



NHBC Staff Association
Constitution

NHBC Staff Association Constitution

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1 Title and address

- 1.1 The Association shall be known as the National House-Building Council Staff Association and hereinafter called "The Association".
- 1.2 The address will be that of the General Secretary (also called the Chairman).

2 Objectives and purpose

- 2.1 To maintain and improve as needed the status, remuneration and conditions of employment of staff of NHBC and to protect and promote the interests of its members.
- 2.2 To encourage a spirit of mutual confidence and goodwill between the staff and NHBC.
- 2.3 To be an official medium recognised by NHBC for consultation, communication and negotiation between it or its appointed representatives and the staff on all NHBC matters affecting the staff including pay, benefits and other terms and conditions of employment.
- 2.4 To support staff in internal disciplinary and grievance proceedings.
- 2.5 To promote the support, education, training and observance by staff of policies and procedures adopted by NHBC for the better performance of its business, with changes to policies and procedures subject to consultation.
- 2.6 To support and encourage activities of a welfare, educational and training nature for the benefit of the staff.
- 2.7 To provide a service of legal advice for members on matters affecting their employment.
- 2.8 To do all such things as will assist in achieving the above objectives.
- 2.9 The Association shall be independent of NHBC and shall not affiliate or subscribe to any political organisation or political party.

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3 Membership

- 3.1 Membership is open to all persons employed by NHBC and any wholly owned subsidiary thereof; with the exception of specific roles listed below (3.1.2), which are wholly or partially excluded.
- 3.1.1 Exclusions are made in order to maintain the Staff Association's operational independence from NHBC, and to protect against conflicts of interest between the Staff Association's members and NHBC where those members have the potential ability to work against the interests of the union.
- 3.1.2 Roles partially or wholly excluded from Staff Association membership are:
- Wholly excluded:
- NHBC Board members and Non-Executive Directors
 - NHBC's Chief Executive and Executive Directors
 - NHBC's Head of HR
- Partially excluded:
- Senior HR Business Partners
 - HR Business Partners
 - Senior Manager - Rewards and Operations (HR)
 - Reward Consultant (HR)
- 3.1.3 Partially excluded members:
- Will **not** be able to contribute to union membership discussions (for instance, on consultations or motions tabled at the AGM)
 - Will **not** be able to vote on any matters relating to the Association, including: elections; adoption of motions; changes of policy; etc.
 - Will be entitled to representation in any formal meetings relating to their personal working circumstances (disciplinary, grievance, etc.)
 - Will be entitled to use any other benefits provided by the Staff Association for its members
- 3.2 All applicants for membership must agree to act in accordance with the Constitution and Membership Rules, and sign an application form to this effect.

- 3.3 Membership of the Association ceases immediately upon a member ceasing to be employed by NHBC or by providing written notice to the National Secretary.
- 3.4 The member must agree that their membership subscriptions be deducted from monthly salary.
- 3.5 Any member breaking a rule (as detailed in the Staff Association's Membership Rules document) or acting prejudicially to the Association may, after investigation by National Officers, have their membership removed by the Executive Committee. The decision will be subject to an appeal to the full Representative Committee at which none of the Executive Officers shall exercise a vote.
- 3.6 Any member subject to disciplinary investigation or appeal, or other formal employee relations processes, may be represented by another employee of NHBC but is not entitled to be represented by a member of another Trade Union. The charges against the member must be given to them in writing before any formal disciplinary proceedings are commenced.
- 3.7 The Association reserves the right to refuse membership of or partially exclude any person employed by NHBC in circumstances where in the opinion of the Association there would exist a conflict of interest between the interests of the Association and NHBC.

4, 5 & 6 The Government of the Association

4 The Annual Meeting and General Meetings

For the avoidance of doubt, the SA recognises five types of meeting:

- Annual General Meeting (AGM) for all members of the Association
- General Committee meetings: meetings of the SA Committee (typically four times per annum)
- Annual Joint Meeting: the Committee of Representatives with the Senior management of the Company
- Special general meeting: meeting of all members convened under exceptional circumstances
- Business Unit Liaison meetings: meetings typically occurring every 6 months between local representatives and local management

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- 4.1 Any amendment to the rules and policies of the Association shall be carried out by the members of the Association at the Annual General Meeting.
- 4.2 The quorum of the Annual General Meeting shall be 6 members in addition to the Representatives.
- 4.3 The National Secretary will give 21 days' notice to members of the Annual General Meeting.
- 4.4 To be brought into effect, proposals for changes to this constitution shall require a two-thirds majority of those voting at the Annual General Meeting.

If a postal ballot is held then any proposal for changes to this constitution shall require a two-thirds majority of those responding to the vote...

To be brought into effect, proposals for changes in policy shall require a simple majority of those voting at the Annual General Meeting. If a postal ballot is held then any proposal for changes in policy shall require a simple majority of those voting.

In all votes undertaken, abstentions (or in the case of postal/email votes, non-replies) are not to be counted as votes either for or against the proposed changes.

- 4.5 Proposals for emergency changes in policy may be submitted by the Committee (See Clause 5.1 below) to a Special General Meeting which can be called on giving 14 days' notice to members.
- 4.6 The quorum of Special General Meetings shall be 6 members in addition to Representatives.
- 4.7 The Treasurer shall submit to the Annual General Meeting for approval the name and address of the auditors for the next financial year together with the accounts for the previous financial year.

5 The Committee

- 5.1 In between Annual General Meetings the government of the Association shall be the responsibility of the Committee. This shall comprise of the elected Representatives led by the Executive Officers.

- 5.2 The Committee should comprise of up to 21 Representatives, and no less than 7, who shall be elected by an independent secret ballot at 3 yearly intervals by rotation, ideally with no more than 7 Representatives being re-elected in any one year. The candidates receiving the highest number of votes shall be declared elected. A term of office last for three years before re-election must be sought.
- 5.3 Staff Representatives shall be eligible for re-election at the end of their three year term. There is no limit to the number of terms that may be served consecutively, as long as a representative is duly re-elected by the membership.
- 5.4 Staff Representatives shall stand for election within constituencies defined by the prevailing structures of NHBC, together with other departments/functions which may be created from time to time.
- 5.5 Staff Representatives should be elected in proportionate numbers to the number of staff employed by each directorate, so far as is reasonably possible.
- 5.6 To ensure representation from the regions at least one Staff Representative place should be reserved to represent staff from each satellite office location outside Milton Keynes, and each country of operation (i.e. Scotland, Northern Ireland), and 1 to represent home based staff as a minimum.
- 5.7 The Committee may choose to further restrict or enlarge elections to specific areas of the business (for example but not limited to definitions based geographically or by job function / role/family), to help ensure balanced representation.
- 5.8 The Committee shall have the power to co-opt, employ, appoint and reimburse such persons, including professional advisers and consultants (whether these persons are members of the Association or not) as it deems fit.
- 5.9 The Committee shall meet not less than four times per annum and shall have the responsibility of implementing policy as well as considering all matters brought to its notice by members. It shall also receive verbal or written reports from the Executive Officers.
- 5.10 General Authority:

Association business conducted by the Committee of Officers executed in good faith within the objectives of the Association set out in Clause 2 is deemed to be carried into effect.

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6 The Executive Officers and Executive Group

- 6.1 The day-to-day business of the Association shall be conducted by four Executive Officers: Chairperson, Deputy Chairperson, Secretary, and Treasurer. They must be members of the Association and of the Representative Committee.
- 6.2 These shall each be elected from the Representative Committee on a three yearly basis. The Committee will decide its preferred candidates, with those candidates then being put forward to a ballot of the full membership. The candidates receiving the highest number of votes for each officer position shall be declared elected. If a preferred candidate is not elected by the membership, nominations will be re-opened.
- 6.3 There is no limit to the number of three year terms an Executive Officer may serve, as long as they are duly re-elected by the membership.
- 6.4 An Executive Officer ceases to be an officer when:
 - a) they are not re-elected to post by ballot
 - b) they cease to be a member of the Representative Committee
 - c) they cease to be a member of the Staff Association

In exceptional circumstances, the Committee may agree to a temporary extension of an officer's tenure (for instance to ensure stability and continuity where a suitable replacement is not available). An extension should be defined and time-limited, while a permanent solution / candidate is sought.

- 6.5 An Executive officer / group of Officers may be removed from office by a "vote of no confidence".
 - 6.5.1 A vote may be proposed by a member of the Representative Committee. The Committee must vote with a two-thirds majority to carry the proposal forward, with the binding vote conducted by a ballot of the full membership.
 - 6.5.2 Alternatively, a direct petition to the Committee supported by 10% of the Association's members will trigger an Extraordinary General Meeting to be held within 21 days, at which the motion to dismiss will be debated, followed by a vote of the full membership if the motion is carried.

6.6 Voting by Post or email

The Association shall have the right at its own discretion and own cost to seek votes of members by post, proxy or email. Notice of proposals requiring a vote shall be sent by the Association to its members at their recorded address / email address and shall be accompanied as may be appropriate by prescribed forms of ballot return and/or forms of proxy. The Association will give to each member instructions as to the date, place and time of any meeting where such votes will be taken and directions for the valid return of any ballot by post, email or the lodgement of any Proxy.

- 6.7 **The Chairperson** shall chair the Annual General Meeting and meetings of the Committee, and in the event of a tie in votes shall have the right to exercise a casting vote, except where the Committee meets as an appeals body under **Clause 3.5**, when they shall have no right to vote.
- 6.8 **The Deputy Chairperson** shall in the absence of the Chairperson carry out the duties as for the Chairperson detailed above and shall accompany the Chairperson and Secretary in meetings with management.
- 6.9 **The Secretary** shall conduct the correspondence, prepare the business of meetings and the Annual report of the Association, and keep its records. The secretary shall accompany the Chairperson and Deputy on meetings with management and keep the Staff Association's minutes.
- 6.10 **The Treasurer** shall be responsible for keeping the accounts, as set out under Clause 7, of these rules, for preparing the annual statement of income and expenditure (including liaison with auditors), for advising on the financial position of the Association, and shall accompany the Chairperson and Secretary in meetings with management.
- 6.11 The Executives shall attend the Annual General Meeting, Committee and Executive meetings, and have the right to vote, except when the Committee is meeting as an appeals body under Clause 3.5.
- 6.12 The Executives shall be required to submit reports to each meeting of the Committee verbally or in writing, and to the Annual General Meeting of the Association in writing.

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7 Financial arrangements

- 7.1 The Association's financial year shall be from 1 January to 31 December.
- 7.2 The membership subscription shall be a periodic sum as fixed by the Committee which shall be deducted from the monthly remuneration of a member. Changes to the membership fee should be supported by a costed business case.
- 7.3 All administration expenses of the Association (other than those detailed in the Facilities Agreement with NHBC) shall be defrayed out of the funds of the Association.
- 7.4 The Executives shall be entitled to draw and be paid from the Association funds such as expenses that are incurred in the proper performance of their duties and that are not met by NHBC.
 - 7.4.1 The Representatives of the Association are entitled to claim from the Association approved expenses and other pecuniary loss incurred by reason of their being required by the Association to attend any meeting or function in circumstances where NHBC will not make such reimbursement to the representative.
- 7.5 Any member shall be entitled to inspect the accounting records of the Association on giving notice to the Treasurer.
- 7.6 The Association's funds shall be kept in an account in the name of the Association at an agreed Bank or other appropriate financial institution (subject to Paragraph 7.8 below)
- 7.7 The Executive Officers are to be made account signatories for the Association's accounts. All cheques must be signed by two designated account signatories, normally the Treasurer and the Chairperson. Other Executives may only sign cheques with the explicit prior written permission of the Chairman, where the Chairman is unavailable.
- 7.8 Funds surplus to immediate requirements may be invested in low-risk areas in the Association's name at the discretion of the Treasurer, with the approval of the Chairperson.
- 7.9 The Association's funds are to be applied solely for the administration of The Association and for the furtherance of the Association's objects in Rule2.
- 7.10 A member who is concerned that some irregularity may be occurring, or may have occurred, in the financial affairs of the Association may investigate further, as detailed in the Membership Rules document.

8 Industrial action

- 8.1 The Executive Committee may authorise or endorse a ballot of part or all of the membership for strike action and/or industrial action short of a strike.

9 Winding up

- 9.1 The Association shall be dissolved if:
- a) the membership drops to the lesser of 50 members, or 5% of employees
 - b) If decided by a ballot of the membership of which two-thirds of those vote in favour
- 9.2 The remaining funds to be equally divided and returned to former members who were fully paid-up on the day of dissolution provided the amount is not less than £1.00 per member; otherwise the residue shall be donated to a recognised charity determined by the Committee.



your **staff**
●●● association



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