. For card votes, the votes of consortium Branches shall be aggregated.
- 6.15** A Branch outside the UK may send delegates on the same basis as one inside, except that:  
(a) It may nominate a member of a UK Branch, and  
(b) The Union shall pay travel expenses not exceeding those to and from the farthest point in the UK.
- 6.16** Delegates shall be fully paid-up members of their Branch (subject to supplementary rule 6.15(a)). NEC members may not be Branch delegates. If a delegate cannot attend due to illness, bereavement or other emergency, another member of their Branch may, if the Branch wishes, take their place as delegate; where it is not practicable to ascertain the wishes of the Branch, they may do so with Conference approval.
- 6.17** The NEC may, in consultation with Branches, appoint Conference trainees. Trainees may not speak or vote on Conference business.

## **CONFERENCE MOTIONS**

- 6.18** Motions shall be received by the General Secretary not later than 8 weeks before the ADC, by a date determined by the NEC. Motions amending a Conference paper issued after the normal due date shall be received by the General Secretary not later than 4 weeks after the paper was sent to Branches.
- 6.19** Motions may only be submitted by Branches or by the NEC. Branch motions shall have been passed at a properly constituted General Meeting of members (except where the NEC under supplementary rule 4.4 considers that the scattered location of members makes it impracticable), and submitted on official forms signed by the Branch Chairperson and Secretary (or in the case of absence, by another Branch officer). NEC motions shall have been passed at a properly constituted meeting.

## **STANDING ORDERS COMMITTEE**

- 6.20** There shall be a Standing Orders Committee ("SOC") of 5 members. Not more than one member employed by a particular employer shall be a member of the Standing Orders Committee at the same time, save that a member of the Standing Orders Committee shall not be required to resign by reason of a change in their employer provided they remain qualified for ordinary membership (see also SR6.25b). The Chairperson shall be elected by the SOC from among those of its members next due to reach the end of their term of office. Where the

Chairperson is absent, the SOC shall elect a temporary substitute. The Secretary shall be a Full-time Officer designated by the General Secretary. The quorum shall be 3. No SOC member may attend Delegate Conferences in any other capacity, or vote on Conference business, or while so acting be a member of the NEC. SOC members shall serve for 4 years.

- 6.21** In the event of a casual vacancy on the SOC, the first eligible runner-up then available at the last relevant election shall be called upon to fill the vacancy until the conclusion of the next ADC, at which the vacancy shall be filled by election.
- 6.22** The SOC shall, pursuant to the objectives in principal rule PR1:
- (a) Arrange motions into a convenient agenda, and construct composite motions, so as to provide for the efficient despatch of business.
  - (b) Ensure that the President is supplied with copies of all motions as received from Branches, and consult the President before rejecting any motion.
  - (c) Supply the General Secretary with all necessary material to enable the booklet of motions to be issued according to the Union's Rules.
  - (d) Consult the President and General Secretary before making recommendations in relation to the Conference timetable.
  - (e) Submit an agenda, timetable and such other recommendations as it sees fit, to Conference for consideration.
  - (f) During Conference, consult the Chairperson of Conference on all matters relating to the agenda, timetable and procedure (including the admission of emergency motions), and report and recommend thereon as necessary.
  - (g) Exclude any motion which the Standing Orders Committee consider (after taking written legal advice) may provide grounds for any legal proceedings against the Union or any of its officers or agents or printers. A copy of the written legal advice shall be provided to the submitting Branch.

#### **ELECTIONS AT DELEGATE CONFERENCES**

- 6.23** The ADC shall elect by ballot where necessary:
- (a) 1 or more SOC members.
  - (b) 5 Editorial Board members.
  - (c) Distinguished life members.
  - (d) members of the National Appeals Committee as specified in Rule 10.11.
  - (e) One or more member Trustees as specified in rule 9.1.
- Elections shall be completed before the close of Conference.
- 6.24** Subject to eligibility and to supplementary rule 7.34, the ADC shall elect one half of the Union's delegates to:
- (a) Trades Union Congress.
  - (b) TUC Women's Conference.
  - (c) TUC Youth Conference.
  - (d) Scottish TUC.
  - (e) Scottish TUC Women's Conference.
  - (f) Scottish TUC Youth Conference.
  - (g) Wales TUC.
  - (h) Wales TUC Women's Conference.
  - (i) Wales TUC Youth Conference.
- No NEC member shall be eligible for election under this rule. Only women shall be eligible for election under (b), (e) and (h). Delegates shall hold office until the end of the next ADC or until they cease to be eligible, whichever is first.
- 6.25** (a) The NEC shall take steps to ensure that, wherever practicable and subject to the Union's Rules, the number of women members elected under each part of supplementary rule 6.24 shall be not less as a proportion of the total elected than the proportion of women members in the Union. The Annual Report shall state whether the proportions actually achieved were (i) more or less than the proportion of women members in the Union, and (ii) more or less than any proportions required under TUC policies or rules; and shall indicate the steps taken by the NEC to discharge its responsibilities under this rule.

**(b)** If, but for this rule, the identity of members elected by ADC in any election under supplementary rule 6.23(a) or 6.24 would mean that the number of members elected who were employed by the same employer exceeded any limitation, restriction or requirement applicable in the Union rules, the highest polling member or members employed by other employers shall displace the member or members with fewest votes (out of those who would otherwise be elected), but only if such replacement member or members is available, so that the number of members elected who are employed by the same employer does not exceed the applicable limitation, restriction or requirement.”

#### *Nominations*

- 6.26** Nominations may be made only by Branches, and (except where the NEC under supplementary rule 4.4 considers that the scattered location of members makes it impracticable) at a properly constituted Branch General Meeting; except that nominations for distinguished life membership may be made only by the NEC. The consent of a nominee shall be obtained.
- 6.27** Official nomination papers shall be sent to Branches not later than 14 weeks before the ADC. They shall be received by the General Secretary duly completed not later than 8 weeks before the ADC, by a date determined by the NEC.
- 6.28** A nomination by a Branch shall only be valid if made on an official nomination paper with a certificate signed by the Branch Chairperson and Secretary (or, if either is absent, by another Branch officer) that the rule relating to the holding of a Branch General Meeting has been complied with, and giving the date and place of the meeting. Nominations by the NEC under supplementary rule 6.26 shall be signed by the General Secretary.
- 6.29** A nomination is a promise of a Branch's vote; it may only be changed by a specially convened Branch General Meeting, and any change shall be notified to the General Secretary before the ADC.
- 6.30** If there are insufficient nominations for any position, nominations for the unfilled positions shall be called for from the floor of Conference, and a vote shall be taken. If any position remains unfilled, the NEC may fill it.

#### *Conduct of elections*

- 6.31** Subject to the Union's Rules, the NEC shall, after consulting the Member Trustees, issue regulations to Branches for the conduct of the elections. These regulations shall be binding on all members. The General Secretary shall, with the help of the Member Trustees, make all necessary arrangements for the conduct of the elections.
- 6.32** The General Secretary shall satisfy himself that the nomination rules have been complied with, and that the consent of each nominee has been given. The General Secretary shall refer any case of doubt to the Member Trustees for decision.
- 6.33** The Member Trustees shall supervise the elections and give the President a certified statement of the results.
- 6.34** Voting shall be by ballot paper and a card vote.
- 6.35** Any complaint as to an alleged breach of these rules shall be made in writing to the Member Trustees. Any complaint as to the validity of a nomination shall be made not later than 2 weeks before the ADC. If the Member Trustees consider that the rules have been breached they shall, after consulting the President, decide what action if any should be taken, including whether the election should be declared void or any candidate disqualified. The Member Trustees' decision shall be final and binding on all members. The General Secretary shall publish the decision, together with the reasons for it, to Branches.

## **VISITORS AND OBSERVERS**

**6.36** The NEC shall invite any Group or Association President not elected as a delegate, and may invite other visitors, at the expense of the Union.

**6.37** Branches may apply to send observers to Annual Delegate Conference. The NEC will pay the expenses for up to 30 observers from Branches provided that: -

The Conference accommodation allows such a number to be seated.

Such observers have been properly elected at Branch AGMs.

The NEC shall invite branches to apply and the NEC will determine who the paid observers shall be with preference given to assisting observers from under represented groups.

Branches failing to get NEC funding for Branch observers can also raise their own funds by their own activities and apply for Conference observer credentials. All observers can also raise their own funds by their own activities and apply for Conference observer credentials. All observers shall be supplied with PCS official Conference documents issued to delegates.

## SECTION 7: NATIONAL EXECUTIVE COMMITTEE

### COMPOSITION

- 7.1 The NEC shall consist of the President, Deputy President, three Vice-Presidents together referred to as the Senior Lay Officers and 30 ordinary members, in each case elected by a ballot of the whole membership, and any Senior Full-Time Officer elected in accordance with principal rule PR11.
- 7.2 The Senior Lay Officers and the ordinary members shall be elected for a term of office of one year.
- 7.3 There shall be an election for President by a ballot of the whole membership.
- 7.4 There shall be an election for Deputy and Vice-Presidents by a ballot of the whole membership. The candidate securing the highest number of votes shall be elected Deputy President and the three candidates securing the next highest number of votes shall be elected Vice-Presidents. If, but for this rule, more than one member employed by a particular employer would be elected as Deputy or Vice-President in the same election, the candidate or candidates with the lower or lowest votes of such members shall be displaced by the member or members with the highest votes employed by an employer who does not employ any of the members otherwise elected as Deputy or Vice-President in that election, so that each Deputy and Vice-President shall be a member employed by a different employer.
- 7.5 There shall be a Senior Vice-President who shall be the Vice-President elected in accordance with 7.4 above who has the longest continuous service as a Senior Lay Officer/Vice-President or, in the event of an equality of such service, who has the longest aggregate service, whether or not continuous, on the NEC and/or on the national executive body of the union's antecedents (whether as a Senior Lay Officer or otherwise).
- 7.6 There shall be an election for ordinary members of the NEC by a ballot of the whole membership.
- 7.7 Senior Full-time Officers shall not have voting rights at meetings of the NEC.
- 7.8 (a) If, but for this rule, fewer than two seats for ordinary members of the NEC would be filled by a member who identified as being from a black racial group, the highest polling member or members who did so identify themselves shall displace the member or members with fewest votes (out of those who would otherwise have been elected) who did not so identify themselves (only if such replacement member or members is available).
- (b) If, but for this rule, fewer than two seats for ordinary members of the NEC would be filled by a member who identified as LGBT (lesbian, gay, bisexual or transgender), the highest polling member or members who did so identify themselves shall displace the member or members with the fewest votes (out of those who would otherwise have been elected) who did not so identify themselves (only if such replacement member or members is available).
- (c) If, but for this rule, fewer than two seats for ordinary members of the NEC would be filled by a member who identified as disabled, the highest polling member or members who did so identify themselves shall displace the member or members with fewest votes (out of those who would otherwise have been elected) who did not so identify themselves (only if such replacement member or members is available).
- (d) If, but for this rule, fewer than one seat for an ordinary member of the NEC would be filled by a young member, the highest polling member shall displace the member with fewest votes (out of those who would otherwise have been elected) who were not young members (only if such replacement member was available).
- (e) If, but for this rule, fewer than two seats for ordinary members of the NEC would be filled by members from private sector employers, the highest polling member or members shall



displace the member or members with the fewest votes who are not from private sector employers (only if such replacement member or members are available).

- 7.9** If, but for this rule and after the application of the NEC ordinary member reserved seats, 9 or more seats for ordinary members of the NEC would be filled by members employed by the same employer, the highest polling member or members from other employers shall displace the member or members with fewest votes (out of those who would otherwise be elected), but only if such a replacement member or members is available, so that the number of ordinary members who are employed by the same employer does not exceed 8.
- 7.10** An NEC member shall not be required to resign by reason of a change in their grade category or employer, provided they remain qualified for ordinary membership.

## **POWERS**

- 7.11** The NEC shall (subject to supplementary rules 4.1, 5.1, 5.2 and 5.13) have authority to exercise those powers in supplementary rule 2.1, and without prejudice to the generality of those powers shall further have the powers to:
- (a) Organise, open, amalgamate, sub-divide or close Branches, Groups, Associations, or other parts of the Union, including units for the purpose of co-ordinating the Union's activities within particular geographical areas.
  - (b) Make, vary, suspend or rescind regulations governing the conduct of the Union's business and subsidiary parts of the Union.
  - (c) Fill any casual vacancy.
  - (d) Require the attendance at its meetings of any Full-time Officer, member of staff, or member of the Union, to provide factual information or technical or professional advice.
  - (e) Invite to its meetings any non-member.
  - (f) Appoint NEC Committees.
  - (g) Appoint advisory committees which may include members who are not NEC members.
  - (h) Engage and discharge Full-time Officers, determine their pay and terms and conditions of employment, and enter into any agreement with them it considers appropriate.
  - (i) Make such levies, in addition to subscriptions, as it considers necessary.
  - (j) Convene consultative conferences of members or officers.

## **POWERS AND DUTIES OF PRESIDENT**

- 7.12** The President shall preside at all NEC meetings, put such motions to the vote as may be seconded, and be the judge of order. The President may speak and vote on all questions. A decision of the President shall be complied with immediately, unless formally challenged by an NEC member. Any challenge shall be decided without debate and only upheld if supported by two-thirds of those present and voting. The President shall sign all minutes of NEC meetings once confirmed.
- 7.13** The President may attend any meeting of members to consider Union business, and speak on any question.
- 7.14** In the President's absence the Deputy President shall preside, and act with the authority of the President.

## **NEC COMMITTEES**

- 7.15** NEC Committee decisions shall be subject to ratification by the NEC.
- 7.16** There shall be a Policy and Resources Committee of the NEC, of which the lay members shall consist of:
- (a) the Senior Lay Officers, and
  - (b) such other number of members as the NEC determines, on such a basis that not more than one third (rounded to the nearest whole number) of [the Committee/such members] shall be members employed by the same employer. A member of the Policy and Resources Committee shall not be required to resign by reason of a change in their employer provided they remain a member of the NEC and qualified for ordinary membership.

### *National Disputes Committee*

- 7.17** The NEC shall appoint a National Disputes Committee ('NDC') consisting of the Senior Lay Officers and the Senior Full-time Officers; only the Senior Lay Officers and Senior Full-time Officers elected in accordance with principal rule PR11 shall have voting powers. A quorum shall consist of 3 voting members, of which one shall be either the President, Deputy President or a Vice President.
- 7.18** Industrial action shall only be authorised or endorsed by the Union when so approved by the NDC or the NEC, following a ballot of the members concerned under the Principal Rules of the Union in which a majority of those voting vote in favour of such action. The NDC shall decide whether strike pay shall be paid, and if so at what rate, in any particular dispute.
- 7.19** The NDC shall take decisions in the name of the NEC. Decisions shall be reported to the next NEC meeting, but be binding until then.

### *Editorial Board*

- 7.20** There shall be an Editorial Board comprising 5 members elected at the ADC, 2 members appointed by the NEC, and an Senior Lay Officer (who shall act as Chairperson). The Board shall have editorial control of the Union's national journal. Groups with 10,000 or more members, and any other Group as the NEC shall decide, shall have a Group Journal. Editorial control of these publications shall rest with representatives from within the appropriate Group.

### **NEC PROCEDURES**

- 7.21** The NEC shall meet not fewer than 4 times each year, and at such other times as either (a) the President or General Secretary considers necessary, or (b) a majority of NEC members request in writing (in such a case only to deal with the matters specified), or (c) the NEC decides under its standing orders. The quorum for any meeting of the NEC or its Committees (except for the National Disputes Committee) shall be a majority of the voting members.
- 7.22** The Annual Report shall state the number of NEC and NEC Committee meetings during the previous calendar year and the attendance of members. Any member absent from an NEC meeting shall give a reason. Any member absent from 2 consecutive regular meetings shall be deemed to have resigned, unless absence is caused by ill-health or some other reason which the NEC considers satisfactory.
- 7.23** Issues shall be decided by a majority of the total votes cast, except those which by the Union's Rules or by any agreement or contract are to be decided in a special manner. In the event of an equality of votes the President shall have a casting vote. In exercising their vote no NEC member shall be bound by collective responsibility arising from their membership of an NEC Committee.

### **NEC ELECTIONS**

- 7.24** NEC elections shall be conducted on the basis of secret, individual voting. The NEC shall appoint an Independent Scrutineer who shall supervise the production and distribution of voting papers and the counting of votes. The General Secretary shall, after consulting the Independent Scrutineer, issue regulations for the conduct of the elections which shall be published to Branches and be binding on all members.
- 7.25** Nominations may be submitted only by Branches, and (except where the NEC under supplementary rule 4.4 considers that the scattered location of members makes it impracticable) following endorsement by a properly constituted Branch General Meeting. Branches may make nominations only for elections in which one or more Branch members may vote, and as determined by a meeting of those members concerned. The consent of a nominee shall be obtained.
- 7.26** Official nomination papers shall be issued to Branches not later than 14 weeks before the ADC. They shall be received by the General Secretary duly completed not later than 8 weeks

before the ADC, by a date determined by the NEC.

- 7.27** A nomination shall only be valid if made on an official nomination paper with a certificate signed by the Branch Chairperson and Secretary (or, if either is absent, by another Branch officer) that the rule relating to the holding of a Branch General Meeting has been complied with, and giving the date and place of the meeting.
- 7.28** Nominees must be members entitled to vote in the part of the elections to which their nomination relates.
- 7.29** Nominees may submit a written election address (including biographical information) not exceeding 400 words. Election addresses shall be received by the General Secretary not later than 7 weeks before the ADC, on a date determined by the NEC.
- 7.30** The General Secretary shall satisfy himself that the rules relating to nominations have been complied with and that the consent of the nominee has been given.
- 7.31** Any complaint as to an alleged breach of rules 7.24 to 7.30 (or of the regulations made under Rule 7.24) concerning, solely or mainly, the validity of nominations shall be made in writing to the Independent Scrutineer and shall be made not later than one week before the issue of ballot papers. If the independent scrutineer considers that the rules (or the regulations made under rule 7.24) have been breached the independent scrutineer shall, after consulting the president, decide what action if any be taken, including whether the election should be declared void or any candidate disqualified. The independent scrutineer's decision shall be final and binding on all members. The independent scrutineer shall publish the decision, together with the reasons for it, to branches.  
Any complaint as to an alleged breach of rules 7.24 to 7.30 (or of the regulations made under Rule 7.24) otherwise than concerning, solely or mainly, the validity of nominations shall be made in writing to the General Secretary. Any such complaint must be submitted in good time and in any event within 7 days of the declaration of the results of the election and the General Secretary will arrange that an independent person with suitable legal qualifications and experience considers the complaint as soon as practicable. If the person so appointed upholds the complaint that a candidate by his/her own act or through the act or acts of those supporting the candidate has caused a breach of these rules or the regulations made under Rule 7.24 the candidate may be de-barred from the election and/or his or her election may be declared null and void. Any action taken by or on behalf of a candidate by his/her supporters will be deemed to be the action of the candidate. All candidates should make their supporters aware of these elections and the consequences of any breach of this rule and the regulations made under Rule 7.24. The decision of the person appointed shall be final and binding on all members. The General Secretary shall publish the decision, together with the reasons for it, to branches.
- 7.32** A successful candidate for Senior Lay Officer shall accept that post and decline any more junior post (including another Senior Lay Officer post) to which they may have been elected.

## **REPRESENTATION OF THE UNION**

- 7.33** Except as provided for elsewhere in the Union's Rules, the Union's representatives on any other organisation shall be appointed by the NEC. Only a member or a Full-time Officer or member of staff shall represent the Union.
- 7.34** The representation of the Union at TUC Conferences shall be as follows:  
(a) The President and General Secretary shall represent the Union as delegates to the TUC.  
(b) Thereafter, half of the remaining delegation to the TUC (after rounding up to the nearest whole number) shall be elected at the ADC in accordance with Section 6 of the Supplementary Rules, together with half of each delegation to the other TUC Conferences referred to therein. Not more than one third (rounded to the nearest whole number) of those so elected (excluding those to youth conferences) shall be members employed by the same employer.  
(c) Subject to (a) and (b) the remaining delegates shall be appointed by the NEC. Not more than one third (rounded to the nearest whole number) of those so appointed (excluding those to youth conferences) shall be members employed by the same employer.

(d) A member elected or appointed to a delegation in accordance with this rule shall not be required to resign by reason of a change in their employer provided they remain qualified for ordinary membership (see also SR6.25b).

## **SECTION 8: FULL-TIME OFFICERS AND STAFF**

- 8.1** Subject to the Union's Rules, the Full-time Officers shall be appointed by the NEC, and subject to its control and direction.

### **SENIOR FULL-TIME OFFICERS**

- 8.2** The General Secretary shall:
- (a) Supervise the general work of the Union.
  - (b) Keep the minutes and attendance record for meetings of the Conference, NEC and NEC Committees. Bound copies of the minutes, signed by the relevant chairperson, shall be kept by the General Secretary at the Head Office.
  - (c) Keep the books and documents of the Union in such manner and for such purposes as the NEC may appoint, and prepare all documents and returns required by law.
- 8.3** The General Secretary may:
- (a) Convene (after consulting the President) meetings of the NEC and its Committees.
  - (b) Attend any meeting of the Union or of its subsidiary parts.
  - (c) Employ staff as necessary on terms and conditions, and on the basis of procedures, approved by the NEC.
  - (d) Delegate the rights and duties of the General Secretary to any other Full-time Officer.
- 8.4** In the event of a vacancy in any Senior Full-time Officer post filled by election in accordance with principal rule PR11, the NEC shall make the necessary arrangements for an election to be held, including the appointment of an Independent Scrutineer. The vacancy shall be advertised, and open to members of the Union. The NEC shall, after consulting the Independent Scrutineer, approve regulations for the conduct of the elections which shall be published to Branches and be binding on all members. An election address of not more than 1,000 words (including biographical information) shall be permitted.
- 8.5** Those elected shall be appointed by the NEC on such terms and conditions as the NEC may determine.
- 8.6** The Assistant General Secretary (or Secretaries, as the case may be) shall co-operate with the General Secretary, and in the absence of the General Secretary shall have the powers and authority of that office.

### **OTHER FULL-TIME OFFICERS**

- 8.7** Other Full-time Officer appointments shall be made by the NEC, initially for a probationary period of 12 months.

### **EMPLOYEES**

- 8.8** The Union shall recognise and deal with an independent trade union or trade unions representing the Union's employees for the purpose of collective bargaining.
- 8.9** The Union shall pursue a policy of equal opportunity for its employees.

## **SECTION 9: FINANCES**

- 9.1** There shall be three Member Trustees, who shall be present or former ordinary members of the Union, elected under the provisions of Rule 6.23. The first such election shall take place in 2011. The candidate gaining the most votes at the first such election shall be elected for a 3 year term. The candidate gaining the second highest number of votes at the first such election shall be elected for a 2 year term. The candidate gaining the third highest number of votes at the first such election shall be elected for a 1 year term. At each subsequent Conference of the Union, one Member Trustee shall be elected, and shall serve for 3 years. Not more than one member employed by a particular employer shall be a Member Trustee at the same time, save that a Member Trustee shall not be required to resign by reason of a change in their employer provided they remain qualified for ordinary membership. A casual vacancy may be filled by the NEC. A Member Trustee may not occupy any other Union office. A Member Trustee shall immediately resign on becoming bankrupt or on being disqualified from holding office as a company director.
- 9.2** All Union property and funds (including all those held by subsidiary parts of the Union, but excluding that held and owned by the Inland Revenue Group) shall vest in the Member Trustees, who shall act with the consent of, and in accordance with the directions of, the NEC. The NEC shall ensure that the Union's finances are conducted in accordance with the Union's Rules and any direction given or decision made under them. The Union's finances shall be managed by the General Secretary, subject to the direction of the NEC.
- 9.3** All monies, funds, accounts, books, records and other Union properties (real and personal), including all those held by subsidiary parts of the Union, shall (subject to supplementary rule 9.2) be surrendered to the NEC at its request.
- 9.4** The Trustees may sell, exchange, lease, charge, or agree to let, any real or personal property of the Union; borrow or lend money with or without security; cause bank accounts to be opened or closed; and accept any real or personal property given to the Union or lawfully acquired by it.
- 9.5** The NEC may authorise the payment of any monies required to carry on the Union's affairs, the investment by the Trustees of the Union's funds in any lawful way, and the raising of monies by way of mortgage, loan or charge on any Union asset.
- 9.6** The National Treasurer of the Union, who shall be an Assistant General Secretary designated by the NEC, shall in conjunction with the Director of Finance take charge of those funds which are not invested. They may hold petty cash up to such amount as the NEC may direct. They shall, as directed by the NEC, pay all demands, render a full and clear account of the Union's finances, and give up all monies, books, records and other Union property in their possession.
- 9.7** Cheques or other payments drawn on the Union's bank account shall require 2 signatories, who shall be determined by the NEC. No person may act as both first and second signatory in respect of the same payment.
- 9.8** Expenses shall be paid from the Union's central fund, as approved by the NEC, to members attending Delegate Conferences or Union committees, and to any member or Full-time Officer or member of staff representing the Union. Member shall sign a declaration that the expenses have been incurred on Union business and are not chargeable in whole or in part to any other body.

### **GENERAL FUND**

- 9.9** There shall be a General Fund which shall be credited with all subscriptions and other income intended to be used for the general purposes of the Union, and debited with all associated expenses. The Fund may be used for any purpose that the NEC considers to be in

accordance with the Objects, except for any purpose which may only be supported by spending from the Political Fund.

### **BENEVOLENT SERVICE**

- 9.10** There shall be a benevolent service available to members, funded from the General Fund. Awards may be made to members on redundancy or retirement, during sickness or incapacity, for injury, for funeral expenses of a member or for the partner or children of a deceased member, or for any compassionate purpose. Payments may be in the form of grants and/or loans. The Union shall not pay to any person a lump sum award exceeding £4,000 or an annuity exceeding £825.

### **CAMPAIGN AND DISPUTES FUND**

- 9.11** There shall be a Campaign and Disputes Fund, which shall be credited with such proportion of subscription income as the NEC shall decide. The Fund shall be used solely to finance industrial action, campaigns or demonstrations authorised by the NEC. No other Fund may be used for these purposes.

### **POLITICAL FUND**

- 9.12** The union shall have a Political Fund, subject to members of the union having passed a political resolution. Ten pence of each member's monthly contribution shall be contributed to the Fund, except in respect of those members who are exempt. The political fund rules shall be determined by the NEC in accordance with principal rule PR15.

### **PENSION FUND FOR EMPLOYEES**

- 9.13** The NEC shall cause a pension fund (or funds) to be established and maintained for the benefit of the Union's employees. The fund (or funds) shall be supported as required by payments from the General Fund.

### **ACCOUNTS AND AUDIT**

- 9.14** The financial year of the Union, and of each of its subsidiary parts, shall run from 1 January to 31 December.
- 9.15** The auditors of the Union's accounts shall be chartered accountants appointed by the NEC. The auditors may be removed by a Delegate Conference on the recommendation of the NEC.
- 9.16** The NEC shall cause the accounts to be regularly entered in appropriate accounting records, and as soon as practicable after 31 December submitted for audit. The auditors shall have access to all books, accounts, and other relevant documents; examine the accounts; and either sign the accounts as showing a true and fair view in accordance with the Union's Rules, or report in what respects they find them not to be. They may report on any other matter connected with the accounts.
- 9.17** Each year following completion of the audit, the NEC shall publish to Branches the accounts and the report of the auditors. The NEC shall present to the ADC:
- (a) The audited accounts for each of the preceding two years.
  - (b) The reports of the auditors.
  - (c) A statement of the Union's financial affairs.
- 9.18** The NEC may request the auditors, Member Trustees, or such other person(s) as may be appointed under this rule as special member auditor, to examine any accounts and accounting records of the Union or of any part of the Union. One or more members of the Union may be appointed by the NEC as special member auditor, subject in each case to the endorsement of Delegate Conference.

- 9.19** Income raised by any of the Union's representational structures or Branches shall be banked in the Union's name but applied to the benefit of the representational structure or Branch concerned.

### **INSPECTION OF ACCOUNTING RECORDS**

- 9.20** Any member shall be entitled, on request to the General Secretary, to inspect a copy of the annual audited accounts and the statutory annual return made by the Union, and to be supplied with a copy thereof at cost.

### **INDEMNITIES**

- 9.21** The Union shall indemnify the Member Trustees and Full-time Officers, and may at the discretion of the NEC indemnify any member holding Union office (including any NEC member) and any member of staff, against all liabilities incurred in the proper discharge of their duties (except those incurred through the wilful neglect or default or fraud or misconduct of the member or other person).

### **DEATH BENEFIT**

- 9.22** Death benefit of ten times the maximum annual subscription, at 31 December of the year prior to the death, shall be paid to the nominee of an ordinary member who dies whilst a member. Each year the NEC will implement the amount to be paid the following year when setting the PCS budget, and advise branches of the rate for the year.
- 9.23** Death benefit shall not be payable where death results from war or invasion, except in the course of duty outside the UK.
- 9.24** A member may nominate a person(s) to whom death benefit shall be paid. The member may revoke or vary their nomination by submitting a new one. The marriage of a member shall nullify a previous nomination, and necessitate a further nomination. A nomination shall not be revoked by a subsequent will. In the absence of a nomination the NEC may make the payment to the person whom it considers to be the legal personal representatives of the deceased or, pending their appointment, to the person it considers to be beneficially entitled. All nominations shall be made on the prescribed form and sent to the Head Office. Any valid nomination in respect of death benefit under PTC or CPSA rules shall be accepted as valid by the Union.
- 9.25** The death of a member shall be immediately notified to the Head Office by the relevant Branch Secretary (or by such person as the Branch may authorise), in such form and with such information as the NEC may direct.
- 9.26** Nothing in this Section of the Rules gives the nominee, next of kin or any other person a right of legal action against the Union. The NEC may, at its absolute discretion, grant benefit in any exceptional case where the conditions of benefit are not satisfied.

### **LEGAL HELP**

- 9.27** The NEC may, at its absolute discretion, give free legal help to a member or their partner or dependants (provided the subscriptions of the member by or through whom legal help is sought are paid and remain paid up to date), or to the dependants of a deceased member. Any member requiring free legal help shall apply to the Head Office and give such information as the NEC may require.



## **SECTION 10: DISCIPLINARY PROCEDURES**

- 10.1** Where, on receipt of a complaint from a PCS Branch or any individual member, the NEC considers there are grounds for considering whether a member has seriously prejudiced the Union's interests, and is not a fit or proper person to remain a member and/or hold Union office, it may start action under this Rule.
- 10.2** Any complaint against a member under this Rule shall be made in writing to the General Secretary who shall, having considered if it relates to a matter seriously prejudicial to the union's interests, refer it to the NEC. The NEC shall require such enquiries to be made as it considers necessary to establish whether or not a disciplinary offence appears to have been committed. If it considers that there is such a case it may instruct the General Secretary to convene a Disciplinary Committee meeting.

### **DISCIPLINARY COMMITTEE**

- 10.3** A Disciplinary Committee shall consist of an uneven number of persons (not exceeding 5) appointed by the NEC from a pool. The pool from which members of the Disciplinary Committee shall be drawn will include PCS life members. In appropriate cases the NEC may approve a non-member to sit on the Disciplinary Committee. NEC members shall be ineligible. The Secretary shall be the General Secretary or a Full-time Officer designated by the General Secretary.
- 10.4** The Respondent and Complainant shall receive not fewer than 28 days written notice of the date, time and place of the Committee meeting, and of their rights to:
- Present oral or written representations or nominate another person to do so on their behalf.
  - Receive copies of documentation made available to the Disciplinary Committee.
  - Be present when evidence is given.
  - Be accompanied by their PCS Union representative or by another PCS member.
- 10.5** The Committee shall make decisions by a simple majority of those present. It may adopt such other procedures as it sees fit for the conduct of its business.
- 10.6** If the Committee decides that a member has seriously prejudiced the Union's interests, it shall so report to the NEC in writing, giving reasons.
- 10.7** The NEC shall receive the report of the Disciplinary Committee. On consideration of the report the NEC may impose one or more of the following disciplinary penalties:
- That the member be censured in writing.
  - That the member be disqualified from holding one or more Union offices, for any period.
  - That the member be suspended from membership for any period, with any loss of benefits and rights.
  - That the member be expelled from membership.
- 10.8** Written notice of the disciplinary penalty, together with a copy of the Committee report, shall be sent to the member within not more than 10 days. The member shall also be notified of their right to appeal to the National Appeals Committee.

### **NATIONAL APPEALS COMMITTEE**

- 10.9** A member on whom a disciplinary penalty has been imposed may appeal to the National Appeals Committee ("NAC"), provided a written appeal is received by the General Secretary

within 28 days of notice of the penalty being sent to the member, setting out the detailed grounds of appeal.

- 10.10** The NAC shall hear the appeal within 2 months after the General Secretary received the appeal, or as soon as practicable thereafter. The member shall, not later than 28 days before the NAC hearing, be sent written notice of the date, time and place of the hearing and of their rights to:
- Present written representations on the grounds for appeal, provided it is received by the General Secretary not later than 14 days before the NAC meeting.
  - Make oral representations to the Committee, and be present at the hearing.
  - Be accompanied at the hearing by their PCS Union representative or by another PCS member.
- 10.11** The NAC shall consist of 9 members, each elected by election at every fourth Annual Delegate Conference, commencing 2008 under the provisions of supplementary rule 6.23 for a four-year term. NEC members shall not be eligible.
- Not more than three members of the NAC shall be members employed by the same employer. A member of the NAC shall not be required to resign by reason of a change in their employer provided they remain qualified for ordinary membership.
  - a casual vacancy shall be left vacant until the next election, and the replacement member (who shall be the member elected with the fewest votes) shall serve the unexpired term.
  - If, but for this rule, the number of members of the NAC employed by the same employer would exceed three, the highest polling member or members from other employers shall displace the member or members with fewest votes (out of those who would otherwise be elected), but only if such replacement member or members is available, so that the number of members of the NAC employed by the same employer does not exceed three.
- 10.12** The President (or appointed deputy) shall present the NEC's case to the NAC. Any written submission by the NEC shall reach the General Secretary not later than 21 days before the hearing, and be sent at the same time to the member.
- 10.13** No new allegation or charge may be raised during the appeal.
- 10.14** The General Secretary shall supply the NAC with a copy of the appeal, any written submissions, the documents before the Disciplinary Committee, the minutes of the Disciplinary Committee meeting, the Disciplinary Committee report, and the notice of the disciplinary penalty imposed by the NEC. A copy of the above documentation shall be provided by the General Secretary to the appellant not later than 10 days before the hearing.
- 10.15** The NAC shall elect a Chairperson from among its own members. The quorum shall be 5. The Secretary shall be the General Secretary, or a Full-time Officer designated by the General Secretary, who shall attend the hearing. Voting shall be by simple majority of those present: if the votes are equal the Chairperson may use an additional casting vote.
- 10.16** The NAC may endorse, set aside, or vary (within the limits of 10.7) the Disciplinary Committee and/or NEC decision or, where the NAC finds there has been substantial procedural failure, refer the decision back for reconsideration. Written notice of the NAC decision shall be sent to the member and the NEC as soon as practicable, and in any event within 7 days.

## **APPEAL TO CONFERENCE**

- 10.17** If the NAC confirms or imposes the expulsion, disqualification from Union office or suspension of a member, the member may appeal to a Delegate Conference, provided a written appeal is received by the General Secretary within 28 days of the NAC decision being sent to the member, giving the detailed grounds of appeal. Receipt of the appeal shall be acknowledged

within 7 days. The appeal shall be determined at the first Annual or Special Delegate Conference allowing 5 weeks between the receipt of the appeal and the Conference.

- 10.18** Any written submission by the NEC shall reach the General Secretary not later than 21 days before the Conference, and be sent at the same time to the member. Any written submission by the member shall be received by the General Secretary not later than 14 days before the Conference.
- 10.19** The General Secretary shall, not later than 7 days before the Conference, send delegates a copy of the appeal, any written submissions, and the minutes of the Disciplinary Committee and NAC meetings.
- 10.20** No new allegation or issue may be raised during the appeal.
- 10.21** At the Conference, the President (or appointed deputy) shall propose a motion that the censure, expulsion, disqualification from office, or suspension of the member be upheld. The member, and/or a person nominated by them to speak on their behalf, may then speak in opposition to the motion. The motion shall then be immediately put to the vote. No other motion on the matter may be taken. The decision of Conference shall be final and binding.

#### **MISCELLANEOUS**

- 10.22** The NEC may, subject to any service agreement or contract, recommend the dismissal of a Full-time Officer to a Delegate Conference.
- 10.23** Nothing in this Section of the Rules shall prevent the Union from pursuing civil or criminal proceedings in respect of which the NEC considers any member to be liable.
- 10.24** References in this Section of the Rules to the giving of written notice or appeal mean despatch by pre-paid recorded delivery post or (in the case of a notice to a member) personal delivery or (in the case of an appeal by a member) delivery at the Head Office.
- 10.25** Where a member is expelled or suspended from membership under this Rule, they shall cease to be a member for all purposes under the Union's Rules for such time as the penalty remains in force (except that in the case of a member who appeals, their rights to personal benefits shall be maintained until the appeal is determined). In the case of a member who appeals, the term "member" shall be interpreted as referring to a person who is a former member. A member who is suspended from membership shall have their membership restored automatically at the end of the period of suspension.

## **SECTION 11: RULES**

- 11.1** All members are bound by the Union's Rules. A copy shall be supplied to any member free of charge on application to the Head Office.
- 11.2** Where the NEC considers that by reason of industrial action, force majeure or other cause beyond the Union's control, or in case of emergency, any time limit specified in the Union's Rules cannot be fulfilled, the NEC may notwithstanding any provisions in the Union's Rules change such times as it considers necessary.
- 11.3** In any case of conflict, the Union's Rules shall take precedence over the constitution of any subsidiary part of the Union.

### **NOTICES**

- 11.4** Any notice or order under the Union's Rules may (unless otherwise expressly provided) be given:
- (a) To an individual member, by sending it by ordinary pre-paid post to their last known address, or by personal delivery.
  - (b) To members, by the method in (a); or in the Union's official journal; or in an official document sent to Branch Secretaries for publication to members, which may include by display at members' usual place of work on the Union notice board.
  - (c) To a Branch or other part of the Union, by sending it by ordinary pre-paid post (or by personal delivery) to the last known address of any officer thereof. Where action is required by Branches, at least 14 days' notice shall be given to allow for any necessary consultation with members.
  - (d) To the Union, by sending it by ordinary pre-paid post to, or by delivering it at, the Head Office.
- 11.5** Any notice shall be deemed to have been received, if sent by letter post, within 7 days of despatch; if personally delivered, at the time delivered; if published in the official journal, 14 days after despatch; if displayed at a place of work, on the following day. No meeting of any subsidiary part of the Union shall be invalidated by an accidental failure to give the notice required to a member(s).

### **INTERPRETATION**

- 11.6** The President shall determine any question as to the interpretation of the Union's Rules, including any question as to whether or not the Rules are silent. The NEC shall determine any question on which the Rules are silent. Any ruling made by the President under this rule may only be challenged by a Branch or ordinary member, in writing to the General Secretary stating the reasons for the challenge. A challenge by a Branch must have been passed at a properly constituted General Meeting. A challenge shall only be upheld by the NEC on a majority of not less than two-thirds of those present and voting.
- 11.7** For the purposes of the Union's Rules the date of any Conference shall be its first day.
- 11.8** References in the Union's Rules to the "Head Office" are to the Head Office of the Union. Unless expressly stated otherwise in the Union's Rules or on an official form, any notice or return required to be sent to the Head Office shall be addressed to the National Treasurer.
- 11.9** Subject to continuing eligibility, terms of office specified for elected positions under the Union's Rules (other than Senior full-time Officer) shall commence on the day following the last day of the ADC in the year in which the elections were held, and shall cease on the last day of the ADC in the year in which the term expires.

# APPENDIX A: CONFERENCE STANDING ORDERS

## ORDER OF BUSINESS

- A1** The order of ADC business shall be decided by Conference on the recommendation of the SOC and shall comprise:
- (a) Report of the SOC and references back.
  - (b) Minutes of the previous ADC.
  - (c) Annual Reports and Supplementary Annual Reports.
  - (d) Financial statements, including the audited accounts, report of the auditors, and estimates for the current year.
  - (e) Elections.
  - (f) Other NEC reports and papers.
  - (g) Motions.
  - (h) Other business.

## MOTIONS

- A2** A2 All motions shall be in the affirmative and contain no more than 500 words. Motions exceeding this number will be categorised as X. Constitutional amendments shall be exempt from the 500 word limit.
- A3** Motions shall be moved when called and seconded immediately after the mover's speech, otherwise they shall fall.
- A4** A motion may be withdrawn only by the mover and with the consent of Conference.
- A5** A motion to affiliate to another organisation shall include a synopsis of its aims and objectives together with the annual cost of affiliation.
- A6** Motions other than those appearing in the booklet of motions shall not be accepted except: (a) Emergency motions, where the decision of a Branch General Meeting or of the NEC (as the case may be) to submit an emergency motion is notified to the SOC by 3pm on the Friday immediately preceding the start of Conference together with the actual wording of the motion on the appropriate form issued by the SOC.  
(b) Motions to refer back an SOC report or suspend Standing Orders, or motions of order.
- A7** A motion to amend shall not directly negative the substantive motion, and if carried shall become part of it.
- A8** A motion once lost may not be moved again at the same Conference.

## MOTIONS OF ORDER

- A9** At the Chairperson's discretion, the following motions of order shall have priority and be taken without discussion:
- (a) That the debate be adjourned.
  - (b) That the vote be now taken.
  - (c) That Conference proceed to next business.
  - (d) That Conference do now adjourn.
- Motions for 'The previous question' shall not be allowed.
- A10** Motions that the vote be now taken, or that Conference proceed to next business, shall only be moved by delegates who have not previously spoken in the debate.
- A11** If Conference agrees 'That the vote be now taken', the motion under debate shall be put to the vote after its mover has been offered the right of reply.

- A12** If Conference agrees 'That Conference proceed to next business', the Chairperson shall proceed to the next item on the agenda without any vote being taken on the motion under debate.

#### **POINTS OF ORDER**

- A13** Delegates raising a point of order shall seek to prove one or more of the following:
- (a) That the speaker is using sexist, racist or abusive language.
  - (b) That one of the Union's Rules is being broken.

#### **REFERENCE BACK OF SOC REPORT**

- A14** Branches must give the SOC notice of their intention to move reference back of the SOC report (excluding any supplementary report), with details of proposed alterations, and with reasons for it by 3pm on the Friday immediately preceding the start of Conference on the appropriate form issued by the SOC. The Branch delegation shall meet the SOC before Conference at a time determined by the SOC.
- A15** Branches wishing to move reference back of any supplementary SOC report published up to 5pm on the day before Conference should arrange to meet the SOC by 8.30pm on the same day to give the SOC details of the reference back and reasons for it.
- A16** Only Branches which have complied with these Standing Orders may seek to move reference back of an SOC report. There is no prescriptive right to move reference back: whether a reference back is heard shall depend on the time allocation acceptable to Conference. If a delegate is called they shall produce a credential card supplied by the SOC certifying that the correct procedure has been followed.

#### **SUSPENSION OF STANDING ORDERS**

- A17** These Standing Orders shall not be suspended except with the support of not less than two-thirds of the votes entitled to be cast by delegates present.
- A18** No suspension shall be accepted from any delegate after the adoption of the SOC report relating to the order of business, unless prompted by later external events.
- A19** A delegate wishing to suspend the order of business shall apply in writing to the Conference Chairperson, who shall decide whether the suspension is admissible under the Union's Rules.
- A20** The Conference Chairperson may propose a suspension of Standing Orders at any time, to alter the order of business or to introduce new business.

#### **RIGHTS AND DUTIES OF DELEGATES**

- A21** When a motion is called the mover shall proceed immediately to the rostrum, and the seconder shall proceed to the vicinity of an alternative rostrum (unless in either case the moving or seconding is purely formal). Speakers shall use the rostrum, announce their name and Branch (or office in the case of speakers for the NEC), and address themselves to the Chairperson. After speaking all movers of motions shall remain in the vicinity of the rostrum in case they are invited to reply to the debate.
- A22** If two or more delegates seek to speak at the same time, the Chairperson shall decide which shall speak first.
- A23** Speakers shall confine their remarks to the motion or point of order under discussion, except for questions on the adoption of the Annual Reports and accounts and on NEC statements where Conference has agreed to provide for such questions.

- A24** Speeches by movers of motions shall be limited to 5 minutes, except that NEC speakers may be allowed up to 15 minutes to introduce a Conference paper. All other speeches including mover's right of reply shall be limited to 3 minutes.
- A25** No one may speak more than once on any motion except:  
 (a) The mover of a motion may reply to the debate before it is put to the vote if there has been opposition, even if they have spoken on a motion to amend it.  
 (b) Where remission of a motion is sought, the mover shall have the right to comment before the vote for remission is put; if the vote is lost, the mover's entitlement under (a) shall remain unimpaired.  
 (c) A delegate who has already spoken may propose a motion of order.
- A26** The mover of a motion exercising a right of reply shall deal solely with points of opposition raised in the debate.
- A27** The Chairperson shall ensure that where opposition to a motion exists, opportunity shall be given for this opposition to be expressed in debate.
- A28** Where a delegate causes a disturbance and refuses to obey the Chairperson's instruction, they shall be expelled from the Conference and shall not be allowed to return until an apology has been received which the Chairperson considers acceptable.
- A29** During a speech other delegates may rise to address the Chairperson only on a point of order.

#### **CARD VOTES**

- A30** The doors of the Conference meeting place shall remain closed, and delegates shall remain at their seat, while a card vote is taken.

#### **CHAIRPERSON OF CONFERENCE**

- A31** The Chairperson's ruling on any question arising under these Standing Orders shall be final unless challenged. No challenge shall stand unless at least 50 delegates indicate their support, in which case a motion 'That the Chairperson's ruling shall stand' shall be put to Conference by the Deputy President or a Vice President without discussion. The Chairperson's ruling shall only be reversed with the support of not less than two-thirds of the votes entitled to be cast by delegates present.
- A32** The ruling of the Chairperson on a point of order shall be final and not open to discussion.
- A33** The Chairperson may operate the 'guillotine' at their discretion when the time allotted on any agenda section expires.

#### **SOC PROCEDURAL RULES**

- A34** The SOC shall separate motions into the following categories:
- |            |  |
|------------|--|
| Category A | Motions for debate, grouped as far as practicable under the main subject headings appearing in the Annual Reports. |
| Category B | Motions which confirm existing policy.   |
| Category C | Motions which seek to reverse policy as determined at Conference within the last 2 years.                          |
| Category D | Motions capable of being dealt with by correspondence with the General Secretary.                                  |
| Category E | Motions covered by composite motions in category A.  |
| Category X | Motions which are out of order.  |
- A35** The SOC shall send to the relevant Group or Association SOC any motion it considers appropriate to a Group or Association Conference agenda.

- A36** The President may transfer any motion on a Group agenda to the ADC agenda, or rule out any motion which they consider inappropriate for Group decision, after consulting the SOC and the Branch(es) concerned. Such decisions shall be communicated to the Group SOC not later than 14 days before the Group Conference.
- A37** Wherever practicable the SOC shall find composite motions for inclusion on the agenda, which may be either (a) existing motions chosen as representative of others on the same issue, or (b) motions drafted by the SOC which incorporate the essential points made in others. The passing of a composite motion shall not imply acceptance of the detailed variants in the motions it covers.
- A38** All motions which are out of order shall be listed, and reasons given why such motions are out of order.
- A39** All motions designed to amend the Union's Rules shall be so printed as to leave no doubt as to the objective they are designed to achieve.
- A40** The SOC may exclude any motion from the agenda which it considers may provide grounds for legal proceedings.
- A41** The SOC shall, subject to Rule A15, be available to meet delegates at certain times on the evening immediately before Conference to allow the requirements of the rules relating to emergency motions and references back to be met, and to consult and advise delegates.
- A42** The SOC shall inform the President which Branches have fulfilled the conditions of Standing Orders in relation to reference back of SOC reports. The SOC shall give the Branch delegate(s) a coloured credential card bearing the Branch name and the number of the motion.
- A43** The SOC shall ensure that a report containing emergency motions is made available to delegates by not later than 5pm on the day before Conference.
- A44** During Conference the SOC shall advise the Chairperson on the progress of business in relation to the timetable, and about the operation of the 'guillotine' where necessary.
- A45** The SOC shall be present during the debate on any motion to refer back an SOC report, and shall express its views before any vote is taken.



## **APPENDIX B: MODEL BRANCH CONSTITUTION**

### **Name**

**B1** The name of the Branch shall be the 'Public and Commercial Services Union (...) Branch'.

### **Objects**

**B2** The objects of the Branch shall be to:

- (a) Protect and promote the interests of its members.
- (b) Help to recruit and retain members, and collect subscriptions.
- (c) Co-ordinate the views of its members, and take action on matters of Branch interest.
- (d) Protect and promote the service(s) in which members are employed.
- (e) Provide the NEC, Group Executive Committee and Association Committee(s) promptly with any information and returns they require.
- (f) Arrange the distribution or sale of all Union circulars and literature.
- (g) Generally assist the NEC in compliance with the Union's Rules.

### **Membership**

**B3** All members employed at (...) shall be deemed to be members of the Branch.

### **Management**

**B4** The management of the Branch shall be vested in Branch General Meetings, the Branch Executive Committee ("BEC"), and the Branch officers.

### **Annual General Meeting**

**B5** The Annual General Meeting ("AGM") shall (in the case of the year concerned) be held between 1 January and the last day allowing for the timely submission of motions and nominations for the Union ADC. No quorum shall be needed.

**B6** The AGM shall:

- (a) Receive the Annual Report, Financial Report and audited Statement of Accounts.
- (b) Elect the Branch Women's Advisory Committee ("BWAC"), 2 Branch auditors (who shall not be BEC members), and delegates to the Union ADC and the Group Delegate Conference as appropriate.
- (c) Elect 2 scrutineers (who shall not be BEC members) to count the votes in elections held at the AGM.
- (d) Consider motions and nominations submitted by the BEC or individual members.
- (e) Receive the results of Branch Officer and BEC elections conducted under principal rules PR3 and PR4.

**B7** A notice convening the AGM, together with the Annual Report, Financial Report and audited Statement of Accounts, shall be circulated by the Branch Secretary to members not later than 28 days before the meeting. Written notice of motions and nominations for inclusion on the agenda shall be sent to the Branch Secretary not later than 21 days before the meeting. The agenda, including details of all proposed motions and nominations, shall be circulated not later than 14 days before the meeting: motions submitted less than 14 days before the meeting shall only be accepted as motions of urgency at the discretion of the Chairperson.

**B8** The BEC may not make any nomination for election as Branch officer, BEC member, BWAC member, Branch auditor, delegate to the Union or Group Delegate Conference, or scrutineer.

**B9** Each member attending the AGM, subject to the Union's Rules, may vote on matters put to the meeting for decision. The Chairperson shall have a casting vote in the event of an equality of votes for and against a proposal. Voting shall be by show of hands; but any vote

may be taken by ballot of those present at the discretion of the Chairperson, or at the request of a majority of those present provided that such request is made before the question is put.

- B10** In the case of elections conducted at the AGM, each member shall have one vote for each position to be filled. The votes shall be counted by the scrutineers and the candidates for each position placed in order. The candidate(s) with the most votes shall be elected.

### **Mandating meetings**

- B11** General Meetings shall be convened by the Branch Secretary to mandate delegate(s) on the business of Union and Group Delegate Conferences. The meetings shall be held between the receipt of the booklet of Conference motions and the last working day before the Conference. A notice convening the meeting shall be circulated to members not later than 14 days before the meeting. Voting at the meeting shall be on the same basis as the AGM. No quorum shall be needed.

### **Special General Meeting (see note A)**

- B12** A Special General Meeting shall be held no later than 21 days after receipt by the Branch Secretary of a written request signed by not fewer than (...) members. The request shall be supported by reasons for calling the meeting, together with any proposed motion and the names of the mover and seconder. Discussion at the meeting shall be confined to the items notified on the agenda, which shall be circulated to members not later than 7 days before the meeting. Voting shall be on the same basis as the AGM. The quorum shall be not less than (...) of the members.

### **Extraordinary General Meeting**

- B13** An Extraordinary General Meeting shall be convened at the discretion of the BEC. Discussion shall be confined to the item(s) notified in the agenda, which shall be circulated to members not later than 14 days before the meeting. Voting at the meeting shall be on the same basis as the AGM. No quorum shall be needed.

### **Branch officers**

- B14** The Branch officers shall consist of a Chairperson, Vice Chairperson, Secretary, Organiser and Treasurer. The officers shall be members of the Branch elected by secret, individual ballot of the members in the Branch. The BEC may fill any casual vacancy.
- B15** The duties of each officer shall be allocated by the BEC, subject to the Union's Rules. Each officer shall give a report to each BEC meeting on the business of their office. The Chairperson and Secretary may attend any sub-committee meeting.

### **Branch Executive Committee (see note B)**

- B16** The BEC shall consist of the Branch officers, (...) other members elected by secret, individual ballot of the members of the Branch, and (...) members who shall be (senior/local) representatives. The BEC shall meet at least every 2 months. The quorum at meetings of the BEC or of any sub-committee shall be a majority of the voting members.
- B17** The BEC may co-opt additional members in an advisory capacity, without voting powers. It shall co-opt a BWAC member if there is no such member on the BEC. It shall appoint an Equal Opportunities Officer from among its number.
- B18** The BEC may fill a casual vacancy on the Committee by either (a) calling up the unsuccessful candidate in the last relevant election with the highest votes; or (b) holding a by-election.
- B19** Any member absent from a BEC or sub-committee meeting shall give an explanation. Any member absent from three consecutive meetings without giving reasons which the BEC considers adequate shall be deemed to have resigned.

- B20** The BEC shall conduct the business of the Branch in conformity with Union policy and the instructions of Branch General Meetings. It shall deal with all business remitted to the Branch by the Union and take any action required.
- B21** The BEC shall give the AGM an Annual Report of its activities, and a Financial Report and audited Statement of Accounts. The Annual Report shall contain a record of attendance of each BEC member at BEC meetings.

**Local representatives** (see note C)

- B22** The Branch shall be divided into (...) constituencies. An annual meeting of the members in each constituency shall be held within 7 days before the Branch AGM. The meeting shall receive an annual report. Each local representative for the coming year shall be elected by secret, individual ballot of members within the constituency concerned, and on election shall become a member of the BEC.
- B23** A notice convening the annual constituency meeting shall be sent to members not later than 28 days before the Branch AGM. Nominations for local representative shall be sent to the Branch Secretary not later than 21 days before the AGM. The agenda shall be circulated not later than 14 days before the AGM.
- B24** The local representative shall represent the constituency in local negotiations and report their activities to constituency meetings, held where practicable at least once a month.

**Branch Women's Advisory Committee**

- B25** The Branch shall establish a BWAC, consisting of (...) women members, which shall meet at least once a quarter. A BWAC member shall attend BEC meetings and report on BWAC activities.

**Branch representatives** (see note D)

- B26** Branch representatives on the Co-ordinating Committee/Trade Union Side of the (...) shall be appointed by the BEC from among its members. They shall report regularly to the BEC on their activities.
- B27** The BEC shall ensure the annual election or appointment of health and safety representatives covering all workplaces in its area.

**Finance**

- B28** The Branch's financial year shall correspond to that of the Union.
- B29** Branch funds shall be administered by the Branch Treasurer in accordance with BEC directions. The Treasurer shall take charge of the funds and pay all demands as instructed by the BEC. Expenses necessarily incurred by BEC members or auditors on Branch business, where not otherwise reimbursed, may be paid for out of Branch funds within limits set by the NEC.
- B30** The Treasurer shall present at each regular BEC meeting for inspection thereby the books of account, the bank pass book, and such other documents as the BEC may require. The Treasurer shall give a report to the BEC at least once a quarter, and give up all books, documents, monies and property of the Union in their possession, whenever required to do so by either the NEC or the BEC.
- B31** A bank account (with a bank approved by the NEC) shall be opened in the name of the Branch, and each cheque thereon shall be signed by the Treasurer and by either the Chairperson or Secretary. Each quarter the Chairperson shall sign a statement to the effect

that the bank balances and Branch bank book can be reconciled, and that no excessive cash balance in hand is held.

- B32** The BEC shall cause the Branch accounts to be entered regularly in proper books, and shall before the 31 January submit accounts for the year ended on the previous 31 December to the Branch auditors. A Financial Report and the audited Statement of Accounts shall be presented to the AGM in the form prescribed by the NEC; a copy shall be sent to the Union's Treasurer as soon as practicable and not later than 31 March.

### **Constitution**

- B33** The Branch shall be governed by the Union's Rules and by Group and Association constitutions where they apply in addition to this constitution. If this constitution conflicts with the Union's Rules or with Group or Association constitutions, the latter shall prevail.
- B34** This constitution may not be amended except by the AGM or by an EGM convened for the purpose. A motion to amend the constitution shall require a majority of at least two-thirds of the votes cast in order to be carried. Any amendment shall be subject to ratification by the NEC and shall not take effect until then.
- B35** The Chairperson shall rule on any matter of interpretation of this constitution, and on any matter where it is silent. Any such ruling may only be challenged by:  
(a) *A Branch General Meeting*. Members shall carry a motion which states: 'This Branch challenges the Chairperson's ruling in connection with...' The motion 'That the Chairperson's ruling be upheld' shall then be immediately put to the meeting without debate by the deputising officer while the Chairperson leaves the chair. The motion shall only be defeated by a majority of at least two-thirds of the votes cast. The decision of the meeting shall be final and binding on all members.  
(b) *A Branch member (including a BEC member)*, by writing to the Branch Secretary stating the reasons for the challenge. The challenge shall require a simple majority of the votes cast at a BEC meeting to be upheld.

### **Dissolution**

- B36** The Branch shall not be dissolved except with the consent of the NEC. On dissolution any money remaining in the hands of the Branch, together with all documents, vouchers and records, shall be surrendered to the Union's Treasurer.

**Note A** The minimum number is at the discretion of the Branch, subject to NEC approval. Large Branches will need a smaller percentage than small Branches: thus 25 per cent might be appropriate for a Branch with 100 members, but 10 per cent for one with 500.

**Note B** Supplementary rule 4.8 says that where a Branch has members from more than one category of members, its constitution shall ensure that the interests of members from each category are adequately represented.

**Note C** The rules relating to local or senior representatives do not apply where the NEC, after consulting the Branch, considers that it is not practicable for them to do so.

**Note D** This rule will require completion where the Branch is directly represented on a Co-ordinating Committee or Trade Union Side, but not where representation is indirect or in the case of a local TUS where election is by local members with BEC authority.

## APPENDIX C: POLITICAL FUND RULES (GREAT BRITAIN)

C1. The objects of the Public and Commercial Services Union shall include the furtherance of the political objects to which section 72 of the amended Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies. These objects are:

C1.1. The expenditure of money:

- (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;
- (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

C1.2. Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his/her attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

C1.3. In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.

C1.4. In these objects -

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"contribution", in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;

"electors" means electors at any election to a political office;

"film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;

"local authority" means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and

"political office" means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

C2. Any payments in the furtherance of such political objects shall be made out of a separate fund of the union (hereinafter called the political fund).

C3. No payments shall be made from the fund in respect of the affiliation by the union to any political party, save where such affiliation has been approved by the members of the union in a ballot held in accordance with the union's rules.

C4. The particular rules which apply to those people that joined the Union before 1 March 2018 and to political funds set up before 1 March 2018 are set out in Schedule 1 to these rules.

C5. The particular rules which apply to those people that joined the Union on or after 1 March 2018 and to political funds set up on or after 1 March 2018 are set out in Schedule 2 to these rules.

C6. For the purpose of enabling each member of the union who may pay a political contribution to know in respect of any such contribution, what portion, if any, of the sum payable by him/her is a contribution to the political fund of the union, it is hereby provided that 10 pence of each monthly contribution is a

contribution to the political fund, and that any member who is exempt shall be relieved from the payment of the sum of 10 pence, and shall pay the remainder of such contribution only.

C7. A member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of him/her being so exempt.

C8. If any member alleges that s/he is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the 1992 Act, s/he may complain to the Certification Officer, and the Certification Officer, after making such enquiries as she thinks fit and after giving the complainant and the union an opportunity of being heard, may, if she considers that such a breach has been committed, make such order for remedying the breach as she thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the 1992 Act, be enforced in the manner provided for in section 82(4) of the 1992 Act.

C9. Contribution to the political fund of the union shall not be made a condition for admission to the union.

C10. The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by section 32ZB of the 1992 Act.

C11. The union shall ensure that a copy of the political fund rules is available, free of charge, to any member of the union who requests a copy.

#### **SCHEDULE 1**

Rules that apply to members that joined the Union before 1 March 2018 and political funds set up before 1 March 2018.

##### **Notice to members**

1. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union, it shall ensure that a notice in the following form is given to all members of the union.

##### **Notice to Members**

Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union.

Every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, the head office or any branch office of the union or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

This form, when filled in, or a written request to the like effect, should be handed or sent to the General Secretary or the Head of Membership Services.

2. This notice shall be published to members by such methods as are used by the union to publish notices of importance to members. It is the union's current practice to publish such notices by publishing in the union's magazine and on its website, and/or by e-mail to members, and by posting a notice on a conspicuous place for at least 12 months, and by branch circular.

##### **Request for exemption**

3. Any member of the union may at any time give notice a) on the form of exemption notice specified in rule 4, or b) written request in a form to the like effect, that s/he objects to contribute to the political fund. A form of Exemption Notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the head office or any branch office of the union, or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

4. The form of an exemption notice shall be as follows:

<p><b>Public &amp; Commercial Services union</b> <b>POLITICAL FUND EXEMPTION NOTICE</b> I give notice that I object to contributing to the political fund of the union and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund. Print Name.....Signature: ..... Address: ..... Date: .....</p>
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5. Any member may obtain exemption from contributing to the political fund by sending a Notice of Exemption to the General Secretary or such other person as is identified in the Notice to Members in rule 1. On receiving the Notice of Exemption the union shall send an acknowledgement of its receipt to the member at the address in the notice, and shall process the exemption as soon as reasonably practicable.

**Manner of giving effect to exemption**

6. On giving an exemption notice, a member shall become exempt from contributing to the union's political fund, where the notice is given:

- (a) Within one month of the giving of Notice to Members in rule 1 following the passing of a political resolution on a ballot held at a time when no such resolution is in force, as from the date on which the exemption notice is given; or
- (b) In any other case, as from 1st January next after the exemption notice is given.

7. The union shall give effect to the exemption of members from contributing to the political fund of the union either:

- (a) by a separate levy of contributions to that fund from the members who are not exempt; or
- (b) by relieving members who are exempt from the payment of the whole or part of any periodical contributions required from members towards the expenses of the union.

**SCHEDULE 2**

Rules that apply to people that joined the Union on or after 1 March 2018 and to political funds set up on or after 1 March 2018.

**Opting-in by union members to contribute to political funds**

1. A member cannot be required to make a contribution to the political fund of the union unless they have given notice of their willingness to contribute to that fund (an "opt-in notice").

2. A member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a "withdrawal notice").

3. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.

4. A member of a trade union may give an opt-in notice or a withdrawal notice:

- (a) by delivering the notice (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
- (b) by sending it by e-mail to the following email address: [membership@pcs.org.uk](mailto:membership@pcs.org.uk)
- (c) by completing an electronic form provided by the union which sets out the notice and sending it to the union by electronic means with instructions by the union;
- (d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act).

**Information to members about opting in to the political fund**

5. The union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice.

6. Such notification may be given:

- (a) by sending individual copies of it to members; or
- (b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.

7. The notification may be included with the statement required to be given by section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992.

8. A trade union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.

9. Where the same form of notification is not provided to all the members of the union, the union shall send to the Certification Officer a copy of each form of notification provided to any of them.

10. If any member alleges that s/he is aggrieved by a breach of any of these rules for giving information to members about opting into the political fund, being a rule or rules made pursuant to section 84A of the 1992 Act, s/he may complain to the Certification Officer. Where the Certification Officer is satisfied that the union has failed to comply with a requirement of section 84A of the 1992 Act the Officer may make such order for remedying the failure as she thinks just under the circumstances. Before deciding the matter the Certification Officer:

- (a) may make such enquiries as the Officer thinks fit;
- (b) must give the union, and any member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and
- (c) may give the union, and any such member as is mentioned in clause (b), an opportunity to make oral representations.

**Manner of giving effect to decision not to contribute to political fund**

11. The union shall give effect to the member's decision not to contribute to the political fund of the union either:

- (a) by a separate levy of contributions to that fund from the members who are contributors; or
- (b) by relieving members who are not contributors from the payment of the appropriate portion of any periodical contribution required from members towards the expenses of the union.

12. Any form (including an electronic form) that a person has to complete in order to become a member of the union shall include:

- (a) a statement to the effect that the person may opt to be a contributor to the fund; and
- (b) a statement setting to the effect that a person who chooses not to contribute to the political fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members of the union (except in relation to control of the political fund).



## APPENDIX D: POLITICAL FUND RULES (NORTHERN IRELAND)

**D1** Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 no Northern Ireland member of the Union shall be required to make any contribution to the Political Fund of the Union unless they have delivered, as provided in rule D4, at the Head Office or some branch office of the Union, a notice in writing, in the form set out in rule D2, of their willingness to contribute to that Fund, and have not withdrawn the notice in the manner provided in rule D3. Every member of the Union who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in the manner provided in rule D3, is to be deemed for the purpose of these rules to be a member who is exempt from the obligation to contribute to the Political Fund of the Union.

**D2** The form of willingness to contribute to the Political Fund of the Union is as follows:

### POLITICAL FUND CONTRIBUTION NOTICE – NORTHERN IRELAND

I HEREBY give notice that I am willing, and agree, to contribute to the Political Fund of the Public and Commercial Services Union, and I understand that I shall, in consequence, be liable to contribute to that Fund and shall continue to be so liable, unless I deliver at the Head Office or some branch office of the Union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the Political Fund until the next following first day of January.

Name: .....  
Address: .....  
Membership Number: .....  
..... day of ..... Year .....

**D3** If at any time a member of the Union who has delivered such a notice as is provided in rules D1 and D2, gives notice of withdrawal thereof, delivered, as provided in rule D4, at the Head Office or at any branch office of the Union, they shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.

**D4** The notices referred to in rules D1 and D3 may be delivered personally by the member or by any authorised agent of the member, and any notice shall be deemed to have been delivered at the Head Office or branch office of the Union if it has been sent by post properly addressed to that office.

**D5** The NEC shall give effect to the exemption of Northern Ireland members to contribute to the Political Fund of the Union by relieving those members who are legally exempt from the payment of part of any periodical contributions required from the members of the Union towards the expenses of the Union as provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment. For the purpose of enabling each Northern Ireland member who has opted to pay to the political fund, to know as respects any such periodical contribution what portion, if any, of the sum payable by them is a contribution to the political fund of the Union, it is hereby provided that 10 pence of each monthly contribution is a contribution to the political fund, and that those Northern Ireland members who are statutorily exempt shall be relieved from the payment of the sum of 10 pence, and shall pay the remainder of such contribution only.

**D6** Northern Ireland members who are statutorily exempt from the obligation to contribute to the Political Fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the Political Fund) by reason of their being exempt.

**D7** Contribution to the Political Fund of the Union shall not be made a condition for admission to the Union.

**D8** If any Northern Ireland member alleges that they are aggrieved by a breach of any of the rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 they may complain to the Northern Ireland Certification Officer, 10-16 Gordon

Street, Belfast, BT1 2LG, under Article 57(2) to (4) of that Order. If after giving the complainant and a representative of the Union an opportunity to be heard, the Certification Officer considers that a breach has been committed, he/she may make an order for remedying it as he/she thinks just in the circumstances under Article 57(3) of the 1995 Order an appeal against any decision of the Certification Officer may be made to the court of Appeal on a question of law.

Additionally, if any Northern Ireland member alleges that they are aggrieved by a breach of the Political Fund rules made pursuant to Section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992 they may complain to the Great Britain Certification Officer, 22<sup>nd</sup> Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. If, after giving the complainant and any representative of the Union an opportunity of being heard, the Great Britain Certification Officer considers that a breach had been committed, he/she may make an order for remedying the breach as he/she thinks just in the circumstances. Any such order of the Great Britain certification Officer is subject to the right of appeal provided for by Section 82(4) of the 1992 Act.

- D9** The National Executive Committee shall appoint a day or days on which the provisions in this appendix shall take effect.

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# NOTES

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