

## Rules of the Union

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December 2019





## THE RULES OF THE UNION

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## **A NAME, OFFICE AND OBJECTS**

1. The name of the trade union shall be 'Voice' (hereinafter called 'the Union').
2. The registered office shall be:     2 St James' Court  
  Friar Gate  
  Derby DE1 1BT
3. The objects for which the Union is established are as follows:
  - a. to promote professional standards among members;
  - b. to promote professional standards among those employed in education and childcare;
  - c. to promote services to members on all aspects of their work including insurance cover and legal assistance;
  - d. to regulate relations between members and their employers and organisations of such employers, and to negotiate on their behalf for improvements in their pay and conditions of service;
  - e. to help members;
  - f. to further the advancement of education by study and research;
  - g. to do any other thing necessary or expedient to further education or promote the interests of members.

## **B GENERAL RESTRICTIONS**

4. Members shall protect and promote the cause of education in accordance with the policy of the union, and subject to the guidance of Council.
5. The union may make recommendations to members as to their professional conduct, but shall in no circumstances recommend that members take industrial action injurious to education or to act in a manner which would be likely in any way to harm the welfare of those in our care or charge.
6. The Council (as defined in Rule 7) may not instigate discussion about the amalgamation or dissolution of the Union without the consent of a majority of at least three-quarters of the votes cast at a meeting of the Council where such a discussion is proposed, nor may it delegate to any other committee or to any individual the power to discuss the amalgamation or dissolution of the Union.

## **C MANAGEMENT OF THE UNION**

7. The Union shall have a principal executive committee (hereinafter called 'the Council'), which shall manage the business of the Union in accordance with the requirements of current legislation.
8. The Union shall have a principal executive officer (hereinafter called 'the General Secretary') who shall be a full-time paid officer responsible for the overall management of the Union's affairs. The procedure for the election of the General Secretary is set out in Appendix G of these Rules.
9. The Union shall comprise such groups as are deemed desirable by the Council. Each group shall have a Committee, which shall be fully responsible to the Council for the administration of the Union within its area.

## **D MEMBERSHIP**

10.
  - a. The Council shall admit to membership any person who is properly qualified for membership under Rule 14 unless there are reasonable grounds for believing that such a person's membership would seriously prejudice the attainment of the Union's objects, and shall in no case exclude any person from membership by way of discriminatory or otherwise unlawful reason.
  - b. A person shall cease to be a member if s/he has not paid any subscription or part thereof for which s/he is liable.
11. Any person whose application for membership is refused by the Council may appeal to a general meeting, whose decision in the matter shall be final.
12. A member shall cease to be a member if:
  - a. s/he dies; or
  - b. withdraws from the Union; or
  - c. is convicted of a sexual offence in relation to a child or young person during the course of his or her employment; or
  - d. is expelled by a Disciplinary Committee convened under the provisions of Appendix A of these Rules.
13. There shall be such categories of membership as the Council may from time to time determine.
14. An applicant shall qualify for membership if s/he:
  - a. is recognised as a qualified teacher by the Department for Education (including the Scottish, Welsh and Northern Irish Education Departments) or equivalent departments; or
  - b. works as a teacher at a school or other educational institution recognised by the Department for Education (including the Scottish, Welsh and Northern Irish Education Departments) or equivalent departments; or
  - c. is recognised as a person qualified to teach by any other body deemed by the Council to have the appropriate professional standing; or
  - d. holds an NNEB Certificate/Diploma; or
  - e. holds a professional qualification approved by Council; or
  - f. is a qualified Nanny or Home Child Carer with an enhanced Disclosure and Barring Service (DBS) check including a barred list check: or
  - g. does not hold a recommended qualification but has met the criteria recommended by Council; or
  - h. is a student undertaking a course of training approved by the Council.
15.
  - a. The Council may invite and admit to honorary life membership persons who in its opinion have rendered distinguished service in the field of education or to Voice.
  - b. Every Chairman/President Emeritus shall be admitted to honorary life membership upon his or her ceasing to pay a membership subscription.
16.
  - a. The annual subscription shall be payable upon application for membership. Thereafter in respect of any membership year it shall become due on the last day of the preceding membership year.
  - b. The annual subscription for each category of member, together with any concessionary offers, shall be such as the Council may from time to time determine.
17.
  - a. The Council may waive any subscription or part thereof where it is deemed necessary or appropriate.
  - b. A person who ceases to be a member shall not be entitled to the refund of his or her subscription or part thereof.
18. Any member may withdraw from the Union by giving the Union one month's notice in writing of his or her intention to do so, delivered to its registered address.

## **E SECTIONS**

19. In England, Scotland, Wales and Northern Ireland there shall be an executive committee responsible for the government of Voice in that country in accordance with these Rules and Appendix E of these Rules. In the event of any conflict arising between Appendix E and the Rules of the Union, the Union's Rules shall prevail except where Appendix E expressly provides otherwise. Appendix E may be amended by deletion, addition or substitution by resolution of the Council in accordance with the provisions of Rule E/6.

## **F DISCIPLINE**

20. An allegation that a member is in breach of the Rules, or guilty of conduct prejudicial to the interests of the Union, shall be investigated by a Disciplinary Tribunal (hereinafter called 'the Tribunal').
21. The Tribunal shall be governed by the Rules listed in Appendix A and no change shall be made to any of those Rules without the consent of a majority of at least two thirds of the votes cast at a meeting of the Council where such change is proposed.
22. No member shall by way of any arbitrary or unreasonable discrimination be excluded from:
- a. being a candidate for or holding any office in the Union; or
  - b. nominating any candidate for any such office; or
  - c. voting in any election or ballot in which s/he is entitled so to vote; or
  - d. attending or taking part in any meetings where s/he is so entitled.

## **G GENERAL MEETINGS**

23. The Union shall hold, within seven months after the close of its financial year end, a general meeting which shall be called the Annual General Meeting, and shall hold such other general meetings as are provided for in these Rules.
24. The functions of the Annual General Meeting shall be:
- a. to receive the accounts, balance-sheets and reports referred to in these Rules;
  - b. to appoint the auditor;
  - c. to receive the results of the elections carried out under Rules 43, 44, 45, 46 and B/2;
  - d. to transact any other business of the Union included in the notice convening the meeting.
25. All general meetings other than Annual General Meetings shall be called Special General Meetings. They shall be convened either upon an order of the Council or by permission of a two-thirds majority of votes at an Annual General Meeting or upon a written requisition. The requisition shall be signed by the chairs of not fewer than two recognised groups, which at separate meetings have passed resolutions to this effect stating the purpose for which the meeting is to be convened. If a meeting is not convened within fourteen days after delivery of a requisition to the Union, the members who have signed the requisition may convene a meeting in the manner provided for in Rules 26 and 27 and at the Union's expense.
26. A Special General Meeting shall not transact any business other than that mentioned in the notice convening the meeting.
27. a. A general meeting shall be convened by not less than one month's notice in writing posted or delivered to every member at his or her registered address, specifying whether the meeting is an Annual or Special General Meeting and stating the date, time and place thereof, and the general nature of the business for which it is convened.

- b. Amendments to the business contained in the notice convening the meeting shall be tabled if they are submitted in writing within twenty-one days of receipt of the notice. Each amendment shall have a proposer and seconder.
28. The accidental omission to send any notice to, or the non-receipt of any notice by, any member shall not invalidate the proceedings at the general meeting. A notice or communication sent to a member at his or her registered address shall be deemed to have been duly served 48 hours after being posted, if sent by first class post, or 96 hours after being posted, if sent by second class post.
29. a. No business shall be transacted at any general meeting of the Union unless a quorum of members is present at the time the meeting proceeds to business. Twenty members shall form a quorum at such a meeting.
- b. If no quorum is present within half an hour of the time appointed for a meeting convened on a requisition of chairs of recognised groups, it shall be dissolved. In any other case, the meeting shall be adjourned to the same day in the next week at the same time at Headquarters. If at the adjourned meeting a quorum is not present within half an hour of the time appointed, the members present shall form a quorum.
30. a. The Chairman of the meeting may, with the consent of a majority of the members present, adjourn any meeting. However, no business shall be transacted at the resumption of any adjourned meeting other than the business not reached or left unfinished at the meeting from which adjournment took place.
- b. On resumption, every adjourned meeting shall be deemed a continuation of the original meeting but any resolution passed at it shall, for all purposes, be treated as having been passed on the date on which it was in fact passed, not on any earlier date. It shall not be necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
31. At all general meetings of the Union, the President of the Union shall preside. If the President is not present, the order of precedence shall be the Vice President and then the Immediate Past President.
32. a. Subject to current legislation and the provisions of these Rules, a resolution put to the vote at a general meeting shall, except where a poll is demanded or is directed by the Chairman of the meeting, be decided by a show of hands.
- b. The Chairman shall not declare, or direct to be declared, the result of any voting at a general meeting unless s/he is satisfied that every member present at the meeting has had a fair and reasonable opportunity of casting his or her vote without interference or constraint.
33. On a show of hands, every member present in person shall have one vote. On a poll, every member present either in person or by proxy shall have one vote. In the case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.
34. Unless a poll is demanded, a declaration by the Chairman of the result of a resolution on a show of hands, together with an entry made to that effect in the minutes of the meetings of the Union, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution.
35. a. A poll may be demanded either before or immediately after a vote by show of hands, by not fewer than one-tenth of the members present at the meeting, or may be directed by the Chairman. A demand for a poll may be withdrawn.
- b. If a poll is demanded or directed it shall be taken at such time and in such manner as the Chairman shall direct. The result of such a poll, when added to the result of any show of hands on the same proposal, shall be deemed to be the resolution of the Union in general meeting.



36. The instrument appointing a proxy shall be in writing and shall be deposited at the registered office of the Union not fewer than seven days before the date of the meeting at which the person named in the proxy is authorised to vote.
37. Any question as to the acceptability of any vote whether tendered personally or by proxy shall be determined by the Chairman of the meeting, whose decision shall be final.

## **H THE COUNCIL**

38.
  - a. The Council, and any Committee to which it delegates any of its powers under Rule 59., shall be governed by current legislation and by the standing orders relevant to the Council or Committee as appropriate.
  - b. Members of the Council with voting rights shall be the President, Vice President, Immediate Past President, Honorary Secretary, Honorary Treasurer and ordinary Council members elected under the provisions of these Rules.
  - c. In the case of an equality of votes within the Council the Chairman of the meeting shall have a second or casting vote.
  - d. The General Secretary shall be a non-voting member of the Council.
39.
  - a. The Council may from time to time ask one or more persons to attend a Council meeting as an observer or in order to provide the Council with factual information or with technical or professional advice in relation to any business conducted at that meeting.
  - b. The General Secretary shall seek the attendance at meetings of the Council of such members of the executive staff, as s/he shall deem necessary under Rule B/7.

## **J ELECTION AND REMOVAL OF COUNCIL MEMBERS**

40. The election and removal of Council members shall be conducted in accordance with these rules and current legislation.
41. The Council shall from time to time determine both the allocation of members to electoral areas for the purpose of returning Council members for such electoral areas on the Council, and the number of Council members to represent any area.
42. The General Secretary, or his/her nominated deputy, shall act as the Returning Officer at such elections, and as such shall be responsible to the Council for the efficient and impartial conduct of such elections, except as governed by Rule B/2b(i).
43.
  - a. Elections of half of the ordinary Council members shall be held in every second year of a rolling four year cycle.
  - b. A retiring ordinary Council member shall be eligible for re-election.
  - c. Ordinary Council members shall take office at the conclusion of the Annual General Meeting following their election and, unless re-elected, shall retire after serving for four years.
  - d. No nominee may seek election to more than one electoral area.
44. Nominations for membership of the Council to represent any given electoral area shall be supported by the signature of four members from the given area.
45.
  - a. If, by the specified closing date for nomination in the year of an election, the Returning Officer receives a greater number of valid nominations than there are seats to be filled in any electoral area, a secret postal ballot shall be conducted of all members (except student members) in the electoral area.

- b. In all contested elections for ordinary Council members the candidates shall be invited to submit to the electorate an election address, which shall not exceed the prescribed length.
46. a. No nomination received by the Returning Officer after the closing date of a quadrennial election shall be a valid nomination for the quadrennial election.
- b. Any such uncontested nomination which is otherwise valid may be accepted and processed by the Returning Officer in the first, second or third year of the quadrennium and any nominee thus elected shall take up office at the conclusion of the Annual General Meeting following the election; pending such election the nominee may be invited by the Council, upon application by the appropriate constituency, to take up observer status on the Council, with effect from the next meeting, with no power to speak or take part in any vote.
47. a. A vacancy on the Council as defined in Rule 50 shall be filled through a by-election conducted under the same Rules as a quadrennial election and as soon as possible following receipt of the official notification of the vacancy.
- b. The Council may specify alternative dates for the conduct of a by-election and shall do everything possible to ensure that a member thus elected shall be able to take office as soon as possible following the declaration of the result.
- c. A Council member elected in a by-election shall hold office only until the next quadrennial election of the Council.
48. The election of an Council member to any of the offices designated in Appendix B shall be held to create a vacancy in his/her electoral area.
49. A Council member, other than the General Secretary, may be removed from office by a resolution carried by two-thirds of the votes given thereon at a Special General Meeting convened in accordance with Rules 25 and 26. Such removal from office shall be held to create a vacancy in his/her constituency.
50. A Council member shall be deemed to have vacated office if s/he:
- a. ceases to be a member under the provisions of Rule 12; or
  - b. absents him or herself from three consecutive meetings of the Council without special leave of absence (an apology for absence shall not be deemed to constitute special leave of absence); or
  - c. is convicted of any offence which results in a sentence of not less than three months imprisonment without the option of a fine.

## **K PROCEEDINGS OF THE COUNCIL**

51. The Council shall meet at least three times a year at such times and places as it deems fit and fourteen clear days' notice of the date and place of such meetings shall be given in writing to all Council members.
52. The quorum for meetings of the Council shall be ten members including at least one officer with full voting rights. The quorum for all committees formed under Rule 59a shall be one-third of the *de facto* membership.
53. a. No business shall be transacted at any meeting of the Council unless a quorum of members is present at the time the meeting proceeds to business.
- b. If no quorum is present within half an hour of the time appointed for the start of the meeting, the meeting shall be adjourned to the same day of the next week at the same time and place, when no quorum shall be necessary.

- c. If at the next scheduled meeting of the Council no quorum is reached the only power remaining to the Council shall be the convening of a Special General Meeting.
54. a. Special meetings of the Council may be called either by:
- i. the President of the Union; or
  - ii. written request of one-quarter of the Council membership, specifying the business to be transacted thereat.
- b. A special meeting shall be held not earlier than seven and not later than fourteen clear days after it has been called for.
- c. Should such a meeting, having been requested, not be called the President of the Union or the Council members who have requested it shall accept responsibility for calling the meeting, at the Union's expense.
- d. No business shall be conducted at the meeting other than that which has been specified.

## **L POWERS OF THE COUNCIL AND COMMITTEES**

55. a. No meeting of the Council may be cancelled other than in an emergency. A decision to cancel must be taken by a minimum of three of the National Officers.
- b. The Union shall reimburse members of the Council for any reasonable expenses legitimately incurred as a result of such cancellation.
56. The business of the Union shall be conducted by the Council which may exercise all such powers as may be exercised by the Union, and which are not by current legislation or these Rules defined as a function of a general meeting.
57. In addition to its general power to manage the business of the Union the Council shall have the following discrete powers:
- a. to purchase, sell, build upon, lease, mortgage or exchange any property or land, and to enter into any contracts and settle the terms thereof;
  - b. to borrow for the purposes of the Union such amount of money, either at one time or from time to time, and at such rate of interest, and in such form and manner, and upon such security as the Council deems appropriate;
  - c. to compromise, settle, conduct, enforce or resist, either in a Court of Law or by arbitration, any suit, debt, liability or claim by or against the Union;
  - d. to appoint and remove staff subject to the contract of employment of the General Secretary;
  - e. to pay all such expenses, including travelling expenses, as are properly incurred by any member of the Council or person co-opted to the Council or to a Committee in the execution of his or her duties, provided that all claims for such expenses are made within a reasonable time and in such a manner as the Council may reasonably determine.
  - f. to affiliate the Union to any organisation;
  - g. to promote or organise fund-raising appeals and undertake any other activity for the raising of funds for the purposes of the Union;
  - h. to issue directions to any recognised group in any matter.
58. Any decision taken in good faith by the Council shall be binding upon the Council until it is amended or rescinded, providing that any such decision does not contravene any current legislation, these Rules or the standing orders for Council.
59. a. The Council may delegate any of its powers to committees consisting of such members of the Council or other persons as it sees fit, subject to current legislation and to the provisions of these Rules. The Council shall, at the first council meeting after an election, review the list of committees, sub-committees and working parties and shall approve the terms of reference of all such bodies.

- b. The Council may establish, or approve the establishment of, further committees, sub-committees and working parties during the course of a quadrennium and shall, in all such cases, establish, or approve the establishment of, the terms of reference of all such bodies.
  - c. In the case of any such committee formed partly or wholly by election, a member of the Council elected to represent a section may be elected to the committee only as a representative of that same section.
  - d. Any such committee with delegated powers under Rule 61, shall present minutes of each meeting or such other records as may meet the requirements of the Council for adoption at the next meeting of the Council.
  - e. The Council may appoint from among its members persons to perform specific duties and may designate appropriate nomenclatures.
60. The proceedings of the Council shall not be invalidated by any vacancy among its number or by any defect in the appointment, election or qualification of any member of the Council.
61. A resolution in writing signed by all the members of the Council or by all the members of a Committee shall be as valid and effectual as if it had been passed at a meeting of the Council or Committee duly called and constituted.
62. a. Where in any emergency the President of the Union considers it necessary or expedient for the attaining of any of the objects of the Union to take immediate action, s/he may do so provided that the matter is reported to the next meeting of the Council, and provided that such action is consistent with current legislation and with the provisions of these Rules.
- b. Any Committee with delegated powers under Rule 59a, may confer upon its Chairman similar powers to those described in Rule 62a, and B/15 provided that such powers do not at any time exceed those conferred upon the President.
63. No budget-holder may exceed the budget agreed by Council except by prior approval.

## **M OFFICERS AND TRUSTEES**

64. The functions and powers of the Officers shall be as defined in Appendix B.
65. The functions and powers of the Trustees shall be as defined in Appendix C.

## **N UNION FUNDS AND AUDIT**

66. a. No portion of the funds or property of the Union shall be paid or transferred other than in accordance with Rules 57, 66b. and/or Rule 78.
- b. The Council may apply any income or other funds or property for the purposes of attaining the objects of the Union and for any purpose incidental thereto and may instruct the Trustees of the Union accordingly.
67. a. The Union may at its discretion provide any member at its sole expense with legal advice and/or assistance upon any matter arising out of, or in connection with, the member's employment.
- b. The Council may from time to time delegate the power to exercise this discretion to the General Secretary acting in consultation with the President of the Union, the Chairman of the appropriate Committee and the Honorary Treasurer. In the event of any of these persons not being available, the President of the Union shall give direction as to the action to be taken to provide a substitute.
- c. A report on all applications under this Rule shall be made to the next meeting of the Committee designated by the Council to receive such reports.

68. a. There shall be appointed by each Annual General Meeting a qualified auditor to audit the Union's accounts and balance sheet for the year. In this Rule 'qualified auditor' means a person who is qualified within the meaning of paragraph 6 of Schedule 2 of the Trade Union and Labour Relations Act 1974, or any amending statute.
- b. None of the following persons shall be appointed as auditor of the Union:
- i. an officer or employee of the Union;
  - ii. a person who is a partner of, or in the employment of, or who employs an officer or employee of the Union;
  - iii. a body corporate.
- c. The audit shall be subject to the provisions of Appendix D.

## **P MINUTES and RECORDS**

69. Minutes of every general meeting and of every meeting of the Council shall be kept. Such minutes shall be read at, or circulated before, the next of such meetings respectively and signed by the Chairman of that next meeting. All minutes so signed shall be conclusive evidence of the relevant record.
70. The inclusion or omission of the name of any person from the registers or records mentioned in Rule 72, shall, in the absence of evidence to the contrary, establish that such person is or is not a member of the Union.
71. a. The Union shall keep proper books of accounts with respect to its transactions and to its assets and liabilities in accordance with the law.
- b. All books of account, registers or records and documents of the Union shall be kept at the registered office or other such place and in such manner and with such provisions for their security as the Council may from time to time determine.
- c. The Union shall establish and maintain a satisfactory system of control of its books of account, its cash holdings and all receipts and remittances.
- d. The Union shall not publish any balance sheet, which has not previously been audited by the auditor, and any copy of a balance sheet published by the Union shall incorporate any report made thereon by the auditor.
72. Every member shall be allowed to inspect the books of account and the register of members at all reasonable hours at the registered office of the Union or at any place where they are kept, subject to such conditions as to the time and manner of such inspection as may be made from time to time by the Council.

## **Q RULES AND STATUS**

73. The General Secretary shall supply a copy of the Rules of the Union to any member on demand.
74. a. These Rules may be amended by deletion, addition or substitution in a manner provided in this Rule, provided that no amendment shall have the effect of causing the Union to cease to be a trade union.
- b. Amendments to these Rules may be proposed by the Council, by a committee to which Council has delegated the specific responsibility, or by a section committee subject to the limitations included in the appendices to these Rules. In all such cases the proposed amendment shall have been agreed by a majority of the votes cast at a quorate and minuted meeting of the body making the proposal and shall have been received before any deadline for the receipt of such proposals laid down by Council.
- c. Rules 4, 5, and 6, and this Rule, are fundamental and shall not be amended or rescinded except by a resolution carried by three-quarters of the votes cast at a Special General

Meeting of which notice has been given specifying the intention to propose such amendment or rescission.

- d. Subject to Rules 19 and 74, these Rules may be amended by a resolution carried by a two-thirds majority of the votes cast in person or by proxy at any general meeting of which at least one month's notice has been given specifying the intention to propose such amendment.
  - e. Subject to Rule 19 and those Rules contained within the Appendices may be amended either as permitted above or by a majority of two-thirds of the votes cast at a meeting of the Council of which notice has been given specifying the intention to propose such amendment.
  - f. Any amendment to these Rules shall be deemed to imply automatically any consequent renumbering, re-lettering or cross-referencing without the need of any separate proposal to that effect; this shall apply to any document in which reference to these Rules is made.
  - g. As soon as is practicable after any amendment of the Rules under this Rule the amendment shall be made available to any member on request and the substantive Rule duly amended shall appear in every copy of the Rules issued thereafter.
75. Standing Orders for the conduct of meetings shall be as described in Appendix F.

## **R DISSOLUTION**

76. a. The Union may be amalgamated with another trade union only as a result of a ballot to that effect held under current legislation, permission to hold such a ballot having been given by at least three-quarters of the votes cast at a Special General Meeting of which notice has been given specifying the intention to propose the holding of such a meeting.
- b. Subject to current legislation, there shall be a requirement of at least three-quarters of the votes cast in such a ballot.
77. The Union may be dissolved by a resolution carried by three-quarters of the votes cast at a Special General Meeting of which notice has been given specifying the intention to propose such dissolution.
78. If on the amalgamation or dissolution of the Union there remains, after the satisfaction of all its debts and liabilities, any property or funds whatsoever, the same shall be dealt with as may be decided upon by the general meeting which resolves upon the amalgamation or dissolution.

## **APPENDIX A DISCIPLINE AND COMPLAINTS**

### **Breaches of Discipline**

- A/1. Council shall have power to take disciplinary action against any member held to have committed:
- i. a breach of any of these rules;
  - ii. any action detrimental to the interests of the Union, or which may bring the Union, its members or officers into disrepute;
  - iii. misconduct involving dishonesty or serious physical or sexual assault in respect of which the member concerned has been convicted; or
  - iv. any other conduct which is unbecoming a member of the Union or contrary to its interests or objects.
- A/2. Council shall give effect to a decision of the Disciplinary Committee to sanction a member, subject to a member's right of appeal to the Appeals Committee, by imposing whichever of the sanctions set out in A/22 is held appropriate by the Disciplinary Committee in its decision.

### **Disciplinary and Appeal Committees**

- A/3. The Disciplinary Committee and Appeals Committee shall each consist of three Council members who do not hold any national office.
- A/4. All members of Council eligible for service on the Disciplinary or Appeals Committee may be called upon to serve on one of the above Committees.
- A/5. The General Secretary, or his or her nominated deputy, shall attend meetings of the Disciplinary or Appeals Committee and for the purpose of offering advice, including where appropriate, legal advice and shall provide administrative support for those meetings.
- A/6. In the event of the General Secretary being summoned to appear before a Disciplinary Committee, he or she shall forfeit all duties described above and below within this Appendix and shall be replaced in the execution of those duties by the President, or if the President has a personal involvement in the case, the Vice President.
- A/7. The administrative arrangements for the convening of a Disciplinary or an Appeals Committee shall be the responsibility of the General Secretary or his or her nominated deputy; in the absence of an appropriate member of the executive staff the President shall assume this responsibility.

### **Procedure**

- A/8. Any member who considers that another member's conduct has amounted to a breach of discipline on any of the grounds specified in rule A/1 of this Appendix may make a complaint to the General Secretary, or if necessary to the President.
- A/9. Any such complaint shall:
- a. be in writing and shall give the name and details of the person making the complaint;
  - b. state against whom the complaint is directed;
  - c.
    - i. in the case of an alleged breach of discipline, state the nature of the conduct which is the subject of the complaint and specify under which of the grounds listed in rule A/1 the complaint is being lodged;
    - ii. in the case of an alleged breach of these rules, specify the breach of rules which is the subject of the complaint;
  - d. specify details of the evidence supporting the complaint, including the names and addresses of any witnesses whom the member may wish to call on his or her behalf;
  - e. state the nature of the complainant's interest in making the complaint; and
  - f. state the nature of the injury or damage suffered by any person in consequence of the alleged breach.

Failure to provide all relevant information outlined in this Rule A/9 will negate the complaint.

- A/10. Complaints will not be considered unless made within six months of the circumstances giving rise to the complaint unless there are exceptional reasons for doing so.
- A/11. The General Secretary will acknowledge receipt of the complaint to the complainant within 5 working days and may, if necessary, undertake enquiries into the nature and substance of the complaint. Where it appears to the General Secretary that there is good and sufficient reason to believe that any of the offences in A/1 may have been committed, the complaint shall be referred to the Disciplinary Committee. The complainant will be informed in writing by the General Secretary if it is considered that prima facie grounds do not exist and the complaint was not referred to the Disciplinary Committee.
- A/12. If it appears to the General Secretary to be appropriate, and if the complainant and the member complained of agree, conciliation to resolve the matter can be attempted. The conciliation procedure, including the time allocated to conciliate, will be decided on each occasion.
- A/13. At least 4 weeks prior to the date of the Disciplinary Committee hearing, the member against whom an allegation has been made shall be informed by the General Secretary, in writing, of the grounds of the allegation against him/her and of the date, time and place arranged for the hearing. He/she shall be provided with a copy of the rules containing these procedures.
- A/14. Both the member subject to the complaint and the complainant shall be invited to attend the hearing. Each may be accompanied by a representative to present their case. Witnesses can be called by either party and particulars of witnesses shall be notified to the General Secretary at least one week in advance. Written evidence may be submitted in advance provided it is received by the General Secretary at least one week in advance for circulation to the Disciplinary Committee and both parties.
- A15.
- a. While every effort shall be made to ensure that members of a tribunal or of an appeals panel shall have no prior knowledge of the complaint, no tribunal or appeals panel shall be invalidated by the fact of including one or more members who do have such prior knowledge.
  - b. While every effort shall be made to ensure that members of a Disciplinary Committee or of an Appeals Committee shall have no current personal involvement with either of the parties, the disclosure or discovery of any such involvement shall not automatically disqualify the member from serving on the Committee.
- A/16. The procedure for the hearing shall be as follows:
- i. The complainant or his/her representative shall present his/her case including any witnesses.
  - ii. The member subject to the complaint or his/her representative shall be given the opportunity to ask questions of the complainant or his/her representative and of his/her witnesses.
  - iii. The member subject to the complaint or his/her representative shall present his/her case including any witnesses.
  - iv. The complainant or his/her representative shall be given the opportunity to ask questions as set out in ii) above.
  - v. The Disciplinary Committee may, during or after the giving of evidence, ask questions through the Chair of any party.
  - vi. The complainant or his/her representative shall be invited to sum up. No new material can be introduced.
  - vii. The member subject to the complaint or his/her representative shall be invited to sum up. No new material can be introduced.
  - viii. All parties shall be asked to withdraw and informed that the Committee's decision will be confirmed in writing.
- A/17. Notification of the Disciplinary Committee's decision will be sent to the member subject to the complaint as soon as possible and no later than 14 days from the hearing.



- A/18. In the event that disciplinary action has been decided on, he/she shall also be informed of the right to appeal to the Appeals Committee. A member wishing to appeal to the Appeals Committee against a decision of the Disciplinary Committee shall give notice in writing to the General Secretary within 14 days of receipt of the decision. The notice shall state the grounds on which the appeal is based.
- A/19. Upon receipt of a notice of appeal, the General Secretary shall inform the members of the Appeals Committee who shall meet within 28 days, or as soon as reasonably practicable thereafter, to hear the appeal. The General Secretary shall give at least 14 days' written notice to the appellant of the date fixed for the hearing and his/her right to attend.
- A/20. The Appeals Committee shall determine the basis on which the appeal will proceed, including the standard of review and is entitled to amend, vary, quash or uphold the decision of the Disciplinary Committee.
- A/21. The Appeals Committee's decision shall be confirmed in writing to the appellant within 14 days of the hearing.

### **Sanctions**

- A/22. The Disciplinary Committee may decide to take any of the following action.
- i. a motion of censure
  - ii. a warning
  - iii. suspension, expulsion or termination of membership.

### **Complaints Against the Union**

- A/23. A complaint that the Union has acted in breach of its Rules shall be sent in writing to the General Secretary specifying the breach of rules complained of and giving details of the evidence supporting the complaint. The General Secretary will give a written response to the complainant within 10 working days of receiving the complaint or as soon as reasonably practicable after that. Where necessary the General Secretary should carry out a full investigation into the issue/s raised.
- A/24. If the complainant is dissatisfied with the response he/she can request that the matter is referred to the Disciplinary Committee as a complaint against the Union and following the procedure set out in Rules A13 to A17. If the Disciplinary Committee is satisfied that the Union has been in breach of these rules, it may:
- i. declare that the Union has acted in a way which is in breach of the rules; or
  - ii. record a motion of censure against the Union.
- A/25. There is a right of appeal for the complainant following the procedure set out in Rules A14 to A21.

## APPENDIX B: NATIONAL OFFICERS: THEIR FUNCTIONS AND POWERS

- B/1. The functions and powers of the National Officers, with the exception of the Founder Presidents, shall be as determined by current legislation and the provisions of these Rules.
- B/2. a. i. The Union shall have a General Secretary, President, Vice President, Immediate Past President, Honorary Secretary, and Honorary Treasurer.
- ii. No member of the Council shall be able to hold two officer positions at the same time.
- b. The officers of the Union, where appropriate, shall be elected by postal ballot of all members excluding students of the Union as follows:
- i. an election for the office of General Secretary shall be held once in every five year period, such elections being conducted in accordance with the requirements of current legislation; where the General Secretary is a candidate in an election, the President shall ask a member of staff to act as the Returning Officer;
- ii. an election for the office of Vice President shall be held annually;
- iii. an election for the offices of Honorary Secretary and Honorary Treasurer shall be held in alternate biennial year from ordinary members of the Council and elected members of country executive committees;
- iv. in all contested elections the candidates shall be invited to submit to the electorate an election address which shall not exceed the prescribed maximum length.
- c. i. All groups recognised under Rule 9 but excluding working parties, in consultation with their constituent groups where applicable, may nominate one current Council member for election to each of the offices of Vice President, Honorary Secretary and Honorary Treasurer.
- ii. Currently the following groups are recognised by Council under Rule 9:
- The Executive Committees of England, Northern Ireland, Scotland and Wales
  - Fully constituted committees of Council, currently, Finance Committee and Volunteers Panel
  - Any fully constituted and operational Federations
- d. A casual vacancy for the office of Vice President shall be filled by means of a by-election conducted in accordance with the provisions of these Rules.
- e. At each Annual General Meeting, the Vice President shall assume the office of President and the outgoing President shall assume the office of Immediate Past President for one year.
- f. i. When a ballot is held for the office of Honorary Secretary or Honorary Treasurer, the member placed second in the ballot shall be designated deputy to the office-holder, provided that the ballot paper includes notification to this effect and provided that s/he is otherwise elected to the Council.
- ii. An Honorary Treasurer or Honorary Secretary may stand for office several times, but on no more than two consecutive occasions
- iii. In the event that the member placed second in the ballot is not otherwise elected to Council, a deputy to the office-holder shall be elected by and from members of the Council at their first meeting of the following quadrennium.
- iv. In the event that the office of Honorary Secretary or Honorary Treasurer is uncontested, a deputy to the office-holder shall be elected by and from members of the Council at their first meeting of the following quadrennium.
- v. A member of the Council thus elected as deputy to the Honorary Secretary or Honorary Treasurer shall deputise for the office-holder should a casual vacancy arise.
- vi. In the event of such a casual vacancy, the member elected as deputy to the office-holder shall assume office until the vacancy shall be filled by means of a by-election

conducted in accordance with these Rules. An officer so elected shall hold office for the unexpired portion of the quadrennium.

- g. A Chairman/President Emeritus shall not be a member of the Council by virtue of that designation but may be elected to the Council and to National Office in the normal way. A Chairman/President Emeritus may stand for National Office several times, but on no more than two consecutive occasions.
  - h. National Officers, as defined in Rule B/2a, shall have the right of attendance at meetings of all Committees of the Council and all Section Committees, together with any committee determined under Rules 9 and 59b.
  - i. The General Secretary or his/her nominated deputy shall act as the Returning Officer for the election of Officers of the Union and shall be solely responsible for the conduct of those elections.
  - j. Any officer, other than the General Secretary, may be removed from office by a resolution carried by two-thirds of the votes given thereon at a Special General Meeting convened in accordance with Rules 25 and 26.
- B/3. Every officer and employee shall be indemnified by the Union against all costs, losses, liabilities and expenses which s/he may reasonably incur in discharge of his or her duties, provided that all claims for such expenses are lodged within a reasonable time and in such a manner as the Council, or in the case of employees the General Secretary, may reasonably determine.
- B/4. No officer shall be liable for any loss happening to the Union through the execution of the duties of his or her Office, unless the loss be the consequence of his or her own dishonesty, wilful neglect or default.

#### **Founder Presidents**

- B/5 The joint founders of the Union, the late Mr C R Leicester and the late Mr R V Bryant, shall be known as Joint Founder Presidents.

#### **The General Secretary**

- B/6 Council shall appoint a General Secretary on terms and conditions of employment approved by the Council and subject to the General Secretary being elected under the provisions of current legislation and in accordance with the procedures in Appendix G of these Rules and any other procedures laid down by Council.
- B/7 The election of General Secretary shall take place not less than every fifth year.
- A member is eligible to stand for election to the post of General Secretary if s/he:
- a. has been a fee-paying member of the union for five years and is not in arrears of payment;
  - b. holds one of the qualifications listed in Rule 14;
  - c. is not the subject of a disciplinary investigation under Rule 20.
- B/8. The General Secretary shall be a full-time paid officer responsible for overall management of the Union's affairs and a Trustee of the Union in accordance with the provisions of these Rules.
- B/9. Within the general policy and financial limits approved from time to time by the Council, and notwithstanding Rules B/17 and B/20, the General Secretary shall be responsible for the overall management of the Union. This responsibility shall include, either directly or by delegation, specifications as to the direction and extent of duties for all staff of the Union.
- B/10. The General Secretary shall keep the President and/or the Council fully informed about the Union's current position, both orally at Council meetings and in writing as deemed appropriate by the General Secretary and/or the President.
- B/11. The General Secretary shall select and appoint on behalf of the Council, either directly or by delegation, and under the terms and conditions, including remuneration, as shall be from time to

time prescribed by the Council, all the non-executive and administrative staff of the Union. For this purpose executive staff shall be deemed to be those at the level of Assistant General Secretary, or equivalent status, and above.

B/12. The General Secretary shall have the right on behalf of the Council to discipline any member of staff or to dismiss any non-executive or administrative member of staff. Before dismissing a member of staff, however, the General Secretary shall consult the President and shall consider the legal position of the Union in the event of such dismissal.

B/13. The General Secretary shall act as the Returning Officer for the elections of Council members and Officers of the Union in accordance with current legislation and the provisions of Rules 42, 43, 44, 45 and B/2.

### **The President**

B/14. The first duty of the President shall be to uphold the Constitution.

B/15. The President shall be responsible for taking the chair at the National Conference, at meetings of the Council, and at meetings of such Committees as the Council shall determine, but not otherwise unless elected to the Chair by the meeting concerned.

B/16. In an emergency, the President may take action under the provisions of Rule 62a., provided that the matter is reported to the next meeting of the Council and provided that such action is consistent with current legislation and with the provisions of these Rules.

B/17. The President shall ensure the Union's compliance with the provisions of Rules B/19 and B/23.

### **The Honorary Secretary**

B/18. The Honorary Secretary shall have general oversight of the administrative affairs of the Union.

B/19. The Honorary Secretary shall present to each Annual General Meeting a Report of the activities of the Union during such period, as the Council shall determine. The Honorary Secretary shall sign the Report.

B/20. The Deputy Honorary Secretary in the event of the absence of the Honorary Secretary shall take up the duties and responsibilities of the Honorary Secretary for the duration of the absence.

### **The Honorary Treasurer**

B/21. The Honorary Treasurer shall have general oversight of the financial affairs of the Union.

B/22. The Honorary Treasurer shall present to each Annual General Meeting a revenue account and balance sheet duly audited and incorporating the report of the auditor thereon. The account shall be made up to such date, as the Council shall determine to be the end of the financial year. The Honorary Treasurer shall sign the document.

B/23. The Deputy Honorary Treasurer in the event of the absence of the Honorary Treasurer shall take up the duties and responsibilities of the Honorary Treasurer for the duration of the absence.

### **The Immediate Past President**

B/24. Immediate Past President, who complete their terms of office at the end of year 1 and/or year 3 of the quadrennium, shall become an ex officio member of Council with full voting rights for a period of one year provided:

- a. there is no vacancy within their electoral area, for which they can stand
- b. they indicate to Council that they wish to continue on Council.

## **APPENDIX C: TRUSTEES: THEIR FUNCTIONS AND POWERS**

C/1. The functions and powers of the Trustees shall be as determined by current legislation and the provisions of these Rules.

### **The Union's Property**

C/2. The Union shall have not more than four Trustees in whom the property of the Union shall be vested in trust for the Union.

C/3. The Trustees of the Union's property shall be appointed by the members as represented at the Annual General Meeting and, subject to the following provisions, shall be the holders of the following offices within the Union:

- a. the General Secretary;
- b. the Honorary Secretary;
- c. the Honorary Treasurer;
- d. the Union Solicitor.

C/4. A Trustee shall remain as such until ceasing to hold one of the designated posts.

C/5. Where a Trustee has been appointed by virtue of office, any person elected to replace any designated office holder shall replace him or her also as Trustee.

C/6. Where it shall appear necessary to the Council that a new Trustee be appointed, the Council shall recommend such an appointment to an Annual General Meeting.

C/7. Every Trustee in charge of money or other assets shall be required to keep accurate accounts of such money or other assets and may be required to offer a security approved by the Council.

## APPENDIX D: THE AUDITOR

- D/1. The appointment of the auditor shall be in accordance with current legislation and the provisions of these Rules.
- D/2. Except as provided for in Rule 68a, every appointment of an auditor shall be made by resolution of a general meeting of the Union.
- D/3. The Council may appoint an auditor to fill any casual vacancy occurring between general meetings of the Union.
- D/4. An auditor appointed to audit the accounts and balance-sheet of the Union for the preceding year (whether by a general meeting or by the Council) shall be re-appointed as auditor for the current year (whether or not any resolution expressly re-appointing him or her has been passed) unless;
- a. a resolution has been passed at a general meeting of the Union appointing somebody else or providing expressly that s/he shall not be re-appointed; or
  - b. s/he has given the Union notice in writing of his or her unwillingness to be re-appointed; or
  - c. s/he is not a qualified auditor; or
  - d. s/he is a person mentioned in Rule 68b.; or
  - e. s/he has ceased to act as auditor of the Union by reason of incapacity.
- D/5. If notice of an intended resolution to appoint another person in his or her place has been given in accordance with Rule D/4a, and the resolution cannot be proceeded with because of the death or incapacity of that other person, or because that other person is not a qualified auditor, or because s/he is a person mentioned in Rule 68b, the retiring auditor shall not be automatically re-appointed.
- D/6. A resolution at a general meeting of the Union which either appoints another person as auditor in place of a retiring auditor, or provides expressly that a retiring auditor shall not be re-appointed, shall not be effective unless notice is given to the Union not less than twenty-eight days before the meeting at which the resolution is to be moved.
- D/7. On receipt by the Union of notice of such an intended resolution, the Union shall send a copy of the notice to the retiring auditor immediately.
- D/8. If practicable, the Union shall give notice of the intended resolution to its members at the same time and in the same manner as it gives notice, in accordance with these Rules, of the meeting at which the resolution is to be moved. If it is not practicable, notice shall be given by advertisement in a newspaper circulating in the area in which the Union conducts its business not less than fourteen days before the meeting.
- D/9. Where the retiring auditor makes any representations in writing to the Union in respect of the intended resolution, or notifies the Union that s/he intends to make such representations, the Union shall notify the members accordingly. Such notification shall be in accordance with any current legislation.
- D/10. The auditor shall, in accordance with any statutory requirement, make a report to the Union on the accounts of the Union audited by him or her and contained in the Union's Annual Return.

**APPENDIX E: EXECUTIVE COMMITTEES:  
ENGLAND, SCOTLAND, WALES AND NORTHERN IRELAND**

- E/1.a. Subject to current legislation and the provisions of Rule 19, and in accordance with the objectives of the Union, the Executive Committees in England, Scotland, Wales and Northern Ireland shall have autonomy in connection with the determination of policy and conduct of negotiations in respect of all matters which relate solely to the terms and conditions of employment of the members who work in the country or to education and care matters pertinent to that country.
- b. Each country will have the discretion to suffix the country name to Voice.
- E/2. a. The membership of the Executive Committees in England, Scotland, Wales and Northern Ireland shall consist of:
- i. representatives from such designated areas as may be decided by the Council from time to time;
  - ii. Council members elected to represent members from that country on the Council;
- b. Nomination for members of the Executive Committees to represent any given area shall be supported by the signature of not fewer than two members in the designated area.
- c. Members of the Executive Committees shall be elected by secret ballot to serve for a quadrennium, or part thereof, as determined by the Council.
- d. Only members who qualified under the terms of Rule 12 of the Union's Rules shall be eligible to become members of an Executive Committee, unless, except that members who are retired shall be eligible to stand for election if no other nominations are received.
- e. Vacancies occurring through death, resignation or any other cause shall be filled by secret ballot.
- f. i. Management of the Executive Committees shall be by the following office-bearers:  
Chairman;  
Vice-Chairman;  
Immediate Past Chairman, except when the position shall remain unfilled.
- ii. At the first meeting, following the Annual General Meeting of the Union, the Executive Committees shall elect from its membership the office-bearers named above, save that, if the Vice-Chairman from the previous year shall have been re-elected to the Committee, s/he shall automatically become Chairman of the Committee; and if the Chairman from the previous year shall have been re-elected to the Committee s/he shall automatically become Immediate Past Chairman;
- g. Subject to remaining within the agreed budget, the Executive Committees may co-opt further members provided that the number of co-opted members is never greater than one third the de facto membership; co-opted members shall have the right to speak but not to propose, second or vote.
- E/3. a. The Executive Committees shall meet as required and at least three times each year, subject to remaining within the budget determined by the Council.
- b. The quorum shall be at least one third of the members of the Committee and shall include at least one of the office-bearers, currently representing an electoral area in that country.
- c. At least two weeks' notice shall be given of all meetings. Minutes shall be kept of all meetings of the Executive Committees. The Executive Committees shall liaise with, and report back to, the Council.
- E/4. The financial provision for each of the Executive Committees shall be decided annually by the Council after consultation with the Executive Committees.

- E/5 In the event of any conflict arising between the Rules of the Union and the Rules in this Appendix, the Rules of the Union shall prevail except where these Rules expressly provide otherwise.
- E/6. Proposals for the amendment of the Rules in this Appendix may be made under Rule 19 of the Union's Rules as follows:
- a. by any member of an Executive Committee where any such proposals shall be delivered to the Committee Chairman fourteen days before the next Committee meeting. Any such proposal, which is approved by the Committee, shall be forwarded to the Council for approval and shall take effect only when approved by the Council;
  - b. by the Council, provided that any such proposals shall have been discussed with each of the Executive Committees. Any such proposals subsequently forwarded to the Council shall take effect only when approved by the Council.



## **APPENDIX F: STANDING ORDERS**

Last amended Sept 2009

### **Standing Orders for the Conduct of Council and Other Meetings (adopted 6.12.97)**

#### **1 Standing Orders**

- 1.1 At the beginning of the first meeting in each quadrennium or other electoral period, the Chairman shall announce that Council meetings and such other meetings as are appropriate will be conducted under these Standing Orders. Throughout these Standing Orders, references to the Chairman shall be held to mean the Chairman of the meeting. Throughout these Standing Orders, references to the Council shall be held to include such other meetings as are appropriate.
- 1.2 Any motion for the suspension of these Standing Orders shall be proposed and seconded and the proposer shall be allowed two minutes to state his/her reasons, after which the Chairman shall give a ruling with no further debate. The motion shall specify whether the suspension is to continue for the duration of the debate on one motion or for the remainder of the session. During the suspension, the meeting shall be conducted in accordance with Standing Order 8.1. At the end of the suspension, the Standing Orders shall again be effective without any further motion. Standing Orders shall not be suspended more than once during any one meeting.

#### **2 Business**

- 2.1 The date, time and place of Council meetings shall be as specified by the Council subject to the right of the Chairman to vary the time of start if circumstances warrant it.
- 2.2 The order of agenda shall be generally as laid down by the Council subject to the right of the Chairman to determine detail and to prescribe fixed business.
- 2.3 Standing Order 2.2 above may be suspended for a specified time and for a specified purpose provided that a motion for the suspension is supported by at least two thirds of those present and entitled to vote.
- 2.4 The minutes of a meeting shall be sent to those entitled to receive them within twenty-eight days of the meeting subject to the right of the Chairman to vary the period allowed if circumstances warrant it.
- 2.5 Objections to the substance of the minutes shall be notified in writing to the Honorary Secretary within fourteen days of the receipt of the minutes, but objections on the grounds of clerical inaccuracy may be stated at the next meeting. Voting upon objections shall be required only if the grounds for objection are contested.

#### **3 Rules of Debate**

- 3.1 Each motion shall have a proposer and seconder except that the Chairman shall not require a seconder.
- 3.2 Once a motion has been proposed and seconded it must be decided before any further motion may be proposed, except that amendments and/or procedural motions may be proposed.
- 3.3 Once a motion has been proposed and seconded it shall not be withdrawn except by agreement of the proposer and seconder and by permission of the meeting.
- 3.4 The Chairman shall have the right to ask that any motion which has been proposed and seconded be confirmed in writing before being debated.
- 3.5 Debates on motions shall not exceed thirty minutes and speeches shall not exceed five minutes except by permission of the meeting.

- 3.6 A member shall have the right to speak once only upon a motion except that the proposer shall have the right of reply. This right of reply shall not introduce any new material and shall be followed immediately by the reading out of the proposal by the Chairman and then by the vote.
- 3.7 Any motion of which advance notice is to be given shall be received by the Chairman at least twenty-one days before the date of the relevant meeting. All such motions shall appear on the agenda, but shall not be debated unless proposed and seconded.
- 3.8 Advance motions may be submitted by any member of the Council, or on behalf of an appropriate committee or a Federation/electoral area, provided that such motions have been agreed by an appropriate and quorate meeting.
- 3.9 The Council may decide not to debate an advance motion except as specified under Standing Order 9.2 but no such motion may be refused at three consecutive meetings provided that a proposer and a seconder are available.

#### **4 Amendments**

- 4.1 Only one amendment shall be considered at a time.
- 4.2 No amendment shall be permitted which negates the original motion.
- 4.3 Amendments to amendments shall not be permitted.
- 4.4 Each amendment shall have a proposer and a seconder.
- 4.5 An amendment may be accepted by the proposer and seconder of the original motion, in which case the original motion as amended shall become the substantive motion.
- 4.6 An amendment shall be decided before any further debate takes place on the original or substantive motion.
- 4.7 Once an amendment has been proposed and seconded it shall not be withdrawn except by agreement of the proposer and seconder and by permission of the meeting.
- 4.8 The proposer of an amendment shall have no right of reply.
- 4.9 The proposer of the original motion shall have the right at the end of the debate upon an amendment to speak to the amendment but in exercising this right shall forfeit the right of reply to the original motion.
- 4.10 All speeches to an amendment shall be confined to the amendment and speeches to the original motion shall be ruled out of order by the Chairman.
- 4.11 If an amendment is carried, the proposer of the original motion shall lose his/her ownership of the substantive motion.
- 4.12 If an amendment is defeated, the ownership of the original motion shall not be affected.

#### **5 Procedural Motions**

- 5.1 The following procedural motions may be proposed:
- (a) that permission be given to withdraw a motion or an amendment;
  - (b) that the question be now put;
  - (c) that the meeting proceed to the next business;
  - (d) that consideration of the motion be adjourned;
  - (e) that the motion be referred back;
  - (f) that the time limit be extended;
  - (g) that the minutes cease to be taken for a specified period;
  - (h) that the conduct of a member of the Council named by the Chairman be discussed.

- 5.2 All procedural motions shall require a proposer and seconder.
- 5.3 The proposer of a procedural motion shall have one minute to explain his/her reasons.
- 5.4 The Chairman shall have the right to refuse a motion under 5.1(b) or (c) if he/she feels that the item on the table has not been sufficiently discussed.
- 5.5 If a motion under 5.1(b) or (c) is proposed, the proposer of the original motion shall have one minute in which to reply.
- 5.6 No member who has spoken in a debate shall be allowed to propose or second under 5.1 (b) or (c) a procedural motion curtailing that same debate.
- 5.7 Except as indicated above there shall be no debate on a motion proposed under 5.1 (b) or (c).
- 5.8 If a motion under 5.1(g) is proposed, the period of time during which no minutes shall be taken shall be specified but any decisions taken during this period shall be recorded.
- 5.9 Written notice of any proposal for a rescission of a resolution of Council shall be received by the Chairman at least twenty-one days before the meeting at which such a proposal is to be tabled. No such proposal shall be allowed unless six calendar months have elapsed since the resolution was carried or unless at least two thirds of those present and entitled to vote shall vote in favour of rescission or unless the proposal in question is a valid amendment to a proposal to be made on behalf of the Council at the next general meeting.
- 5.10 Any member shall be entitled to propose or second a motion that the meeting be adjourned to a specified date, time and place, but such a proposal shall not be allowed to interrupt a speaker on the floor and such a proposal shall not carry any right of reply.

## **6 Points of Order/Information**

- 6.1 A point of order may be raised at any time provided that the member raising it shall state his/her objection which may be on the grounds of: (a) a breach of Standing Orders; (b) irrelevance or repetition; (c) impropriety; (d) exceeding the time limit. The Chairman shall give an immediate ruling upon a point of order and the speaker under challenge may contest the point of order only if invited to do so by the Chairman.
- 6.2 A point of information may be raised by permission of the Chairman and the speaker on the floor and, if allowed, shall be used only to seek clarification or to contest the factual accuracy of what has been said.

## **7 Voting**

- 7.1 The outcome of a vote shall be determined by a simple majority except where these Standing Orders specify otherwise.
- 7.2 Voting shall be by show of hands except where these Standing Orders specify otherwise.
- 7.3 Voting shall be by secret ballot where: (a) the Chairman so specifies; or (b) the number of members required for a quorum so demands; or (c) a prescribed majority is required; or (d) the vote is one of dissent or no confidence.
- 7.4 Individual voting preferences shall not be recorded except upon request.
- 7.5 The Chairman shall have a second or casting vote.
- 7.6 The Chairman shall declare to the meeting the result of any vote.

## **8 Good Order**

- 8.1 It shall be the duty of the Chairman to preserve good order.
- 8.2 It shall be the duty of the Chairman to determine the order of speakers except that the person seconding a motion may speak immediately after the proposer if he/she so wishes and there shall be no further speech after the right of reply has been exercised.
- 8.3 It shall be the duty of the Chairman to call to order any member who violates these Standing Orders.
- 8.4 It shall be the duty of the Chairman to name any member: (a) who refuses to conform to the Chairman's ruling; or (b) who persists in violating the rules of good debate; or (c) whose conduct is prejudicial to good debate; or (d) who persistently refuses to accept a point of order.
- 8.5 Any member dissatisfied with the Chairman's ruling may propose a motion "that the Chairman's ruling be dissented from". If such a proposal is seconded, the Chairman shall immediately vacate the Chair and shall call upon the Vice Chairman to take the chair. When the proposer and the Chairman in that order have stated their cases the acting chairman shall put to the vote the proposal "that the Chairman's ruling be dissented from".
- 8.6 The Chairman shall accept a proposal for a vote of no confidence in a member or an officer only in the capacity in which that member or officer has carried out his/her duties.

## **9 Limitations**

- 9.1 The quorum for meetings of the Council shall be ten members, including at least one officer with full voting rights. The quorum for other appropriate meetings shall be one third of the appropriate de facto membership. Should no quorum be present within an hour of the advertised time for starting a meeting, the meeting shall be adjourned to the same day in the following week at the same time and place, when no quorum shall be necessary. Once a meeting is quorate, the number of members leaving the meeting shall have no effect except that an adjourned meeting shall be judged quorate upon the resumption only if the meeting was quorate when the motion for adjournment was carried.
- 9.2 These Standing Orders may be amended only by a resolution of the Council following the submission of a motion of which due notice has been given in accordance with Standing Orders 3.7 and 3.8 above. Notwithstanding Standing Order 3.9, no such motion for amendment may be refused debate if duly proposed and seconded. No amendments may be made unless a motion for amendment is supported by at least two thirds of those present and eligible to vote.

## **APPENDIX G: GENERAL SECRETARY ELECTIONS**

### **The Selection Process for a Council-preferred Candidate**

The process for selecting a Council-preferred Candidate for a General Secretary election will be conducted by three panels; the Job Specification and Person Specification Panel (Job Specification Panel), the Shortlisting Panel, and the Interview Panel.

The following procedure has been agreed by Council to ensure that the selection process for the Council-preferred Candidate takes place in an open, merit-based and transparent manner.

#### **A. The Job Specification and Person Specification Panel**

- A.1 The following tasks are delegated given to the Job Specification Panel by Council:
- i. To draw up for Council's approval a Job Specification and a Person Specification for the post of General Secretary.
  - ii. To draw up for Council's approval the procedure for the shortlisting and interview processes based on the Job Specification and Person Specification.
- A.2 The Composition of the Job Specification Panel is:
- i. Two National Officers (one of whom will be the President or Vice President).
  - ii. Two Council members.
  - iii. An internal or external HR adviser.
- A.3 The Job Specification Panel may at any time seek advice or information from:
- i. the outgoing General Secretary;
  - ii. an external adviser.

#### **B. The Shortlisting Panel**

- B.1 The Shortlisting Panel is required to draw up a shortlist of a minimum of three and a maximum of five candidates, taking into account the Job Specification and Person Specification. The Panel may decide to engage the services of external advisers for the shortlisting.
- B.2 The Composition of the Shortlisting Panel is:
- i. The two National Officers serving on the Job Specification Panel.
  - ii. The two Council members serving on the Job Specification Panel
  - iii. One staff member, elected by staff.

#### **C. The Interview Panel**

- C.1 The composition of the Interview Panel is the same members as the Shortlisting Panel and the Panel will conduct its business as follows:
- i. Prepare and conduct the interviews to make a selection from the shortlisted candidates, engaging if the Panel so wishes the services of external advisers. Thereafter, the Panel will make a recommendation to Council that either ;
    - a) the successful candidate is the Council-preferred Candidate in the election for General Secretary or
    - b) there was no successful candidate .
  - ii. In the case of either a) or b) inform the unsuccessful candidates of the outcome in writing.

Although the Interview Panel may select a Council-preferred Candidate by a majority vote, the objective is to select the successful candidate by consensus.

C.2 If the Interview Panel does not recommend to Council any of the candidates as the Council-preferred Candidate, Council will be required to repeat the selection process from the outset with new Panel members for the Shortlisting Panel, and the Interview Panel. The original Interview Panel will provide the incoming panel with the reasons why it did not select any of the candidates.

C.3 There will be no more than two attempts to select a Council-preferred Candidate. If a Council-preferred Candidate is not selected after a second round of the process, an election will be called without a Council-preferred Candidate.

D. **Training**

D.1 If requested by Panel members at any stage of the shortlisting or selection process, Council will provide internal or external training as appropriate.

