



RULES AND CONSTITUTION
Of The
PRISON GOVERNORS' ASSOCIATION

Last reviewed at Conference
October 2023

PRISON GOVERNORS' ASSOCIATION

RULES AND CONSTITUTION

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PRISON GOVERNORS' ASSOCIATION
(REPRESENTING H.M. PRISON SERVICE / HMPPS MANAGEMENT GRADES)

RULES AND CONSTITUTION

These rules and constitution were originally approved at the First Annual Delegate Conference held at Prison Service College, Newbold Revel on Tuesday 8th March 1988. They were amended by subsequent conferences, most recently at the 35th Annual Conference in October 2023.

RULE 1 TITLE

The title of the organisation shall be the Prison Governors' Association.

RULE 2 REGISTERED OFFICE

The registered office of the Prison Governors' Association is:

Room LG.27
Ministry of Justice HQ
102 Petty France,
London
SW1H 9AJ
Telephone: 020 3334 0456

RULE 3 OBJECTIVES

The objectives of the Association shall be: -

- (a) To act as the national negotiating body on all questions affecting pay and conditions of employment and the relations between members and the employers;
- (b) To protect and promote the interests and status of members in respect of their careers and matters of common concern;
- (c) To represent and support members during investigation, grievance and disciplinary processes;
- (d) To provide and maintain the organisational structure approved by National Conference;
- (e) To establish, maintain and represent the professional views and standards of members;
- (f) To speak on professional matters, maintain contacts with both Parliament, Press and other relevant organisations;
- (g) To provide benefits payable on the death of members;
- (h) To provide legal assistance to members in appropriate cases determined by the NEC in respect of matters relating to their employment in the Prison Service;
- (i) To maintain such other services for the benefit of the members as Annual Conference and which the National Executive Committee deem desirable and practicable;
- (j) To collect, maintain and administer funds for all the above objects;
- (k) To manage, maintain and develop two-way formal and informal communication with members;

- (l) The Association is committed to the promotion of equality for all and actively opposes all forms of harassment, prejudice and unfair discrimination.
- (m) The advancement and dissemination of knowledge and good practice in relation to custodial and offender management to prison governors and the criminal justice system.
- (n) The Association is committed to the maintenance and improvement of conduct and standards of prison governors.
- (o) The Association will seek to recruit all eligible members to join the Prison Governors' Association, seeking sole representation rights for these grades within the public sector.
- (p) The Association will work to improve and maintain wellbeing for the membership.

RULE 4 MEMBERSHIP

(a) The Finance Officer will provide details of the membership of the Prison Governors' Association annually, on Certification Returns AR21 and AR(NI)21, to the Trades Union Certification Officer and the Trades Union Certification Officer (Northern Ireland) in accordance with the Trades Union and Labour Relations Act 1974. These contain records of the Association, and financial information.

(b) Full membership is open to Operational Managers and Prison Governors working within HM Prison and Probation Service as follows:

- Pay bands 7 to 12 who qualify by virtue of being in one of the following groups:
- Full or part time role holders as operational managers, senior operational managers and Prison Group Directors
- Managers with a previous operational background who currently work within HMPPS in a non-operational post;
- Those promoted beyond these grades while remaining in a role within HMPPS;
- Members who move out of HMPPS to MoJ HQ roles may retain membership, but in doing so acknowledge that the Association does not have recognition rights in MoJ.

Members of fast-track schemes aimed at accelerated promotion of scheme members to governors grades;

Band 5 Custodial Managers who have passed all stages of the current Operational Manager JSAC and are eligible to seek a posting as a Band 7 or 8.

- (c) Full membership is open to any manager within a prison contracted to the private sector, who is at an equivalent grade to a Band 7 or above and is conducting a role directly comparable to that of an operational manager within public sector prisons.
- (d) Membership will not be open to any elected official of a trade union which could be seen to act against the interests of the Association or its members.
- (e) Any manager within a prison contracted to the private sector, who is at an equivalent grade to a Public Sector Band 7 or above and is carrying out a role directly comparable to that of an operational manager within public sector prisons, will be entitled to membership of the PGA. In addition, any member who is transferred under the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) will be entitled to retain full membership and associated rights.
- (f) Distinguished Life Membership may be awarded to those full members past and present whose service to the Association merits such an award. Nominations must be forwarded to the NEC for consideration prior to submission for ratification at Annual Conference. Distinguished Life Members shall have the right to attend Annual Conference at the

Association's expense but will not have voting rights. They may only speak to conference by invitation of the chair. They will not be eligible for PGA insurance or death benefits

- (g) It is expected that all members, regardless of current role, will have the equivalent operational manager or senior operational manager accreditation in support of their application to join the PGA.

Scotland

Management grade Fs or above who qualify by virtue of being in one of the following groups:

- a. Full or part time role holders as operational managers;
- b. Managers with a previous operational background who currently work in establishments or in HQ in a non-operational post;
- c. Non-operational managers who work in an establishment and support the delivery of the operational business or participate in the on-call or duty manager rota or hold a current role in the Incident Command Team (ICT).

Jersey, Guernsey & Isle of Man

Management grades A-F and specialist grades A-F who have been promoted from the Principal Officer grade.

Northern Ireland

Governor grades and those promoted beyond the governor grades.

RULE 5 SUBSCRIPTIONS

- (a) The annual subscription rate shall be decided by a conference resolution;
- (b) Any member whose subscription falls three or more calendar months in arrears will initially be notified by e-mail of the need to clear those arrears and subsequently by writing to their last registered address if contact is not established. Unless the arrears are cleared within three calendar months of the first e-mail contact, membership of the Association will be suspended along with the right to vote in any PGA election or ballot. At the next monthly NEC meeting the Membership Secretary will provide a report of any such suspensions and seek confirmation that the member's name should be erased from the membership list leading to the loss of any rights, privileges or protection offered by the Association;
- (c) Any member on sick leave, maternity leave or special leave shall not be required to pay subscriptions in respect of any month for which half pay or less is being received.
- (d) The collection methods of subscriptions will be determined by the Association, frequency of collection will be quarterly, collection is currently by direct debit.
- (e) Cancellation of subscriptions. Members who wish to cancel their subscription must do so in writing to the association. Refunds of subscriptions will not be made; the effective date of membership cancellation will be the last day of the preceding quarters subscription.
- (f) Separate arrangements will be made in cases of death in service or expulsion of members from the association.

RULE 6 MANAGEMENT AND CONDUCT OF THE ASSOCIATION

- (a) The management of the Association shall be vested in Annual Conference, the National Executive Committee and the Officers in that order.
- (b) Conduct of the association, its officials and members will broadly follow the Seven Principles of Public Life;

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- Selflessness: Members and holders of office should act in terms of the Association's interests.

- Integrity: Holders of office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- Objectivity: Holders of office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- Accountability: Holders of office are accountable to the association for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- Openness: Holders of office should act and take decisions in an open and transparent manner. Information should not be withheld from the association unless there are clear and lawful reasons for so doing.
- Honesty: Holders of office should be truthful.
- Leadership: Holders of office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

RULE 7 ANNUAL CONFERENCE

Annual Conference shall determine the principles and policies of the Association. Decisions taken at Conference will be binding on all members.

(1) Attendance at Conference

- (a) A conference shall be held annually at a date and place arranged by the Association’s National Executive Committee (NEC).
- (b) The NEC will inform branches of the dates of conference at least four months in advance;
- (c) Where deemed necessary, the NEC will appoint a conference committee, who will ensure all matters relating to conference are in place.
- (d) Representation at the Annual Conference shall be on the basis of one delegate from each Branch. The NEC has the authority to designate what constitutes a branch.
- (e) The NEC shall issue a list no later than 4 months before conference each year identifying branches for the forthcoming year;
- (f) Members of the NEC shall attend Annual Conference by virtue of their office only and shall be allowed to speak when so nominated to do so on behalf of the NEC but shall not be eligible to vote
- (g) Trainee delegates may attend as agreed by the NEC. These will be in addition to the delegates at (c) above; however, they will not have voting rights, and may be required to assist in the running of conference
- (h) Distinguished Life Members shall have the right to attend Annual Conference, UK travel and conference accommodation will be at the Association’s expense. They will not, however, have voting rights and they may only speak at Conference by invitation of the conference chair
- (i) Retired members may attend Conference at their own expense. Retired members attending Conference will have the status of observers without voting rights. They can be invited to speak at Conference at the invitation of the Conference Chair;
- (j) To assist conference discharge its business the NEC shall appoint a Conference Standing Orders’ Committee consisting of a Chair and not less than two members.

(2) Preparations

- (a) The Standing Orders' Committee is the keeper of the Rules and the liberty of Conference. It is the arbiter, is answerable to Conference and not the NEC. The Standing Orders' Committee will issue guidance to the membership on the composition of resolutions.
- (b) The Standing Orders Committee (SOC) is responsible for the preparation of the order paper, on which resolutions appear numerically. If you have submitted a resolution, should check that it appears on the conference order paper when published. Branches must contact the office in case there is a clerical error which has resulted in a resolution being omitted from the order paper.
- (c) The SOC have the authority to re-word resolutions so that they are in a suitable form for debate. Resolutions need to be worded positively and will usually commit the PGA to a particular position or policy, and/or give instructions to the NEC.
- (d) Resolutions may be "composited" i.e., joined with one that is very similar. Where this happens the order paper will either show joint proposing branches or that one branch is proposing and the other seconding.
- (e) Standing Orders will seek to contact branches if compositing takes place.
- (f) If a branch is not content, you may challenge the order paper from the floor of Conference when the adoption of Standing Orders is proposed, and delegates will then vote as to whether your resolution is included on the order paper.
- (g) Only motions proposed by the NEC, or a Branch, will be debated at Conference. Those proposed by a Branch must have been passed at a meeting of Branch members and submitted, in writing, to the Conference Committee at least two months prior to the start of Conference unless a shorter period is agreed by the NEC. Anything submitted after this later date would have to be considered by the Standing Orders' Committee as a motion of urgency and may be rejected by them;
- (h) At least two weeks prior to Conference the Conference Committee will circulate a Conference agenda, any proposed Standing Orders and the Finance Report, including prepared accounts. However, the fully audited accounts may, on occasions, not be available just prior to Conference.

(3) Conference Proceedings

- (a) Delegates should attend Conference with a mandate from their Branch following a meeting of Branch members to discuss and vote upon matters to be discussed at Conference. The delegate may not speak in contravention of the Branch mandate, it is acceptable for delegates to be given an 'open' mandate to speak on behalf of their branch.
- (b) A motion placed on the agenda by a Branch not represented by a delegate at Conference will not be discussed and will "Fall".
- (c) Conference will adopt the Standing Orders proposed by the NEC subject to any amendment Conference agrees;
- (d) The Conference chair will be appointed by the NEC. They will not speak for or against any motion nor will they vote; unless there are an equal number of votes on each side when the Chair will have the casting vote. They will make rulings on procedure or points of order which are binding unless challenged and may allow invited guests to address Conference;
- (e) The NEC will nominate a Conference Vice-chair to manage proceedings in the event of the Chair having to leave the floor of Conference for any reason, the vice chair when acting as chair will have the rights of the chair.
- (f) The Conference Chair may exclude any delegate who disrupts conference until that delegate makes a suitable apology;
- (g) A ruling by the Conference Chair may only be challenged by a motion, supported by at least 10 Branches that "The Chair vacates the chair". Such a motion then requires a two-thirds majority of those voting to be passed, in which event the Chair's ruling will be reversed. The Chair, however, will continue to preside;

- (h) Unless the Conference Chair agrees otherwise, the mover of the motion may speak for not more than 5 minutes. No other delegate may speak for more than 3 minutes. The mover may reply to the debate for no more than 5 minutes. No other delegate may speak more than once on any motion. Timing will be carried out by the Standing Orders' Committee.

A "Point of Order" may be raised by a delegate. This must relate to an infringement of these Rules, Standing Orders or general custom and practice in the conduct of the debate or in respect of the content of any speech. The Chair will either rule upon this or refer to the Standing Orders' Committee, moving to "Next Business" and returning to the "Point of Order" when the Standing Orders' Committee reports back; Voting at Annual Conference will normally be by show of hands. However, delegates may call for a card vote providing at least ten branch delegates stand to their feet immediately the result of a show of hands has been declared by the chair and call "Card Vote". At this point the doors to the conference hall will be 'locked' The conference chair will be the sole arbiter of whether the requirement has been met. Two tellers will be appointed by the NEC from non-voting attendees, e.g trainee delegates retired members or members of the NEC.

- (i) Once a motion has been voted on it is deemed to have been disposed of. It may not be considered again by that Conference.

- (j) The Standing Orders' Committee Chair will address Conference at the start of proceedings and may from time to time submit reports on the order of business, on motions of urgency which may be submitted during Conference, on points of order. The Conference Chair will rule on adjustments to the running order of resolutions on the basis of time or appropriateness;

The Conference or Chair of Standing Orders may seek suspension of Standing Orders in order to debate a point which would seek clarification of an issue or seek an open debate Suspension of Standing Orders is something which very rarely occurs and would be used only in extreme circumstances as it disrupts Conference business. A motion to suspend standing orders requires a two-thirds majority vote, by show of hands.

- (k) When standing orders are suspended, all speakers contribute as individuals not as delegates. Members of the NEC may also speak as individuals.

- (l) The NEC cannot be formally instructed when Standing Orders are suspended.

However, delegates or the NEC have the option to use the Motions of Urgency procedure once Standing Orders are re-imposed in order to make formal policy and/or instruct the NEC.

- (a) The re-imposition of Standing Orders may be moved at any time and must be moved in order to permit conference to return to the order paper.

- (b) The Finance Officer will present to conference the audited Statement of Accounts for the previous financial year and answer any relevant questions on any matters dealt with by the finance report;

- (c) A confidential report-back on personal cases will form part of the Conference Agenda. It will be given by the National Officers or a nominated member of the NEC;

(4) Report on Conference

- (a) A contemporaneous note of the main issues of conference proceedings will be taken and will be published in a bulletin as soon as possible after Conference. It should include the results of all resolutions put to Conference the previous year; a synopsis of any speeches given at Conference. The bulletin will be reissued at the following Conference.

RULE 8 NATIONAL EXECUTIVE COMMITTEE -MAKE UP

The National Executive Committee (NEC) shall be elected and consist of ten elected members and 5.5 officers who have held membership of the Association for a minimum of three continuous years, 16 people will therefore form the NEC of the Association. These shall be:

- President
- Vice-President
- Finance Officer
- National Officer (2)
- Health & Safety Officer (0.5)
- 8 Representatives elected from the whole membership of England and Wales
- 1 Representative Northern Ireland
- 1 Representative Scotland

The NEC may from time to time propose changes to the make-up of the NEC in response to changes in workload or other matters impacting on the business of the Association; all changes will be communicated to the Association and will be subject to ratification at the next annual conference.

The Northern Ireland and Scotland representatives must be Northern Ireland and Scottish Governor grades or above and must be proposed and seconded by Northern Ireland or Scottish members as appropriate. Only members of their own branches may vote for them.

The National Executive Committee:

- (a) Shall conduct the business of the Association in conformity with the policies laid down by Annual Conference, in accordance always with rule 6.
 - (b) Shall deal with all business arising between annual conferences;
 - (c) Shall be responsible, through the Finance Officer and Trustees, for the proper administration of funds, which may only be used to further the objectives of the Association;
 - (d) Will through the National Officers, support, develop and supervise staff of the Association;
 - (e) May suspend or expel members; subject to Rule 27;
 - (f) Shall have the power to indemnify any member of the NEC staff of the Association or any branch official out of the funds and property of the Association from, and against, all costs, charges, losses, damages and expenses sustained or incurred, by reason of accepting office or acting in the execution of duties, powers or discretions imposed upon or given by these rules; unless the same shall happen through lack of good faith, wilful neglect or default;
 - (g) Will have the power to co-opt additional members in any advisory capacity and to appoint sub-committees as may be deemed necessary, any such co-opting must be communicated to the membership, stating reasons and the term of such o-option;
 - (h) Will have the power to appoint a Disciplinary Panel and a Disciplinary Appeals Panel with delegated authority;
 - (i) Shall appoint, where necessary a Conference Committee who will undertake to make all arrangements for Annual Conference;
 - (j) A quorum of any meeting of the NEC shall consist of a majority of those eligible to attend the meeting and entitled to vote, i.e., a minimum of at least eight elected members;
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- (j) Shall normally meet monthly but in any event no fewer than ten times per year;

- (k) Any member absent from a NEC meeting shall furnish an explanation for such absence. Any member absent for three consecutive meetings in any one year without adequate reason (as determined by the NEC) shall be considered to have resigned from office;
- (l) In the event of a vacancy occurring within a period of six months after the election has been held the person with the second highest number of votes in the election will be deemed to have been elected, also see Rule 13 (Elections) below.

RULE 9 ELECTION OF NATIONAL EXECUTIVE COMMITTEE – GENERAL

- (a) The National Executive Committee (NEC) shall satisfy itself that any person nominated for the position of President, Vice President, Finance Officer, National Officers, and NEC member will be capable of fulfilling the office for which they are nominated for;
- (b) In the event of any of these offices falling vacant, the NEC should normally within six months of the vacancy occurring hold an election in accordance with this Rule;
- (c) Candidates for election to the National Executive Committee must, at the time of nomination and election, be fully paid-up members for at least three continuous years;
- (d) Members of the NEC shall hold office for three years in accordance with these rules;
- (e) The aim is that one third of the committee shall be elected every year, and the newly elected officers will assume office at the conclusion of the Annual Conference immediately following the elections. Election procedures shall be instituted three months prior to the conclusion of the NEC members current term;
- (f) Serving members of the NEC shall, if properly nominated and seconded, be eligible for re-election;
- (g) The National Executive Committee shall devise and promulgate regulations for the conduct of elections, including the timetable, consistent with the legislation in operation at the time;
- (h) No serving member of the National Executive Committee may propose or second a candidate for election to the National Executive Committee;
- (i) If a vacancy occurs between elections the members will elect a replacement; and the person elected will serve the balance of the term of the person replaced in accordance with these rules;
- (j) If the vacancy occurs within six months before the normal date, the NEC may postpone the election until the normal date in accordance with these rules;
- (k) Election for posts will be decided by ballot vote of all members holding full membership, or those appropriate to the grade post when applicable – see Rule 4 (b). Such elections shall be conducted by secret postal ballot (see Rule 14) in accordance with the TULR Act.
- (l) A returning officer will be appointed for all elections by the NEC, details will be published at the time of elections.

RULE 10 ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The President and Vice-President shall be elected every three years in accordance with the procedures laid down in Rule 9 (e). Candidates at the time of nomination and election must be fully paid-up members and have at least three years' continuous membership. Current holders of office shall be eligible for re-election. Ideally the elections should not take place in the same year. Currently the position of President is allocated facility time, this can be re-allocated from time to time at the discretion of the entire NEC and ratified by conference.

RULE 11 ELECTION OF THE FINANCE OFFICER

The Finance Officer shall be elected every three years in accordance with the rules. Candidates at the time of nomination and election must be fully paid-up members and have at least three years continuous membership. Holders of the office shall be eligible for re-election.

The Finance Officer:

- (a) Shall be responsible for administering the finances of the Association in the best interests of the Association in accordance with policies laid down by National Conference and the National Executive Committee;
- (b) Shall ensure all monies paid to the Association are banked the same to the credit of the Association in the Association's bank;
- (c) Shall present a financial statement to every ordinary meeting of the National Executive Committee;
- (d) Shall, every twelve months, have drawn up a full report of the income and expenditure of the Association for the past financial year, which shall be audited by incorporated auditors, selected and approved by the NEC.
- (e) Shall render such assistance to the auditors as they deem necessary – see Rules 23 and 24;
- (f) Shall present to Annual Conference the audited financial statement and respond to any questions posed by delegates and seek their acceptance of the accounts;
- (g) Shall allow any member who submits a written request, access to the Association's accounts and supporting documentation in order to carry out an examination of those accounts. At least five working days' notice must be given by the person making the request;

RULE 12 NATIONAL OFFICERS

The National Officers shall be elected every three years, subject to the following rules. Candidates at the time of nomination and election must be fully paid-up members and have at least three years continuous membership. Holders of the office shall be eligible for re-election.

- (a) Shall conduct the business of the Association in accordance with these Rules and act under the instructions of the NEC. Facility time is currently provided for the posts of national officer, this can be re-allocated at the direction of the entire NEC and later ratified by conference. ;
- (b) Shall attend all meetings of the NEC and shall take, or cause to be taken, minutes of the business there transacted, the resolutions proposed and the votes given;
- (c) Shall keep a register of members, enter therein their names, dates of admission, addresses and shall keep the same in good order;
- (d) Shall present to the NEC, prior to Annual Conference, a report of the work of the Association and of the attendance of members of the NEC since the previous Annual Conference, for approval by the NEC. After such approval the report shall be presented to Annual Conference as the report of the NEC.

RULE 13 ELECTION OF NATIONAL EXECUTIVE COMMITTEE (NEC) MEMBERS

In addition to the above officers of the association, in accordance with these rules, there will be elections for eight NEC members. To ensure consistency within the executive committee the following principles will apply to elections:

Each year there is an aim, subject to the following rules, to hold elections for one third of NEC members, in addition to elections of officers of the association. Candidates for NEC member posts must have been members of the Association for a period of at least three continuous years prior to election. Currently

NEC posts do not attract facility time.

The term of each NEC member will normally be three years, taking up post at the end of conference.

(1) Election Cycle

It is anticipated that an elected term will be three years, currently each term commences at the end of annual conference (October). In limited circumstances, this period can be reduced to a minimum of two years or maximum of four years to maintain the three-year election cycle if the candidate's predecessor leaves office early. It is essential that continuity in elected roles is maintained to promote the best interests of the Association and its aims and objectives.

There may also be occasions where a three-year term may be extended or shortened for unique or truly unforeseen circumstances; these reasons could be related to any protected characteristics relating to an elected member of the NEC, the Association will take account of all relevant factors when considering changes to terms. Changes to an existing term will be communicated to members via a bulletin and may be subject to ratification at conference subject to these rules.

The anticipated term for any NEC position will be clearly communicated to members in the relevant election bulletin. If during the tenure of any NEC position the term is to be extended, or shortened, this will be communicated to members by way of a bulletin. Terms will not generally extend beyond the following conference without ratification. Terms may not be extended beyond 4 years with approval of conference.

Candidates shall, at the time of nomination and election, be fully paid-up members, having been members of the Association for a continuous period of three years or more at the time of the election. Elections for these positions shall be in accordance with the Rules laid out in this Constitution.

(2) Election Procedure

- (a) A returning officer will be appointed for every election by the NEC
- (b) A bulletin announcing an election and giving details of the post and inviting nominations will be issued by the National Officers;
- (c) The closing date, time and method of submitting and receipt of nomination papers shall be clearly shown;
- (d) Nominations must be made as indicated in the election bulletin.
- (e) Completed nomination papers in respect of elections for the posts of President, Vice President, Finance Officer, National Officers, or National Executive Committee shall be sent direct to the Returning Officer by the method directed;
- (f) Any nomination paper not completed in accordance with these Rules or not completed in accordance with the instructions thereon or received after the closing date and time shall be rejected and declared void;
- (g) Eligible candidates who have accepted nomination shall be entitled to submit to the person nominated on the election bulletin, for onward transmission to the scrutineers an election statement not exceeding 500 words in length, which may for example, set out the background of the candidate and the work he or she has performed or proposes to perform on behalf of the Association. Election statements received by the nominated person after the agreed date will not be circulated.
- (h) Canvassing for votes, before or during elections is not allowed, and will disqualify candidates in accordance with rules. Candidates found to have been canvassing will be excluded from taking up post or removed from post. They will be excluded from standing for election for a period of not less than three years.

RULE 14 SECRET POSTAL BALLOTS

This Rule applies to secret postal ballots for the election of all Officers of the Association and National Executive Committee members of the Association. Ballot papers will be sent directly to the mailing address of members held by the Association at the time of elections. It is members responsibility to ensure any changes to mailing addresses are communicated to the Association.

- (a) Ballot papers will be distributed to all paid-up members of the Association to their registered mailing address only, clearly stating the closing date and time of voting which will not be less than 2 weeks after receipt;
- (b) A list of candidates produced as a ballot paper together with the election statements referred to above shall be issued to each member entitled to vote in the election in accordance with the procedure given below;
- (c) The ballot paper shall state each candidate's full name. It will also bear its own unique serial number, specify the name of the Scrutineer and set out the address to which and the date by which it is to be returned;
- (d) Members must not pressurise other members to vote for a particular candidate;
- (e) Each member shall record his or her vote by marking an "X" in the box opposite the name of the candidate he or she desires to be elected and shall then return the completed voting paper in the envelope provided for this purpose, to be received by the date and time of close of voting by the scrutineers;
- (f) A ballot paper on which the votes are not recorded in accordance with the instructions contained thereon or 'spoilt' in any other way shall not be counted as a valid vote
- (g) The counting and scrutinising of votes and the declaring of returns in elections provided for in this Rule shall be undertaken by independent Scrutineers. The Scrutineers nominated will meet the criteria specified by statute and shall conduct the election in accordance with all procedures required by statute;
- (h) Ballot papers received by the Scrutineers later than the time and date notified for receipt of ballot papers shall not be counted as valid votes in the election whatever the reason for any delayed receipt;
- (i) The Scrutineers shall decide whether any ballot papers shall be rejected or counted in accordance with these Rules and shall determine all disputes concerning the conduct of elections under this Rule. Their decision shall be final. The Scrutineers shall prepare a Scrutineers' Report setting out the number of ballot papers distributed and returned, the total number of votes given for any candidate and the total number of votes rejected.
- (j) A notice declaring the result of the election as stated in the Scrutineers' Report, together with a copy of that report shall be sent by bulletin to all members as soon as practicable after the Association receives the Scrutineers' Report

RULE 15 LOCAL BRANCH ORGANISATION

- (a) Branches should elect one of its members to act on their behalf as the point of contact for the Association. Any election should take the form of a simple secret ballot, advice can be taken on the conduct of any such election from the NEC;
- (b) Local Branches may be formed, subject to approval from the NEC, in England, Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man, the NEC will maintain a register of all local branches;
- (c) Where there is a singleton post or a branch with less than three members exists and where thought prudent, close proximity work areas/establishments may unite;
- (d) The Branch point of contact will be responsible for acting as agent between local branch members and the Association's NEC;
- (e) The Branch point of contact will be further charged with being responsible for looking after his or her members' personal and professional interests and accompanying local members at interview, should they feel competent to do so;
- (f) Branches may submit motions to Conference through their point of contact when invited to do so by the National Officers;
- (g) The Branch point of contact will represent their members at Annual Conference and any other such meetings as appropriate to the representative's position;
- (h) Prior to attending Annual Conference, the Branch points of contacts will host a local meeting at which they will seek a mandate on how the branch wishes them to vote at Conference;
- (i) The NEC will finance the travelling and overnight lodging costs where appropriate of each representative's attendance at Annual Conference and any other meetings they require delegates to attend.
- (j) Branch points of contact should ensure that correct consultation takes place in accordance with current consultation and negotiation rights the Association has with the employer.

RULE 16 REGIONAL ORGANISATION

Members may meet periodically, in line with the Association's facilities agreement, through a regional organisation to consider national issues. An NEC member will liaise with the group arranging the meeting and will endeavour to attend, it is likely that such meetings will utilise video conferencing technology. Travel costs and the provision of light refreshments will be funded.

RULE 17 CANVASSING

- (a) Canvassing for nomination to any National Executive Committee (NEC) position within the Association, for votes by a candidate for election, or by a third party on behalf of a candidate for election under this Rule, whether in person, by letter, circular or any other means of written communication is not permitted;
- (b) Should it be proven that canvassing for an election has occurred and the result of that election has not been announced, that election will be declared by the NEC as suspended, and arrangements made for a new election to take place;
- (c) If it is proven that a candidate has breached the rules in section (a) above then that candidate may not put their name forward or have anyone put their name forward in any new elections for a period of three years;

- (d) Should it be discovered that a candidate had breached the rules on canvassing after the result of an election has been declared they will be removed from office. The NEC will at the earliest opportunity arrange for a new election to take place;
- (e) Any candidate removed from office in (d) above may not put their name forward or have anyone put their name forward in any new election for a period of three years.
- (f) Any disqualified candidates may appeal with two weeks of being informed of their disqualification under rule 27. Elections will not take place until any appeal has concluded, or a period of 14 calendar days have elapsed.

RULE 18 FINANCE

- (a) The financial year of the Association shall be from 1st January to 31st December;
- (b) The Association shall maintain a General Fund and such other funds as may from time to time be deemed necessary;
- (c) In respect of arrears of subscriptions and relief from paying subscriptions also see Rule 5;
- (d) The Association shall participate in the Direct Debiting Scheme as an Originator for the purpose of collecting subscriptions for any class of membership and/or any other amounts due to the Association. In furtherance of this object the Association may enter into any indemnity required by banks upon whom Direct Debits are to be originated. Such an indemnity may be executed on behalf of the Association by officials nominated in an appropriate resolution;
- (e) In respect of the auditing of the accounts see Rules 23 and 24;
- (f) In respect of the appointment of Managing Trustees and their responsibilities see Rule 22 below;
- (g) Cheques drawn on the Association's banking account will require two signatories, one of whom must be the Finance Officer and the other must be the President or other approved signatory.
- (h) The Finance Officer is permitted to pay expenses and other invoices by electronic transfer, providing they follow procedures agreed with the appointed auditors for this very purpose;
- (i) The Finance Officer must arrange for the finances of the Association to be audited annually, by an auditor approved by the NEC;
- (j) The Treasurer of the Retired Governors' National Committee will present a Statement of Accounts annually to the Finance Officer in sufficient time for the accounts of the Association to be audited in accordance with Rules 23 and 24.

RULE 19 RIGHTS AND ASSISTANCE TO MEMBERS

- (a) Members rights and access to assistance is subject to them being members of the association, no rights exist prior commencement of membership, or after membership ceases, subject to these rules.
- (b) Assistance will be given to members of the association as described in rule 3, only for matters occurring during their membership.
- (c) Events taking place prior to membership will not normally be supported by the association. Retired members may be provided with limited support after retirement should events come time light in a reasonable time after retirement, they must have been paid up members at the time of their retirement, and they must be members of the retired prison governors association (RPGA)
- (d) Members who resign from the association or cease membership will not be eligible for support, regardless of when the event took place.

Legal Cases

- (e) Any member requiring legal advice on any matter whether or not it arises from their employment within the Prison Service may seek such advice from a free legal help line, arranged by the National Executive Committee, providing they have been a fully paid up member in excess of three months and the perceived problem on which advice is being sought occurred during or after that three month period, details of the free legal telephone help line is routinely provided to members;
- (f) The costs associated with the legal help line will be met from the Association's funds.
- (g) A member, having taken free initial legal advice, solely relating to work matters, who wishes to progress taking any form of legal action against their employer, must contact the PGA Officer Manager, who will allocate the member an NEC member to oversee and support the member in the following.
- (h) The member must complete an application for funded legal support, providing supporting information in a format which is determined by the Association from time to time.
- (i) The form must be fully completed and returned by the member to the NEC member who has been allocated to support them.
- (j) Formal applications for funded legal support will be forwarded to the legal panel by the PGA Office manager for consideration.
- (k) The panel will consist of the Finance Officer the PGA Solicitor and will be chaired by a national officer.
- (l) The panel will assess the probability of any action being successful based on the information provided at the time of application.
- (m) There must be an assessed of probability of success of sixty percent or more (60%) for funding to be approved.
- (n) Legal advice given and used to assess applications is privileged and will be treated in confidence.
- (o) Advice provided to the Association in determining if funding will be provided is not disclosable to members or third parties.
- (p) If funding is approved, the member will be notified, and the PGA's solicitor will manage the process from that point on. All legal matters will be treated by the panel and NEC as privileged and dealt with in confidence;
- (q) Legal cases funded by the Association will be kept under review by the legal panel, should the level of success fall below the 60% chance of success threshold, funding is likely to cease.

General Support – Representation

- (r) Any member who becomes the subject of a disciplinary enquiry brought by his or her employers may seek advice and assistance from the National Executive Committee and/or their local branch point of contact;
- (s) Any member who feels he or she has been subject to victimisation and/or bullying by his or her employers may seek advice and/or assistance from the National Executive Committee and/or their local branch point of contact;
- (t) Any member who feels they have been discriminated against by their employer on the grounds of race, age, or sexual orientation may seek advice and or assistance from the NEC and/or their local branch point of contact;
- (u) Any member wishing to progress a grievance against their employer may seek assistance from the NEC;
- (v) All members who are provided legal support agree to a repayment to the Association of an amount equal to 10% of any compensation awarded. This will be agreed in writing by the legal committee prior to the funding of any legal support. Where costs are fully recovered, this will reduce the percentage recovered from the member.

RULE 20 DEATH BENEFIT

- (a) The general funds of the Association shall be used to provide the payment of a death benefit of £5,000 as hereafter described;
- (b) A death benefit approved by the National Executive Committee shall be paid as a lump sum to a member's next of kin, or any other person nominated in writing, on his or her death, providing that the conditions prescribed hereinafter are satisfied: -

- i) That the member had no arrears of subscriptions at the last day of the month preceding that in which death occurred, or except with the approval of the NEC;
- ii) That in the case of approved arrears in respect of periods of sick leave, these should be disregarded;

Provided always that benefit shall not be payable:

- iii) To an ex-member of the Association whose death occurs after the date of retirement;
- iv) In the event of the death of a member occasioned by or happening through, war, invasion, act of foreign enemy, or hostilities civil or otherwise (whether war be declared or not), but if a member during war, invasion, act of foreign enemy or hostilities as aforesaid is engaged in service connected therewith and subsequently and after the termination of such service would by virtue of having returned to or entered the Prison

Service be entitled to benefit save for this paragraph, his/her death shall not be deemed occasioned by or happening through any of the eventualities mentioned in this paragraph. All cases of doubt arising out of provision made in this paragraph shall be reviewed by the National Executive Committee having regard to all circumstances, to decide whether benefit either in whole or in part, should be made.

(c) Application for benefit

- i) On the death of a member, the local point of contact at the branch or section where the deceased was serving, or a colleague should notify the National Officers of the Association;
- ii) The National Officers and/or Finance Officer will satisfy him or herself that the deceased member qualified under the conditions laid down and thereafter make necessary claim;
- iii) The Association will not become involved in any dispute concerning the member's estate. If there is any dispute about the appropriate identity of the beneficiary, the National Executive Committee (after consultation with the local Branch) will decide and its decision will be final;

Death benefit will be paid by bank transfer or other chosen method where possible within 24 hours.

RULE 21 EXPENSES

When on approved Association business, members of the NEC shall be entitled to travelling expenses and subsistence allowances, subject to a maximum from time to time laid down by the NEC and approved by Annual Conference. An approved Claim Form must be submitted to the Finance Officer showing all items claimed in respect of the business carried out and must be supported by receipts if requested by the finance officer.

Claims should, in all cases ensure that the NEC and members are not out of pocket for undertaking approved business of the Association, wherever possible, travel utilising the best value for the association should be used.

RULE 22 THE TRUSTEES

The National President together with two additional members shall be the Managing Trustees of the Association. Trustees, additional to the President, will be appointed by Annual Conference for a three-year term of office. They shall perform such functions diligently and prudently, assume such responsibilities in connection with their office as are assigned to them under the Trade Union Act and will not derive any profit or benefit from their positions as Managing Trustees.

All three Trustees will meet the Finance Officer on a half yearly basis to consider the Association's financial position and projected future expenditure, a record of such meetings will be made. Their role will be to ensure proper accounts are kept of all financial dealings and transactions, provide advice and guidance on financial planning and they will have the power to authorise investments, having taken advice on any risk(s) involved with the proposed investment – also see sub paragraph (e) below.

The Trustees have the same rights as other members to inspect the books of the Finance Officer and supporting documentation but without requiring giving prior notice. Such inspection will be in the presence of the Finance Officer.

The Trustees will receive copies of the Finance Officer's monthly reports in order to maintain an overview of the accounts and balances.

They will meet with the Finance Officer twice a year, prior to conference and in June/July, to discuss the implications of the twice-yearly reports and the audit and to consider investment of the Association's funds. These decisions must then be ratified at Annual Conference, such meetings will be documented.

In the event that between Annual Conferences one or more of the Trustees wishes to retire or, in the opinion of the Executive Committee, is unfit to continue acting as a Trustee whether for medical or other reasons, those Trustees may be retired by the Executive Committee who shall then appoint replacements. Such replacements shall serve until the next Annual Conference when their continuation or replacement shall be determined by Conference.

The Trustees are precluded from signing cheques under Rule 18 (g).

RULE 23 ROLE OF THE AUDITORS

(a) The accounts of the Association shall be audited annually by qualified accountants chosen by the National Executive Committee and a Statement of Accounts published;

(b) They shall have access to all books and papers necessary for the fulfilment of their duties and shall be provided with such assistance from the Officers and National Executive Committee as they require;

(c) The auditors may obtain, use, process and disclose personal data about the Association in order that they may discharge the service agreed under the terms of engagement and for other related purposes specified in those terms of engagement;

(d) The auditors will report to the members whether, in their opinion, the financial statements provided by the Finance Officer gives a true and fair view reporting on any of the following matters which may not be to their satisfaction:

- i) whether proper accounting records have been kept by the Association;
- ii) whether the Association's balance sheet and income and expenditure account are in agreement with the accounting records;
- iii) whether the auditors have obtained all the information and explanations considered necessary for the purposes of the audit;
- iv) whether the Association has maintained a satisfactory system of control.

(e) The auditor's report will be made solely to the Association's members in accordance with the rules of the Association and, to the fullest extent permitted by law, do not accept or assume responsibility to anyone other than the Association for the audit report or for the opinions formed;

(f) The auditor has the professional responsibility to report if the financial statements do not comply with applicable accounting standards, unless non-compliance is justified in the circumstances. Included within the report will be a description of the National Executive Committee's responsibilities for the financial statements where the financial statements or accompanying information does not include such a description;

(g) The provision of audit services is a business in the regulated sector under the Proceeds of Crime Act 2002 and therefore the auditors may request from the Association, and retain, whatever information and documentation is required to identify the requirements placed upon the auditor by United Kingdom anti-money laundering legislation.

RULE 24 SCOPE OF THE AUDIT

- (a) The audit of the accounts will be conducted in accordance with the International Standards on Auditing (UK and Ireland). It is not designed to identify all significant weaknesses in the Association's systems but, if such weaknesses are discovered which should be brought to the attention of the National Executive Committee, they will be reported to the committee;
- (b) The auditors will request sight of all documents or statements which would be issued with the financial statements and are also entitled to attend all general meetings of the Association and to receive notice of all such meetings:
- (c) The responsibility for safeguarding the assets of the Association and for the prevention and detection of fraud, error and non-compliance rests with the National Executive Committee and whilst the audit will be planned to have a reasonable expectation of detecting material misstatements in the financial statements or accounting records the examination should not be relied upon to disclose all such material misstatements on frauds, errors or instances of non-compliance as may exist;
- (d) Once the audit report has been issued the auditors will have no further direct responsibility in relation to the financial statements for that financial year;
- (e) The accounts will be prepared, based on accounting records maintained by the auditors who will be responsible for:
- i keeping the record of receipts and payments;
 - ii reconciling the balances monthly with the bank statements;
 - iii keeping the income and expenditure posted and balanced;
 - iv preparing the monthly returns there-from;
- (f) The auditors will investigate irregularities and fraud on the receipt of specific instructions to do so from the Trustees.

RULE 25 MAINTAINING THE PAYROLL

- (a) The Finance Officer will maintain the payroll for the Association's employee(s) with the appropriate computation of PAYE and National Insurance. They shall also prepare the appropriate return forms and subsidiary forms required by HM Revenue & Customs which will be sent to the National Executive Committee for approval and signature prior to submission to HMRC;
- (b) Should the Association be selected for enquiry by HM Revenue & Customs the auditors will agree separate terms of engagement requiring a supplementary engagement letter to include responsibilities and fees as appropriate.

RULE 26 ACCESS TO FINANCIAL ACCOUNTS

It shall be open to any member who submits a written request, access to the Association accounts and supporting documentation in order to carry out an examination of those accounts. At least five working days' notice must be given by the person making the request see Rule 11 (h).

RULE 27 INTERNAL DISCIPLINE

- (a) Any person who wishes to complain about any matter concerning an Association member must do so, in writing, in the first instance to the PGA Office Manager, setting out the basis of the complaint, complaints could include any perceived breaches of rule 6.

- (b) On receipt of the letter the Office Manager will consider the essence of the complaint and, if considered necessary, seek further information, including the names etc. of any witnesses and copies of any witness statements.
- (c) Once collated the Office Manager will arrange for the complaint to be reviewed by two NEC members independent of the complaint, they will determine the following course of action.
- (d) The disciplinary powers of the National Executive Committee will be exercised by a Disciplinary Panel comprising a Distinguished Life Member as Chair and two members of the NEC who come to the proceedings *de novo*.
- (e) One or both of the last two may be replaced by co-opted additional members to the NEC, under Rule 8 (g), if that is necessary to ensure adherence to the *de novo* principle, it may be appropriate not to inform the membership of any such co-option in these cases.
- (f) Any charge brought against a member of the association must be communicated in writing to the member, this should be based on the allegation made by the member who has alleged misconduct has taken place
- (g) The complaint will be referred back to the complainant, in writing, if it is considered to be an issue where further action under the Association's disciplinary procedure is not considered appropriate.
- (h) Where further action is considered appropriate, or where an element of doubt remains, the Independent NEC members will meet with an Officer who holds full membership of the Association (President, Vice President, National Officer or Finance Officer) to examine the complaint and decide what further action is to be taken. This could result in the complaint being formally rejected, in writing, or formal action being taken as in (1), (2), (3) and (4) below.

(1) Disciplinary Proceedings

(a) The National Executive Committee may resolve to investigate the conduct of any member. (which for the purposes of this rule includes members of the Retired Prison Governors' Association) who appears to have contravened these rules by, for example:-

- i misusing the funds of the Association;
- ii purporting to represent the views of the Association without express authority; or
- iii acting in a manner prejudicial to the interests of the Association.
- iv any perceived breach of rule 6, conduct and management of the Association.

(b) The disciplinary powers of the NEC will be exercised by a Disciplinary Panel comprising a Distinguished Life Member as Chair and two members of the NEC who come to the proceedings *de novo*. One or both of the last two may be replaced by co-opted additional members to the NEC, under Rule 8 (g), if that is necessary to ensure adherence to the *de novo* principle, it may be appropriate not to inform the membership of any such co-option in these cases.

Any charge brought against a member of the association must be communicated in writing to the member, this should be based on the allegation made by the member who has alleged misconduct has taken place. Each side must bear their own costs arising out of the Hearing and any subsequent appeal. The Association's Legal Scheme does not cover legal advice or representation before the Disciplinary Panel or the Disciplinary Appeals Panel and, should this arise, the member must meet any incurred expenses themselves;

If the member, their legal representative or any witness has a disability or particular need, the National Officers of the Association should be informed ahead of the Hearing so that necessary arrangements can be put in place;

(c) The National Officers of the Association will arrange for a written note of the Hearing and any subsequent appeal to be taken and retained for a period of ten years. If the National Executive Committee resolves there is a case to answer the National Officers will take the following action:

(2) Before the Hearing

(a) The member against whom misconduct is alleged must, in all but exceptional circumstances, be given notice by Recorded Post or by special next-day delivery of the charge or charges against him or her as soon as possible after the alleged misconduct comes to light;

(b) The charge must specify exactly how the alleged misconduct is in contravention of Rule 27 (1) (a) and the member must be told the names of any witnesses who may be heard in support of the charge. The member must inform the National Executive Committee of any witnesses they wish to attend any hearing to support his or her defence or mitigation;

(c) A member who has been charged cannot be compelled to attend the Hearing but if they refuse to attend or fails to respond to the notice of the charge, they she must be informed that it will go ahead without them and be decided on the basis of the evidence available;

(d) The National Executive Committee does not have the power to compel the attendance of witnesses;

(e) The date for the Hearing before the Disciplinary Panel must be set at a time reasonably proximate to the issue of the notice of the charges but not so close as to inhibit the member's right to take legal advice;

(f) The member may ask to be represented at the hearing by a lawyer of his or her choice or be assisted by a friend. The Disciplinary Panel will consider the request in the light of all circumstances including the nature or complexity of the charge, the severity of any likely penalty and the capacity of the member to represent his or her own case.

(3) At the Hearing

(a) The Chair of the Disciplinary Panel will identify the parties at the Hearing, will read the charge and satisfy themselves that the member understands the nature of the misconduct alleged. If there have been exceptional circumstances leading to a delay, details must be explained to the member and noted on the record of the Hearing;

(b) The Chair will invite the person who laid the charge to present their case and call any witnesses. The Disciplinary Panel and the member or his or her legal representative or friend, (if any), may question the person who laid the charge(s) and any witnesses;

(c) The Chair will invite the member or their legal representative or friend (if any) to state the defence to the charge and call any witnesses. The Disciplinary Panel and the person who laid the charge may question the member and the witnesses;

(d) Notwithstanding the above, the Chair may ask questions at any time;

(e) If a party to the proceedings submits a written witness statement but the witness does not attend the Hearing to be questioned, less weight may well be given to the witness statement;

(f) Having heard all the evidence, the Chair will invite, first, the member or their legal representative or friend (if any), and then the person laying the charge, to sum up;

(g) The Disciplinary Panel may then adjourn the proceedings to consider whether, on a balance of probabilities, the charge against the member has been proved. A two-thirds majority is sufficient. If not proved, the charge must be dismissed;

(h) If the charge has been proved the Disciplinary Panel must announce this and allow the member or his or her legal representative or friend (if any) to present arguments in mitigation;

(i) The Disciplinary Panel may then adjourn again to consider the penalty to be imposed;

(j) The member must be informed of the penalty to be imposed. If the Hearing has taken place without the member present, they will be informed of the outcome by Recorded Post or next day delivery letter to their last known home address. They, at the same time, be advised of the appeals procedure;

- (k) Should the Branch Representative not be present at the Hearing the National Officers of the Association will arrange for him or her to be informed of its outcome.

(4) Penalties

The only penalties which may be imposed following a charge being laid are as follows:

- (a) reprimand;
- (b) suspension from the rights and benefits of membership of the Association for a stated period during which 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 Association. The member shall in addition not be entitled to the assistance or support of the union or any of its officials in respect of any matter, suspension shall not be seen as a break in membership for election purposes, but members may not stand for election whilst suspended;
- (c) expulsion from membership, such expulsion to take effect on the expiry of 28 days after the date upon which the Disciplinary Committee's decision is sent to the member or on completion of any subsequent appeal as in (5) below.

(5) Rights of Appeal

- (a) There shall be a right of appeal against the decision of the Disciplinary Panel provided notice of appeal is given to the National Officers by registered post within 14 days of the date of the Hearing or the posting of the decision(s) taken by the Disciplinary Panel if the member was not present at the Hearing. Grounds of appeal must be provided;
- (b) The effect of a Notice of Appeal served in accordance with this sub-rule will be to suspend automatically the implementation of the decision of the Disciplinary Panel until after the appeal has been heard;
- (c) The appeal will be heard, as soon as practicable, by a Disciplinary Appeals Panel comprising three Distinguished Life Members. Should three Distinguished Life Members not be available a member or retired member may be co-opted as per Rule 8 (g) above, in these cases it may not be appropriate to inform the membership of the co-option;
- (d) The National Officers will ensure that all documentation presented at the Disciplinary Hearing, the record of the Hearing and any subsequent correspondence or documentation arising from the Hearing is made available to the Disciplinary Appeals Panel and the appellant;
- (e) The member will be invited to state their grounds of appeal and present any supporting evidence, either in person or in writing, to the Disciplinary Appeals Panel;
- (f) The member may ask to be represented at the appeal hearing by a lawyer of their choice or be assisted by a friend;
- (g) The same principles informing the conduct of a hearing before the Disciplinary Panel will inform the conduct of the appeal;
- (h) The Disciplinary Appeals Panel may, by a simple majority, resolve to reject or accept the appeal in whole or in part or to vary the award imposed. In doing so it acts with the delegated authority of the National Executive Committee under Rule 8 (g);
- (i) The decision of the Disciplinary Appeals Panel shall be final.

RULE 28 MOTION OF NO CONFIDENCE

A Motion of No Confidence may be brought against any person(s) elected member of the NEC at national level. Any person wishing to bring a Motion of No Confidence against any serving elected official must:

- (a) A Motion of No Confidence may be brought by any Branch of the Association against any member(s) of the National Executive Committee;

- (b) Any Branch wishing to bring such a Motion against a member of the National Executive Committee must hold a local meeting at which the Motion of No Confidence must be presented and debated once a seconder from that branch has been confirmed;
- (c) If the vote is in favour of the Motion the representative for that branch will inform the NEC within 28 days of the motion being passed clearly stating why the Motion has been presented and by whom; the name of the person who seconded the Motion, the number of members present and the voting figures are to be included
- (d) Upon receipt of the information from the Branch the NEC will, if the vote has been carried out within the Rules, cause a postal ballot of all members to take place, as soon as is practicable;
- (e) The returning officers and scrutineers of the ballot will be three selected Distinguished Life Members of the Prison Governors' Association, the ballot will be conducted in the same way as a postal election
- (f) The reason for the no confidence vote will be communicated to members as part of the ballot process.
- (g) Both the branch and official will be allowed to circulate their reasons for the vote of no confidence, or their response to it. These will be limited to no more than 500 words and distributed with ballot papers.
- (h) To be successful the Motion must receive a five-sixths majority of those who vote;
- (i) If the motion is successful the named official will immediately resign their post within the National Executive Committee;
- (j) Appeals may be brought under rule 27, any elections must be paused until appeals are held. Appeals must be lodged within 14 calendar days of the announced vote of no confidence.
- (k) An election will take place to fill the created vacancy in accordance with Rule 9.

At National Conference: -

- a) Any delegate attending the Annual Conference may bring a Motion of No Confidence against any member(s) of the NEC or any member of the Standing Orders Committee;
- b) Once this procedure has taken place the conference doors will be locked, and all other Conference business will be temporarily suspended to enable the Motion to be seconded and if seconded proceeded upon;
- c) Each voting delegate will carry the number of votes he or she holds for their respective branches;
- d) For a Motion of No Confidence to succeed it must attain a five-sixths majority of those branches present in the Conference Hall;
- e) If the motion succeeds the official will immediately vacate their position and leave Conference;
- f) Following the removal of the official, another person, if required, may be temporarily voted to the NEC or to the Standing Orders Committee to enable Conference to complete its business;
- g) New elections will take place at the first available opportunity for the now vacant NEC position(s); those who have just vacated their post as a result of a vote of no confidence are eligible to stand for re-election subject to these rules.
- h) Appeals may be lodged by any member who has been subject to removal from office by this Rule;
- i) Appeals brought under this Rule will be carried out as per Rule 27, elections shall be paused until an appeal is completed

RULE 29 AFFILIATION

- a) The Association shall not engage in any form of party-political affiliation nor promote a specific political party in a public pronouncement when speaking on behalf of the Association;
- b) The Association may support a political party policy, should this clearly align with the Associations aims and objectives.
- c) The National Executive Committee may apply for membership of UK Trades Union Councils or other professional bodies to help promote the aims and objectives of the Association
- d) The Association may not formally affiliate to any other organisation except by permission of Annual Conference.
- e) The Association may, from time to time, endorse organisations who exist to promote the wellbeing of members, or to provide professional services to members; individuals of the NEC must receive no personal gain from doing so.

RULE 30 RETIRED MEMBERS

- a) Retired membership should be open to all members of the Prison Governors' Association who have retired from the Service and such other persons as the National Executive Committee shall, from time to time, determine;
- b) Retired members will pay an annual subscription determined, from time to time, by the National Executive Committee;
- c) The Retired Prison Governors Association (RPGA) will have a Management Committee which will be elected at the RPGA Annual General meeting for a period of four years. Half of the committee will retire every second year, thus providing continuity. Retiring members may seek re-election. The management Committee shall then elect from within their own membership a Chair, a Secretary, a Treasurer and an editor for the newsletter. Any member seeking election to the Management Committee must, in other than exceptional circumstances, be in attendance at the RPGA AGM;
- d) There will be one RPGA Annual General Meeting each year. A quorum at the AGM will be the attending management committee members plus any other RPGA attendees. Members attending the AGM may be paid a car travel rate of 10p per mile and 2p per passenger rate mile. Travel by rail will be paid at the cheapest rate available;
- e) The Retired Members Committee shall keep copies of all meetings and copies of the meetings shall be forwarded to the National Officers;
- f) Retired members attending Annual Conference will have the status of observers without voting rights. They can be invited to speak at Conference by the invitation of the Conference Chair;
- g) The Management Committee will hold corporate financial stewardship and will report to the RPGA AGM. The Treasurer of the Retired Governors' National Committee will present a Statement of Accounts annually to the Finance Officer of the National Executive Committee in sufficient time for the accounts of the Association to be audited in accordance with Rule 23;
- h) The committee of the Retired Prison Governors' Association will manage a Benevolent Fund for the benefit of retired members, or their dependants assessed to be in need of financial assistance. The committee may call upon other retired members to assist with the management of this scheme;
- i) The Treasurer of the retired group will present a Statement of Accounts in respect of the Benevolent Fund in accordance with paragraph h above;
- j) Retired members shall have no entitlement to the death benefit or legal advice schemes provided to full time members of the Association;

- k) The Management Committee may appoint from time-to-time other ad hoc sub-committees and functionaries e.g., Social Committee Secretary and Membership Secretary. Persons appointed to such committees and positions need not be members of the Management Committee.

RULE 31 ANNUAL REPORTS

- a) The National Officers will prepare an Annual Report outlining the Association's business activities over the preceding twelve-month period;
- b) The National Officers' Report will be enclosed and sent out to Branch representatives in their Conference Packs at least two weeks prior to Conference;
- c) The National Officers will present his or her report to Conference each year;
- d) The Finance Officer will prepare a full set of audited accounts in readiness for each Annual Conference;
- e) A copy of the Finance Officer's annual accounts will be enclosed in each Conference pack sent out to Branch representatives;
- f) The Finance Officer will present the Association's accounts to Annual Conference;
- g) A Report of Proceedings of Annual Conference shall be published and circulated within two months of the end of Annual Conference.

RULE 32 ALTERATION & INTERPRETATION OF RULES AND CONSTITUTION

The Rules may only be altered or amended in one of three ways;

- (a) A Motion put to Annual Conference with a two thirds majority of those voting required
- (b) A Motion put to a Special Delegates Conference with a two thirds majority of those voting required
- (c) A secret postal ballot of all serving members who shall be given not less than four weeks in which to cast their votes with a two third majority of all votes cast required.
- (d) The NEC will determine matters which are not formally outlined within these rules and will make decisions in the best interests of the Association. Such determinations will be considered by a quorum of the NEC (minimum 8) with a note taken and retained of such decisions. Formal clarification may result in changes to these rules and will be handled in line with Rule 32

RULE 33 DISSOLUTION OF THE ASSOCIATION

- (a) Dissolution of the Association may only take place via a postal ballot of the Association's fully paid-up members. The decision to hold such a ballot may be made by the National 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 National Officers at the registered office of the Association;
- (b) Voting on dissolution must be carried out in accordance with the Association's secret postal ballot procedures – see Rule 14;
- (c) A vote of five-sixths of the Association's membership voting in favour of dissolution is required before action can be commenced to dissolve the Association;
- (d) Should a vote for the dissolution of the Association be agreed by the required majority, the Association's Finance Officer will, from the Association's assets, discharge all debts and liabilities of the Association;

- (e) The Finance Officer will, upon the completion of discharging all of the debts and liabilities of the Association, and after consultation with the Association's appointed auditors, and arranging with the Association's bankers for a change of appropriate signatories, sign over to the Managing Trustees all of the Association's remaining assets;
- (f) Upon receipt of the former Association's assets the Managing Trustees will open discussion with the Charity Commission and after further discussion with the auditors, and final settling of any account with them, be responsible for distributing all remaining funds to voluntary or charitable organisation(s);
- (g) All documentation in respect of the Association held by all members of the National Executive Committee and the Managing Trustees at the time of dissolution will be collected and placed in safe and secure storage for a period not less than ten years;
- (h) None of the former assets of the Association may be given or transferred to any former member of the Association.