



**FDA Rules 2023-24  
(updated August 2023)**

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## **FDA RULES**

### **PART I**

#### **NAME, OBJECTS AND MEMBERSHIP**

##### **Name**

- 1) The name of the union shall be the FDA.

##### **Office**

- 2) Its head office shall be at such place as may from time to time be decided by the Executive Committee.

##### **Objects**

- 3)
  - a) The objects of the union shall be:
    - i) To regulate relations, and seek to establish good relations, between members and their employers, to secure the settlement of disputes arising from members' employment, and to participate in joint negotiating machinery;
    - ii) to protect, promote and represent the interests of its members, in particular as regards their careers and conditions of service, and in matters of common concern;
    - iii) to promote and work with other interested parties, individuals, and organisations to maintain and improve the efficiency and quality of services to the public;
    - iv) to provide legal advice and/or assistance to its members at the discretion of, and on such terms as may be determined by, the Executive Committee in matters concerning their employment or for securing compensation for members (or in the case of the death of a member, their dependents) who suffer injury in the course of their employment or travelling to or from work;
    - v) to make available such financial, personal legal and other services, as the Executive Committee may determine, to members and their families;
    - vi) to enter into such arrangements as in the opinion of the Executive Committee will further the interests of the union; and
    - vii) to do any such other things as the Executive Committee consider to be in the interests of the members or likely, directly or indirectly, to benefit the union or any member of it or which may be incidental or conducive to the attainment of any of the above objects.
  - b) None of the objects set out in these Rules shall be restrictively construed but shall be given the widest interpretation.

- c) The union is committed to the promotion of equality for all and actively opposes all forms of harassment, prejudice and unfair discrimination.
- d) The union shall have power to acquire, lease, mortgage, dispose of or otherwise use property to further the objects of the union, and to borrow and raise money and to secure the repayment of any money borrowed, raised or owing, in such manner as may be determined by the Executive Committee.

## Eligibility for Membership

- 4)
  - a) A person shall be qualified for membership of the union if they are:
    - i) employed by a government department or agency in unified grades 7 or above or, where such grades shall cease to exist or shall not apply, the equivalent of these grades as determined by the Executive Committee, or
    - ii) are in employment of, in the opinion of the Executive Committee, similar status category or function to the above (including those employed in a direct entry grade) by either a government department or agency, by another public body or by a class of private body designated by the Executive Committee.
    - iii) are in employment with the Diplomatic Service or in the Foreign, Commonwealth and Development Office.
    - iv) are in any group or class of employee or worker, where pursuant to a determination of the Executive Committee, membership is to be made available under an affiliation and/or joint membership arrangement with another union (or unions).
    - v) employed by a Government department or agency as a Higher Executive Officer or Senior Executive Officer or, in the opinion of the Executive Committee, are employed in a direct entry grade, or, where such grades cease to exist or shall not apply, the equivalent as determined by the Executive Committee, and are not otherwise qualified for membership under sub-paragraphs (i)-(iv) above.
  - b) When a member ceases to qualify for membership under Rule 4(a) membership shall terminate forthwith.
  - c) Where a member ceases to be eligible for membership under Rule 4(a) as a result of action taken by the member's employer and where, in the opinion of the Executive Committee, that member should receive (or continue to receive) the support of the union (including, but not limited to, payment of legal expenses) in relation to matters arising prior to or on the termination of the member's employment, the executive may make it a condition of any or any continuing support that notwithstanding Rule 4(c) the member continues to pay subscriptions at the rate they were paying immediately prior to their ceasing to have eligibility under Rule 4(a) or at the rate determined in accordance with Rule 45 (whichever is higher) until such time as such support ceases.
  - d) Where any doubt arises as to whether a person is qualified to be a member, the decision of the Executive Committee shall be final.

5)

- a) Any member in the Her Majesty's Revenue and Customs who is eligible for membership by virtue of Rule 4(a) shall also be a member of the Section of the union known as the Association of Revenue and Customs (hereinafter referred to as 'ARC').
- b) Notwithstanding Rule 5(a), for all purposes other than Rules 13, 35 and 49(a), any such member may, in addition be a member of any other Section whose rules entitle them to membership.

## **Application for Membership**

- 6)
  - a) Applications for membership shall be made in writing to the General Secretary, in a form prescribed by the Executive Committee.
  - b) The Executive Committee may from time to time delegate to section and branch committees responsibility for determining some or all applications and may issue instructions and guidance for this purpose. When such authority has been delegated, applications should be delivered to a section or branch committee who shall notify the General Secretary in writing of their decision.
  - c) Any person accepted into membership of the union shall be notified of such acceptance by the General Secretary in writing and upon such acceptance shall be deemed to agree to abide by these rules.
  - d) An application for membership from an applicant eligible for membership may be refused on the grounds of the applicant's misconduct including where the applicant has previously been expelled from any trade union for misconduct or in order to comply with a finding of a Trades Union Congress Disputes Committee, or on the grounds that they are members of any organisation opposed to the objects of the union.
  - e) Any person refused admission to the union shall be notified accordingly in writing by the General Secretary, and any appeal against such a decision may be made in writing to the Executive Committee.
  - f) On being accepted into membership of the union, a member shall be allocated to a constituency in accordance with Rule 13(c) by the General Secretary and notified forthwith in writing of such allocation. There shall be a right of appeal from the decision of the General Secretary to the Rule Appeals Tribunal provided written notice to that effect is given to the General Secretary within 28 days of the date upon which notification of such allocation was sent to the member.

## **Associates**

- 7)
  - a) Any person who has been a member but no longer qualifies for membership under rule 4(a) may become an Associate of the union. The monthly rate of subscription for an Associate shall be such amount as may from time to time be determined by a two-thirds majority of the delegates voting at Delegate Conference.
  - b) An Associate will be eligible for such benefits as the Executive Committee shall from time to time determine but shall not have a vote in any ballot held by the union.

- c) If an Associate again becomes eligible for membership under rule 4 (a), they shall no longer be eligible to be an Associate.
- d) Throughout these Rules any reference to “members” or “membership” should not be taken to include Associates unless it is explicitly stated that it so does.
- e) Notwithstanding rules 7(a), the Executive Committee may in its absolute discretion admit a member to become an Associate free of subscription and admit a person who has not been a member as an Associate.
- f) Retired HM Inspectors of Schools in England and Wales who were associate members of the Association of HM Inspectors of Schools prior to the transfer of engagements shall continue to receive such rights and privileges as they were receiving before the transfer.
- g) This rule shall not impact on the ability of a former member of ARC becoming an Associate of ARC under the rules of that section.

### **Associates: transitional provision**

- 8)
  - a) Any person who was prior to 01 January 2016 an Honorary Associate or Retired Member of the union shall, as from 01 January 2016 become an Associate of the union. Such a person shall be entitled to receive copies of papers circulated to all members (except the notices referred to in Rule 17 and the notice referred to in the second sentence of Rule 33(a)).
  - b) Where such a person had been admitted into retired membership or as an Honorary Associate either on the payment of a single subscription or on the basis that they not be required to pay any subscription, they shall not be required to pay any contribution under rule 7.
  - c) Where the rules of any section refer to an Honorary Associate or Retired Member of FDA (in contrast to an Honorary Associate or retired member of the section), then those rules shall be read as referring to an Associate.

### **Resignation**

- 9) Members may resign from the union by giving notice in writing to the General Secretary of the union at the head office and, if paying the union subscription by deduction from salary, must also request the paying authority to cease making such deductions. An Associate may resign from the union by giving notice in writing to the General Secretary of the union at the head office. Any person who ceases to be a member of the union under this or any other rule shall cease to have any rights in regard to its proceedings, or any claim upon it.

### **Suspension or Termination**

- 10)
  - a) The Executive Committee may resolve to investigate the conduct of any member (which for the purposes of this rule shall be read to include Associates) who appears to have either:
    - i) misused the funds of the union; or

- ii) purported to represent the views of the union without express authority; or
- iii) contravened these rules or the rules of a section in any way; or
- iv) acted in a manner prejudicial to the interests of the union; or
- v) harassed another member or discriminated against another member in a union context on the grounds of a protected characteristic under the Equality Act 2010.

If the Executive Committee so resolves, the General Secretary will thereafter carry out an investigation and, within 7 days of that decision, will notify the member whose conduct is being investigated of the Executive Committee's decision to investigate and of the reasons for that decision. At the conclusion of the investigation the General Secretary will report to a specially appointed sub-committee (hereinafter referred to in this rule as "the Discipline Committee") of three members of the Executive Committee representing at least two different constituencies who will, after giving the member an opportunity to make representations to them, determine whether the member is in breach of 10 (a). The Discipline Committee shall determine its own procedures, but when giving the member an opportunity to make representations the member shall be entitled to be accompanied by a representative of their choice who must be a member of the union. In the event that, after the forming of the Discipline Committee but before it has discharged all of the functions allocated to it under this rule, one or more of the members of the Discipline Committee cease to be members of the Executive Committee the Discipline Committee shall continue to operate as if, for the purposes of this rule, those individuals were members of the Executive Committee.

- b) If the member is found to have breached (i), (ii), (iii), (iv) and/or (v) the Discipline Committee shall determine any penalty to be imposed. It shall be open to the Discipline Committee to determine that no further action shall be taken, or to advise the member concerned as to his or her conduct.
- c) The member will be advised of the decision of the Discipline Committee within 14 days by written notice sent to the last known address of the member by registered post. The Executive Committee shall also be advised of the decision of the Discipline Committee. The notice will advise the member of the right of appeal under Rule 10(e).
- d) The penalties which may be imposed are (in order of increasing severity) as follows:-
  - i) reprimand;
  - ii) suspension for a stated period from elected office;
  - iii) suspension from the rights and benefits of the membership of the union for a stated period during which period the member shall remain a member liable to pay contributions but shall not for the period of suspension be entitled to participate in the affairs of the union. In addition the member shall not during the period of suspension be entitled to the assistance or support of the union or any of its officials in respect of any matter, or subsequently in relation to a matter which arose during that period;
  - iv) expulsion from membership.
- e) A person shall have a right of appeal from the decision of the Disciplinary Committee. The appeal will be heard by an independent tribunal of three persons nominated by ACAS, or in

the event that no such organisation exists by such other person (not being a member of the FDA) or body as the Executive Committee may agree.

The member shall notify the FDA General Secretary of the grounds of their appeal within 28 days of the date that the Discipline Committee's decision is sent to the member.

The Appeals Tribunal shall hear and decide on the appeal as quickly as is reasonably practicable, and shall determine its own procedures.

Unless and until altered by the Appeals Tribunal, the decision of the Disciplinary Committee shall remain in force.

The Executive Committee shall determine its representation at the Appeals Tribunal hearing(s), and the member shall be entitled to be accompanied by a representative of their choice who must be a member of the union.

The Appeals Tribunal shall not hear any evidence that was not available at the hearings of the Disciplinary Committee, unless it is convinced that it was not reasonably possible that such material could have been made available to that original hearing, or unless it would be manifestly unjust not to do so.

The Appeals Tribunal may alter, annul or confirm the decisions of the Disciplinary Committee, and their decision shall be final. However the Appeals Tribunal may not impose a penalty more severe than that imposed by the Disciplinary Committee.

Within 14 days of the decision, the General Secretary will notify in writing the member of the decision of the Appeals Tribunal, which decision shall be final and binding. The Executive Committee shall also be advised of the decision of the Appeals Tribunal.

- f) No member of the Executive Committee, who has been involved as a member of a Section Committee or otherwise in the investigation of the conduct of a member prior to the Executive Committee considering a resolution to investigate pursuant to Rule 10(a), may be a member of the Discipline Committee.
- g) From time to time, the General Secretary may become aware of circumstances in which an individual member may have acted or omitted to act so as to render them likely to be subject to an investigation under Rule 10 (a) (i-v). In that event, after consultation with the President (or, in the event that the President is the member concerned, with both Vice-Presidents), s/he may suspend the member concerned from any or some position(s) of responsibility within the union, pending a full report to the next meeting of the Executive Committee concerning the circumstances of the suspension. The Executive Committee may lift the suspension(s) or decide that they continue until such time as the Executive Committee may determine or the decision of the Discipline Committee, whichever is the sooner. The member is entitled to stand for re-election for the position(s) from which they have been suspended during the period of any suspension, but may not take up that position of responsibility until the suspension has come to an end. Suspension under this sub-rule is not intended as a disciplinary penalty, nor does it imply that any particular course of action will subsequently be adopted, nor are any inferences to be drawn from its imposition. The member shall be given written notification of any such suspension as soon as is reasonably practicable.
- h) No decision made under this rule shall be invalidated as a result of any inadvertent failure on behalf of the Executive Committee or the General Secretary to provide information in



the timescales specified provided reasonable endeavours are used to provide this information as soon as possible thereafter.

- i) For any investigation which the Executive Committee either first resolved to instigate, or first considered whether to instigate, under this rule, prior to the 2009 Annual Delegate Conference, the terms of this rule in force prior to that conference will continue to apply.

### **Affiliations to the Union**

- 11) Other associations may, with the consent of a Delegate Conference, affiliate to the union. An affiliated association shall pay an annual contribution determined from time to time by agreement between the Executive Committee and the affiliated association. Any such agreement, or alteration to such agreement, shall be reported to the next Annual Delegate Conference. The names of each affiliated association and the amount of their annual contribution shall be included each year in the annual report of the Executive Committee (see Rule 42).

## **PART II**

### **EXECUTIVE COMMITTEE AND OFFICERS OF THE UNION**

#### **President**

- 12)
  - a) The President of the union shall be elected by the whole membership in the manner prescribed in Rules 16 to 18 and shall preside at Delegate Conference and Executive Committee meetings, and at any special meetings called by the Executive Committee. In the absence of the President Rule 14(b) shall apply.
  - b) In the event of a constituency member being elected President, that person shall forthwith vacate the post of constituency member. In the event of a member being elected to hold office as both President and constituency member from the same date, the member shall forthwith resign from the post of constituency member thus creating a vacancy. The President may not stand for election as a constituency member unless that person's term of office will have expired on or before the date upon which the term of office as constituency member is to commence.
  - c) Where the President ceases to be a member of the union the President shall cease to hold office.

#### **Executive Committee**

- 13)
  - a) The Executive Committee shall from June 2015 comprise the President and members (referred to as "the constituency members") representing the following constituencies:

Administrators, Economists and Accountants  
Crown Prosecution Service

Ofsted  
Education Scotland  
Association of Revenue and Customs  
Lawyers  
Culture  
Northern Ireland Section  
Statisticians  
Procurators Fiscal Society  
Diplomatic Service  
Managers in Partnership  
Fast Stream  
Devolved Wales  
Keystone

The number of constituency members to be elected to represent each constituency in accordance with Rule 16 shall be calculated by dividing 23 by the total membership of the union (less the membership of Managers in Partnership and of Keystone) as at the 31 December in the year preceding the election and multiplying the result by the total membership of the constituency as at that same date provided always that:

- i) fractions of 0.5 and greater will be rounded up to provide for a whole seat.
  - ii) no constituency shall be allocated less than one seat.
  - iii) the preceding formula shall not apply to Managers in Partnership, the members of which shall elect four constituency members to the Executive Committees.
  - iv) The preceding formula shall not apply to Keystone, the members of which shall elect four constituency members to the Executive Committee.
- b) No further constituencies shall normally be created unless it is expected that there will be at least 350 members in the proposed constituency.
- c) All the membership of the union shall be divided into constituencies as follows:
- i) those members in the unified grades of 7 and above, (other than those described in sub-paragraphs (ii) to (ix) below), those in the Economist group and those in the Government Accountancy Service shall comprise the Administrators, Economists and Accountants constituency;
  - ii) those members in the Crown Prosecution Service in the grades of Crown Prosecutor and above shall comprise the Crown Prosecution Service constituency;
  - iii) those members being employed in Ofsted shall comprise the Ofsted constituency;
  - iv) those members being HM Inspectors of Schools in Scotland shall comprise the Education Scotland constituency;
  - v) those members in ARC shall comprise the Association of Revenue and Customs constituency;
  - vi) those members of the legal class (including lawyers in grades 3 and above who are not members of any other constituency) shall comprise the Lawyers constituency.

- vii) those members who work in national museums, galleries, libraries and record offices shall comprise the Culture constituency;
  - viii) those members in the Northern Ireland Civil Service shall comprise the Northern Ireland Senior Officers constituency; and
  - ix) those members in the Statistician group shall comprise the Statisticians constituency;
  - x) those members in the Procurator Fiscal Service shall comprise the Procurators Fiscal Society;
  - xi) those members who are employed within the Diplomatic Service shall comprise the Diplomatic Service constituency;
  - xii) those members who are managers within the NHS shall comprise Managers in Partnership;
  - xiii) those members in Fast Stream grades (other than those described in sub-paragraphs (ii) to (ix) above) shall comprise the Fast Stream constituency; and
  - xiv) those members employed by the Welsh Government and bodies sponsored by the Welsh Government shall comprise the Devolved Wales constituency.
  - xv) those members who qualify for membership under Rule 4(a) (v) shall comprise Keystone.
- d) In the event that a member or a group of members has been allocated to a constituency which, in the opinion of the Executive Committee, is no longer appropriate, the General Secretary shall as directed by the Executive Committee to re-allocate the member or group of members to such other constituency as the Executive Committee shall consider appropriate and shall give the member or group of members 28 days prior written notice of the re-allocation. There shall be a right of appeal from such re-allocation of the General Secretary to the Rules Appeals Tribunal provided that written notice to that effect is given to the General Secretary within 28 days upon which notification of such re-allocation was sent to the member or group of members and the effect of the service of such notice of appeal will be to postpone any such re-allocation until after the appeal has been heard.
- e) Notwithstanding sub-paragraphs (c)(i)-(iv) and (vi)-(x) above, all members in Her Majesty's Revenue and Customs shall comprise the constituency described in sub-paragraph (c)(v) except those members eligible for membership only under Rule 4(a)(v).
- f) Notwithstanding sub-paragraphs (c) (i) - (x) and (xiii) above, all members employed by the Welsh Government and bodies sponsored by the Welsh Government, shall comprise the constituency described in sub-paragraph (c) (xiv), except those members eligible for membership under Rule 4(a)(v).

## Vice-Presidents

- 14)
- a) The Executive Committee shall elect from amongst their members two Vice-Presidents to hold office for a period of two years from the first Executive Committee meeting of the year of the election and ending on 31 May in the year but one following, one of whom shall preside at Delegate Conferences, Special Delegate Conferences and at meetings of the

Executive Committee in the absence of the President. A Vice-President's election shall not cause a vacancy to occur among the elected members. Either Vice-President shall be removed from office if a resolution to this effect is passed by a two-thirds majority of the members of the Executive Committee present and voting at a meeting of which due notice was given.

- b) If both Vice-Presidents are present at a meeting from which the President is absent the chair shall be taken by the Vice-President with the longer period of consecutive service on the Executive Committee immediately prior to the meeting. If both have the same length of service then the chair shall be taken by agreement between them. In the absence of agreement lots shall be drawn.
- c) A Vice President shall cease to hold office if said Vice President ceases to be a member of the Executive Committee.
- d) In the event that a vacancy arises in the position of either Vice President the Executive Committee shall fill the vacancy from amongst their members.

### **Honorary Treasurer**

15)

- a) The Executive Committee shall elect from amongst its members an Honorary Treasurer to hold office for a period of two years from the first Executive Committee meeting of the year of the election and ending on 31 May in the year but one following. The election of the Honorary Treasurer shall not cause a vacancy to occur among the elected members. The Honorary Treasurer shall be removed from office if a resolution to this effect is passed by a two-thirds majority of the members of the Executive Committee present and voting at a meeting of which due notice was given.
- b) The Honorary Treasurer shall be responsible for all monies received at the union's registered office and shall make arrangements for proper accounting records to be kept and for the preparation of financial statements for the Annual Delegate Conference and for the Executive Committee as frequently as they desire. The Honorary Treasurer shall arrange for the payment of accounts and other financial commitments.
- c) The Honorary Treasurer shall cease to hold office if the Honorary Treasurer ceases to be a member of the Executive Committee.
- d) In the event that a vacancy arises in the position of Honorary Treasurer the Executive Committee shall fill the vacancy from amongst their members.

### **Period of Office**

16)

- a) The President shall be elected to hold office for a period of two years commencing on 1 June of the year of the election and ending on 31 May in the year but one following.
- b) The constituency members representing each of the constituencies set out in Rule 13 shall be elected to hold office for a term of 2 years commencing on 1 June in the year of the election and ending on 31 May of the year but one following.

- c) Upon expiry of their term of office the President becomes the Immediate Past President and will remain entitled to attend Executive Committee meetings, albeit not entitled to vote, until the sooner of:
  - i) the results be declared of an election or by-election of a constituency member in the constituency in which the Immediate Past President is or was eligible to be a candidate;
  - ii) the Immediate Past President ceasing to be a full member of the union; or
  - iii) the expiry of one year after their ceasing to be President.

## **Nominations for Executive Committee and President**

17)

- a) In February (at two yearly intervals), the General Secretary shall publish to the membership a notice calling for nominations from amongst the membership in each constituency for the number of constituency members which are due to be elected on 1 June in that year, encouraging all members to consider seeking nomination for their relevant constituency, particularly those from groups currently under-represented on the Executive Committee. Such nominations may only be made from amongst the members in each constituency and shall be made in writing to the General Secretary of the union by either at least two members of the constituency for which the nomination is made or by a committee or council of a section comprising members in the constituency (in which case such nomination shall be signed by two members of the committee or council of that section). Such nomination will be accompanied by the written agreement of the member nominated to serve if elected. No member or Section Committee or council may nominate more persons than there are positions falling vacant. The General Secretary shall specify in the notice a date by which nominations must be received and this date shall be at least 28 days after the date of the notice calling for nominations.
- b) In February (at two yearly intervals) the General Secretary shall publish a notice calling for nominations from amongst the whole membership for the post of President. Such a nomination shall be made in writing to the General Secretary by at least thirty members, from at least three different constituencies, with no less than five members from each of those constituencies. A nomination shall be accompanied by the written agreement of the member nominated to serve if elected. The General Secretary shall specify in the notice a date by which nominations must be received and this date shall be at least 28 days after the date of the notice calling for nominations.

## **Elections**

18)

- a) In the event that more than one nomination is received for the post of President or more nominations are received for the constituency members in a constituency than there are vacancies, there shall be a postal ballot. All members shall be entitled to vote in a ballot for the election for President. A member shall only be entitled to vote in a ballot to elect a constituency member or constituency members to represent the constituency to which the

member has been allocated. For the purposes of any ballot to elect a constituency member or constituency or constituency members, a member shall be deemed to be in the constituency to which they belonged 7 days prior to the General Secretary supplying ballot papers pursuant to Rule 18(c).

- b) Each candidate nominated in accordance with Rule 17 may by a date specified by the General Secretary (said date being no earlier than 7, but no later than 14, days following the closing date for nominations) submit to the General Secretary a personal address not exceeding 400 words. The General Secretary will arrange for the publication of all personal addresses received from candidates nominated for election as President or for a constituency.
- c) The General Secretary shall not later than 20 April each year send by post to each member entitled to vote in an election being conducted that year in accordance with Rule 16 to 18 a ballot paper and reply paid envelope addressed to the Independent Scrutineers appointed under sub-Rule 18(e). The ballot paper will show only the name, grade, branch or centre of the members nominated for election as President or for a constituency. The ballot paper shall be accompanied by a copy of the personal address (if any) submitted in accordance with Rule 18(b) of the candidates and a statement indicating the number of Executive Committee meetings held and the attendance of each candidate seeking re-election since the last election of that candidate.
- d) To be valid in any such election the ballot paper shall be returned to the Independent Scrutineers in the envelope provided (which shall carry an identifying mark indicating whether it is for an election for president of a constituency) on or before 20 May of the year of the ballot to which it relates.
- e) The Executive Committee will appoint a properly qualified Scrutineer to carry out the following functions:
  - i) To supervise the production and distribution of the voting papers;
  - ii) To receive the voting papers returned by the members;
  - iii) To take such steps as appear to the Scrutineer to be appropriate for the purposes of enabling the Scrutineer to make a report to the union, as required under statute with respect to the ballot and to make such report following which the result of the election will be published in accordance with sub-clause (h) hereof;
  - iv) To retain custody of all voting papers returned for the purposes of the ballot for the appropriate period.
- f) Where there are only two candidates voters will indicate their preferred candidate by placing a cross (X) against one name on the ballot paper and the counting of votes shall be in accordance with appendix 4 part I.
- g) Where there are more than two candidates in any election, the election will be by the single transferable vote method. Voters will indicate their preference for candidate by entering 1, 2, 3, 4,..... etc., against their names on the ballot paper. A preference need not be entered against all candidates; voters may vote for as many or as few candidates as they wish. The counting of votes will be in accordance with the procedures set out appendix 4 part II.

- h) The votes shall be counted under the supervision of the Independent Scrutineer who shall make the report referred to in sub-Rule 18(e)(iii) above. The Independent Scrutineers shall, before 1 June each year, send such report on the election to the union who shall thereafter as soon as possible publish the report to members.

### **Removal from Office**

- 19) The President may be removed from office if a resolution to this effect is passed by a two-thirds majority of the delegates present and voting at a Special Delegate Conference of the union called for this purpose (see Rule 36). The Scrutineers (see Rule 37) and Agenda Committee may be similarly removed from office. A constituency member may be removed from office if a requisition to that effect is submitted to the General Secretary by at least 20 per cent of the constituency from which the member was elected and if two-thirds of the members in that constituency voting in a postal ballot then so decide. A constituency member shall automatically be removed from office if they cease to be a member of the union.

### **Filling of Vacancies**

- 20)
  - a) Subject to Rule 13(a), in the event of a vacancy occurring (for whatever reason) amongst the constituency members or in the event of a vacancy occurring (for whatever reason) in the post of President, the General Secretary shall forthwith institute an election for the filling of the vacancy in accordance with Rule 20(b). In the event that all the seats for a particular constituency on the Executive Committee are not filled immediately after an election held pursuant to rules 16 to 18 for the constituency members of that constituency then the General Secretary shall forthwith fill the vacancy in accordance with Rule 20(b).
  - b) The General Secretary shall as appropriate give notice to the whole membership or the membership of the constituency inviting nominations encouraging all members to consider seeking nomination for their relevant constituency, particularly those from groups currently under-represented on the Executive Committee. The General Secretary shall specify in the notice a date by which nominations and personal addresses of candidates must be received and this date shall be at least 28 days and no more than 45 days after the date of the Notice calling for nominations except as otherwise provided in this sub-rule, the election shall be held in accordance with Rule 18. The ballot paper and personal address shall be distributed as appropriate not more than 21 days after the close of nominations with the closing date for the receipt of ballot papers being at least 28 days and no more than 45 days from the date of distribution of the ballot paper. The Scrutineers shall not less than 14 days after the closing date for the receipt of ballot papers send their report on the election to the President, to all section and branch Secretaries and to those nominated.
  - c) In the event of a vacancy occurring on or after 1 November in the year preceding an election for President or for the constituency in which the vacancy arises, then the vacancy thus created shall not be filled.
  - d) In the event of a constituency member or President being elected to fill a vacancy in accordance with this rule, their period of office on the Executive Committee shall be until

the end of the period of office of the President or constituency member (as appropriate) whose vacating office (for whatever reason) caused the vacancy.

### **Attendance of non-elected members at Executive Committee Meetings**

- 21) The Executive Committee may invite such person or persons as it sees fit to attend and speak at meetings of the Executive Committee for the purpose of providing the Committee with factual information or with technical or professional advice with respect to matters incidental to the carrying out by the Executive Committee of its functions.

### **General Secretary and Staff arrangements**

- 22)
- a) The Executive Committee will appoint such permanent staff as it considers necessary and shall decide the rates of salary and other conditions of service for such employees of the union.
  - b) The Executive Committee shall make arrangements, and determine the timetable, for the election of a person as General Secretary, as may from time to time be required by legislation provided that:
    - i) the Executive Committee may nominate any person (whether or not a member); and
    - ii) any member can be nominated by no less than thirty members, from at least five different constituencies, with no less than five members from each of those constituencies.
  - c) The Senior Official will be the General Secretary who will be directly responsible to the Executive Committee, shall attend all meetings of the Executive Committee and Delegate Conferences, prepare minutes, attend to correspondence and, under the direction of the Honorary Treasurer, arrange for the necessary accounting records to be kept and payments made.
  - d) All other permanent staff appointed shall be under the control of the General Secretary.
  - e) The General Secretary and other permanent staff may be removed from employment by the Executive Committee. The General Secretary will have such right of appeal as shall be determined under their contract of employment. Other staff will have the right of appeal in person to the Executive Committee.

## **PART III**

### **POWERS AND PROCEDURES OF THE EXECUTIVE COMMITTEE**

#### **Executive Committee**

- 23) The Executive Committee shall be the governing body of the union.  
It:



- a) shall conduct the business of the union in conformity with the policies laid down by Delegate Conferences;
- b) shall deal with all business arising between Delegate Conferences;
- c) shall be responsible for the correct administration of funds dealt with at the head office which may only be used to further the objects of the union as set out in Rule 3;
- d) may invest any funds of the union in whatever way it thinks desirable;
- e) will exercise, through the General Secretary, control of the staff of the union;
- f) may suspend or expel members (see Rule 10);
- g) shall have power to indemnify any member of the Executive Committee or staff and any branch or section official out of the funds and property of the union from and against all costs and charges, losses, damages and expenses whatsoever, sustained, incurred or be put to, by reason of respectively accepting office or acting in execution of duties, powers or discretions, imposed upon or given by these rules, unless the same shall happen through lack of good faith, or wilful neglect or default.
- h) may make such regulations as they may from time to time determine, on any matter not provided by within these rules and which may include, without prejudice to the generality of the foregoing, the terms upon which benefits to members are to be made available.
- i) may take any lawful action consistent with the objects and rules of the union to further the interests of members.

These powers are subject to the provisions of Rules 25(a) and 25(b) and without prejudice to the generality of the foregoing nothing contained in this rule shall authorise the Executive Committee to invest, administer or in any manner whatsoever to deal with such funds and/or income as belong to and constitute the property of the sections constituted by Ofsted, OHMCI (Wales), Education Scotland and the Association of Revenue and Customs by reason of Rules 25(a) and 25(b).

## **Industrial Action etc.**

- 24)
- a) Industrial action, whether strike action or action short of strike, shall be called only by the General Secretary acting on the authority of the Executive Committee.
  - b) A ballot for industrial action may only be authorised by the Executive Committee who may do so if in its opinion such is called for and other steps for resolving differences have been exhausted or are inappropriate in the circumstances.
  - c) Before conducting such a ballot, the Executive Committee shall take such steps to consult Branch Convenors and Secretaries, as the Executive Committee consider appropriate.
  - d) The Executive Committee may recommend the taking by members of action falling short of industrial action but shall previously ascertain the strength of support for such action through Branch Convenors and Secretaries (or, in the case of action affecting only part of the membership, through relevant Branch Convenors and Secretaries).
  - e) The Executive Committee may at any time withdraw a recommendation to, or authority for, members to take strike action (or action short of industrial action).

## Section Funds

- 25)
- a) Notwithstanding anything contained in these Rules, the General Fund of the Association for Development and Diplomacy section, the Association of HM Inspector of Schools in England and Wales and Education Scotland at the date of registration of the transfer of engagements and any income arising there from time to time, whether before or after the registration aforesaid, shall not be or become the funds or property of the FDA but shall be and become the funds or property of the respective Sections of the union constituted by the Association for Development and Diplomacy Section, HM Inspectors of Schools in England and Wales and by Education Scotland and shall vest in the Section Committees or trustees thereof, in accordance with the respective Section rules. The FDA shall have no rights in or over the said funds and/or income and shall have no powers to administer, apply, expend, transfer, alienate, audit, invest or deal in any manner whatsoever with the said funds and/or income or to restrain in any way whatsoever the administration, application, expenditure, transfer alienation, audit, investment or any dealings whatsoever with the said funds and/or income by the Sections. Reference in this Rule to the sections constituted as Association for Development and Diplomacy section and HM Inspectors of Schools in England and Wales shall include those Sections' successors.
  - b) Notwithstanding anything contained in these rules, the general funds of ARC (either at or after the date of registration of the transfer of engagements) and any income arising therefrom from time to time shall not be or become the funds or property of the FDA but shall be and become the funds of property of ARC and shall vest in the Trustees of ARC. The FDA shall have no rights in or over the said funds and/or income and shall have no powers to administer, apply, expend, transfer, alienate, audit, invest or deal in any matter whatsoever with the said funds and/or income or to restrain in any way whatsoever the administration, application, expenditure, transfer, alienation, audit, investment or any dealings whatsoever with the said funds and/or income by the ARC.

## Meetings

- 26) The Executive Committee shall meet as the President or it decides but all members of the Executive Committee shall receive at least three days notice of such a meeting. It shall be the responsibility of the General Secretary to advise all members of the Executive Committee of such meetings. The non-receipt of the notice of an Executive Committee meeting by any member of the Executive Committee shall not invalidate that meeting.

## Quorum

- 27) The Quorum for meetings of the Executive Committee shall be half the voting members of the Executive Committee (see Rule 29). If fewer than half of the voting members of the Executive Committee are present, the quorum shall be 40% of the voting members, subject to at least four constituencies being represented by voting members at the meeting.

## **Procedures**

28) The Executive Committee may determine its own rules of procedure.

## **Voting at Executive Committee Meetings**

29) At meetings of the Executive Committee, the President and constituency members shall have one vote. The person presiding shall also have a casting vote.

## **Sub-Committees**

- 30)
- a) The Executive Committee may appoint sub-committees or special committees for particular purposes. Any committee so appointed shall be responsible to the Executive Committee and may not initiate action without its permission. Any person appointed to such a committee may be removed by the Executive Committee. Meetings of such committees shall be called by the person appointed Secretary of each committee, who shall give the Committee members at least three days' notice of such meetings. Each Committee may determine its own rules of procedure.
  - b) The Executive Committee may participate in the trade union side of any negotiating body for any employer (or employers) that may be established, where such participation may be delegated to the General Secretary or other staff of the union.

## **Motion**

31) The Executive Committee may propose, support or oppose motions and/or amendments at a Delegate Conference; a member of the Executive Committee may not vote, on any such motions or amendments unless elected or appointed a delegate pursuant to Rule 35. A member of the Executive Committee may speak on any motions and/or amendments provided always that a member of the Executive Committee may not speak contrary to Executive Committee policy unless that member has previously been specifically and exceptionally authorised by the Executive Committee to do so, or is speaking on behalf of a Branch or Section by whom that said member of the Executive Committee has been elected or appointed as a delegate pursuant to Rule 35.

## **PART IV**

### **DELEGATE CONFERENCES**

#### **Annual Delegate Conference**

- 32) The Delegate Conference of the union shall be held in May each year, at a place to be determined by the Executive Committee, for the purpose of:
- a) receiving the Executive Committee's Annual Report and Statement of Accounts;
  - b) the appointment of an auditor (see Rule 43);
  - c) the appointment of two scrutineers (see Rule 37);

- d) the appointment of an Agenda Committee to function in relation to the next Annual Delegate Conference and, if required, any intervening Special Delegate Conferences (see Rule 34);
- e) the appointment of any replacement members of the Rule Appeals Tribunal (see Rule 61);
- f) considering any resolutions and amendments submitted by Sections and Branches (see Rule 33) and/or the Executive Committee (see Rule 31);
- g) considering any amendments or alterations to the Rules (see Rule 66);
- h) considering any appeals submitted to the General Secretary pursuant to Rule 10 or 62;
- i) the appointment of an appropriately qualified person or body to act as assurer in accordance with statutory requirements (see Rule 43).

In addition to these matters, motions of urgency may be accepted for discussion without previous notice at the discretion of the Agenda Committee. The Conference and any Special Delegate Conference taking place (see Rule 36) shall be the supreme authority of the union and its decision shall remain in force until rescinded.

## **Motions and Amendments**

- 33)
- a) The General Secretary of the union shall in January or February each year notify all members of the date of the Annual Delegate Conference and shall request the submission of motions for discussion at the Annual Delegate Conference by sections and branches. The notice shall specify the date by which motions must be received in writing by the General Secretary at the registered office of the union but this date shall allow at least 4 weeks from the date of the notice and shall be not less than six weeks before the date of Annual Delegate Conference. The notice shall also specify the timetable for submission and publication of amendments to motions as determined by the Executive Committee.
  - b) The General Secretary shall issue to the membership an interim report on the action taken in pursuance of motions carried or remitted to the Executive Committee at the Annual Delegate Conference. This Report shall be circulated to the membership not later than 31 December following the Annual Delegate Conference. In the event of a Special Delegate Conference then such a report should be circulated to the membership not later than 4 months after the date of the Special Delegate Conference.

## **Agenda**

- 34) The Agenda Committee shall be responsible for scrutinising all motions and amendments submitted for the Conference agenda and may if necessary composite them when preparing the order of business. The Agenda Committee may refer any motion to a Section of the union if it is of the view that the subject is of concern to the members of that Section rather than to the union as a whole. The Agenda Committee shall recommend to Conference the

adoption of standing orders for the conduct of Conference and the timetable which will enable all business to be dealt with. The Agenda Committee shall also act in respect of any Special Delegate Conference which may be called. The Agenda Committee shall comprise three members appointed as provided for in Rule 32(d). No member of the Executive Committee may be a member of the Agenda Committee. Any casual vacancy arising in the membership of the Agenda Committee shall be filled by the Executive Committee from among the membership of the union. The Agenda Committee may appoint any member of the union or an official of the union to act as its Secretary.

## Delegates

- 35) Delegates to the Conference shall be members of the union and shall either, in the case of a Branch, be elected at a Branch Meeting of which election previous notice was given to members or, in the case of a Section other than the Legal Section, be appointed by the Section Committee. Sections other than the Legal Section and Branches may send delegates to the Annual Delegate Conference according to the following table:

Range of Membership	Delegates
Up to 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 125	5
126 - 150	6
151 - 175	7
176 - 200	8
201 - 250	9
251 - 300	10

One additional delegate for every additional 100 members over 301 up to 1,000 members. One additional delegate for each complete 1,000 members up to 10,000 members, and one additional delegate for each complete 2,500 members thereafter.

Where a section other than the Legal Section, in accordance with its rules, appoints delegates to the Annual Delegate Conference, any branch of that section will not be entitled to send delegates to an Annual or Special Delegate Conference.

For the purpose of this rule section or branch membership shall be the number of paid-up members at the preceding 31 December. In exceptional circumstances, the Executive Committee may specify some other date for the purpose of assessing section or branch membership.

When counting the number of paid-up members of a section or branch;

- a) an individual who is a member of Ofsted or Estyn or Education Scotland shall not be counted as a member of any branch formed under Rule 49(a) which is entitled to send delegates to conference; and

- b) subject to sub-paragraph (a) individuals may not be counted as members of any section if they are members of a branch formed under Rule 49(a), or an ARC Centre formed under Rule 49(b), which is entitled to send delegates to the conference;
- c) Individuals may not be counted as members of a branch entitled to send delegates to conferences and formed under Rule 49(a) if they are members of a branch of a section entitled to send delegates to conference.

Names and addresses of delegates shall be notified in writing by Section or Branch Secretaries to the General Secretary at the registered office of the union at least 14 days before the date of the Conference. The General Secretary shall then issue each delegate with a credential card, stating the delegate's name and branch.

Those Sections/Branches of FDA who hold their own funds will be responsible for meeting the reasonable expenses of their delegates to the ADC in accordance with any travel and subsistence policy of the union established by the Executive Committee.

Delegates who are not members of the Sections or Branches covered above may have their reasonable expenses met by FDA in accordance with any travel and subsistence policy of the union established by the Executive Committee.

### **Special Delegate Conference**

- 36) The Executive Committee may at any time call a Special Delegate Conference of the union. They shall call such a Conference on the written request either of 5 Branches, or 5 Sections, or one or more Branches or Sections representing at least 10 per cent of the membership. Such request shall set out the motion(s) to be discussed. Sections and Branches shall receive 14 days' notice of such Special Conference and the delegates, names and addresses must be sent in writing to the General Secretary to be received at least 4 days before the date of the Conference. Apart from this, Rules 33, 34 and 35 will apply to Special Delegate Conferences. The notice of the Special Delegate Conferences shall contain a copy of the motion to be proposed and only business relevant to such motion or motions shall be transacted at the meeting.

### **Voting**

- 37) Except as specifically provided by any other rule, all questions coming before Conference shall be decided by a majority of the delegates present and voting thereon. In the case of an equality of votes the accredited person presiding shall have a casting vote. For the purpose of supervising the counting of votes two scrutineers shall be appointed by the delegates from among their number (excluding members of the Executive Committee) at each Annual Delegate Conference. Such Scrutineers shall also be responsible for the supervision of the counting of votes in any ballots held under Rule 59 and 61 the closing date for which falls before the next Annual Delegate Conference. Any casual vacancy arising in the position of Scrutineer shall be filled by the Executive Committee from among the membership of the union (excluding members of the Executive Committee). A scrutineer shall cease to hold such office if he or she becomes a candidate for the office of President or of membership of the Executive Committee.

### **Attendance of Non-Delegates**

- 38) The following persons may attend an Annual or Special Delegate Conference but may not speak except at the express invitation of the person presiding nor have a vote:
- a) members of the union who are not delegates;
  - b) members of affiliated associations;
  - c) Associates (see Rule 8);
  - d) such other persons as the Executive Committee may invite.

### **Quorum**

- 39) The Quorum at any Delegate Conference shall be one third of the total number of delegates appointed in accordance with Rule 35.

### **Conduct of Conference**

- 40) The person presiding (see Rules 12 and 14) shall be responsible for the conduct of any Annual or Special Delegate Conference.

At the commencement of such a conference the person presiding shall invite the Agenda Committee to move the adoption of their report(s). Once the adoption of the report(s) has been moved motions to refer back all or part of the report(s) may, at the discretion of the person presiding, be accepted and voted upon. The motion to adopt the report(s) shall then be put to the vote and if it is carried, the person presiding shall conduct the remainder of the Conference in accordance with the Standing Orders included therein.

## **PART V**

### **ANNUAL REPORT AND ACCOUNTS**

#### **Annual Report**

- 41) The Executive Committee shall make a written Annual Report to Conference.

#### **Financial Year and Accounts**

- 42) The financial year of the union shall be from 1 January to 31 December. An audited Statement of Accounts of the union for the last financial year, which shall be signed by the President, Honorary Treasurer and General Secretary, shall be sent to members as soon as practicable following the end of the financial year.

#### **Auditors and Assurer**

- 43)
- a) The accounts of the union shall be audited annually by a person qualified in accordance with statutory requirements who shall prepare a report to the Annual Delegate Conference. The auditors shall be appointed by resolution passed at an Annual Delegate Conference and shall not be removed from office except by resolution passed at a Delegate Conference. The auditors so appointed shall have no powers to examine, prepare or audit accounts of the sections constituted by Ofsted, by Estyn, by Education Scotland and by the Association of Revenue and Customs in relation to such funds and/or income, as by reason of Rule 25 they belong to and constitute the property of the respective section, unless they are appointed for that purpose by the respective committee under Rule 44.
  - b) The Annual Delegate Conference shall each year appoint an appropriately qualified person or body to act as assurer in accordance with statutory requirements. Any assurer so appointed shall not be removed from office except by resolution consistent with statutory requirements.

### **Section Auditors**

- 44) The accounts of the Sections constituted by Association for Development and Diplomacy, Ofsted, by Estyn, by Education Scotland and by the Association of Revenue and Customs in relation to the funds and/or income specified in Rules 25(a) and 25(b) shall be audited annually by independent accountants who are qualified in accordance with statutory requirements. The Auditors shall be appointed yearly by the Section Committee and may only be removed from office by a resolution of members of the Section passed at a General Meeting of the Section. It shall be the duty of the Auditors of the Section to examine the accounts of the Section in relation to the funds and/or income specified in Rule 25 and to certify the correctness of the Statement of Accounts contained in the Annual Report of the Section.

### **Subscription**

- 45)
- a) Every member shall, except as provided in the following paragraphs of this rule, pay an annual subscription ("the core subscription") at such rate as may from time to time be determined by a two-thirds majority of the delegates voting at a Delegate Conference, provided always that the core subscription may be set at different rates for different classes of member.  
  
If the Executive Committee intends to table a motion for an increased rate of the core subscription, it shall circulate a report explaining the reasons for such an increase in sufficient time to allow amendments to be proposed to the motion.
  - b) Members in each section may at their annual general meeting and in accordance with the rules of that section vote to pay a sectional subscription in addition to the core subscription and any such sectional subscription shall be payable to the union by all members of the relevant section in addition to the core subscription. The union will return, in full, quarterly in arrears, the sectional subscription collected to the section concerned.



- c) In each financial year, a proportion of the subscriptions paid by members of the Association for Development and Diplomacy Section, the Ofsted Section, the Estyn Section, the Education Scotland Section, the Crown Prosecution Service Section, the Northern Ireland Senior Officers Section, the Procurators Fiscal Society Section and the Association of Revenue and Customs, respectively shall be returned to those respective sections for their administrative expenses (and in the case of the Association for Development and Diplomacy, for the reimbursement by the Association to the union of the salary and benefits of, and any liabilities incurred in relation to, any Assistant Secretary employed by the union but assigned to undertake duties for the Association for Development and Diplomacy under rule 23 (e)).

In the financial year from 2018:

- In the case of a section with a reserve (however held) as at 31st December in the preceding financial year of less than twice the standard rebate, the section will have returned 30% of the subscriptions paid by members of that section;
- In the case of a section with a reserve (however held) as at 31st December in the preceding financial year of twice or more the standard rebate, the section will have returned 25% of the subscriptions paid by members of that section; and

In the financial year from 2019:

- In the case of a section with a reserve (however held) as at 31st December in the preceding financial year of less than twice the standard rebate, the section will have returned 30% of the subscriptions paid by members of that section;
- In the case of a section with a reserve (however held) as at 31st December in the preceding financial year of twice or more (but less than three times) the standard rebate, the section will have returned 25% of the subscriptions paid by members of that section; and

In the case of a section with a reserve (however held) as at 31st December in the preceding financial year of three times or more of the standard rebate, the section will have returned 20% of the subscriptions paid by members of that section;

where the “standard rebate” in any financial year for each section shall be calculated as 30% of aggregate subscriptions paid by members of that section in the previous financial year.

Reserves will be valued annually using standard accounting practice and include all funds, investments, property etc. which are available to be used for the purposes of administrative expenses as outlined above.

Any section whose financial position has materially changed can request a review of the applicable rebate rate at the 6-month stage of the financial year.

- d) Members will pay their annual subscription by direct debit, except that if a member was in membership at 30 June 1993 they may continue to pay their annual subscriptions by deduction from salary, direct debit or standing order or by two instalments paid to the General Secretary at the head office of the union six months in advance on 1 January and 1 July each year.

- e) In these rules “annual subscription” shall mean the total of the core subscription and sectional subscription (if any) payable in any calendar year by a member and, in the case of Associates, shall mean the subscription payable pursuant to Rule 7 of these rules.
- f) A member is required to pay the rate of core subscription and sectional subscription (if any) appropriate for their salary and circumstances, to provide the union with any information the union may require from time to time about their salary and circumstances, and to make all reasonable efforts to ensure that that information is kept up to date.
- g) Where information is available to the union that suggests that a member may be paying an incorrect rate of core or sectional subscription, the union may after the expiry of 3 months’ notice to the member, detailing reasons for the change, require the member to pay the correct rate of subscription.
- h) No subscription rate of a member may be reduced, for whatever reason, unless and until the member provides documentary evidence to demonstrate that the member satisfies the conditions applicable for the reduced subscription rate to apply.
- i) The Executive Committee may, for the purposes of recruitment, reduce or remit the subscription of any member or group of members for up to 6 months from the date of their joining the union.
- j) The Executive Committee may set a subscription for any class of member, who has between Delegate Conferences become eligible for membership of the union, provided the subscription rate will thereafter only be varied by the Delegate Conference in accordance with rule 45(a).

### **Non-Payment of Subscription**

- 46) Members (and Associates), electing to pay the annual subscription by cash or cheque, and who have not paid their annual subscription by 31 July in the year to which it relates shall be advised accordingly by the General Secretary. They shall be allowed a further 28 days in which to pay their annual subscription and if they do not do so within this period their membership shall be automatically terminated.

### **Expenditure**

- 47) The Executive Committee shall be empowered to enter into financial commitments and incur expenditure incidental to the business of the union. These powers may be delegated to the Honorary Treasurer who may similarly (and subject to Rule 15) delegate the work connected therewith to the General Secretary. Members of the union may be reimbursed from the funds of the union for any expenditure necessarily incurred in the performance of their duties on behalf of the union. In circumstances regarded as appropriate by the Executive Committee, honoraria may be paid.

### **Inspection of Records**

- 48) There shall be kept at head office the accounting records of the union as a whole and a register of all members of the union including Associates, and both shall be accessible to members to the extent required by statute.

## **PART VI**

### **BRANCHES**

#### **Formation**

- 49)
- a) Members of the union in any Government department (other than the Her Majesty's Revenue and Customs), or other Government organisation, if they number 10 or more, may form a Branch of the union, which shall unless otherwise determined by the Executive Committee, consist of all members of the union in that department or organisation. However, the Executive Committee may:
    - i) allow the formation of branches where there are less than 10 members or may attach such members to another branch;
    - ii) allow the formation of a branch comprising more than one department or organisation;
    - iii) allow a department or organisation to form more than one branch, each such branch being treated as separate for the purpose of these rules;
    - iv) allow a department or organisation to form a sub-branch.The Executive Committee shall report to the next following Delegate Conference each exercise of their power under sub-paragraph (iii) of this rule;
  - b) ARC may form its own branches in accordance with its own rules. Rule 49(a) shall not apply to members of ARC and any branch created in accordance with Rule 49(a) shall exclude members of ARC. District Councils of ARC are regarded for the purpose of these rules (except where otherwise specified) as branches of the union but will operate in accordance with "specimen standing order for District Councils" which form part of the rules of ARC. Rules 50-56 of these rules shall not apply to branches of ARC.
  - c) Members of the union in any Government department or other Government organisation who are qualified for membership under Rule 4(a)(iv), if they number 10 or more, may form a Branch of the union which shall unless otherwise determined by the Executive Committee consist of all members of the union eligible for membership under Rule 4(a)(iv) in that department or organisation."

#### **Responsibility**

- 50) Subject to Rules 6 and 49 each Branch shall be responsible for the recruitment of members within their department or organisation, for the representation of their members' views on matters concerning their department or organisation, and for transmitting their members' views on other matters to the Executive Committee and/or Delegate Conferences.

#### **Annual General Meeting**

- 51) There shall be an Annual General Meeting of the members of the Branch each year. Each member shall be given due notice of this Annual General Meeting. At the Annual General Meeting (or, if the Branch Rules so require, through a postal ballot) the Branch shall elect from among its membership a Convenor, Secretary and Treasurer. A Branch may also elect from among its membership such other officers as it so desires.

These Branch Officials, together with a number of other members elected at the Branch Annual General Meeting (the number to be in accordance with the Rules of the Branch) shall form a Branch Committee which shall deal with the business of the Branch between Branch meetings. The Branch Committee may co-opt additional Branch members to the Committee in accordance with the rules of the Branch.

### **Other Meetings**

- 52) Branches may hold such other meetings of their members as are deemed necessary to conduct the business of the Branch. A General Meeting of the Branch shall be called on the written request of 10 per cent of the members of the Branch.

### **Branch Annual Report**

- 53) The Branch Secretary shall forward an Annual Report to the General Secretary after it has been approved by the Annual General Meeting of the Branch.

### **Expenditure**

- 54) Expenditure reasonably incurred by a Branch in the exercise of its functions shall be paid out of the funds of the union; the Honorary Treasurer acting on behalf of the Executive Committee shall have discretion to decide what is reasonable for this purpose.

### **Duties of Branch Treasurer**

- 55) The Branch Treasurer shall furnish the General Secretary with an annual statement of the accounts of the Branch after they have been approved by the Annual General Meeting of the Branch.

### **Branch Rules**

- 56)
- a) Each Branch formed under Rule 49(a) shall have rules for the conduct of its business which shall be based on the Skeleton Rules set out in Appendix I. The rules of a branch, and any amendments to them, shall not be effective until approved by the Executive Committee who shall have power to require alterations in such rules. Provided that the rules of a branch and any amendments to them shall be deemed to have been approved by the Executive Committee if, at the expiry of the three month period following submission of the rules and/or amendments to an official of the union, the Executive Committee has neither

approved the rules and/or amendments nor required alterations in them. In the case of any conflict between the rules of a branch and the rules of the union the latter shall prevail.

- b) In the event of a department or organisation forming a sub-branch then the rules of the sub-branch shall only be effective after approval by the branch and thereafter by the Executive Committee.

## **PART VII**

### **SECTIONS**

#### **Sections**

- 57)
- a) In addition to the Branches set out in Part VI there shall be Sections of the union as follows:
    - i) Ofsted;
    - ii) Estyn;
    - iii) Education Scotland;
    - iv) Legal Class;
    - v) Culture;
    - vi) Crown Prosecution Service;
    - vii) Northern Ireland Section;
    - viii) Association of Revenue and Customs
    - ix) Procurators Fiscal Society
    - x) Association for Development and Diplomacy
    - xi) Managers in Partnership

These sections shall be solely responsible for all professional matters concerning the members of their sections.

ARC shall act independently in respect of matters which arise in Her Majesty's Revenue and Customs Department which directly concern its members.

- b) The Executive Committee may create sections in addition to the above, and allocate branches and members to such a section with the consent of the branch or members concerned. They may also invite representatives of such sections to attend the Executive Committee as non-voting observers, and create section rules under which such sections shall operate.

In the event of the creation of such a section, the Executive Committee shall, as soon as reasonably practicable, and in any event within two years of the date of creation, present to a Delegate Conference appropriate amendments to the rules of the union, together with section rules. Unless its creation is ratified by the adoption of appropriate rule amendments, any such section shall cease to exist on the second anniversary of its creation.

References in these rules and appendices to sections shall be taken to include only those sections listed in paragraph (a) of this rule.

- c) For the purposes of Rules 13, 35 and 49(a) any member who is a member of the section referred to in Rule 57(a)(iv) (Legal Section) and is also a member of another Section whose rules entitle them to membership shall not be treated as a member of Legal Section.

## **Section Rules**

- 58)
  - a) Those sections other than ARC shall function under the rules set out for them in Appendix II of these rules.
  - b) ARC shall function under rules adopted by ARC which shall be set out in Appendix III of these rules. The rules of ARC may only be amended by ARC in accordance with such rules provided always that ARC shall forthwith notify the Executive Committee of any alterations to the rules of ARC.

## **PART VIII**

### **SUPPLEMENTARY**

#### **Dissolution of the union**

- 59) The union shall not be dissolved except with the consent of at least two thirds of the membership. The necessary consent from the membership for such a course of action shall be ascertained by an individual ballot of the membership. The decision to hold such a ballot may be made by the Executive Committee; alternatively, a request for such a ballot, supported by at least 10 per cent of the membership, may be made in writing to the General Secretary at the registered office of the union. After such a decision by the Executive Committee or on the receipt of such a request the General Secretary shall, within four weeks supply to each member a ballot and reply paid envelope addressed to the Scrutineers at the registered office of the union. The closing date for receipt of ballot papers, enclosed in the envelopes provided, at the registered office of the union shall be not less than four nor more than five weeks after the date of issue of the ballot papers. The envelopes containing the ballot papers shall remain sealed until opened under the supervision of the Scrutineers (see Rule 37). The votes shall be counted under the supervision of the Scrutineers. If the move for dissolution is carried by a two-thirds majority of those members voting then the Scrutineers shall inform the Executive Committee. The Executive Committee shall then wind up the affairs of the union as expeditiously as possible and shall give notice of the dissolution to the Certification Officer. Any property whatsoever of the union remaining after the satisfaction of all debts and liabilities shall be the property in shares proportional to the annual subscriptions payable by the members of the union as at the immediately preceding 31 December.

#### **Observation of Rules**

- 60)
  - a) It shall be the responsibility of the Executive Committee to carry out and enforce observance of these Rules. If any member (including Associates) considers that action contrary to the Rules is being or has been undertaken either by the union or its Officials

they may appeal to the Rules Appeals Tribunal (see Rule 61). Notice of such an appeal shall be made in writing to the General Secretary at the registered office of the union. Upon receipt of such an appeal the General Secretary shall arrange for the Rules Appeals Tribunal to consider the matter within 42 days of receipt of the appeal.

The Rules Appeals Tribunal shall also consider all appeals made in accordance with Rules 6(f), 13(d) and 14(f). Upon receipt of a Notice of Appeal pursuant to those rules the General Secretary shall arrange for the Rules Appeals Tribunal to consider the matter within 42 days of receipt of the Appeal. The Rules Appeals Tribunal shall decide their own procedure by enquiring into the Appeal. The Rules Appeals Tribunal shall notify the person concerned and the General Secretary of their decision in writing and their decision shall be final and binding on the member, the Executive Committee and the General Secretary.

- b) Where there is a conflict between a rule of a section and a rule of the union then the latter shall prevail.

## **Rules Appeals Tribunal**

- 61) There shall be a Rules Appeals Tribunal whose only function shall be to consider appeals made in accordance with Rule 61. It shall comprise three members of the union, none of whom shall be members of the Executive Committee, one of whom shall act as Convenor of the Tribunal. The method of the nomination of these three members shall be the same as set out in Rule 17. The method of election shall be in accordance with Rule 18(a)-(d) and (f)-(g) subject to the voting papers being returned to the Scrutineers elected under Rule 38 who will only be responsible for supervising the counting of the ballot papers and declaring the result of the election in a report to the union under Rule 18(h). However they shall be members of the Rules Appeals Tribunal from 1 June following their election until they either resign (in writing to the General Secretary of the union), retire from employment qualifying for membership or lose their membership under Rules 10 or 46. Thus an election will only occur in those years where there is one or more vacancies on the Rules Appeals Tribunal. Any casual vacancy occurring shall be filled by the Executive Committee from among the membership of the union; such an appointee to hold office until the next 31 May.

## **Matters not covered**

- 62) Any matter not provided for in these Rules shall be dealt with as the Executive Committee may determine, but any member, section or branch aggrieved thereby shall have a right of appeal, provided notice of such an appeal is given in writing to the General Secretary at the head office of the union within 28 days of notice of the determination of the Executive Committee. The General Secretary will then arrange for the appeal to be considered by an Annual Delegate Conference provided that notice to delegates of the appeal be given at least 28 days before the date of the Annual Delegate Conference. Annual Delegate Conference may then dismiss the appeal, or allow it and if allowing it make such directions as they see fit.
- 63) The Executive Committee shall have, and operate, a complaints procedure to allow any member aggrieved by the actions of the union to have a fair hearing of their case.

## Proceedings not to be invalidated

- 64) The proceedings of a Delegate Conference or of the Executive Committee or of any sub-committee thereof shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member thereof.

## Copies to all Members

- 65) A copy of the Rules of the union shall be made available on the website of the union, and copies of any alterations or amendments to those Rules shall be published on the website as soon as can be conveniently arranged. A copy of the Rules may be obtained by members on written application to the General Secretary at the head office of the union.

## Alterations of Rules

- 66)
- a) The Rules, except the rules of sections of the union (set out in Appendix II), may be altered or amended at an Annual or Special Delegate Conference by a two-thirds majority of the votes cast. Any proposal for such an alteration or amendment shall be submitted as a motion in the manner prescribed in Rules 31, 33 or 36 or, if moved as a matter of urgency, as prescribed in Rule 32.
  - b) In addition to the above, in the case of every section approval by the section committee will be required before any of the undermentioned Rules can be amended.
    - Rule 25 All
    - Rule 57 All the rule except that other sections be added to it without this being necessary
    - Rule 66 All, except Rule 66(a)
    - Rule 67 All

If the amendment is approved by the section it shall then be considered by Delegate Conference in the usual manner and will require a two-thirds majority as set out in Rule 66(a).

- c) A proposal to alter the amounts returned to the sections (as set out in Rule 45(c)) will first require a two-thirds majority of the section committees concerned before it can be placed on the agenda of a Delegate Conference as set out in Rule 33. Once this has taken place, the first paragraph of this Rule shall apply.
- d) Rules 4(a)(i), 25(b), 58(b), 66(d) and 67(b) may only be amended in accordance with Rule 66(a) if approved by ARC committee.
- e) The rules of any section may be amended in accordance with the rules of that section, provided that such amendment shall not take effect unless and until approved by the Executive Committee.
- f) For the avoidance of doubt, Rule 66(e) does not apply to the rules of ARC (set out in Appendix III).



## **Secession**

- 67)
- a) Notwithstanding anything contained in these Rules the Sections constituted by the Association for Development and Diplomacy, by Ofsted, by Education Scotland and by the Legal Class shall have the right to secede from the union provided the consent thereto of at least two thirds of the members of the Section concerned, voting in a ballot, be obtained. (The conduct of the ballot shall be as set out in Rule 66). The monies forming part of the General Fund of the Association of HM Inspectorate of Education (Scotland) at the dates of registration of the transfers of engagements together with any income arising there from time to time, whether before or after the dates of registration shall be applied or dealt with by the respective Section Committee in accordance with the directions of the members of that Section.
  - b) Notwithstanding anything contained in these rules, ARC shall have the right to secede from the union provided the consent thereto at least two thirds of ARC voting in a ballot be obtained. The conduct of the ballot shall be as set out in Rule 66. The property forming the general fund of ARC as at the date of secession shall be applied or dealt with by the ARC Committee in accordance with the directions of the members of ARC.

## **Affiliation to other Organisations**

- 68) The union may not affiliate to any organisation unless consent for affiliation to that organisation has been given by a Delegate Conference. Where consent has been given to affiliate to an organisation any branch or section may affiliate to that organisation subject to the decision being taken by the branch or section AGM.

## **Trustees**

- 69) There shall be three Trustees of the union who shall be members or retired members of the union but who shall not be members of the Executive Committee. They shall be appointed by the Executive Committee upon such terms as the Executive Committee may from time to time decide. Vacancies arising amongst the Trustees (for whatever reason) shall be appointed by the Executive Committee.

All deeds, documents of title and funds, security for money and other property of the union shall be held by the Trustees who shall invest the funds of the union or otherwise deal with the funds or property of the union in such manner as the Executive Committee may from time to time decide.