

Fire Officers' Association



Rules as adopted 1st August 2016

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1. TITLE

The Association shall be called the Fire Officers' Association.

2. OBJECTIVES

The objectives for which the Association is established are to:-

- i) Maintain and improve the conditions of service of members by regulating the relations between them and their employers and employers Associations, and by representing them on such appropriate bodies as may from time to time be set up.
- ii) Protect, promote and represent the interests of its members and provide a channel whereby they can express their opinion.
- iii) Promote the efficiency and status of the Fire and Rescue Service.
- iv) Establish liaison with other bodies on matters of common interest where this is consistent with the objects of the Association.
- v) Make representations to Fire and Rescue Authorities and Government departments.
- vi) Provide out of the funds of the Association such benefits and other means of assistance, financial or legal, as shall be authorised from time to time by the Executive Board for the benefit of members of the Association or any section of them, or their families, or the dependants of deceased members.
- vii) Promote, or assist in securing legislation in the occupational interests of members.

In furtherance of these objectives the Executive Board may;

- i) Negotiate with and recommend affiliation to or association with relevant societies and associations.
- ii) Purchase or acquire any property whatever and any rights of any kind over any property.
- iii) Sell, improve, manage, develop, lease, mortgage, dispose of; or turn to account or otherwise deal with all or any part of the property and rights of the Association.
- iv) Invest and deal with the money of the Association not immediately required in such manner as may from time to time be determined and to hold or otherwise deal with any investment made.
- v) Borrow and raise money in any manner and to secure the repayment of any money borrowed, raised or owing in such manner as may be determined by the Executive Board.

and shall;

- i) Indemnify the members or officers of the Association against losses, damages, costs and demands made against them in respect of any authorised acts or omissions done by them in the course of their official duties for the Association, to the extent that such indemnity is not prohibited by law.

- ii) Do all such things and carry out such other activities for the benefit of the members as the Executive Board may decide.

3. FULL MEMBERS

- a) Membership of the Association shall be open to all employees of the fire and rescue service and such other emergency and support services as the Executive Board may from time to time determine as being eligible for membership.
- b) An application for membership shall be made to the Head Office of the Association and, upon receipt of the application form and subscription, the applicant will be allocated to the appropriate branch. The Branch Secretary of the appropriate branch will be advised of the application and a period of 14 days shall be allowed for the Branch Secretary to register any objection to the applicant. If an objection is made, the applicant will be notified and within 14 days of the notification may make a request in writing to the Chief Executive of the Association for an appeal against the objection to be heard by the Executive Board. The Chief Executive shall refer any such appeal to the Executive Board, whose decision shall be final.
- c) The Applicant's name and address and the Branch to which he/she is assigned shall be entered in the register of members maintained at Head Office.
- d) It shall be the duty of every member to promote the objectives of the Association as far as is within his or her power and to abide by the Rules of the Association.

4. ASSOCIATE MEMBERS

- a) Associate membership shall be open to all full members who have left or retired from the Fire Service or who are unable to continue to participate as full members.
- b) Admittance or transfer to Associate membership shall be made on payment of the appropriate subscription. Associate members may attend a National Meeting subject to the provisions of these Rules. They may attend meetings of their former Branch at the invitation of the Branch and shall receive such membership services as are authorised by the Executive Board.

5. HONORARY MEMBERS

The Executive Board may honour any person whose activities on behalf of the Association or of the Fire Service merit it, by electing such person to Honorary membership. Honorary members will pay no subscription but may attend a National Meeting subject to the provisions of these Rules. They may attend meetings of their former Branch at the invitation of the Branch. In the case of a member being granted honorary membership for services rendered to the Association while still being eligible for full membership, all the benefits of full membership shall continue until eligibility for full membership ceases.

6. SUBSCRIPTIONS

- a) The subscriptions to the Association are annual subscriptions payable annually in advance and due on 1st January in each year. The subscription rates shall be determined annually as follows:

Full Members

Full members of the Association shall be: -

- (i) Employees of a local authority fire and rescue service performing a role that falls within the definition of 'middle manager' for the purposes of representation at the Middle Managers Negotiating Body as determined, from time to time, by the National Joint Council for Local Authority Fire and Rescue Services.
- (ii) Employees of a fire and rescue service whose role lies outside the 'middle manager' definition shall pay an annual subscription of 85% of the higher rate.
- (iii) Employees in a profession related to the work of a fire and rescue service, whose salary is equivalent to that of members defined as "middle managers", (at paragraph 6(a)(i) above) and being at or above spinal point 44 on the Local Government Pay Scale for England at 1st July during the year preceding the Association's membership year.

Members in Part-Time Employment

Employees whose working hours average less than 75% of the full-time equivalent hours for the role performed shall pay 50% of the rate applicable to the full-time equivalent subscription rate. This section applies to members conditioned to the Retained Duty System and people working within a job-share arrangement.

Associate Members

Associate members shall pay an annual subscription of £20.00 for the year ending 31st December 2010, thereafter, annual increases will be applied in line with any pay award agreed by the Middle Managers Negotiating Body or at the last Retail Price Index for the twelve months to 1st July during the year preceding the current membership year, whichever is the lower.

Honorary Members

Honorary members shall pay no subscriptions.

- b) Subscriptions entered into during the course of the year are calculated on a pro-rata basis for each complete month remaining at the time of joining the Association.
- c) All subscriptions shall be forwarded to the Chief Executive.
- d) Arrangements may be entered into whereby the annual subscription is paid on a proportional basis by means of periodic remittances to the Chief Executive. Such arrangements must be agreed by the member with the Chief Executive prior to operation.
- e) Notwithstanding the content of paragraph (a) above, subscriptions may be paid monthly by Direct Debit for the convenience of members.

7. ARREARS

- a) It shall be the duty of every member to see that their subscriptions are paid in accordance with Rule 6.
- b) Subscriptions shall be deemed to be in arrears if unpaid by the end of March in each year, except where authorised arrangements have been made to allow for periodic remittances of proportions of the annual subscriptions.
- c) Where authorised arrangements have been made to allow for periodic remittances the subscriptions shall be deemed to be in arrears if a remittance is overdue by one calendar month or more.

- d) While his or her subscription is in arrears a member shall not be entitled to the benefits and privileges of membership nor be eligible to hold, or continue to hold, any office in the Association, nor be able to act as an unelected representative of the Association..
- e) A notice of arrears of subscription shall be sent by the Chief Executive to the last known address of the member, which shall state a date by which the arrears must be cleared, indicating that failure to do so will result in termination of membership from that date. Should a member fail to clear the arrears by the date stated, the Chief Executive shall notify him/her in writing that his/her membership has been terminated.
- f) A person whose membership has been terminated under Rule 8 may apply to the Chief Executive for re-admission to membership and the Chief Executive may impose appropriate conditions of re-entry and re-entry fee. Any special re-entry fee imposed shall not exceed the amount of monies which would have been paid by the former member had they maintained continuous membership. The conditions of re-entry shall be as are consistent with the Rules of the Association.
- g) Any former member seeking re-admission may, if their application is rejected or if they are dissatisfied with the terms, make application to the Chief Executive in writing for an appeal to be heard by the Executive Board. The Chief Executive shall refer any such appeal to the Executive Board, whose decision shall be final.

8. TERMINATION OF MEMBERSHIP

- a) The Executive Board shall have the power to terminate the membership of any member who is in arrears with his/her subscriptions in accordance with Rule 7.e).
- b) The Executive Board shall also have power to terminate the membership of any member who is in serious breach of the Rules or whose conduct is such as to bring the Association or any of its officials into disrepute, subject to the members right of appeal.
- c) Upon resignation or termination of membership a member forfeits all rights and title to the funds and property of the Association.

Discipline Rules are contained in Annex 'B' of these Rules.

9. BRANCH ORGANISATION

- a) A Branch of the Association shall be composed of all the members of the Association serving in a fire and rescue authority area, or any combination of any fire and rescue authority areas, as may from time to time be determined by the Executive Board.

A Branch may also comprise of all members serving at a central fire and rescue service related establishment, institution or such other legitimate workplace as deemed appropriate by the Executive Board
- b) A Branch shall hold such meetings as may be necessary at the discretion of the Branch Chair and Secretary.
- c) Annually the Branch shall hold elections for the offices of Chair, Secretary, Safety Representatives, Equality and Fairness Representative and such other offices as may be authorised by the Executive Board.

10. DUTIES OF BRANCHES AND BRANCH COMMITTEES

It shall be the duty of the Branches and to:-

- (i) Consider all matters of concern to their membership as a whole or part thereof and to reach decisions on these matters.
- (ii) Conduct negotiations on behalf of their membership with the Chief Fire Officer and the employing Authority and to make necessary representations. A negotiating committee may be formed from within the Branch for these purposes.
- (iii) Comply with the decisions and directions of the Executive Board.
- (iv) Keep the Executive Board informed of the matters dealt with by the Branch. A copy of the minutes of each Branch meeting shall be sent to the Chief Executive.

11. DUTIES OF BRANCH OFFICIALS

a) **Branch Chair**

The Chair of the Branch shall preside at all meetings of members of the Branch when present and shall conduct these meetings in accordance with Branch standing orders. The Chair shall be responsible for ensuring that the Branch functions in accordance with the Rules of the Association and may instruct the Branch Secretary to summon a meeting of the members of the Branch whenever it is deemed necessary.

b) **Branch Secretary**

The Branch Secretary shall be the medium of communication between the members of the Branch and the Executive Board. The Branch Secretary shall act in accordance with any instructions given by the National Officials or the Executive Board and perform any other duties expressly assigned to the Branch Secretary by these Rules. The Branch Secretary shall convene all meetings of the Branch by giving not less than 7 days notice in writing to all members eligible to attend. Such notice shall include details of the date, time and place of the meeting and an indication of the business to be discussed. Where elections are to be held for Branch Officials, the Branch Secretary shall invite nominations in the notice convening the meeting. The Branch Secretary shall attend all meetings of the Branch and take the minutes.

c) **Other Branch Roles**

A Branch or Branch Committee may appoint (by election) additional local officers with specific responsibilities as considered necessary to fulfil the needs of the Branch. Where this discretionary power is exercised, any persons so appointed shall be deemed to be authorised representatives of the Fire Officers' Association.

- d) For the purposes of collaboration or for dealing with any regional governance structures that may be established, Branch Officials may meet with other Branch Officials within their own Region as they deem appropriate, and liaise with the Regional Official and Chief Executive accordingly.

12. REGIONAL ORGANISATION

- a) Branches within the United Kingdom shall be organised in regions, the areas of which shall be decided from time to time by the Executive Board. The Regional boundaries are shown at Annex C.

- b) Once in every four years Regions shall elect or re-elect a Regional Official who shall represent the Region on the Executive Board. To be eligible for the nomination as a Regional Official, members must be currently serving and have completed not less than six months as a Branch Official. Nominations shall be submitted to the Chief Executive not less than 28 days before the election date and may be made by:
 - (i) a Branch, or
 - (ii) a Branch Committee
- c) Vacancies on the Executive Board shall be filled by election from within the Region. On filling such a vacancy, the member so elected shall fill the position for a four year period of office.
- d) Pending the filing of vacancies in accordance with Rule 13(c), vacancies on the Executive Board may be filled on a temporary basis by any Branch Official at the Executive Board's discretion.

13. DUTIES OF REGIONAL OFFICIALS

- a) Regional Officials shall liaise with branches within the region, and shall convene such meetings as deemed necessary.
- b) Regional Officials shall perform such additional duties as may be decided from time to time by the Executive Board. Such duties shall be consistent with the Rules of the Association.

14. EXECUTIVE BOARD

- a) The Executive Board shall be composed of the President, Vice Presidents, the Chief Executive, Assistant Chief Executive and Regional Officials.
- b) The President of the Association shall be the Chair of the Executive Board. A Vice-President shall deputise in absence of the Chair.
- c) The existence of any vacancy in the membership of the Executive Board shall not invalidate its proceedings.
- d) The Executive Board shall meet when necessary at the discretion of the Chair. Meetings shall be convened by the Chief Executive on the instructions of the Chair, by written notice to all those eligible to attend, such notice to include date, time and place of the meeting together with a note of the business to be conducted. The notice shall be sent not less than seven days before the meeting, but in special circumstances the Chair may call a meeting at short notice, such notice not being less than 24 hours, as he may consider appropriate.
- e) A resolution in writing signed by all the members of the Executive Board for the time being entitled to receive notice of meeting of the Executive Board shall be as valid and effective as if it had been passed at a meeting of the Executive Board duly convened and held.
- f) Any proposal to amend the constitution of the Executive Board must receive the assent of the membership in accordance with the procedures specified at Section 29 for changing or amending the Association's Rules.

- g) Subject to majority agreement, the Executive Board may appoint non-voting advisors as deemed necessary to assist with discharging the Board's duties. Such appointees may also be removed at the Board's discretion through majority agreement.

15. DUTIES OF THE EXECUTIVE BOARD

- a) To carry out the day-to-day administration of the Association and oversee those any functions of the Board that may have be devolved to the Chief Executive, other individuals or groups.
- b) The management of the Association and the control and disposal of its funds and properties shall be vested in the Executive Board. The Executive Board may, from time to time, create sub-groups to undertake specific functions. The Executive Board may devolve specific powers and authority to such sub groups via written terms of reference, as necessary for discharging the functions of the sub-group..
- c) The Executive Board shall have full power to act as it deems best in the interest of the Association in such manner as it considers most effective to carry out such policy of the Association as laid down from time to time at a National Meeting and shall take all possible steps to carry out the objectives of the Association notwithstanding that a ballot of members will be taken before committing them to industrial action.
- d) A report of the activities of the Executive Board and the Audited statement of accounts shall be prepared by the Executive Board and circulated to every Branch during each business year. Alternatively, this submission shall be to each member of the Association.

16. APPOINTMENT AND RESPONSIBILITES OF PRESIDENT AND VICE-PRESIDENTS

Appointment

- a) Once in every four years the membership shall elect or re-elect: -
- i) The President.
 - ii) Vice-Presidents
- b) Casual vacancies occurring for the above positions shall be filled by election.
- c) To be eligible for nomination for the post of President or Vice President, members must be currently serving and have completed not less than one-year's service as a member of the Executive Board.
- d) The Chief Executive shall issue Branches with written notice inviting nominations for office, allowing at least 28 days for the submission of written nominations to the Chief Executive. Nominations may be made by Branches and the Executive Board
- e) The election date shall be within ten weeks following the closing date for nominations. In circumstances where there is a single nomination for any post, the nominee shall be appointed unopposed on the day following the closing date for nominations.

f) President

The President shall convene and preside at an Association National Meeting and shall conduct it in accordance with National Meeting Standing Orders. When absent a National Meeting shall be presided over by a Vice-President. The President shall represent the Association in such a manner and with such representative powers as shall be decided from time to time by the Executive Board. The President shall have the right to attend any meeting called by the Association.

g) **Vice-Presidents**

- (i) There shall be at least one and no more than two Vice-Presidents of the Association. The number of Vice President posts shall be determined by the Executive Board according to the requirements of the Association and that determination shall be reviewed annually.
- (ii) A Vice-President of the Association shall act as deputy to the President and in the absence of the President, shall be responsible for carrying out the President's duties as may be determined by the Executive Board.
- (iii) A Vice-President shall have the right to attend any meeting called by the Association.

17. **NATIONAL MEETINGS**

- a) The precise date, time and venue of the National Meeting shall be determined by the Executive Board. Reasonable notification of a National Meeting shall be conveyed to the membership by the Chief Executive by means of written correspondence to Branch Secretaries and Regional Officials stating the time, date and place of the National Meeting.
- b) Any member may attend a National Meeting as a visitor, subject to the limitations of the venue and provided that application to attend is made to the Chief Executive in writing within a reasonable time. Participation in debates at a National Meeting is, however, restricted to Branch delegates, Executive Board members and National Officials.
- c) Every Branch of the Association shall be entitled to send at least one delegate to a National Meeting

A payment towards the expenses incurred by such delegates in attending the National Meeting shall be made, the amount payable to be determined by the Executive Board from time to time. Full-time Officials and staff shall also have a payment towards their expenses made in the same manner.

- d) It will be for a Branch to decide who shall represent them at the National Meeting.
- e) Where appropriate, and within a reasonable time, the Chief Executive may invite Branches, or the Executive Board, to submit motions that they consider important for the Agenda of a National Meeting.
- f) Only those members attending as Branch delegates, or as an Executive Board Member, shall be entitled to vote at a National Meeting.
- g) A National Meeting shall be convened by the Chief Executive on receipt of a resolution from the Executive Board, calling for such a meeting, or upon receipt of a requisition signed by not less than 250 full members and specifying the purpose for which the meeting is called.

18. **FULL-TIME OFFICIALS AND STAFF**

- a) The national officials of the Association shall be the Chief Executive and such other officials as the Executive Board may deem necessary from time to time.

- b) The post of Chief Executive shall be occupied by a person appointed in accordance with the Association Rules.
- c) Upon a vacancy occurring for the post of Chief Executive the President shall make arrangements for the post to be suitably advertised on such conditions of employment as may be agreed by the Executive Board. Responsibility for the conduct of the selection process shall rest with the Executive Board which may discharge this responsibility via a sub group created for that specific purpose with delegated authority to make recommendations for appointment to the Executive Board.
- d) The Executive Board may appoint or remove the national officials on such terms as it may approve.
- e) The Chief Executive shall appoint such additional paid staff considered necessary within such a policy as is agreed with the Executive Board from time to time.
- f) The Chief Executive shall:-
 - (i) Keep a register of members which shall include names, joining dates, addresses, subscriptions paid, and any other particulars which the Executive Board may deem necessary.
 - (ii) Take the minutes of meetings of the Executive Board and record any resolutions or vote.
 - (iii) Keep proper accounting and administration records and annually prepare a Statement of Accounts to show the income and expenditure for the preceding financial year together with the assets and liabilities of the Association at the close of that year.
 - (iv) Present the Annual Statement of Accounts to the membership, either at a National Meeting or via direct communication.
- g) The Chief Executive will also carry out such duties as are assigned by these Rules and shall be responsible to the Executive Board for conducting the affairs of the Association in accordance with their directives.
- h) National officials shall attend all meetings appropriate to their duties.

19. TRUSTEES

- a) There shall be no fewer than three Trustees of the Association in whom the property and funds of the Association shall be vested.
- b) Trustees shall be appointed by the Executive Board in accordance with this Rule by an instrument in writing.
- c) Trustees shall hold no other office in the Association and may be removed from office at any time by a majority vote of the Executive Board.
- d) Trustees shall hold office for two years and upon the expiry of this period the Executive Board shall (subject to Rule 19a) either re-appoint the Trustee, appoint a new Trustee to be Trustee in her/his place or remove the vacated Trustee position.
- e) If a Trustee wishes to retire as Trustee or dies, the Executive Board shall (subject to Rule 19a) either appoint a new Trustee to be a Trustee in her/his place or.

- (f) If a Trustee becomes disqualified from being a Trustee, the Executive Board shall nominate her/him for removal from office and shall at the same time (subject to Rule 19a) either, elect a new Trustee in her/his place or remove the vacated Trustee position.
- (g) In any case where the Executive Board elect a person to be a Trustee who is not already a Trustee, or nominate a person for removal from office, the Chief Executive, on behalf of the Executive Board, shall appoint such a person as Trustee, or remove her/him from office as the case may be, by an instrument in writing whereupon all property of the Association, real or personal, shall vest in the new or continuing Trustees.

20. ACCOUNTS AND AUDIT

- a) The statement of accounts prepared by the Chief Executive in accordance with these Rules shall be submitted for audit.
- b) The Auditors, who shall be qualified in accordance with current statutory requirements, shall be appointed by the Executive Board. The Auditors may also be removed by the Executive Board.
- c) The accounting records of the Association and the Register of members shall be open to inspection by a member on three weeks' notice being given in writing to the Chief Executive.

21. FUNDS AND INVESTMENTS

- a) The Executive Board shall have power to open such bank accounts as it deems necessary from time to time.
- b) The funds of the Association shall be under the complete control of the Executive Board in which shall be vested the responsibility for their application and investment in pursuance of the objects of the Association.
- c) Any surplus funds of the Association shall be invested on the instructions of the Executive Board in the names of the Trustees, in such a way as the Executive Board deem fit.

22. GENERAL FUNDS

There shall be a General Fund from which all payments by the Association shall be made and to which all income from subscription shall be allocated.

23. DEATH BENEFIT

- a) On the death of a full member not in arrears with subscriptions there shall be paid the sum of 5.08% of the Station Manager "A" annual basic salary for the preceding twelve months.
- b) On the death of a part-time member not in arrears with subscriptions there shall be paid the sum of 1.32% of the Station Manager "A" annual basic salary for the preceding twelve months.

- c) Every member of the Association may nominate a person or persons to whom any sum of money payable by the Association on his death shall be paid. Nominations shall be made in writing and shall be sent to the Head Office of the Association. Nominations may be made at any time and be varied, or revoked in writing, such variations or revocations to be sent to the Chief Executive. Nominations, variations or revocations shall be in such a form as the Executive Board shall prescribe.
- d) Payment shall be made under these Rules upon notification to the Chief Executive of the death. Payment will be made to the nominee or nominees whose name or names appear on the record or register of nominations kept at the Associations Head Office, or, in the absence of any nomination, to the legal personal representative or next of kin of the deceased member.

24. LEGAL ASSISTANCE

- a) The Association shall provide legal assistance and advice to full members as determined and authorised by the Executive Board after due consideration of the circumstances of the case so long as the material events leading up to the request for assistance occurred subsequent to the member joining the Association.
- b) Where a Court awards full costs that sum shall be reimbursed to the Association.
- c) Where a claim is successful but full costs are not awarded, the member shall reimburse the Association such percentage of the costs as agreed with the Executive Board.

25. REMOVAL FROM OFFICE

All voluntary Officers and Officials of the Association, duly elected or appointed in accordance with these Rules shall be entitled to serve for their full term of office. The Chief Executive shall have power to suspend any voluntary Officer or Official for alleged conduct prejudicial to the interests of the Association if he deems it necessary on the evidence available. The suspension shall be immediately reported to the Executive Board who may decide to appoint a temporary officer or official to act in place of the suspended officer or official. The Executive Board shall invite the suspended officer or official to refute the allegations of conduct prejudicial to the interests of the Association and shall meet for a hearing of the case to which all affected parties may send a representative. The hearing shall be held within 21 days of the day the suspension commenced and the suspended officer or official shall be entitled to be present and to put their case. At the conclusion of the hearing the Executive Board shall deliberate in private and advise the Chief Executive of their findings and decision. The Executive Board shall have the power to remove the officer or official from office. The Chief Executive shall communicate the findings and decision to the suspended officer or official.

26. COMPLAINTS BY MEMBERS

- a) Any member of the Association who wishes to make a complaint that action contrary to the Rules of the Association has been taken by the Association or by any official of the Association may make a complaint in writing to the Chief Executive who shall send him/her a reply.
- b) Should the member be dissatisfied with the reply a request may be made to the Chief Executive, in writing, to lay the matter before the Executive Board or before any body designated by the Executive Board for the purpose.

- c) The member making the complaint may appear before the body hearing the complaint and shall be given full opportunity to do so. If he/she does not do so the matter may be decided in the light of his/her written submission.
- d) A written statement of the findings resulting from the hearing shall be sent to him/her at the address appearing in the records of the Association.
- e) Where a member's complaint relates to the Chief Executive, it should be made in writing to the President who shall send him/her a reply.

27. LIABILITY OF MEMBERS

No member of the Association shall incur any liability beyond the amount of their subscription, and every member of the Executive Board and every Officer or Servant of the Association shall be indemnified by the Association against all costs, losses and expenses which any such member, Officer or Servant, may incur or become liable for in any way in the execution of his/her office or Trusts, except the same shall be occasioned by his/her own wilful act or default: provided that this shall not give them the right to be indemnified by any other member or members but only out of the funds of the Association, and none of the said members, Officers or Servants shall be answerable for any act or default of any other of them, or for joining in for receipts for the sake of conformity, or any loss, misfortune or damage which may happen in the execution of his/her office, or in relation therein, except the same shall happen by their own wilful act or default. The Chief Executive may however, provide an indemnity to a bank to cover any claim arising as a result of the payment of subscriptions by the Direct Debit system provided that insurance cover is effected to cover the extent of such liability.

28. INTERPRETATION OF THE RULES

The Executive Board shall have power to determine any question that may arise concerning the interpretation of any part of these Rules and to determine any question whereon the Rules are silent.

29. NEW RULES OR ALTERATION OF RULES

- a) Proposals for New Rules, or the alteration of existing Rules, may be agreed by majority electronic ballot of all members of the Association, with proposals and voting arrangements being directed to the primary e-mail address registered with the Association by each member.
- b) The ballot referred to at (a) above shall be conducted and responses collated through independent electronic means.
- c) New Rules, or alteration of existing Rules, may also be made at a National Meeting called for the purpose, notice of motion having been given in accordance with these Rules.
- d) Results shall be determined by two-thirds majority vote of respondents.

30. WINDING UP

- a) The Association may be dissolved only at a General Meeting of members, the convening notice for which shall indicate that the question of dissolution is to be discussed. A motion to dissolve the Association shall be carried only if not less than two-thirds of those members present shall vote in favour.

- b) No part of any excess of receipts over expenditure shall in any circumstances, either during the existence of the Association or upon its termination be divisible among the members or receivable by them as profit. No funds of the Association shall be paid to any member with the exception of remuneration for work done and for reimbursement of sums paid on the Associations behalf. On winding up or dissolution or termination of the Association all surplus funds of the Association after payment of its debts and liabilities shall be paid and handed over to the Firefighters Charity or any other fund obviously and undoubtedly charitable.

BALLOT RULES

1. Ballots

1.1 Ballots executed by the Fire Officers' Association shall be conducted in accordance with current legislation governing the mechanism and conduct of ballots by a trade union. Revisions to such legislation shall supercede these rules where statute determines at that alternative, more effective or efficient arrangements are permissible.

2. Preparation of Ballot Papers

2.1 The Executive Board shall cause to be prepared a number of ballot papers sufficient for holding a ballot on the question to be determined in accordance with these Ballot Rules.

2.2 Every such ballot paper shall be stamped with the stamp or seal of the Association or marked with some other mark capable of authenticating that particular ballot paper.

2.3 No ballot paper shall be used for voting which is not so stamped or marked.

3. Contents of Ballot Papers

Every ballot paper shall include the following:-

i) a statement that the method of voting is by the marking of the ballot paper in the boxes provided and that the member voting should not sign or make any other mark on the ballot paper because otherwise the vote will not be counted;

and

ii) a direction to the member as to where the envelope provided is to be sent and the date by which the envelope is to reach the destination in order for the vote to be counted.

4. Marking of Ballot Papers

4.1 Nothing shall be written or printed and no mark shall be made on any part of any ballot paper or envelope or inserted in any envelope except as provided in these rules and in particular nothing shall be marked or indicated on any ballot paper or envelope or inserted in any envelope by any person which can in any way identify the member voting.

4.2 Any contravention of this rule by a member voting shall render the ballot paper invalid and the vote shall not be counted.

5. Voting in Secret

The ballot shall be conducted so as to secure that (as far as is reasonably practicable) those voting do so in secret.

6. One Vote

No member shall be entitled to more than one vote.

7. Voting without interference and at no cost

Every member who is entitled to vote in the ballot on the question to be determined (as provided in the Rules of the Association) shall:-

- i) be allowed to vote without interference from, or constraint imposed by the Association or any of its members, officials or employees; and
- ii) so far as is reasonably practicable, be enabled to do so without incurring any direct cost to themselves.

8. Means, Time and Place of Voting

So far as is reasonably practicable every member who is entitled to vote in the ballot on the question to be determined shall be sent a ballot paper by post and given a convenient opportunity to vote by post.

9. Date of Counting

The Executive Board shall decide the date on which the counting of votes will begin.

10. Notice

9.1 Notice shall be published in such a manner whether in the official Journal of the Association or otherwise as notices are usually given by the Association to the members, that a ballot will take place on the question to be determined.

9.2 The notice shall specify the question to be determined and also, as appropriate: -

- i) the date by which the ballot papers will be sent to members (as determined under Rule 10 of these Ballot Rules);
- ii) the date before which the ballot papers returned by post must reach Head Office (under Rule 14 of these Ballot Rules).

11. Date of sending out Ballot Papers

The Executive Board shall decide the date by which the ballot papers shall be sent to the members, which shall be not less than three weeks before the date on which the counting of votes will begin.

12. Voting Paper and Envelope

The Executive Board shall secure that every member shall have sent to them, at their proper address and by post, and (unless Rule 12 of these Ballot Rules apply) by the date determined under Rule 10 of these Ballot Rules.

13. Late Delivery of Ballot Paper

Where in any particular circumstances relating to any member, it is not, or it is no longer, reasonably practicable for them to be sent a ballot paper and envelope by the date

determined under Rule 10 of these Ballot Rules, a ballot paper and envelope shall be sent to them under Rule 11 of these Ballot Rules as soon as is reasonably practicable after that date so as to give them a convenient opportunity to vote by post.

14. Checklist of Names

The name of each member to whom a voting paper is sent shall be checked off or recorded in a list or other record of members.

15. Return of Ballot Papers

Every member who desires to vote must return their ballot paper by post (duly marked and in the envelope provided) to arrive at Head Office before the date on which the counting of votes is to begin, and the Chief Executive shall secure that such envelopes are placed unopened (as and when received) in a locked receptacle and are so retained until the time fixed for the counting of the votes.

16. Fair and Accurate Counting

The ballot shall be conducted so as to secure that the votes given in the ballot are fairly and accurately counted (any inaccuracy in counting being disregarded for the purposes of this rule if it is accidental and on a scale which could not affect the result of the ballot).

17. Scrutineers

17.1 The Executive Board shall appoint three persons who are not members of the Executive Board and, where relevant, not candidates for election, to be Scrutineers and, at the date and time appointed for the counting of votes, the Scrutineers shall supervise the destruction of any ballot papers at Head Office which have not been used for voting, the opening of the packets and envelopes received under Rule 14 of these Ballot Rules, and the counting of the votes

17.2 No persons shall be present at the count other than the Scrutineers, those acting under their supervision, and the Chief Executive and as many members of the Executive Board as wish to attend.

18. Rejection of Ballot Papers

The Scrutineers, or a majority of them, shall decide whether any ballot paper shall be rejected as being invalid under Rule 3 of these Ballot Rules, and shall immediately separate any ballot paper so rejected and mark it 'rejected'.

19. Informing Members of Results

As soon as practicable after the ballot the Chief Executive shall take such steps as are reasonably necessary to ensure that all persons entitled to vote in the ballot on the question to be determined are informed of:-

- i) the number of votes cast;
- ii) the number of votes rejected;
- iii) except where the ballot was conducted to determine an election, the number of

votes given for and against the question to be determined; and

- iv) where the ballot was conducted to determine an election, the number of votes cast for each candidate.

20. Deposit of Ballot Papers in a Secure Place

The Executive Board shall secure that the ballot papers which have been counted and those which have been rejected are respectively placed in sealed parcels which are then deposited in a secure place and kept so deposited for at least 12 months and that the lists or other records of members used for the ballot are also kept available for at least 12 months.

21. Interpretation

21.1 "ballot paper" means a ballot paper in the form required by Rules 1 and 2 of these Ballot Rules.

21.2 "post" means a postal service provided by the Post Office or other authorised and widely used postal service.

21.3 "proper address" in relation to any member means his home address or any other address which he has requested the Association in writing to treat as his postal address.

22. Branch

These Ballot Rules shall apply to postal ballots conducted by Branches amongst their members as if throughout these Rules references to the Executive Board were references to the Branch concerned, as the case may be, and references to Head Office were references to the office of the Branch concerned, as the case may be.

DISCIPLINE**1. Definitions**

In these disciplinary rules:

- 1.1 "the Appeal Committee" means the appeal committee appointed from time to time by the Executive Board comprising three persons drawn from the Executive Board (none of whom shall have formed part of the Appointed Committee);
- 1.2 "the Appointed Committee" means the committee before whom it is determined (pursuant to Section 3.2 of this annex) the hearing shall take place;
- 1.3 "Proper Address" means (in relation to any member) their home address or any other address which they had requested the Association (in writing) to treat as their postal address.

2. Investigation by Executive Board

- 2.1 The Executive Board may resolve to investigate the conduct of any member who appears to be in breach of any Association Rule or appears (in the opinion of the Executive Board) to have acted contrary to the interests of the Association.
- 2.2 If the Executive Board so resolves, the Chief Executive will then carry out a preliminary investigation and will immediately notify the member whose conduct is being investigated of the Executive Board's decision and of the reason for that decision.

3. Laying of Charges

- 3.1 At the conclusion of the investigation the Chief Executive will report to a specially appointed sub-council of three members of the Executive Board who will determine whether to lay formal charges.
- 3.2 If the sub-committee resolves to lay a charge under Section 3 of this annex, it will in its absolute discretion (but having regard also to the severity of the charge) determine whether the hearing of the charge shall take place before the remaining members of the Executive Board or before a further specially appointed sub-committee consisting of five members (none of whom shall have been members of the sub-committee referred to in Section 3.1 of this annex).

4. Notification

- 4.1 The Chief Executive shall immediately notify the member in writing of the charge(s), the grounds of the charge(s), the penalties which may be imposed, and the date when the charge(s) will be heard which will be at least fourteen days after the date of the notice.
- 4.2 The notice under Section 4.1 of this annex shall be sent to the member at their Proper Address by registered post.

5. Hearing

- 5.1 The charge(s) against the member shall be brought either by the Chief Executive or by one of the members of the sub-committee which resolved to bring the charge(s).
- 5.2 The member shall have the right to be represented by another member at the hearing and to call their own witnesses and cross examine the witnesses giving evidence against him.
- 5.3 If the member fails to attend, the Appointed Committee may proceed to deal with the matter in the member's absence.

6. Notification of Decision

- 6.1 If the Appointed Committee by a majority find that the member is guilty of one or more charges it may impose one or more of the penalties provided in Section 7 of this annex.
- 6.2 The member will be advised of the decision of the Appointed Committee by written notice sent to their Proper Address by registered post and the notice will advise the member of the right of under Section 8 of this annex.

7. Penalties

The penalties which may be imposed are as follows:-

- i) a reprimand,
- ii) suspension from holding any office or any representative position within the Association for a stated period,
- iii) a fine,
- iv) expulsion from membership.

8. Appeal to the Appeal Committee

- 8.1 There shall be a right of appeal against a finding of guilty or a penalty imposed from the decision of the Appointed Committee to the Committee provided written notice of the appeal is received by the Chief Executive within twenty eight days of the date upon which the Appointed Committee's decision is sent to the member.
- 8.2 The Chief Executive shall notify the member of the date of the hearing before the Committee which will be at least fourteen days after the date of the notice.
- 8.3 The appeal to the Committee shall (in the event of an appeal against a finding of guilty) be by way of a re-hearing and (in the event of an appeal against sentence) be by way of oral submissions by the member.
- 8.4 The member shall have the right to be represented by another member at the hearing before the Committee.

- 8.5 The Committee may resolve to reject or accept the appeal in whole or in part or to vary the penalty imposed.
- 8.6 The member will be advised of the decision of the Committee by written notice sent to his/her Proper Address by registered post and the notice will advise the member of the right of appeal under Section 9 of this annex.

9. Appeal to a National Meeting

- 9.1 There shall be a right of appeal against the decision of the Committee to a National Meeting, or a properly constituted special National Meeting, provided written notice of the appeal is received by the Chief Executive within twenty eight days of the date upon which the Committee's decision is sent to the member.
- 9.2 The member shall have the right to address a National Meeting in person or through another member.
- 9.3 A National Meeting may resolve to reject or accept the in whole or in part or to vary the penalty imposed and the decision of a National Meeting shall be final.

10. Expulsion

In the event of the Appointed Committee imposing a penalty of expulsion on a member, the expulsion shall take effect:-

- i) Twenty eight days after the decision of the Appointed Committee has been sent to the member or;
- ii) (in the event of the member appealing to the Committee and the Committee not varying the penalty to expel) twenty eight days after the decision of the Committee has been sent to the member or;
- iii) in the event of the member appealing to a National Meeting pursuant to Section 9 of this annex, and a National Meeting not varying the penalty to expel) at the end of the National Meeting whichever is the latter.

ANNEX C

REGIONAL STRUCTURE

Region 1 Scotland

Region 2 Northern Ireland

Region 3 North West England

Cheshire
Cumbria
Greater Manchester
Isle of Man
Lancashire
Merseyside

Region 4 North East England

Cleveland
Durham & Darlington
Northumberland
Tyne & Wear

Region 5 Yorkshire & Humber

Humberside
North Yorkshire
South Yorkshire
West Yorkshire

Region 6 West Midlands

Hereford & Worcester
Shropshire
Staffordshire
Warwickshire
West Midlands

Region 7 East Midlands

Derbyshire
Leicester
Lincolnshire
Northamptonshire
Nottinghamshire

Region 8 Wales

Mid & West Wales
North Wales
South Wales

Region 9 East of England

Bedfordshire & Luton
Cambridgeshire
Essex
Hertfordshire
Norfolk
Suffolk

Region 10 South West England

Avon
Cornwall
Devon & Somerset
Dorset and Wiltshire
Gloucestershire

Region 11 South East England

Royal Berkshire
Buckinghamshire
East Sussex
Hampshire
Isle of Wight
Kent
Oxfordshire
Surrey
West Sussex

Region 12 London

