



# *Rule Book*

Published by Advance,  
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June 2019

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## 1. Title

The title of the union shall be 'Advance'.

## 2. Aims and Objectives of Advance

- 2.1.1 To act collectively as a trades union for people who are employed by United Kingdom subsidiaries (including the Crown Dependencies) of the Santander group and other companies where we have recognition agreements.
- 2.1.2 To protect and promote the individual and collective interests of members and to regulate the terms and conditions of employment of all members by negotiation and consultation with their employer.
- 2.1.3 To provide and maintain such services as may be deemed appropriate.
- 2.1.4 To provide advice and assistance to members in matters which concern employment.
- 2.1.5 To enable members to co-operate with other organizations to promote the aims of Advance.

## 3. Membership

- 3.1 Ordinary membership. All people, other than those in Executive Management within Advance's bargaining group and/or who are employed by an associated/recognized company, are eligible to be considered for ordinary membership. For the avoidance of doubt, Executive management will be those on a higher grade than S5 (this will be subject to change from time to time by Advance's National Executive Committee).
- 3.2 Retained membership. All people who fall outside of Advance's bargaining

group and who do not work for an associated or recognized company.

- 3.3 The decision for eligibility for membership, in any category of membership, is that of the National Executive Committee.

## 4. Rights of Members

- 4.1 Ordinary Members.
  - 4.1.1 Ordinary members will be entitled to attend and vote at all properly called Annual General Meetings (AGM) and Extraordinary General Meetings (EGM), as set out in this Rule Book.
  - 4.1.2 Ordinary Members shall be entitled to advice and assistance on matters connected with their employment, subject to the discretion of the General Secretary to withhold such assistance if the member has acted in such a way as to prejudice the position of Advance, or has commenced a dispute with their employer without consulting Advance and seeking our assistance or advice. Advice and assistance in respect of any proceedings before an Employment Tribunal shall be at the discretion of the General Secretary.
- 4.2 Retained members.
  - 4.2.1 Retained members are entitled to attend the AGM.
  - 4.2.2 Retained members are entitled to general advice on matters connected with their employment.
  - 4.2.3 The General Secretary has discretion to allow assistance for a retained member in exceptional circumstances.

## 5. Admission of Members

- 5.1 Every applicant for Ordinary/Retained membership shall either complete an application form and send it (either by post or electronically) to Advance or make a telephone application with the subscription payment or means of payment, as provided in Rule 8.
- 5.2 Ordinary or Retained membership would commence on receipt of the first payment.

## 6. Termination of Membership

- 6.1 Membership will cease if a person cancels their membership of Advance.
- 6.2 If an ordinary member leaves paid employment from the bargaining group (as set out in Rule 2.1.1 that recognizes Advance), then membership will automatically revert to that of Retained membership.
- 6.3 Ordinary membership will, however, be maintained if that person is in dispute with their employer over the circumstances of their termination and has sought the assistance of Advance in that dispute, prior to the termination of their employment. In such cases, ordinary membership will end if the termination of employment is confirmed and retained membership status will be applied.
- 6.4 Retained membership can only be cancelled by the member themselves. This can be done by cancelling payment or by resigning your Retained membership. Cancellation of Retained membership is solely the responsibility of the Retained member.

- 6.5 Members whose subscription is one month or more in arrears shall be suspended from membership and the associated rights of membership. After three months in arrears, membership shall cease. Any exception to this rule, other than the result of an administrative error, must be authorised by the General Secretary or the National Executive Committee.
- 6.6 Re-admission of a lapsed member will require a fresh Membership Application and, usually, the payment of all outstanding subscription payments. The General Secretary has the authority to waive all or part of the subscription arrears or, in some cases, decline membership.

## 7. Subscription

- 7.1 The rate of subscriptions for Ordinary and Retained membership shall be fixed and determined by the National Executive Committee by a majority vote.
- 7.2 The subscription will be paid by direct debit.
- 7.3 In the case of Advance members on unpaid sick leave, the General Secretary has the discretion to waive subscriptions, allowing the member to receive the full benefits of union membership.

## 8. Register of Members

- 8.1 A register of members will be maintained at Advance's registered office.
- 8.2 Advance will retain members' information in accordance with current regulations.

- 8.3 Notices to members will be deemed to have been delivered, if they are sent to the last address provided by the member as their proper address for correspondence. All such correspondence will be considered to have been received.
- 8.4 Advance will, from time to time, contact members via the email address that has been provided by them to the union and which is registered on Advance's data base.
- 8.5 It is the responsibility of individual members to ensure that they have provided Advance with up-to-date contact details, such as telephone numbers, home addresses and email addresses.

## 9. Members requiring assistance

- 9.1 Members who require the assistance of Advance should deal directly with Advance and not commit themselves to any form of action without advice from Advance.
- 9.2 Advance reserves the right to refuse assistance if the member does not involve them at the start of their dispute or Grievance and they have already taken action which may be prejudicial to the settlement of the dispute.
- 9.3 Upon completing three months of fully paid-up Ordinary membership of Advance, members will be entitled to full representation for any formal process. An individual who is within a process (for example, a

Disciplinary process) that has started before the three-month period is completed, would be ineligible for full representation and would only receive telephone advice. Any exception would be subject to the discretion of the General Secretary or the Deputy General Secretary and would also be subject to a payment of the remainder of the three months' subscription in full. If an individual is not a member at the time that a formal process begins, they will only be entitled to telephone advice and, only then, upon receipt of at least one subscription payment, in accordance with Rule 7. Any exception would be subject to the discretion of the General Secretary or the Deputy General Secretary.

- 9.4 Advance will not represent a member in proceedings at any Court or Employment Tribunal unless they have been a member for at least twelve months. All advice and assistance in relation to Court proceedings is at the discretion of the General Secretary.

## 10. Communication with Members

- 10.1 Any general communication with members must be authorised by the General Secretary. For the avoidance of doubt, this includes posters displayed on Union notice boards.
- 10.2 A ballot of members shall not be undertaken without the permission of the General Secretary, excluding ballots for election purposes.

- 10.3 The use of the "Advance" name must be authorised in writing by the General Secretary. Failure to obtain such authorisation is a breach of the Rules and may be subject to sanctions, which may be up to and including the termination of membership.

## 11. Data Protection

- 11.1 Advance will adhere to all relevant Data Protection legislation. Anyone with access to members' personal data will deal with it in line with the Fair Processing Notice and Advance's Data Protection policy.
- 11.2 For further details, please refer to the Advance Data Protection Policy and Statement.

## 12. Eligibility for Election

- 12.1 To become the General Secretary, you must be an employee within Santander Bank, have been a fully paid-up Ordinary Member for the last 3 years and be a current member of the National Executive Committee or hold a senior position within Advance. For the avoidance of doubt, this would include (but not be limited to) holding the position of Assistant General Secretary or Deputy General Secretary. Nominees must be proposed by one eligible member and seconded by 5 others from no fewer than 3 separate areas.
- 12.2 To be eligible to stand for the position of Chair or Vice-Chair of the National Executive Committee, you must be a current member of the National Executive Committee. Nominees must be proposed by one eligible member and seconded by 4 others from no fewer than 3 separate areas.

- 12.3 To be eligible to stand for the National Executive Committee, you must be a current member of the Area Committee for that NEC's Area and work within Advance's bargaining group. Nominees must be proposed by one eligible member and seconded by 3 others from the Area that is related to the elected position.

- 12.4 All fully paid-up Ordinary Members of more than 12 months' standing, and working within Advance's bargaining group are eligible for nomination for election to the Area Committee of the National Executive Committee. Nominees must be proposed by one eligible member and seconded by one other from the Area that is related to the elected position.

- 12.5 All nominations for elected posts shall be submitted to the Returning Officer by the date requested, nominated and seconded by any members from the relevant areas and with written consent of the candidates.

- 12.6 Should the position of a National Executive Committee member, Chair or Vice-Chair of the National Executive Committee or General Secretary become vacant during the existing term and have more than 6 months remaining of the existing term, a bi-election will be held to fill the role for the remainder of the term.

## 13. General Secretary

- 13.1 The General Secretary shall be elected by a secret ballot of the membership for a period of five years from the date at which the office is taken up.

13.2 The election will comply with legislation in place at the time of the election and shall take place before the expiry of the current General Secretary's term of office. The new General Secretary will assume office immediately, following validation of the election results by the Returning Officer.

13.3 The General Secretary will be the Chief Operating Officer and shall be responsible to the National Executive Committee. A General Secretary's duties shall include, but not be limited to, advising on implementing policy and other decisions of the National Executive Committee, ensuring decisions of all meetings are properly recorded, acting as the principle spokesperson for Advance and to be solely responsible for the control of all Advance offices and staff. A General Secretary shall have the power to delegate all such duties at their own discretion.

13.4 The General Secretary will be an *ex officio* member of all Advance committees but will not be able to vote on any of them.

#### **14. Chair and Vice-Chair of the National Executive Committee**

14.1 The Chair of the National Executive Committee shall be elected by a secret ballot of the membership for a period of four years. The Vice-Chair of the National Executive Committee shall be elected by a secret ballot of the membership for a period of three years.

14.2 The elections shall be held between November and December in the relevant year and will comply with the requirements of any legislation that may be in force at the time of the election.

14.3 Candidates for the position of Chair and Vice-Chair must be nominated by members from at least two separate Advance areas. The minimum number of members to make a valid nomination will be five.

14.4 The Chair and Vice-Chair will take office on 01 January of the year following the elections.

14.5 The Chair and Vice-Chair will be *ex officio* members of all Advance Committees but shall be unable to vote on any of them.

14.6 If those elected resign their position, another election must be held for the remainder of the term. If the Chair resigns, the Vice-Chair will act as Chair until a new Chair is elected. If the Vice-Chair resigns, the National Executive Committee will select a member to act as Vice-Chair until a new Vice-Chair is elected.

#### **15. The National Executive Committee**

15.1 The governing and policy-making body of Advance shall be the National Executive Committee. The National Executive Committee: 1) may appoint Sub-Committees as required, 2) shall determine the policy of Advance, 3) shall appoint Trustees, 4) shall determine

its own Standing Orders which govern the conduct of all meetings.

15.2 No policy decision will be discussed again, within one year of the original decision being agreed, unless a two-thirds majority of the National Executive Committee are in favour of this discussion.

15.3 The National Executive Committee can vote to co-opt a member onto the appropriate Sub-Committee for the remainder of an existing term.

15.4 The National Executive Committee shall determine the terms of reference for any appointed Sub-Committee.

15.5 The National Executive Committee will require reports/minutes from associated Sub-Committees.

15.6 The National Executive Committee shall determine the remuneration paid to the General Secretary and all other Advance Officers (for the avoidance of doubt, this includes but is not restricted to, expense payments).

15.7 The voting members of the National Executive Committee will be one elected Representative from each Advance Area, directly elected by a secret ballot of Ordinary members in that Area every three years.

15.8 The elections shall be held between November and December in the relevant year and will comply with current legislation in place at the time of the election.

15.9 From the date on which the election results are determined, until the date upon which the newly-elected National Executive Committee takes office (01 January, unless otherwise decided), the newly-elected National Executive Committee will, at their own request, be entitled to observe the day-to-day actions associated with their own particular office. The retiring National Executive Committee member to whom the request is made will be under obligation to assist the newly elected member in all ways necessary to ensure a smooth transition on 01 January (or any other date, as determined).

15.10 The National Executive Committee may invite observers to its meetings. They may be invited to attend part or all of the meeting. They may speak by invitation but will have no right to vote.

15.11 The National Executive Committee will meet at least four times per year.

15.12 An additional meeting may be called by a majority vote. The date of any such meeting shall be agreed by a working majority.

15.13 The quorum for the National Executive Committee shall be 51% of the elected voting members. Such a quorum must be present at the time that any decision is made or any note taken. For the avoidance of doubt, members attending by dial-in or video conference would be deemed to be present. In the event that the National Executive Committee is not fully quorate, any actions will be held over and agreed at

a time when a fully quorate National Executive Committee is present.

15.14 The National Executive Committee can authorise a member's absence for good reasons. However, any other absence would be considered to be unauthorised. Any unauthorised absence may result in the member's position on the National Executive Committee being declared vacant and an election for a new member must take place. The excluded member would be unable to stand for the remainder of the term.

15.15 NEC members who sit in appointed Sub-Committees will be deemed to have attended the National Executive Committee meeting if they attend by dial-in/video conference to comment on matters of Advance policy/finances or confirm in writing by email (after receipt of the agenda) that they have no comment to make and will, therefore, not be considered to be absent.

## 16. Advance Area Committees

16.1 An Advance Area Committee will be elected by secret ballot from the membership working in the Advance Area, every three years.

16.2 The Area Committees will consist of at least four members. The maximum number of members will be 10 members.

16.3 The National Executive Committee member shall act as an *ex officio* member of the Area Committee and be responsible for arranging no fewer than 4 meetings per year.

16.4 Area Committees may co-opt additional members during the term in accordance with the eligibility criteria, as set out in these Rules. These members will have no voting rights.

16.5 A quorum of these meetings shall be three.

16.6 The Area Committee will submit minutes to the National Executive Committee, as required.

16.7 Area Committees may submit motions to the National Executive Committee.

16.8 Any Committee members who fail to attend any normally scheduled meeting (either internal or with the employer) on more than 2 occasions per year may result in their Representative's position in the Area Committee being declared vacant. This will be at the discretion of the General Secretary.

## 17. Returning Officer

All elections shall be instituted and carried out in accordance within the provisions of the Trade Union and Labour Relations (Consolidation) Act (1992), as amended by the Trade Union Reform and Employment Rights Act (1993) and the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order (1993). The duties of the Returning Officer shall be as specified within this legislation or such legislation that is in force at the time.

## 18. Areas

The National Executive Committee will, from time to time, determine the division of the membership into Areas. The divisions will be based on a number of factors, but they will try to mirror (as closely as possible) the

divisions set out by the employer, to enable the most relevant parties to be free to act in accordance with the Partnership Agreement.

## 19. Annual General Meeting

19.1 The Annual General Meeting shall be convened to be held each year by 14 June and shall be chaired by the Chair of the National Executive Committee.

19.2 A minimum of 30 days' notice of the meeting will be given to all members. This notice may be in writing, by electronic medium (as a notice on the Advance Website, [www.advance-union.org](http://www.advance-union.org)) or advertised in the Advance magazine.

19.3 The Annual General Meeting will consider and approve Advance's Financial Reports and Accounts, the appointment of Auditors, any amendments of the Rules and any other proposed motions.

19.4 Voting at the Annual General Meeting shall be done by a simple majority. Votes will be cast, depending on how the individual member attends. Attendance may be in person, by dial-in, by teleconference or by video-conference.

19.5 Motions for the Annual General Meeting must be submitted at least 14 days before the meeting. Such motions must have the support of one of the following: the National Executive Committee, an Advance Area Committee or 100 members.

19.6 A quorum shall be 15 members who are eligible to vote.

## 20. Extraordinary General Meetings

20.1 Extraordinary General Meetings may be convened by the National Executive Committee or on the written request of 100 members.

20.2 The written request must be dated and signed by all members within a two-week period in order for the request to be valid.

20.3 The signatories must also include their full names, addresses, places of work and staff numbers.

20.4 The request must be sent to the Advance registered office within two weeks of the last signature being obtained.

20.5 If requested, the General Secretary must organise the meeting within 28 days of the request being received. The meeting must take place within 56 days of the request being received.

20.6 Notice of the meeting will be communicated to members, as stipulated for an Annual General Meeting in Rule 20.2, within 14 days of the Extraordinary General Meeting. The notice will set out motions to be considered.

20.7 The quorum shall be 20 members if called by the National Executive Committee or 100 members, if called by written request.

## 21. Advance Conference/Seminar

- 21.1 A conference shall be held when considered necessary by the General Secretary.
- 21.2 Each Advance Area is entitled to be represented at the conference. However, the numbers are not defined and shall be determined by the General Secretary and the National Executive Committee.
- 21.3 Attendance to the conference will be by invite only. Invitations will be sent either electronically or by post. Invitations will be at the discretion of the General Secretary.

## 22. Finance – General Secretary

- 22.1 The General Secretary is responsible to the National Executive Committee for the supervision of the finances of Advance.
- 22.2 The General Secretary shall make accounts available to the National Executive Committee.
- 22.3 The General Secretary shall make financial accounts available for the Annual General Meeting.

## 23. Finance – Trustees

- 23.1 The National Executive Committee will appoint, for a period of two years, Trustees over all properties and funds of Advance, in accordance with the provisions of the Trustee Act (2000) and the Trade Union and Labour Relations (Consolidation) Act (1992). The powers conferred and the duties imposed upon Trustees shall be as determined under

these Acts, subject to the following provisions, in so far as the same are not contradictory to the Trustee Act (2000).

- 23.2 There shall be no less than two and no more than four Trustees, who must be Advance members of more than five years' continuous standing.
- 23.3 The National Executive Committee shall appoint Trustees by a majority of those present (subject to being quorate).
- 23.4 The National Executive Committee shall have the power to terminate Trusteeship by a majority vote of those present at the meeting. Such a motion must be circulated to all members of the National Executive Committee and to all Trustees at least 7 days prior to the meeting.
- 23.5 A Trustee may be removed in accordance with the provisions of the Trustee Act (2000) or in the event that their Advance membership lapses.
- 23.6 If the number of Trustees falls below four, the General Secretary, Chair and Vice-Chair shall assume the responsibilities of a Trustee in that order, until such time as four Trustees are in position once again.

## 24. Levies

- 24.1 A levy may be imposed upon Ordinary members in addition to the normal subscription.
- 24.2 Such a levy must be proposed by the National Executive Committee and agreed by a two-thirds majority of it.

- 24.3 This proposal must be endorsed at a General Meeting of Advance by a simple majority.

## 25. Auditors

The Auditors shall be appointed to audit Advance's accounts annually for their presentation at Advance's Annual General Meeting. The auditors may attend the Annual General Meeting to answer any questions relating to the accounts.

## 26. Industrial Action

- 26.1 If a Procedure Agreement exists with an employer, then normally all stages shall be completed before industrial action is considered.
- 26.2 Any industrial action taken shall be strictly in accordance with the provisions of the Trade Union and Labour Relations (Consolidation) Act (1992), as amended by the Trade Union Reform and Employment Rights Act (1993).
- 26.3 No industrial action can be taken without a secret ballot of the membership, approved by the General Secretary or the National Executive Committee.
- 26.4 The ballot can be restricted to a section or part of the membership, if the issue concerns that section/part only.
- 26.5 Industrial action can be approved if the results of a ballot give a majority of 51% of those entitled to vote being in favour of the industrial action.

## 27. Alteration of the Rules

- 27.1 These Rules may be altered by the National Executive Committee or if 100 members propose for an amendment to them at the Annual General Meeting or at an Extraordinary General Meeting, following the appropriate steps, as outlined in these Rules.

## 28. Complaints into breaches of these rules

Any member may complain if they believe that these rules have been breached. In the first instance, complaints should be referred to the General Secretary.

## 29. Complaints against Representatives

In the event of complaints or Grievances being raised against Advance Representatives, in the first instance these should be referred to the General Secretary.

## 30. Dissolution of Advance

- 30.1 Advance may be dissolved with the consent of two-thirds of the membership, given by ballot.
- 30.2 The National Executive Committee and the Trustees will remain in office until all matters and financial arrangements are settled.
- 30.3 Any surplus funds will be distributed evenly between the current membership, each of whom must have one year or more of continuous membership at the date of dissolution.