



# RULES

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**PROVISIONS REGARDING THE  
ADMINISTRATION OF ISU FINANCIAL ASSETS**

1. The Finance Officer shall be responsible for the overall operation of the financial affairs of the union. He/she will take all appropriate and reasonable steps to ensure that all transactions are appropriately authorised, all records of transactions are accurate, that all necessary data is entered on the budgetary monitoring system and that all accounts are subjected to independent audit on an annual basis. He/She will compile any returns required of the ISU by statutory provision.
2. He/she will establish procedures for the timely payment of bills and claims from members for expenses or other financial payments.
3. The Finance Officer shall make available to any NEC member/ trustee within a reasonable time, written details of the current budgetary situation if this is requested. He will provide every NEC meeting with a report upon the financial situation of the union.
4. With the agreement of any two other officers the Finance Officer may vire up to £ 10,000 between budgets in any one quarter if, in his/her opinion, such a step is necessary for the financial well being of the organisation. Any such step must be reported at the next subsequent NEC.
5. The General-Secretary shall assist the Finance Officer in undertaking his/her duties. In particular he/she must ensure that sufficient administration resources are available to the Finance Officer in order that financial affairs are undertaken efficiently and effectively.
7. As long as to do so would not result in budgetary overspend, the General-Secretary and the Finance Officer shall have authority to authorize non-recurring expenditure of £1,500. In such circumstances they will advise each other of the transaction. The agreement of the Annual Budgets by the NEC shall be authority for recurring sums, that might be in excess of £ 1,500, such as, for example, salaries, utility bills or insurance premiums, so long as this will be met within the limit of the agreed budgets.

As Amended by the NEC 2<sup>nd</sup> March 2016

## **Membership services.**

### **Principles for the consideration of applications under the free legal advice scheme and the provision of employment related legal advice and union representation in matters arising from employment**

This document supplements the principles for the consideration of applications for legal advice and assistance, adopted by the NEC in 2003 , amended in 2005, 2014 and 2015.

Amendments can be made by the NEC, in the light of legal advice or by a motion at Conference supported by an ordinary majority of delegates (save that if such a motion is contrary to law or the ISU Constitution then such a motion shall be a nullity).

#### **1. Conditions**

The provision of advice, assistance and representation is provided at the absolute discretion of the NEC who retain the right to grant, refuse or withdraw assistance.

Circumstances where assistance may be refused or curtailed appear below. This list is not exhaustive or proscriptive. The decision of the NEC is final.

- 1.1. Where the matter for which assistance is sought predates membership.
- 1.2. Where the sole reason for membership is to obtain assistance and / or representation.
- 1.3. Where the provision of assistance would be contrary to law or to ISU policy.
- 1.4. Where the matter is not at an early stage
- 1.5. Where representation has been or is currently provided by another body
- 1.6. Where membership fees are not paid in full, at the appropriate rate and up to date, prior to assistance being sought. Membership fees must be maintained whilst any case is pending. (However, at the discretion of the NEC assistance may be granted where membership fees have ceased to be paid due to the member no longer being in receipt of salary, provided that the request for assistance was made either before, or at the point at which salary ceased to be paid.)
- 1.7. Where the member's actions have been detrimental to another member or the membership as a whole
- 1.8. Where the member has acted in any way contrary to the aims and policies of the ISU.
- 1.9. Where the member's actions have put the welfare, standing or good reputation of the ISU in jeopardy or have otherwise been detrimental to the Union,
- 1.10. Where the member does not follow advice given. or where there is no merit, legal or otherwise in pursuing the case.
- 1.11. Where the member has behaved in an inappropriate or aggressive manner toward the appointed representative.
- 1.12. Where the matter for which assistance under these principles is sought arises from a complaint of defamation.
- 1.13. Where the matter for which assistance under these principles is sought arises from a criminal act.
- 1.15. Where there is an alternative source of funding available to the member.

The union shall not be liable for any costs, charges or other payments in connection with legal action or advice, either incurred or made on behalf of members, without the prior consent of the National Executive Committee.

## **2. Matters Related to Employment.**

Members may obtain representation from an accredited officer of the union in a matter arising from employment with, or directly connected to, the Home Office; subject to the conditions set out in section 1 above.

### 2.1 Range of assistance available.

A range of assistance is available from officers of the union in matters arising from employment and may include:

- 2.1.1 Informal advice on local or procedural matters.
- 2.1.2 Attendance as a companion in internal proceedings where such is allowed for, or at the discretion of the employer.
- 2.1.3 Attendance as a representative in internal proceedings where such is allowed for, or at the discretion of the employer.
- 2.1.4 Written representation to the employer.
- 2.1.5 Provision of employment law advice.
- 2.1.6 Representation at the Civil Service Appeal Board
- 2.1.7 Representation at law.

### 2.2 Applications for assistance.

2.2.1 Assistance is available on request from a suitably qualified officer of the local branch, subject to the exclusions above. Officers become qualified to conduct personal cases by attending regular training at the appropriate level. Officers who have not attended such training, or whose training has lapsed, should not conduct personal cases.

2.2.2 If assistance from a National Caseworker is sought the application can be made directly to the National Casework Manager in writing, or through the local branch.

2.2.3 Applications for employment law advice or legal representation in matters connected to employment must be made in writing to the National Casework Manager, or to another officer appointed by the General Secretary for that purpose.

2.2.4 The caseworker allocated in response to such a request is at the discretion of the National Casework Manager or any other officer appointed by them. If the member has concerns about the appointed caseworker they must raise this in the first instance with the National Casework Manager. If the matter cannot be satisfactorily resolved the member may appeal to the General Secretary in writing. The decision of the General Secretary is final. If the concern is regarding the allocation of the National Casework Manager in person any concerns may go directly to the General Secretary.

2.2.5 If the member has concerns with the assistance or advice provided they may contact the National Casework Manager in writing in the first instance, unless the concern arises with the National Casework Manager in which case the member should contact the General Secretary. Complaints about assistance or representation must be addressed in accordance with the ISU Constitution and Rules

### 2.3 Refusal / curtailment of assistance.

2.3.1 If the decision is taken to refuse or curtail assistance the member is entitled, on application, to written reasons for that decision.

2.3.2 The decision to refuse or curtail assistance will be made by the General Secretary on behalf of the NEC, and is subject to appeal as below.

## **3. Matters not connected to employment.**

As long as the ISU's legal advisors are prepared to support such a scheme all members shall be entitled to free legal advice on any topic not related to their employment, subject to the conditions set out in section 1 above.

### 3.1 Applications for advice

3.1.1 Members, and where allowed for within the scheme, dependants may call the Legal Advice Line provided on behalf of the ISU by Simpson Millar LLP. The number of the advice line is 0808 129 3316. Details of the topics on which advice is available may be obtained from ISU HQ.

3.1.2 Applications for advice under the free will scheme may be made in writing on the appropriate form via ISU HQ, Phillips House, 12 Church Street, Harwich CO12 3DS

### 3.2 Provision of advice

3.2.1.1 Following verification of membership and / or eligibility advice will be provided by the ISU legal advisors directly to the member.

3.2.1.2 Advice may be provided in writing or orally.

3.2.1.3 Funding for any action taken by the ISU's legal advisors following the provision of advice on a non employment related issue is a matter between the member and the advisor. The ISU will not normally fund legal action on a matter related to employment outside the Home Office or other agency on Secondment.

3.2.1.4 The provisions of the Trade Union Code of Practice for the Provision of Regulated Claims Management services by Trade Unions will be complied with.

3.2.1.5 Legal advisors retain the right to refuse to provide advice if the matter has progressed beyond an early stage.

### 3.2 Refusal of advice.

If the decision is taken by the ISU to refuse a request for advice made under section 3 the scheme the member is entitled, on application, to written reasons for that decision.

## **4. Appeals.**

Should a member be refused assistance under these principles, or if assistance already provided is withdrawn or curtailed the member has a right of appeal.

4.1 In any appeal the decision of the National Executive Committee is final. The appeal must be made in writing to the National Chair within 14 days of the date the member was notified of the adverse decision.

4.2 The appeal will not succeed unless the member can demonstrate that the decision was not made in accordance with these principles, is contrary to law or that there are exceptional compelling circumstances for allowing such an appeal.

4.3 The member may make written representations only to the NEC. These must be submitted within 14 days of the appeal being lodged.

4.4 Responsibility for ensuring that any appeal is received lies with the submitting member. Proof of posting will not be taken as proof of receipt.

4.5 The outcome of the appeal will be notified to the member in writing within 14 days of the NEC's decision.

Adopted by the NEC 9<sup>th</sup> April 2008 Amended July 2014. Amended January 2016.

**BYE-LAW CONCERNING THE OPERATION OF  
THE ISU ACCIDENT BENEFIT SCHEME.**

1. A member of the ISU who has suffered an accident which results in their absence from work may, on demonstration of a valid claim, be entitled to claim £63 per full calendar week of absence. (Pro rata £9 per day) Payment of any such claim is at the full discretion of the NEC.
2. Whilst there is no limit on the number of claims that can be made by a member the total benefit received by any individual will not exceed a total of £3, 276.
3. In order to claim benefit under this scheme the individual must be a full member and have been paying subscriptions at the correct rate for a period not less than 6 months prior to the date of the accident.
4. If any qualifying injury is covered by another insurance policy, fully or partially, then the member is bound to advise the ISU of this fact and the amount recovered under it. In such circumstances the ISU is entitled to recover all or part of any monies paid to a member from union funds under this scheme. In deciding upon what, if any, level of recovery will be sought the ISU will consider all relevant circumstances.
5. If the qualifying injury results from action of another that might give rise to a claim at law the union must be advised. If any subsequent court action is successful the union is entitled to recover any sums paid to a member under this scheme. (Members are advised of the union's legal advice scheme to assist the seeking of appropriate compensation in personal injury cases). In seeking to recover any monies the union will consider all relevant circumstances.
6. All claims should be addressed in writing to the Finance Officer using the prescribed form and must be made within 12 months of the date of the accident.
7. In the first instance the Finance Officer will adjudicate on the validity and qualification of any claimant and amount to be paid for any benefit under the rules. Where the Claimant has not been a member for the required period, or has been paying at the incorrect rate, or other sums are owed to the ISU the Finance officer may, at their discretion, accept the claim and deduct the appropriate amount from any payment.
8. In case of dispute the matter will be referred to the General Secretary for a decision. If the claimant is still dissatisfied the case will be referred to a panel chaired by the National Chairman and made up of two other members of the NEC. The decision of this panel will be final.



As amended by the NEC 5<sup>th</sup> December 2007  
As amended by the NEC 10<sup>th</sup> March 2010  
As amended by the NEC 19<sup>th</sup> January 2011  
As amended by the NEC 17<sup>th</sup> August 2011  
As amended by the NEC 2<sup>nd</sup> March 2016

**RULES REGULATING THE GRANTING OF BENEFIT TO I.S.U. MEMBERS  
TEMPORARILY NOT IN RECEIPT OF SDA / AHA / AAA OR SIMILAR  
PAYMENTS FROM THE DEPARTMENT BECAUSE OF ABSENCE OVER THE  
60 DAY LIMIT.**

1. Whilst the ISU shall deal with all claims under these provisions as sympathetically as possible, all payments shall be made on the basis of demonstrable financial hardship being suffered by the member. All payments are made at the total discretion of the ISU.
2. In order to make a claim for benefit the individual must have been a fully paid up member of the ISU, paying subscriptions at the appropriate rate, for a period of not less than 6 months before the date of loss of SDA / AHA / AAA or similar payments. There must also be no monies owed by the individual to the ISU for any reason. Absences which pre date membership will not be covered.
3. Application for this benefit MUST be made on the prescribed form, be accompanied by a letter from the Department certifying that relevant payments have ceased, and must be lodged within 12 months of the loss. Claims must be for periods of not less than 7 days qualifying absence.
4. Members must set out on the form details of the financial hardship that the loss of payments has and will cause them. Members have an obligation to reveal all relevant facts including any sources of income such as benefits, insurance payments or damages that they have become entitled to as a consequence for the reason for their absence. Any failure to disclose such information will result in the member being disqualified from receiving any benefit and the ISU shall be entitled to recover any benefits paid out in ignorance of such information.
5. In the first instance the Finance Officer will decide if the claim merits payment under the scheme. He shall take into account all the facts known to him and decide in the light of them if financial hardship exists that creates a need for financial support under this scheme.
6. Where the sole reason for refusal of a claim is that the individual does not have the requisite length of membership, is paying at the wrong rate, or otherwise owes money to the ISU the Finance Officer may, at their discretion, accept the claim and deduct from any benefit payable the appropriate amount to reflect the sum due.
7. If the Finance Officer rejects any claim the individual has the right to appeal in writing within 14 days of receipt to the National Chairman. A panel consisting of the National Chairman and two ordinary members of the NEC shall consider that appeal. The decision of that panel shall be final.

8. Benefit, if granted, shall be paid at the rate of £42 per week. £6 per day pro rata Benefit, paid continuously or in a series of separate claims, is payable to a cumulative maximum total of £2,184 regardless of length, or continuity, of membership.

9. If all or part of the SDA / AHA / AAA or similar payment for which the union has provided compensation is subsequently repaid to the member by the department, or is recovered from any other source (for example through an insurance policy held by the member, or as compensation awarded following litigation whether or not this litigation was supported by the ISU), the union is entitled to recover any sums paid to a member under this scheme. In seeking to recover any monies the union will consider all relevant circumstances.

Adopted by the NEC 15<sup>th</sup> January 2003  
Amended by the NEC 5<sup>th</sup> December 2007  
Amended by the NEC 19<sup>th</sup> January 2011  
Amended by the NEC 17<sup>th</sup> August 2011  
Amended by the NEC 14<sup>th</sup> December 2011  
Amended by the NEC 2<sup>nd</sup> March 2016

**ISU Rules for the  
Payment of death benefit.**

1. Under the terms of the Group Life Insurance policy held by the ISU payment is made solely to the Trustees of the scheme; that payment is governed by the terms of the scheme.
2. Every full member of the ISU aged under 70 whose subscription payments are up to date is entitled to the payment of £3,000 to their nominated beneficiary in the event of their death.
3. Payment will be made to the nominated beneficiary only. The beneficiary does not need to be the next of kin.
4. The nominated beneficiary does not have to be a person. The member may, if they wish, nominate a charity which they would like to benefit.
5. In the event of there being no nominated beneficiary, or that nominated beneficiary having pre-deceased the member, payment of any of the sum shall be at the absolute discretion of the NEC.
6. In the absence of a living nominated beneficiary there is no obligation on the NEC to pass on any or all of the benefit sum to a next of kin or any other person.

Accepted by the NEC on 2<sup>nd</sup> March 2016

## **Disciplinary Procedures**

Complaints about the provision of goods and services.

1. Any member has the right to complain about matters relating to the provision of goods and services by the ISU. Such complaint to be made in writing to the General Secretary within 3 months of the issue arising.
2. On receipt of a valid complaint the General Secretary shall make such enquiries as are necessary and proportionate to determine the relevant facts. Such investigation may be delegated to any full member of the ISU unconnected with the matter if required.
3. Where relevant the General Secretary may meet with the member raising the complaint and seek their views on appropriate resolution; or they may make any other proposal for resolution as is relevant to the matter complained of.
4. If the member raising the complaint is not satisfied with the resolution offered they may seek a review of that decision by the National Chair. Any such review to be requested within 14 days of the final notification of the outcome of the complaint.

Complaints about employees of the ISU

5. Where a member has a complaint about the actions of an employee of the ISU they shall raise the matter in writing with the General Secretary within 3 months of the matter arising.
6. The General Secretary, or any such person to whom they have delegated this responsibility may, if appropriate, meet with the member making the complaint to seek further information or discuss resolution.
7. The complaint will then be dealt with in accordance with the provisions as set down in the employee handbook; and in compliance with applicable law.

Complaints about other ISU members

8. Issues which arise between individuals are always best resolved informally if at all possible. A member with complaint about the actions of another should initially try to speak to the other person, with the support of an ISU colleague if needed.
9. Where the matter for complaint concerns the conduct of another ISU member in the context of their employment then the complaint should be made to the employer rather than the Trade Union.
10. Where the complaint arises from the actions of a member in the conduct of ISU duties or activities, or where the employer would not reasonably be expected to

- consider such a complaint and where efforts to resolve the matter informally have been unsuccessful, the matter shall be raised in writing with the General Secretary no later than 3 months after the event occurred.
11. Where the subject of the complaint is the General Secretary the matter should be directed to the National Chair. The steps in the process will still apply with any reference to the General Secretary to be read as relating to the National Chair.
  12. Upon receipt of such a complaint the General Secretary shall consider the most appropriate means of resolving the issue. This may include mediation, an informal meeting, a fact finding investigation or any other relevant and proportionate steps.
  13. Where further information is needed to determine the complaint the General Secretary may make such enquiries on their own behalf or may commission any other full member of the ISU to do so.
  14. Where a complaint is found to be well founded the General Secretary shall write to the subject of that complaint and shall provide all information relevant to that determination. The subject of the complaint will be invited to a meeting with the General Secretary to discuss the matter. They will have every opportunity to respond to any relevant matter. They may be accompanied by an ISU colleague if wished; a note taker and / or another advisor may also be present.
  15. Should it be necessary the General Secretary may impose a sanction on a member found to have breached the terms of the ISU constitution, rules or byelaws. Such sanction may include one or more of the following, the list is not intended to be exhaustive:
    - a. Suspension of membership for a period, or permanently
    - b. Exclusion from access to one or more membership services
    - c. Requirement to repay any loss incurred arising from the actions leading to the complaint as a pre-condition of continued membership.
  16. Where any sanction is applied the subject has the right of appeal against that sanction to a panel. That panel to consist of one trustee and 2 members of the NEC not connected with the matter. Where absolutely necessary the composition of the panel may be varied so as to achieve impartiality and accountability within the requirement set out in the constitution.

Adopted by the NEC April 2015.

## **ISU TRAVEL AND SUBSISTENCE POLICY**

The ISU encourages its officers to travel by the most economical means possible subject to the caveats below.

All travel and subsistence claims which exceed £200 in total for a single event must be authorised in advance by the Finance Officer. The claimant should be expected to justify the cost by providing appropriate comparisons with other means of transport, reference to time savings, saving of overnight subsistence etc as appropriate. In the event of a dispute, or if the Finance Officer refuses to authorise the cost of the journey, details of the appeal process can be found at the end of these rules.

Any problems or difficulties regarding these rules should be discussed in advance with the Finance Officer, or in his/her absence, the National Chairman, General Secretary or Vice-Chair.

### A. TRAVEL

#### **1. MOTOR MILEAGE ALLOWANCE**

The ISU will pay a rate of 35p per mile for all journeys undertaken in the member's own vehicle on ISU business.

FROM 1.4.16 40p per mile.

All other reasonable costs will be reimbursed, e.g. car parking, motorway/tunnel/bridge tolls, congestion charge.

No additional mileage is paid if passengers are carried.

#### **2. TRAVEL BY PUBLIC TRANSPORT**

This will be reimbursed at cost. Every effort should be made to take advantage of discounted advance purchase tickets, low cost/no frills airlines, and restricted rather than the more expensive fully-flexible tickets, where possible.

For any rail journey of in excess of 2 hours where standard class is crowded and/or more efficient use of time is presented by first class travel, then NEC officers may elect to travel first class on that sector of the journey and the cost will be reimbursed. An explanation for the use of first class travel facilities must be included on the expenses claim form and approved by the Finance Officer.

The ISU acknowledges that there is no departmental mechanism for paying overtime/travelling time to any ISU officer who makes long journeys and therefore is away from home for many hours, and that the ISU does not have the financial resources to offer such compensation. Therefore, any exploration of low cost air fares or discounted off-peak rail travel must take this into account and such fares should not be selected when this would result in an unacceptable disruption to the work-life balance.

## SUBSISTENCE

### 1. DAY SUBSISTENCE

Provided that additional expenditure has been incurred in attending a location other than the normal place of work, the ISU will pay the following subsistence rates:

|                            |                            |
|----------------------------|----------------------------|
| Absence up to 5 hours      | No day subsistence payable |
| Absence between 5-10 hours | Day subsistence of £5      |
| Absence over 10 hours      | Day subsistence of £10     |

FROM 1.4.16:

|                            |                           |
|----------------------------|---------------------------|
| Absence between 5-10 hours | Day subsistence of £7.50  |
| Absence over 10 hours      | Day subsistence of £12.50 |

### 2. NIGHT SUBSISTENCE

When an overnight stay is necessary, and accommodation is taken in a hotel/B&B, the ISU will pay the following overnight subsistence rates:

|                 |      |
|-----------------|------|
| Inside the M25  | £125 |
| Outside the M25 | £90  |

Plus £26 per 24 hour period away from home to cover two further meals.

The London zone is determined by the location of the office or venue attended, not the hotel location. Harwich is considered as inside the London Zone.

If reasonable accommodation cannot be found within the indicated rate a claim can be made for the higher rate plus the £26 for 24 hours on the agreement of the Finance Officer.

## C. ANNUAL CONFERENCE

Conference travel arrangements will be determined on a year by year basis by the conference organisers and/or the National Executive, and therefore fall outside these rules. Details of conference arrangements will be published to all attendees in advance of the event.

Ordinarily The ISU will meet the cost of B&B and dinner, plus lunch before departure. Attendees will additionally be entitled to a flat Conference rate of £10. There will be no other subsistence entitlement. This policy may be reviewed from time to time by the conference organisers and/or National Executive.

## D. GENERAL

The ISU Remuneration Committee will be responsible for making recommendations to



the National Executive with regard to the rates payable, and should review all rates on an three yearly basis.

No travel expenses or subsistence will be paid to an officer who attends their normal place of work on ISU business since it is acknowledged that it is the officer's own responsibility to meet the normal home to office journey costs. For the avoidance of doubt, it is acknowledged that the definition of "normal place of work" includes other locations on the same site, e.g. an officer based at Heathrow Terminal 2 would not be able to claim travel expenses or day subsistence for attending a meeting at Heathrow Terminal 3.

#### E. DISPUTES/APPEALS

The Finance Officer should initially try to resolve all disputes. In any unresolved dispute the Finance Officer should inform the member that they may appeal to the General Secretary.

In the event that the Finance Officer refuses to authorise travel expenses in excess of £200, the following appeal process will apply:

- a) In the normal course of events, the appeal should be made to the General Secretary whose decision will be final.
- b) If it is the General Secretary who wishes to appeal, that appeal should be made to the National Chairman, whose decision will be final.
- c) If the Finance Officer wishes to obtain authority for travel in excess of £200, prior authority should be sought from the National Chairman, with any appeal directed to the General Secretary as in (a) above.

These rules were adopted by the National Executive on 9 November 2005.

Amended on 2.3.16 w.e.f. 1.4.16

## **RULES GOVERNING THE PROCEDURE FOR THE CONSIDERATION OF COMPLAINTS CONCERNING ISU SERVICES**

1. Any complaint about a service provided to ISU members by an outside organisation must be made directly to the firm in question. The complaints procedures of that organisation must be concluded before the ISU can consider the matter.
2. Members should be aware that the ISU is not party to any contract to supply goods or services beyond that of providing assistance in employment and industrial relations matters. The ISU is not an agent for any provider of goods or services that do not meet the above criteria. The role of the ISU is limited to advising members of the availability of goods and services, not related to employment or industrial relations issues, at discounted rates.
3. If a member remains dissatisfied with the provision of service with an organisation that deals with ISU members, after the exhaustion of their complaints process, or is dissatisfied with the provision of a service provided to members by the ISU, a written complaint should be made to the General-Secretary. The General-Secretary shall nominate a person to enquire into the matter so as to establish the facts and any culpability. In the light of this enquiry the General-Secretary shall make proposals for the resolution of the complaint. The limits to the General-Secretary's powers, set out in the Constitution and Bye-laws, shall apply.
4. If the complainant is not satisfied with the decision of the General-Secretary they may appeal, in writing, to the National Executive Committee (NEC) who will consider the matter "on the papers". The decision of the NEC shall be final.
5. If the complaint about the provision of services amounts to a complaint about the actions or behaviour of a paid employee of the ISU, then this complaint will be considered under the provisions relating to "internal discipline". The General-Secretary will be responsible for deciding which procedure is appropriate.
6. If the complaint constitutes an allegation of inappropriate actions by an elected officer then it shall be dealt with under the appropriate procedures set out in the Constitution. In the first instance the General-Secretary shall make a ruling on this issue. The complainant may appeal against the General-Secretary's finding, in writing, to the Chair of the NEC and the matter will be considered by the NEC. The decision of the NEC shall be final.

Adopted by the NEC 10<sup>th</sup> December 2002

## **ISU RULES FOR INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS USE, MONITORING AND SURVEILLANCE.**

(1) Immigration Service Union information technology and network facilities are provided for use in accordance with the following policy.

The ISU provides computer facilities and access to its computer networks only for purposes directly connected with the work of the Union. Individuals have no right to use Union facilities for any other purpose.

The Union reserves the right to exercise control over all activities employing its own information technology and telecommunication facilities and facilities made available to the Union by agreement with individuals and other organisations, including examining the content of users' data, such as e-mail, where that is necessary:

(a) for the proper regulation of the Union's facilities;

(b) in connection with properly authorised investigations in relation to breaches or alleged breaches of provisions in the Union's statutes, decrees and regulations, and the rules on computer; or

(c) to meet legal requirements.

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### **Rules Governing IT Use**

The following rules govern all use of Union information technology and telecommunication facilities and facilities made available to the Union by agreement with individuals and other organisations, whether accessed by Union property or otherwise.

(1) Use is subject at all times to such monitoring as may be necessary for the proper management of the network, or as may be authorised by the General Secretary for the purpose of investigation of allegations of activity in breach of the law, or of the Union's statutes, decrees and regulations.

(2) Persons may only make use of Union facilities with proper authorisation. *Proper authorisation* in this context means prior authorisation by the General Secretary or his or her nominated deputy. Any authorisation is subject to compliance with these rules, and with the Union's statutes, decrees, and regulations, and will be considered terminated by any breach or attempted breach of these rules.

(3) Authorisation will be specific to an individual. Any password, authorisation code, etc given to a user will be for his or her use only, and must be kept secure and not disclosed to or used by any other person.

(4) While engaged on Union business, or on matters relating to the Union or when communicating with, or on matters concerning the Union, employees, officials and members of the Union should not use Union IT or network facilities, private or other means for any of the following:

(a) any unlawful activity;

(b) the creation, transmission, storage, downloading or display of any offensive, obscene, indecent, or menacing images, data or other material, or any data capable of being resolved into such images or material;

(c) the creation or transmission of material which is designed or likely to cause annoyance, inconvenience or needless anxiety, or to harass another person either by its nature, the volume of contacts or material sent, the number or frequency of contacts or by unreasonable demands for response;

(d) the creation or transmission of defamatory material about any individual or organisation;

(e) the sending of any email that does not correctly identify the sender of that email or attempts to disguise the identity of the computer from which it was sent;

(f) the sending of any message appearing to originate from another person, or otherwise attempting to impersonate another person;

(g) the transmission, without proper authorisation, of email to numbers of recipients, unless those recipients have indicated an interest in receiving such email, or the sending or forwarding of email which is intended to encourage the propagation of copies of itself;

(h) the creation, access or transmission of material in such a way as to infringe a copyright, moral right, trade mark or other intellectual property right;

(i) private profit, except to the extent authorised under the user's conditions of employment or other agreement with the General Secretary; or commercial purposes without specific authorisation;

(j) gaining or attempting to gain unauthorised access to any facility or service within or outside the Union, or making any attempt to disrupt or impair such a service;

(k) the deliberate or reckless undertaking of activities such as may result in the following:

(i) the waste of staff effort or network resources, including time on any system accessible via the Union's network;

(ii) the corruption or disruption of other users' data;

(iii) the violation of the privacy of other users;

(iv) the disruption of the work of other users;

(v) the introduction or transmission of a virus into the network.

(l) activities not directly connected with the Union (excluding reasonable and limited use for social and recreational purposes where not in breach of these rules or otherwise forbidden) without proper authorisation.

(5) Software and computer-readable datasets made available on the Union network may only be used subject to the relevant licensing conditions.

(6) Users shall treat as confidential any information which may become available to them through the use of such facilities and which is not on the face of it intended for

unrestricted dissemination; such information shall not be copied, modified, disseminated, or used either in whole or in part without permission of the General Secretary ;

(7) No user may use IT facilities to hold or process data relating to a living individual save in accordance with the provisions of current data protection legislation (which in most cases will require the prior consent of the individual or individuals whose data is to be processed). Any person wishing to use IT facilities for such processing is required to inform the Union Data Protection Officer in advance and to comply with any guidance given concerning the manner in which the processing may be carried out.

(8) Any person responsible for the administration of any Union computer or network system, or otherwise having access to data on such a system, shall comply with the provisions of the rules and instructions, as published by the General Secretary from time to time.

(9) Users shall at all times comply with guidance issued from time to time by the General Secretary to assist with the management and efficient use of the network.

(10) Connection of computers, whether Union or privately owned, to the Union network is subject to the following additional regulations:

(a) Computers connected to the Union network may only use network identifiers which follow the Union's naming convention, and are registered with the General Secretary.

(b) The administrators of computers connected to the Union network are responsible for ensuring their security against unauthorised access, participation in "denial of service" attacks, etc. The Union may temporarily bar access to any computer or sub-network that appears to pose a danger to the security or integrity of any system or network, or which, through a security breach, may bring disrepute to the Union.

(11) In the event that a user is thought to be in breach of one or more of these rules or of Union statutes, decrees, or regulations he or she shall be reported to the General Secretary who may recommend to the National Executive Committee that proceedings be instituted under Union disciplinary procedures. Access to facilities may be withdrawn pending a determination, or may be made subject to such conditions as the General Secretary shall think proper in the circumstances.

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### **Guidelines for Examining Users' Data**

(1) All staff who are given privileged access to information must respect the privacy and security of any information not intended for public dissemination, that becomes known to them by any means, deliberate or accidental.

(2) System Administrators (ie those responsible for the management, operation or maintenance of computer systems) have the right to access users' files and examine network traffic, but only if necessary in pursuit of their role as System Administrators. They must endeavour to avoid explicitly examining the contents of users' files without proper authorisation.

(3) If it is necessary for a System Administrator to inspect the contents of a user's files, the following procedure must be followed. Normally, the user's permission should be

sought. Should such access be necessary without seeking the user's permission, it should, wherever possible, be approved by the General Secretary prior to inspection. If it has not been possible to obtain prior permission, any access should be reported to the user or to the General Secretary as soon as possible.

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***These Rules are issued by the General Secretary with the authority of the National Executive Committee given on 17 July 2002.***

# ISU Policy on Data Assurance and Security

The ISU is registered with the ICO for the purposes of the Data Protection Act. The Data Controller is:

Lucy Moreton.  
General Secretary.

## General

ISU officers, representatives and staff have a duty to ensure the security of data in their care regardless of its content. Reasonable care must be taken to ensure that copies, electronic or otherwise, are not lost. Hard copies should be kept securely when carried outside the workplace. Once no longer needed documents should either be destroyed or sent to ISU Hq in Harwich for secure storage. When emailing documents reasonable care must be taken to ensure that the email address used is reasonable and not subject to interception.

### What is Personal Data?

Personal data is any information held as part of a relevant filing system which relates to a living individual who can be identified from that data.

In practice this means emails, or similar electronic communications, papers related to a personal case; sometimes papers needed in connection with management meetings / negotiations; membership lists.

### Why do we have to be careful with it?

We must be careful not to lose data, or to process it inappropriately. If this happens not only will this cause distress to the individual whose data it is; but it may damage relationships with the employer. It could also lead to action from the Information Commissioner's Office.

There is a sub set of personal data which is defined as sensitive which we need to be especially careful of. This includes data related to racial or ethnic origin; political or religious opinion, physical or mental health, sex or sexuality, criminal offences alleged or proven and membership of a trade union.

In practice we must take care not to lose material, disclose it to someone without consent or act on that material in a way for which it was not gathered. In particular we need to take care with remote processing or the use of mobile devices; more detail on this will appear below.

### **Who has access to data?**

The subject of the data has the right to see the information held. This will normally take two forms; data connected to membership itself and data connected to the use of membership services, for example casework.

Access to the main database is limited to the HQ staff and to senior officers on the NEC. Branches may request their specific membership data to facilitate union activities. Branches can also check if someone is a member to ensure that services are used appropriately.

The only people able to access case papers are the client and the caseworker involved; unless support or legal advice is required.

In Practice: Members may make a subject access request for data through ISU HQ, enclosing the appropriate fee, which will be dealt with by the data controller. Reps need to be careful that case papers are handled securely and either disposed of or stored securely at HQ when completed. When handling other personal data do not disclose this to a third party without express consent from the data subject to do so.

Note: Data stored and processed on the workplace PC (POISE or similar) remains the property of the ISU and can only be disclosed as a result of a valid subject access request made to the ISU.

## **How do we keep data safe?**

### **Hard copy data**



This is usually limited to papers connected to a personal case; but could include things like a printed membership list. Both would be classed as sensitive data and as such particular care must be taken.

In practice: Do not print out lists of members. If you need to do so make sure that the print outs are securely destroyed when you have finished with them. Never leave them where someone else could find them.

When handling papers related to a personal case keep them securely and take particular care when travelling with them. Do not keep copies of anything you do not need. When the case is concluded either destroy the data, if the case is minor, or send it to HQ for secure storage.

## **Electronic data**

Electronic data can take many forms whether text or emails viewed on a mobile device, work undertaken on a laptop or home PC, work undertaken on a secure workplace PC and data on a storage device.

Each form of data storage and processing will have different requirements; but in principle everything should be secured by password access and / or encryption. When such devices are disposed of this must be done in such a way that no data can be recovered.

In Practice: Work and emails within the HO secure system remain the property of the ISU. But they are secure by virtue of the security HO themselves maintain for the system. Take care when sending emails with personal data that they are correctly addressed and the distribution list no wider than is reasonable and necessary.

Any mobile devices or private PCs should have a suitable and up to day anti virus /anti malware product. Internet access should have a sufficient firewall. The data should be password protected and / or encrypted so that it cannot be accessed should the device be stolen, or accessed by mistake by a third party. Emails containing personal data should be sent only through a system which is secure from interception.

Personal data on a mobile device should be kept to an absolute minimum as these devices present more of a risk of loss of theft.

It should be relatively rare for personal data to be held on a memory stick or other storage device. If it is necessary then particular care must be taken against loss and the data itself encrypted or password protected.

When you dispose of an electronic item you have used to process or store personal data the hard drive or other storage components must be rendered

beyond use. Overwriting or deletion of data is not likely to be sufficient. ISU issued IT should be returned to HQ for secure disposal.

## **What happens if data is lost?**

It is important that any loss or compromise of data is reported promptly to the data controller. The data subject will need to be notified that their data has been lost; as may various regulatory bodies, the Police etc. Exactly who needs to know will depend on the nature of the data stored and / or processed.

In practice: Do not store or process personal data on any device unless it is password protected, encrypted and protected by such protection software as is relevant. Report any loss promptly.

Adopted by the NEC

Date: 24<sup>th</sup> June 2015

# **ISU DIGNITY POLICY**

## **POLICY STATEMENT**

The Immigration Service Union (ISU) is committed to an environment that offers equal treatment and equal opportunities for all staff, officials and members. It recognises that all staff, officials and members have a right to be treated with dignity and respect in order to realise their potential and to achieve the ISU's objectives. The ISU recognises that any person could be affected by unfair treatment including harassment, bullying or victimisation and is committed to eliminating such behaviour.

The purpose of this policy is to give guidance on what is unacceptable behaviour and the procedures available for dealing with it.

### **What is Harassment or bullying?**

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment. Harassment, in general terms is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, gender, sex, race, disability, religion, sexual orientation, pregnancy or maternity leave, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as violating dignity

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

### **Examples of bullying/harassing behaviour include:**

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, gender race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation

- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

## **PROCEDURE**

If you think you are being harassed you are encouraged to do something about it. The purpose of these procedures is to stop any harassment that may be occurring and to produce quick and effective remedies without breaching confidentiality. You have the option of informal or formal action. The use of the informal procedure is encouraged in the first instance unless the harassment is very serious, or unless you wish to go directly to the formal procedure.

### **Informal procedure**

- If possible you should attempt to resolve the problem informally; it may be the case that the harasser does not know what effect he or she is having on you.
- Try speaking to the individual informing him or her that the behaviour in question is unwelcome, that it offends you or makes you feel uncomfortable, on that it interferes with your work, and that it must stop. Instead of speaking to the, alleged harasser you may prefer to put this in writing.
- If you feel unable to do this on your own you could ask a colleague or friend to speak or write to the alleged harasser on your behalf.
- If the conduct continues, before taking action under the formal procedure, you could ask your ISU manager or an ISU official to speak to the harasser and ask him or her to stop.
- If the conduct still continues you should keep a record of any relevant incidents including date, time, any witnesses present and the way in which the harassment affected you or your work. You should consider taking formal action.

### **Formal procedure**

- This procedure should be used if you have already approached the harasser and he or she has not stopped the harassment OR if you do not feel the informal procedure is appropriate.
- In appropriate cases you may be encouraged to follow Home Office policy in the first instance.
- You should raise the matter with your ISU manager, or another ISU official if your ISU manager or an ISU official is the alleged harasser.
- You will be asked to put your complaint in writing to your ISU manager and your complaint will then be referred to an appropriate person to investigate the matter.

- You will receive written confirmation of receipt of your complaint within five working days of the complaint being filed.
- The matter will be investigated by the harassment investigator as quickly as possible and, if possible, within 30 working days of the complaint being filed.
- During the investigation the alleged harasser and any witnesses will be interviewed and asked to give statements.
- All investigations will be carried out sensitively and the importance of confidentiality will be stressed at all times.
- The investigator will decide whether or not any further action is appropriate. If the investigation reveals that no further action is appropriate both the complainant and the alleged harasser will be informed accordingly as soon as possible after completion of the investigation. This decision is final.
- If the investigation reveals that there is a case to answer then the ISU's normal disciplinary procedure will be invoked as soon as possible and both parties will be informed of this in writing.
- Any member of staff, official or member who victimises or retaliates against another member of staff, official or member for bringing a claim under this policy or for giving evidence in connection with a harassment investigation will also be subject to disciplinary action.
- Any member of staff, official or member found to have brought a claim of harassment maliciously and without foundation of truth will be disciplined.
- If you do not feel that your complaint has been taken seriously or properly investigated you may appeal to the General Secretary, or if the General Secretary is involved to the National Chairman, in writing within 14 days of the decision. Any appeal will be heard within 30 working days of being lodged.

**These Rules are issued by the General Secretary with the authority of the National Executive Committee given on 14 August 2002. Amended 19<sup>th</sup> January 2011. Amended June 2014.**

### **EQUAL OPPORTUNITIES POLICY OF THE ISU**

1. The Immigration service Union is committed to Equal Opportunities for all of its members within the Union, in the workplace and in society.
2. The Union is committed to ensuring that members, officials and employees of the ISU are able to work in an environment free from inappropriate conduct or any form of discrimination.
3. The I.S.U. is committed to the promotion of policies that aim to ensure that discrimination, direct or indirect, intentional or unintentional, is overcome as far as possible.

Immigration Service Union –  
NATIONAL ELECTIONS RULES

**Introduction.**

Trades Union elections at national level are covered by current legislation. The General Secretary and National Executive Committee elections shall at all times comply with the requirements of legislation and the Constitution of the ISU and nothing in these rules should be interpreted to mean otherwise.

This document has been produced to ensure a fair and transparent nomination and election process. If at any time it appears to any member that the operation of these rules causes unfairness they should contact the General Secretary or Deputy General Secretary (Organisation).

Nothing in these rules shall be taken to require a ballot to be held at an uncontested election.

[Explanatory notes appearing in square brackets are for information only and do not form part of these rules.]

**1. Term of Office.**

1.1 The term of office is three years (or the period set out in appendix c and d where this is a shorter period) from the end of the Annual Delegate Conference.

[The three-year term of office was introduced at the 2008 Annual Delegate Conference and transitional measures are set out in Appendix C and D to the Constitution reproduced at the end of these rules.]

1.2 In the event of retirement, resignation etc during the 3 year tenure a by-election will be held for that one post, the successful candidate to remain in office for the remainder of the 3 year tenure only, save that if the retirement, resignation etc occurred during the last 6 months of office, the post should remain vacant until the next scheduled elections.

**2. Eligibility.**

2.1 Only full members may stand for, or vote in, an election.

2.2 Nominees as Chairman, Vice-Chairman and General Secretary must be up to date with their subscriptions, must be elected to the NEC at the time of their nomination and must have expressed their willingness to stand for election.

2.3 Nominees as members of the National Executive Committee must be full members of the ISU, have served for a minimum of two years as a BEC member, and still hold that position at the time of nomination for the NEC, or at the time of nomination be an existing NEC member, or have served as an NEC member during the previous two years, be up to date with their subscriptions and must have expressed the willingness to stand for election.

### **3. National Officer Posts.**

3.1 The National Officers required by the ISU Constitution are:

- General Secretary
- Chairman
- Vice-Chairman

3.2 There shall be only one incumbent for each of the officer posts.

3.3 An individual may hold only one National Officer posts listed at 3.1 at any one time.

3.4 If there is more than one valid nomination for any officer post a ballot will be held as specified below.

### **4. NEC member posts.**

4.1 Nominations shall be sought for those posts that will become vacant during the next NEC year.

4.2 A NEC Officer may not concurrently serve as a NEC Member.

4.3 If the total number of nominations for NEC member is greater than the specified number sought a ballot will take place as detailed below.

4.4 There shall be only one incumbent for each of the member posts

### **5. Nominations.**

5.1 Nominations shall be from two paid-up full members.

5.2 It is the responsibility of the Chairman to ensure that every reasonable effort is made to bring to the attention of members that nominations are being sought and to ensure that the elections comply with the rules, the ISU Constitution and legislation.

5.3 A membership circular shall be produced advising members of the arrangements of the forthcoming NEC elections. This must include a nomination form and give the time and date of the closing of the nomination period and give details of how nomination forms must be returned.

5.4 All nominations must be made on a nomination form.

5.5 All nominations must be proposed and seconded by a full member of the ISU.

5.6 A member nominated may not propose or second themselves and the proposer and seconder may not be the same person.

5.7 The person nominated must accept the nomination in writing.

5.8 Any nomination which is not properly proposed, seconded and accepted or which arrives after the closing date and time will be void.

5.9 Members should be given not less than 28 and not more than 42 days to make nominations.

5.10 A ballot will only be necessary when nominations exceed the number of posts.

## **6. Election Address.**

6.1 Every candidate shall be provided with an opportunity of preparing an election address and history of trades union activity, in his or her own words, which shall be distributed along with the voting papers.

6.2 The candidates shall not bear any expense for the production and distribution of the election address and history of trade union activity.

6.3 The election address and history of trades union activity shall be published as a single document with every candidates address set out in the same style.

6.4 The name on the ballot paper and the election address and history of trades union activity shall be published in a random order without reference to alphabetical order, previous union position, grade etc.

6.5 The election address and history of trade union activity must be submitted to the independent scrutineer before the closing of the nomination period.

6.6 The election address and history of trade union activity shall be limited to no more than 200 words in total.

6.7 If an election address and history of trade union activity of more than 200 words is submitted, only the first 200 words will be published.

6.8 The election address and history of trade union activity shall consist of words only. *[i.e. no pictures, graphs, diagrams, charts, etc will be published.]*

6.9 The election address and history of trade union activity shall be in the English language.

6.10 For the purposes of the heading of the election address the candidate shall be identified only by their given name, except that any other name by which they are popularly known may be included in brackets. *[i.e. Jeremiah (Jerry) Jones – grade, work location will not be given.]*

6.11 The union will not circulate or distribute any additional election address and / or history of trades union activity nor any other publications or materials.

6.12 No-one other than the candidate shall incur any civil or criminal liability in respect of the publication of a candidate's election address and history of trade union activity or of any copy required to be made for the purposes of the election.

## **7. Independent Scrutineer.**

7.1 An independent scrutineer, who meets the requirements of current legislation, shall be appointed.

7.2 He shall act in all matters as required by law.

7.3 The choice of independent scrutineer shall be at the discretion of the NEC.

*[As part of his duties the independent scrutineer shall:*

- *Inspect the register of members' names and addresses.*



- *Supervise the production of the voting papers.*
- *Supervise the distribution of the voting papers.*
- *Nominate the address to which the voting papers shall be returned.*
- *Conduct the counting of the voting papers.*
- *Retain the voting papers for the period of one year.*
- *Issue a report on the conduct of the election.]*

## **8. Voting.**

8.1 The method of voting must be by the marking of a voting paper by the person voting.

8.2 Each voting paper must-

1. State the name of the independent scrutineer and clearly specify the address to which, and the date and time by which, it is to be returned,
2. Be given one of a series of consecutive whole numbers every one of which is used in giving a different number in that series to each voting paper printed or otherwise produced for the purposes of the election, and
3. Be marked with its number.

8.3 Every person who is entitled to vote at the election must-

1. Be allowed to vote without interference from, or constraint imposed by, the union or any of its members, officials or employees, and
2. So far as is reasonably practicable, be enabled to do so without incurring any direct cost to himself.

8.4 So far as is reasonably practicable, every person who is entitled to vote at the election must-

1. Have sent to him by post, at his home address or another address which he has requested the trade union in writing to treat as his postal address, a voting paper which either lists the candidates at the election or is accompanied by a separate list of those candidates; and
2. Be given a convenient opportunity to vote by post.

8.5 The ballot shall be conducted so as to secure that -

1. So far as is reasonably practicable, those voting do so in secret, and
2. The votes given at the election are fairly and accurately counted.

For the purposes of paragraph 8.5.2 an inaccuracy in counting shall be disregarded if it is accidental and on a scale which could not affect the result of the election.

8.6 The ballot shall be so conducted as to secure that the result of the election is determined solely by counting the number of votes cast directly for each candidate.

8.7 Voting shall take place in order of seniority of the post as an individual may be nominated for more than one post. The order of seniority shall be:

- General Secretary
- Chairman
- Vice Chairman
- Member

8.8 At least 28 and no more than 42 days should be allowed for voting.

8.9 The following shall be excluded from voting:

1. Retired members.
2. Members who are in arrears in respect of union subscriptions.
3. Associate members.

## **9. The Ballot Count**

9.1 The counting of voting papers shall be overseen by the independent scrutineer.

9.2 The nominee for each of the NEC Officer posts who receives the highest number of votes will be elected.

9.3 If the total number of nominations for NEC member is greater than the specified number sought, the nominee receiving the highest number of votes will be elected. The nominee receiving the second highest number of votes will be elected and so on until the specified number of NEC member posts has been filled.

9.4 In the event of more than one nominee receiving the same number of votes a new ballot will be held between those nominees who received the same number of votes, except where in a NEC Member election, posts are available for all the nominees that received the same number of votes to be elected.

9.5 The result of each ballot shall be published as quickly as possible before any other ballot is commenced.

9.6 The report of the independent scrutineer shall be published to the membership within three months of its presentation to the union.

## APPENDIX C

“Elections to the NEC

The transitional process for introducing a three-year period of office will be:

2009 The top 4 NEC members elected until 2012, remaining 6 elected for one year only

2010 Elections held for the remaining 6 NEC posts. The top 3 elected until 2013, the remaining 3 for one year only

2011 The remaining 3 NEC members elected until 2014

2012 Those elected in 2009 retire, elections for those 4 posts (incumbents could of course stand for election again, with no limit on the number of terms for which they could be elected).

2013 Those elected in 2010 retire, elections held for those three posts (incumbents could of course stand for election again, with no limit on the number of terms for which they could be elected).

2014 Those elected in 2011 retire, elections held for those three posts (incumbents could of course stand for election again, with no limit on the number of terms for which they could be elected).

And so on.

In the event that numbers 4 and 5 in 2009, or 3 and 4 in 2010 receive an equal number of votes, a by-election be held for those two candidates only, to determine the term of election.

In the event of retirement, resignation etc during the 3 year tenure a by-election will be held for that one post, the successful candidate to remain in office for the remainder of the 3 year tenure only, save that if the retirement, resignation etc occurred during the last 6 months of office, the post should remain vacant until the next scheduled elections.”

#### APPENDIX d

“Elections of the Chair, Vice-Chair and General Secretary.

The transitional process for introducing a three-year period of office will be:

2009 Chair elected until 2012, V/C and Gen Sec for 1 year

2010 Gen Sec elected until 2013, V/C for 1 year

2011 Vice-Chair elected until 2014

2012 Chair elected until 2015

2013 General Secretary elected for 3 years

2014 Vice Chair elected for 3 years

2015 Chair elected for 3 years

And so on

In the event of retirement, resignation etc during the 3 year tenure a by-election will be held for that one post, the successful candidate to remain in office for the remainder of the 3 year tenure only, save that if the retirement, resignation etc occurred during the last 6 months of office, the post should remain vacant until the next scheduled elections.”

## ISU RULES FOR THE CONDUCT OF BEC ELECTIONS

### **Introduction.**

Trades Union elections at branch level are not covered by current legislation. This document has been produced to ensure a fair and transparent BEC nomination/election process and to ensure that proper records are kept. If at any time it appears to any member that the operation of these rules causes unfairness they should contact the General Secretary or Deputy General Secretary (Organisation).

### **Arrangements in the event of difficulties.**

Any deviation from these rules without the approval in writing of the General Secretary or the Deputy General Secretary (Organisation) will render the election void. Branches with a valid reason for wishing to adopt other measures must make a timely application to the General Secretary or the Deputy General Secretary (Organisation) and must not proceed until authorisation in writing has been given.

The General Secretary shall have the authority to vary the rules where he/she considers it necessary to ensure fairness. The General Secretary may delegate this authority to the Deputy General Secretary (Organisation). Where the General Secretary makes such an authorisation he/she shall report it in writing to the next meeting of the NEC and the next ADC.

### **1. Term of Office.**

The term of office for a BEC is one year and runs from 1 April to 31 March.

### **2. Eligibility.**

Any member may stand for or vote in an election.

### **3. BEC Officer Posts.**

3.1 The BEC officers required by the ISU Constitution are:

- Chairman
- Vice-Chairman
- Secretary

3.2 There shall be only one incumbent for each of the officer posts.

3.3 An individual may hold only one BEC officer post at any one time.

3.4 If there is more than one nomination for any officer post, a ballot shall be held as specified below.

### **4. BEC member posts.**

4.1 Nominations shall be sought for a specified number of members of the BEC.

4.2 A BEC officer may not concurrently serve as a BEC member.

4.3 If the total number of nominations for BEC member is greater than the specified number sought, a ballot will take place as detailed below.

4.4 There shall be only one incumbent for each of the member posts.

4.5 The BEC may give a member specific duties and an appropriate title (e.g. membership secretary) but this will not constitute an officer post. Assistant Secretary is not an officer post and one or more Assistant Secretaries may be appointed by the BEC at its discretion from among the elected members.

4.6 The number of BEC members should reflect the size and makeup of the branch considering the number of locations which the branch covers and any specialist units or activities.

## **5. Nominations.**

5.1 All members of the branch shall have an equal entitlement to be nominated for any post or to act as proposer or seconder to any nominee.

5.2 It is the responsibility of the Branch Chairman to ensure that every reasonable effort is made to bring to the attention of members that nominations are being sought and to ensure that the elections comply with the rules and with the instructions of the General Secretary or Deputy General Secretary (Organisation).

5.3 A membership circular should be produced advising members of the arrangements of the forthcoming BEC elections which must include where each of the nomination forms may be found, with the time and date of both the opening and closing of the nomination period. The membership circular should be sent to all members of the branch by email where available.

5.4 Nomination forms must be posted on all ISU notice boards or, in locations without a notice-board, in the ISU general information file, at all locations covered by the branch.

5.5 As an additional measure, a nomination form may be emailed or faxed to all the branch members.

5.6 All nominations must be made on the nomination form.

5.7 All nominations must be proposed and seconded by a member of the branch who is also a member of the ISU.

5.8 A member nominated may not propose or second him or herself and the proposer and seconder may not be the same person.

5.9 The person nominated must accept the nomination in writing.

5.10 Any nomination which is not properly proposed, seconded and accepted by the closing date and time will be void.

5.11 Members should be given not less than 21 and not more than 28 days to return their nominations.

5.12 The Chairman must ensure that the nomination forms are collected as soon as possible after the closure of the nomination period.

5.13 It will be permissible for the details of nominations to be provided to the Chairman or nominated person by telephone, fax or email. These details should be checked against the original signed nomination form as soon as the forms are received by the Chairman or nominated person.

5.14 A ballot will only be necessary when nominations exceed the number of posts.

5.15 The original nomination forms must be preserved for the full period that the BEC is in office and must be available to members for inspection as required.

## **6. Ballots.**

6.1 All members of the branch shall have an equal entitlement to vote.

6.2 If the total number of nominations exceeds the posts available, a ballot will take place.

6.3 Ballots should take place in order of seniority of the post as an individual may be nominated for more than one post. The order of seniority shall be:

- Chairman
- Vice Chairman
- Secretary
- Member

6.4 Ballots may be conducted in one of two ways (a ballot which involves a mixture of voting methods is not permitted). A ballot by email must be authorised by a properly convened meeting of the BEC and advised in writing on the notice that seeks nominations. That notice must prominently display the phrase 'Any objections to a ballot by email should be made to the General Secretary of the ISU via ISU Headquarters'.

A Ballot Box:

- A ballot paper shall be produced, numbered to ensure security of the ballot and sent to all branch members who have voting rights.
- A sealed ballot box shall be produced at each branch location and the membership informed of the location of each ballot box along with the opening and closing date and time of the ballot.
- The ballot count shall be conducted as set out below.

B. Ballot by email:

- An email message must be sent to all members entitled to vote from the email account to which votes in the form of email responses must be sent.
- This message must contain the names of all those who have been nominated for the post(s) to be elected and notify the time and date when the ballot will close.
- The message must make clear that all responses will be treated as confidential.
- The message must make clear that to vote members should reply by email stating the name of the nominee(s) that they wish to vote for.

- The email address from which the message is sent, and to which votes are returned, must not be that of a person who is a candidate in any contested election already held, or due to be held that year.
- An acknowledgement must be sent by email for each vote received.
- All emails containing votes (including spoilt votes) must be printed out and counted as set out under 'Ballot Count' below.

6.5 At least 21 and no more than 28 days should be allowed for voting.

## **7. The Ballot Count**

7.1 The ballot count should be overseen by an independent witness (an ISU member who is not involved in the election e.g. a member from a different branch such as a Management Grades Branch or a member of staff who is not an ISU member).

7.2 The ballot box (if used) should be opened by the Chairman, or by a BEC officer or member nominated to do so by the Chairman, in the presence of the independent witness and the count undertaken.

7.3 The nominee for each of the Branch Officer posts, who receives the highest number of votes shall be elected.

7.4 If the total number of nominations for BEC member is greater than the specified number sought, the nominee receiving the highest number of votes will be elected. The nominee receiving the second highest number of votes will be elected and so on until the specified number of BEC member posts has been filled.

7.5 The result should be recorded and any spoilt papers noted. The independent witness and the Chairman should countersign a written record of the result.

7.6 Ballot papers should be retained for the period the BEC is in office in case of any challenge to the ballot.

7.7 In the event of more than one nominee receiving the same number of votes the ballot will be held again, except where, in a BEC Member election, posts are available for both nominees to be elected.

7.8 The result of each ballot should be published as quickly as possible before any other ballot is commenced.

## **8. Co-options.**

8.1 The post of Chairman may not be co-opted.

8.2 The posts of Vice-Chairman and Secretary may not both be held by persons who have been co-opted at any one time.

8.3 No more than three Branch Members who have been co-opted may serve on a BEC at any one time.

8.4 Branch Members may only be co-opted to make the number up to the figure required at the time nominations were sought.

## **9. Administration.**

9.1 On completion of all ballots (should be by 31 March) details of the results should be sent to:

- All branch members by Membership Circular.
- Local management with staffing responsibilities.
- Deputy General Secretary (Organisation).

9.2 The following should be retained in the branch filing system for the period during which the committee sits until the next election:

- The ballot papers.
- The nominations form(s).
- The witnessed ballot result paper( s).
- A copy of all Membership Circulars, etc.

End