

CONSTITUTION AND RULES

Adopted at the Annual General Meeting  
held on 21<sup>st</sup> March 2009

SUBSEQUENT AMENDMENTS:

RULE 4.32 AMENDED 6<sup>TH</sup> MARCH 2010

RULE 6.6 AMENDED 23<sup>RD</sup> MARCH 2013

SECTION 1 AMENDED 18<sup>TH</sup> JUNE 2016

SECTION 4 AMENDED 18<sup>H</sup> JUNE 2016

SECTION 5 AMENDED 18<sup>TH</sup> JUNE 2016

RULE 7 AMENDED 18<sup>TH</sup> JUNE 2016

RULE 10 AMENDED 18 JUNE 2016

RULE 11 AMENDED 18 JUNE 2016

RULE 11.2 AMENDED 18 JUNE 2016

APPENDIX THREE AMENDED 18 JUNE 2016

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## CONTENTS

1. TITLE AND LOCATION
2. OBJECTS
3. LEGAL AND POLITICAL STATUS
4. GOVERNANCE
5. MEMBERSHIP
6. ELECTIONS
7. TENURE
8. RECORDS AND MINUTES
9. BALLOTS FOR INDUSTRIAL ACTION
10. ELECTIONS FOR BOARDS OF COUNCIL
11. DISTRICTS AND REGIONS

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APPENDIX ONE: LEGAL ADVICE AND AID

APPENDIX TWO: PROPER CONDUCT OF ELECTIONS AND SECRET BALLOTS

APPENDIX THREE: NSEAD FORUM AND SPECIALIST INTEREST GROUPS

APPENDIX FOUR: MAP OF DISTRICTS AND REGIONS

## 1 TITLE AND LOCATION

- 1.1 The name of the Society is the **National Society for Education in Art and Design**
- 1.2 The Society was founded as the Society of Art Masters in 1888 (later the National Society of Art Masters). Subsequently the NSAM was renamed the National Society for Art Education, which merged with the Society for Education through Art in 1984 to form the present organisation and finally incorporating A4 (formerly the Association of Advisers and Inspectors in Art and Design AAIAD) in 2008
- 1.3 Head Office of the Society is at 3 Mason's Wharf, Corsham, SN13 9FY in the United Kingdom.

## 2 OBJECTS

- 2.1 The objects of the Society are to further Art, Craft and Design Education and the professional interests of those engaged in it. Specifically:
- i. To have a significant influence in all areas of Art, Craft and Design Education.
  - ii. To have representation on important National and Regional bodies.
  - iii. Continually to define and reassess policies in all areas of Art, Craft and Design Education.
  - iv. To maintain contacts with other societies and groups which have an interest in Art, Craft and Design Education, assist in co-ordinating their views and to encourage research.
  - v. To safeguard the interests and protect the employment of members by providing legal advice and assistance in professional matters whenever possible or desirable.
- 2.2 To these ends the Society is empowered to engage in publishing, professional development and other ventures commercial or otherwise and, subject to the approval of a general meeting of members, to merge, federate and subscribe to such organisations as may be agreed appropriate.

## 3. LEGAL AND POLITICAL STATUS

The Society is an independent trade union within the meaning of Section 30 of the Trade Union and Labour Relations Act 1974. The Society shall not establish formal political affiliations or maintain a political fund.

## 4. GOVERNANCE

### 4.1 COUNCIL

The Governance of the Society is vested in the Council which shall be the principal committee of the Society. Council, subject to the control of the members assembled in General Meeting shall have entire direction, management and control of all business of the Society and the disposition of its funds.

### 4.2 POWERS OF COUNCIL

Council shall have power to apply the funds of the Society in promoting, furthering or protecting the objects of the Society and without prejudice to the generality of the foregoing:

- i. determination of policy, making of decisions and generation of such action as may be necessary to implement these decisions;
- ii. ordering the finances of the Society;
- iii. in acquiring, whether by purchase, lease or otherwise, and maintaining a site or sites and premises for use as offices, library, and other accommodation considered necessary for the use of members or for any objects of the Society;
- iv. appointing salaried staff and paying remuneration to employees or servants of the Society (or pensions or gratuities to former employees or servants or their dependants or in making other provision for the payment of pensions or gratuities for former employees or servants or their dependants);
- v. in issuing periodicals;

- vi. in publishing or distributing, or causing to be published or distributed from time to time, whether by means of traditional or electronic media any book, pamphlet, Internet web site, or other material, which promotes or furthers the objects of the Society;
- vii. in organising conferences, professional development, study courses, lectures and other activities promoting the study or the teaching of art and design;
- viii. in paying all reasonable expenses or such part as may be authorised by the Council on advice from the Finance and General Purposes Committee, which are incurred specifically in the course of their official duties by officers and members of the Council, the NSEAD Forum, Specialist Interest Groups and by authorised employees or consultants;
- ix. in making gifts or contributions for educational or charitable purposes;
- x. in acquiring the copyright in a work or works and in the protection of the copyright so acquired; in protecting the Society against all suits, claims and proceedings as may be made against the Society on grounds of infringement of copyright or breach of warranty.

#### 4.3 TEMPORARY REGULATIONS

The Council shall be empowered to frame temporary regulations for any matter not provided for in these Rules, but such regulations shall be submitted for the approval of the members when assembled at the next following Annual General Meeting and shall be clearly set forth in the notices convening the meeting.

#### 4.4 ANNUAL REPORT

The Council shall direct the General Secretary to prepare an Annual Report which shall be circulated to all members of the Society and presented to the Annual General Meeting.

#### 4.5 COMPOSITION OF COUNCIL

The Council normally shall consist of no more than twenty Full Members, Associate Members, or Honorary Members of the Society elected by a postal ballot of the members, taken on the following basis:

- i. Twelve members, one third elected annually, serving for a period of three years.
- ii. The NSEAD Forum will elect and send up to two representatives to Council. Representatives from Specialist Interest Groups will be invited to attend the NSEAD Forum and/or Council.
- iii. The Officers of the Society, as defined in Rule 4.6. below, shall be members of the Council subject to the provisions of Section 6 (Elections) and Section 7 (Tenure) below.

#### 4.6 OFFICERS OF THE SOCIETY

The Officers of the Society shall be the President (who shall be Chair of the Council and of the Finance and General Purposes Committee), the immediate Past President or the President Elect, two Vice-Presidents elected by Council from within their number, the Honorary Treasurer, the General Secretary and Assistant General Secretary

#### 4.7 FELLOWSHIP OF THE SOCIETY

Fellowship of the Society shall be granted on approval of two-thirds majority of Council. There shall be three categories of award:

- i. To members for an outstanding contribution to art, craft and design education;
- ii. To non-members for an outstanding contribution to art, craft and design education and providing that Council also recommends honorary membership;
- iii. To Presidents of the Society at the time of their initial election to the Presidency

#### 4.8 PATRON OF THE SOCIETY

The Society may from time to time appoint a Patron or Patrons. The Patron or Patrons shall be nominated by Council and elected by a two-thirds majority of those present and eligible to vote at the Annual General Meeting. The Patron or Patrons shall be a suitably distinguished person or persons, normally from the

world of the arts or education, that support the Society's objects in furthering art, craft and design education and the professional interests of those engaged in this field. The Patron shall be entitled to the benefits of honorary membership and may attend the Annual General Meeting and meetings of Council but shall not be entitled to vote at such meetings. Patrons may, through mutual agreement be asked to represent and best serve the views and objectives of the Society through their profile and access to media opportunities

#### 4.9 CO-OPTIONS TO COUNCIL

- 4.9.1 Council may at its discretion co-opt in addition to their number not more than two persons to serve on Council with full voting rights in order to obtain particular expertise not otherwise represented on Council.
- 4.9.2 No person may serve on Council in a co-opted capacity for more than three years.
- 4.9.3 Council shall have the power to invite persons, in a non-voting capacity, to an individual meeting, for the purpose of furthering the business of that meeting.

#### 4.10 GENERAL SECRETARY

The General Secretary shall be the Chief Executive Officer of the Society and shall serve as a member and as Secretary to the Council and as a member and as Secretary to the Finance and General Purpose Committee. The General Secretary normally shall convene all meetings, provide Council with relevant factual information, advise Council on technical and professional matters, supervise the issue of all publications by the Society, pay and receive all monies due from and to the Society and generally conduct the business of the Society under the direction of the Council by whom his or her remuneration shall be determined.

#### 4.11 COUNCIL MEETINGS

The Council shall meet three times per year or as often as the business of the Society shall require. The General Secretary shall give to each Member of the Council a minimum of fourteen days' clear notice of the meeting and the nature of the business to be discussed.

#### 4.12 ATTENDANCE AT MEETINGS OF COUNCIL

Any member of Council who fails to attend three consecutive meetings of Council without exceptional cause shall be deemed to have resigned from Council and the resulting vacancy shall be declared and nominations sought for replacement.

#### 4.13 CHAIR OF COUNCIL

Council meetings will be chaired by the President, or in the absence of the President, by the Past President or President Elect, or in their absence by one of the Vice-Presidents. No meeting of Council shall continue in the absence of all members of the Finance and General Purposes Committee.

#### 4.14 QUORUM OF COUNCIL

Excluding the Chair one half of the total members of Council present at a meeting of Council shall constitute a quorum.

#### 4.15 VOTING IN COUNCIL

The Chair shall have a first vote and also a second casting voice in the case of an equal vote in Council. All elected members of the Council shall be entitled to vote. On all issues the vote shall prevail of the bare majority of those present and voting. Minutes shall be recorded of all resolutions and proceedings of Council.

#### 4.16 FINANCE AND GENERAL PURPOSES COMMITTEE

The members of the Finance and General Purposes Committee shall be the Officers of the Society as defined in 4.6 above. The Finance and General Purposes Committee is a Standing Committee of Council and shall conduct business assigned by Council or transact urgent matters for which the calling of a full Council meeting is deemed by the President and General Secretary to be unnecessary or impracticable.

#### 4.17 FINANCE AND GENERAL PURPOSES COMMITTEE MEETINGS

The Finance and General Purposes Committee shall normally meet six times each calendar year. The General Secretary shall give each member of the Finance and General Purposes Committee a minimum of fourteen days' notice of meeting and nature of business to be discussed. Three members shall constitute a quorum: all members shall be eligible to vote. On all issues the vote shall prevail of the bare majority of those present and voting. Minutes shall be recorded of all resolutions and proceedings of the Finance and General Purposes Committee and shall be presented to Council in due course.

#### 4.18 THE NSEAD FORUM AND SPECIALIST INTEREST GROUPS

The Council will appoint the NSEAD Forum and Specialist Interest Groups from their own body and from membership, to act on their behalf for special purposes defined by the Council and to further the work of the Society, (See also Appendix 3 NSEAD Forum and Specialist Interest Groups.)

#### 4.19 SUB-COMMITTEES OF COUNCIL

The Council may from time to time appoint Committees to function as Sub-Committees of the Council, for special purposes, from their own body, with or without the addition of other members of the Society and the Council shall define their duties and powers.

#### 4.20 CONSULTATION

The Council may invite and employ persons other than members of the Society to provide advice on such special subjects as may be determined by Council.

#### 4.21 ANNUAL GENERAL MEETING

The Annual General Meeting normally shall be held in conjunction with the first Council meeting of each calendar year or a major national conference of the Society for the principal purposes of:

- i. Approval of the report of the General Secretary and the report of the auditors for the previous membership year;
- ii. Appointment of auditors for the following year;
- iii. Repeal, amendment or additions to the Constitution and Rules of the Society while at all times being cognisant of relevant legislation (as prescribed in paragraph 4.22);
- iv. Consideration of any resolution submitted in the manner required by the Society's Constitution and Rules (paragraph 4.22);
- v. Consideration of any other matters determined by the Council or in accordance with paragraph 4.22.

#### 4.22 NOTICE OF MOTIONS TO ANNUAL GENERAL MEETING

Notice of any motion relative to the Constitution or of any other business shall be delivered in writing to the General Secretary at least twenty eight days before the Annual General Meeting. Any member of the Society may submit a motion for consideration at the Annual General Meeting through Council. To be eligible for consideration all such motions shall be submitted to the Annual General Meeting with the support of five members of the Council who shall appoint proposers and seconders.

#### 4.23 EXTRAORDINARY GENERAL MEETING

The Council of the Society shall either by a vote of the majority of their full number, or on receipt of a requisition signed by at least fifty members in good standing, direct the General Secretary to convene an Extraordinary General Meeting of the members within sixty days for the consideration of any urgent matter affecting the interests of the majority of members, and the resolutions adopted at such meetings shall have the same force as if adopted at the Annual General Meeting. No other business except that which is specified on the notice convening the meeting shall be discussed. Fifty members in good standing shall form a quorum.

#### 4.24 NOTICE OF GENERAL MEETINGS

At least fourteen days' notice shall be given to all Members of all Annual and Extraordinary General Meetings and the nature of the business to be transacted at the meeting.

#### 4.25 VOTING AT GENERAL MEETINGS

4.25.1 The decision of a majority of members in good standing present and voting at any General Meeting shall be decisive. On matters where legislation does not require otherwise, a vote may be taken by a show of hands, but must be taken by a secret postal ballot of all members if demanded by at least forty percent of those present. The Chair shall have a first vote and also a second casting vote.

4.25.2 Twenty-five members present and in good standing shall form a quorum.

#### 4.26 DISSOLUTION

The Society shall not be dissolved without the assent of a majority of two thirds of the members present and in good standing at an Annual General Meeting or Special General Meeting, and at least sixty days' notice shall be given of any proposal to dissolve the Society. The Society shall only be dissolved by a motion from Council submitted to an Annual General Meeting or an Extraordinary General Meeting convened for this purpose.

#### 4.27 TRUSTEES

The property of the Society other than cash reserves which shall be under the control of the Finance and General Purposes Committee shall be vested in not less than two and not more than four trustees, nominated and appointed by Council. The trustees shall exercise their powers as the Council may from time to time direct by resolution. An entry in the minute book shall be conclusive evidence of such resolution. A document signed on behalf of the Society by any two of its Trustees shall be binding on the Society. The Trustees shall be indemnified by the Society against risk and expenses. The Trustees shall hold office until death or resignation or until removal from office by the Council.

#### 4.28 FINANCIAL YEAR

The financial year of the Society shall end on the thirtieth day of September and Council shall cause accounts of the Society to be prepared as at that date.

#### 4.29 ACCOUNTS

4.29.1 The Council shall require the Finance and General Purposes Committee to present to the Annual General Meeting an account of the whole receipts and disbursements of the year approved by the Society's auditors and so far as is possible an estimate of the expenditure for the ensuing year. The Council also shall cause a printed or duplicate copy of the audited accounts to be supplied to each member attending the Society's Annual General Meeting and a summary of the accounts prepared by the Society's auditors to be published in the Annual Report.

4.29.2 Any Member of the Society shall, on request, have the right to inspect the accounting records providing they relate to a period during which time that individual was a member of the Society. An accountant may

accompany and advise the member. The General Secretary shall ensure that the Audited Accounts are published in the Annual Report in accord with the requirements of current legislation.

#### 4.30 BANKING

The Council shall direct the deposit of all monies on account to the Society in a bank or banks of their choice and on a change of General Secretary Council shall cause the General Secretary to hand over to a successor all books and accounts and any cash balances which are in his or her hands at that time.

#### 4.31 BANK WITHDRAWALS

All cheques drawn on the Society's Account(s) must bear the signature of any two of the persons notified to the Bank by Council as signatories to the Society's Account(s).

#### 4.32 BORROWING POWERS

Following consultation with the Finance and General Purposes Committee, Council may borrow money and may pay interest thereon out of the Society's funds and secure or discharge any debt obligation of or binding on the Society in such manner as may be thought fit and in particular by mortgages or charges upon all or any of the property and present and future assets to fulfill the objects of the Society. The General Secretary shall be the executive officer in such negotiations.

#### 4.33 FUNDS AND INVESTMENTS

4.33.1 All monies received by the Society shall be paid into an account of the Society at bankers approved by Council and cheques drawn upon its bankers shall be signed in accordance with Paragraph 4.31.

4.33.2 The Finance and General Purposes Committee, acting on advice may at its discretion place any money of the Society on deposit with bankers, building societies or other financial institutions to be approved by Council, and take such money off such deposit to make payments in the normal course of the Society's affairs. All funds of the Society not needed immediately for its ordinary purposes may be invested by Council in the names of the Trustees of the Society or in the name of any persons or corporations as nominees of the Trustees, as the Trustees shall appoint or direct, in any securities in which Trustees are or may by Act of Parliament be authorised to invest or in other stock and securities approved by Council from time to time.

4.33.3 Council may at its discretion direct the Trustees to vary or sell any of the Society's investments. Council may at its discretion, sell, lease or otherwise dispose of or direct the Trustees to sell, lease or otherwise dispose of in whole or in part the copyright in any work of which the Society is possessed or any other property of whatsoever nature belonging to the Society. Council shall have available the advice of the Finance and General Purposes Committee and this committee shall have authority to act at its discretion in place of Council with regard to investments and monies of the Society between meetings of Council. The General Secretary shall be the executive officer in such negotiations and transactions.

#### 4.34 DISPOSAL OF FUNDS

4.34.1 The Society shall not, and by its laws may not, from its funds make any dividends, gift, division or bonus in money unto or between any of its members, provided always that Council in its sole discretion may at any time permit the use without payment of any copyright in whole or in part by a member of the Society.

4.34.2 If on the recommendation of Council and by a special resolution passed at a General Meeting, the existence of the Society shall be terminated, the monies, funds and assets of the Society shall after payment of all debts and liabilities of the Society (including without prejudice to the generality of the foregoing any sum or sums paid under or by virtue of the Redundancy Payments Act 1965 or any statutory modification or re-enactment thereof), be distributed as gifts to such charitable societies, associations or bodies as may in the opinion of Council best further the objects of the Society as set out in the Constitution. Council shall be empowered to make arrangements for such disbursements.

#### 4.35 INDEMNITY



Members of Council and officers shall not be liable for any loss suffered by the Society as a result of the discharge of their respective duties on its behalf, except such as arise from their own willful default, and they shall be entitled to an indemnity out of the funds of the Society against the expenses incurred by them specifically in the discharge of such duties and authorised by Council in Rule 4.2

#### 4.36 CLAIMS

Subject to the provisions of Rule 4.34 if any person ceases for any cause whatsoever to be a member of the Society neither that person nor any representative of that person shall have any interest in or claim against the funds or property of the Society.

#### 4.37 COPYRIGHT

The General Secretary shall be the authorised officer to acquire on behalf of the Society the copyright in a work accepted for publication as an article in a periodical, as a book, pamphlet, or otherwise, and shall in the name of the Council take such steps as may be necessary from time to time to protect the copyright in any work so acquired by the Society. This officer and such other persons as may be determined from time to time by Council shall, in respect of any work accepted for publication and published as an article or as a book, pamphlet or in any other form, be fully indemnified by the Society in respect of any liability for any suits, claims or proceedings brought against him or her on the grounds that the work in whole or part is an infringement of copyright, breach of warranty, or on other grounds.

### 5 MEMBERSHIP

#### 5.1 EQUAL OPPORTUNITIES

Membership shall be open to all who support the objects of the Society. Within its sphere of influence, the Society shall be fully committed to a policy of challenging prejudice, discrimination and bias whenever and wherever it is found: specifically bias related to age, gender, disability, nationality, ethnicity, religion, social background and sexual orientation.

#### 5.2 APPLICATION FOR MEMBERSHIP

Application for membership shall be made on the official form supplied by the Society on-line or in hard copy and can be made at any time.

#### 5.3 MEMBERSHIP CATEGORIES AND BENEFITS

5.3.1 The Society shall consist of:

- |                         |                             |
|-------------------------|-----------------------------|
| i. Full Members         | iv. Student Teacher Members |
| ii. Associate Members   | v. Life Members             |
| iii. Collegiate Members | vi. Honorary Members        |

5.3.2 Members may be enrolled in any of the above categories, other than Honorary Membership, on payment of the appropriate subscription and subject to payment of the appropriate subscription shall be entitled to enjoy the rights and privileges as may be determined by Council for each category.

5.3.3 Exceptionally, in cases of proven hardship, the General Secretary shall have the authority temporarily to vary the membership category of any member. Any such changes of membership category shall be reviewed by Council annually.

5.3.4 A member in any category may be co-opted to office of the Council, Committees, or Boards of Council, receive discounts on attendance at the Society's courses and conferences and use the services of head office at the discretion of the General Secretary or Council.

#### 5.4 FULL MEMBERS

- 5.4.1 Full Membership normally shall be open to persons who are employed or resident in the United Kingdom, specifically:
- i. teachers or lecturers of art and design from all phases of education in full-time or part-time employment;
  - ii. administrators, local authority advisers, inspectors, education consultants, museum and gallery educators and others who support the objects of the Society.
- 5.4.1 Full members shall have access to the legal advice and aid described in Appendix 1.
- 5.4.2 A teacher or lecturer of art and design in their first year of teaching may receive all the benefits of Full Membership at a discount of fifty percent (or as defined by Council) of the subscription for this category of membership.

#### 5.5 ASSOCIATE MEMBERS

- 5.5.1 Associate Members normally shall be persons who are applying for membership of the Society for the first time, specifically:
- i. Teachers or lecturers of art and design from all phases of education in full-time or part-time employment;
  - ii. administrators, local authority advisers, inspectors, education consultants, museum and gallery educators and others who support the objects of the Society.
  - iii. full members of the Society who have retired (fully or temporarily) and are not eligible or do not choose to become Life Members;
  - iv. Any overseas residents who are professionally concerned with art and design education.
- 5.5.2 Associate members shall **not** have access to the legal advice and aid described in Appendix 1.
- 5.5.3 A non-specialist primary school teacher may receive all the benefits of Associate Membership at a discount of fifty percent (or as defined by Council) of the subscription for this category of membership.

#### 5.6 COLLEGIATE MEMBERSHIP

- 5.6.1 The following shall be eligible for Collegiate Membership of the Society and such membership normally shall be represented by a named representative of the staff concerned with art and design or creative arts:
- i. Colleges, faculties and university departments either free standing or within an institution with students following courses in art and design or art and design education.
  - ii. Secondary school or tertiary college departments or faculties of art and design, schools which cater in part or whole for children between the ages of 3 and 11 years or from which children have left before their fourteenth birthday.
  - iii. Commercial agencies, excluding those managed by local authorities, offering inspection, advice and consultancy wholly or in part for any phase of art and design education.
- 5.6.2. Collegiate members shall **not** have access to the legal advice and aid described Appendix 1.

#### 5.7 STUDENT TEACHER MEMBERS

The following shall be eligible for Student Teacher membership of the Society:

- i. persons who are preparing to teach or who are seeking their first appointment as teachers or lecturers. They may not continue as Student Teacher members beyond the commencing date of their first appointment as a teacher or for more than one full year, whichever is the less;

- ii. undergraduate students in the final year of initial teacher training shall receive free membership for that academic year.

5.7.1 Student members shall have access to the legal advice and aid described in Appendix 1.

## 5.8 LIFE MEMBERS

5.8.1 The following shall be entitled to Life Membership of the Society: persons who, on retirement, have been members of the Society and/or of an antecedent organisation of the Society for not less than twenty years.

Life Members are entitled to:

- a. vote in ballots on other than trade union matters;
- b. receive E Bulletin and some NSEAD periodicals free of charge at the discretion of Council;
- c. have access to legal advice;
- d. have full access to the NSEAD web site.

5.8.2 Life Members are not required to pay an annual subscription unless they wish to pay an appropriate charge to cover the cost of AD magazine.

## 5.9 HONORARY MEMBERS

5.9.1 Honorary Members shall be persons who, in the view of the Council, have rendered distinguished service to Art, Craft and Design Education and who, on the recommendation of the Council are elected as Honorary Members by a majority vote at an Annual General Meeting of the Society.

Honorary members are entitled to:

- a. vote in ballots on other than trade union matters;
- b. stand for election to Council, Committees or Boards;
- c. receive NSEAD periodicals;
- d. have full access to the NSEAD web site.

5.9.2 Honorary Members are not required to pay an annual subscription.

## 5.10 REGISTER OF MEMBERS

The General Secretary shall keep, by computer database or otherwise, a register of the members' names and home addresses (except where a member has requested in writing to register an address other than his/her home address). The General Secretary shall ensure, so far as is reasonably practicable, that the entries in the register are accurate, kept up to date and is maintained in accordance with the provisions of the Data Protection Act (1998) or any statutory modification or re-enactment thereof.

## 5.11 ALLOCATION TO A NATION OR REGION

All Members are allocated to a nation or region, normally to the nation or region in which they are resident.

## 5.12 CHANGE OF ADDRESS

Any change of address must be notified to the General Secretary of the Society by Members immediately after the change is made.

## 5.13 ANNUAL SUBSCRIPTIONS

5.13.1 The Subscription rates as proposed from time to time by Council shall be subject to ratification by the Members at the Annual General Meeting and shall be approved or modified only by a majority vote of two thirds of the Members present at an Annual General Meeting.

5.13.2 Where more than one member lives at the same address, and if the second and any subsequent members inform the General Secretary in writing that they do not wish to receive their copy of AD Magazine, the

subscriptions of such members may be reduced by a sum equal to the cost of supplying the Society's publication in that membership year.

#### 5.14 RESIGNATION

Resignation from Membership can be accepted to take effect only on the last day of the Society's financial year, namely 30th September. Notice of resignation must be sent in writing to the General Secretary of the Society on or before the last day of June of that financial year.

#### 5.15 DEFAULT

Any Member whose annual subscription is unpaid on the first day of March in any Society Year (the year commences on the first day of October) shall be deemed to be in default. If the subscription is not paid within thirty days following the first day of March all benefits of membership will be withdrawn. The Member shall be liable to be struck off the roll of Members at the end of the Membership Year unless a satisfactory explanation is given to Council.

#### 5.16 EXPULSION

Upon receipt by the General Secretary of a notice signed by five Full Members of the Society requesting the expulsion of a member and making known the circumstances that give rise to such notice, the General Secretary shall then [if he/she is of the opinion that the interest of the Society shall so require] invite the member by letter to withdraw from the Society within a time specified in such letter, and in default of such withdrawal shall submit the question of expulsion to a meeting of the Council, which is empowered to decide the question. Such meeting shall be held within six weeks after the date of such letter. It shall be the duty of the General Secretary to inform the member in question of the time and place of the meeting and the nature of the complaints in sufficient time to afford the member proper opportunity to offer an explanation. At such meeting the member shall be allowed to offer a verbal or written explanation of their conduct and may be accompanied by a friend and if after that a two-thirds majority of the members of the Council present shall vote for expulsion the member shall immediately cease to be a member of the Society. Any person shall, on ceasing to be a member of the Society, forfeit all right to and claim upon the Society and its property and funds.

### 6. ELECTIONS

#### 6.1 COUNCIL AND FINANCE AND GENERAL PURPOSES COMMITTEE ELECTIONS

Vacancies on Council and the Finance and General Purposes Committee shall be declared normally no later than the Autumn Meeting of the Council, by which time an independent scrutineer shall be nominated and the holding of any necessary election by postal ballot shall be sanctioned.

#### 6.2 APPOINTMENT AND DUTIES OF INDEPENDENT SCRUTINEER

The Society shall appoint a qualified independent Scrutineer to carry out the functions described in [Appendix 2](#) 'Proper Conduct of Elections and Secret Ballots' and any additional functions that may be determined. The independent Scrutineer shall be specified, or satisfy conditions set out in the relevant legislation.

#### 6.3 NOMINATIONS

- 6.3.1 Members will be notified of the vacancies on Council that will occur due to retirement in the Autumn Term. Nominations of members to fill the vacancies shall be made on nomination forms which shall be sent on request by the Scrutineer to all Members who are entitled to vote.
- 6.3.2 The nomination form shall give the name, address and title of the Member nominated, the name of the proposer and the signature of the Member nominated indicating his willingness to seek election, and if elected, to attend meetings of the Council. Only one correct nomination is necessary. If more than one nomination is received in respect of the same candidate, only the first correct nomination will be recognised.

#### 6.4 QUALIFICATIONS FOR CANDIDATURE (COUNCIL)

Candidates seeking election to the Council shall be Full Members, Associate Members or Honorary Members resident in the United Kingdom or Northern Ireland. To be eligible for election candidates shall be in good standing having paid the appropriate subscription for the membership year in which the ballot takes place.

#### 6.5 QUALIFICATIONS FOR CANDIDATURE (FINANCE AND GENERAL PURPOSES COMMITTEE)

Candidates seeking election to the Finance and General Purposes Committee shall be Full Members, Associate Members or Honorary Members of the Society and shall normally be serving members of the Council or have had recent experience of service on the Council.

To be eligible for election candidates shall be in good standing having paid the appropriate subscription for the membership year in which the ballot takes place.

#### 6.6 ELIGIBILITY TO VOTE

All Full Members, Associate Members, Honorary or Student Teacher Members of the Society may vote in Council and Finance and General Purposes Committee elections with the exception of members who are more than six months in arrears in payment of their subscriptions.

#### 6.7 UNOPPOSED ELECTIONS

Where a single valid nomination is received the candidate so nominated shall be deemed to have been elected unopposed.

#### 6.8 VOTING PAPERS

Voting papers shall be sent to all members eligible to vote in an election, as soon as it is practicable following the receipt of nominations, normally in the Autumn Term. Each voting paper used in the ballot shall be marked with a different serial number and specify the address to which, and a date being no later than 31st December of that year, by which it is to be returned.

#### 6.9 ELECTION ADDRESSES

Each candidate in the election shall be given the opportunity to prepare an election address in his or her own words and submit it to the Society for distribution with the voting papers. Facilities and restrictions concerning the preparation, submission and length of election addresses shall be provided and applied equally to all candidates. Candidates shall be allowed a minimum of 100 words and the Society may specify a maximum length for election addresses. Election addresses shall be sent to the Scrutineer no later than the closing date for the receipt of nomination forms.

#### 6.10 COUNTING VOTES FOR COUNCIL AND FINANCE AND GENERAL PURPOSES COMMITTEE ELECTIONS

The voting papers shall be counted by the appointed Scrutineer. The person or persons elected shall be those securing the highest number of votes. If two or more candidates receive the same number of votes thereby causing the election to be indecisive, the President shall exercise a casting vote after consulting the Finance and General Purposes Committee.

#### 6.11 DECLARATION OF RESULTS

6.11.1 The results of elections shall be declared in the report of the Independent Scrutineer as described in [Appendix 2](#) 'Proper Conduct of Elections and Secret Ballots'.

6.11.2 The contents of the report shall be published on the Society's web site or printed in the Society's Newsletter and sent to Members within three months and be accompanied by a note stating that the Society will, on

request, supply any member of the Society with a copy of the full report either free of charge, or on payment of a reasonable fee.

#### 6.12 EXTRAORDINARY VACANCY ON COUNCIL OR FINANCE AND GENERAL PURPOSES COMMITTEE

An extraordinary vacancy on the Council or Finance and General Purposes Committee shall be filled by election procedures similar to those for filling an ordinary vacancy. The election shall take place at the earliest convenient date which shall be no later than the Autumn Term immediately following. The candidate elected to fill an extraordinary vacancy shall take up the uncompleted term of the member being replaced.

#### 6.13 ELECTION OF THE PRESIDENT OF THE SOCIETY

6.13.1 The President shall be elected.

6.13.2 Council will determine appropriate procedures for the election in accordance with the Trade Union & Labour Relations (Consolidation) Act 1992.

6.13.3 In order to be valid, nomination forms for the post of President shall require completion of the following details:

- i. Name, address and signature of member nominated
- ii. Name, address and signature of proposer
- iii. Name address and signature of seconder
- iv. Names addresses and signatures of two members endorsing the nomination.

6.13.4 Individuals nominated to serve as President of the Society normally shall be serving members of Council or shall have recently completed a term as a member of Council.

#### 6.14 ELECTION OF THE GENERAL SECRETARY OF THE SOCIETY

6.14.1 The General Secretary shall be elected.

6.14.2 The election of the General Secretary shall take place at five yearly intervals by the votes of Full Members, Associate Members, nominated Collegiate Members and Honorary Members, save that in the event that the General Secretary is due to stand for re-election on a date within 5 years of reaching retirement, and at that date he or she has been a full-time employee of the Society for a period (which need not be continuous) of at least 10 years, he or she shall be entitled to continue to hold the position of General Secretary until retirement without having to stand for re-election.

6.14.3 A nomination for the post of General Secretary may be made by a simple majority of Council or by a member of NSEAD in one or other of the categories identified in paragraph 5.3.1 above, seconded by another such member and endorsed by a further ten such members, all being members in good standing for the current year.

6.14.4 Candidates for the election shall be: (i) a member of NSEAD in one of the categories identified in paragraph 5.3.1; or (ii) a full time employee of the Society for a period of at least five years.

### 7. TENURE

#### 7.1 PERIOD OF SERVICE ON COUNCIL

The Election to Council is for a period of three years after which at least one year shall elapse before the Member is eligible for re-election, except in the case of a member who has served on the Council for less than one year in filling an Extraordinary Vacancy. The period of service on Council is extended by the term of office, where Members of Council are elected as Officers of Council.

Officers who have completed their term of office, who are not re-elected to an office and have served for three years or more years, shall be regarded as having completed their elected period thereafter.

## 7.2 TENURE OF THE PRESIDENT

The President shall serve for one year as President-Elect and a further two years as President of the Society. The President may not serve for a second consecutive term, except in special circumstances, but this shall not apply to one who has filled an extraordinary vacancy as President for less than nine months.

## 7.3 TENURE OF THE IMMEDIATE PAST-PRESIDENT

The retiring President shall remain a member of the Council and the Finance and General Purposes Committee as Immediate Past-President for one year.

## 7.4 TENURE OF FINANCE AND GENERAL PURPOSES COMMITTEE

Elected members shall serve for three years and if elected shall not serve for more than one further consecutive two year term in office except in exceptional circumstances or unless elected to the office of President.

## 7.5 TENURE OF THE GENERAL SECRETARY

The General Secretary shall be elected for terms not exceeding five years. Subject only to re-election the General Secretary may continue to serve without limitation of tenure.

# 8 RECORDS AND MINUTES

## 8.1 Proper records and minutes must be kept for all:

- i appointments of officers made by the Council;
- ii proceedings at general meetings of the Society

## 8.2 Proper records and minutes must be kept for all meetings of the Council, Finance and General Purposes Committee and Boards of Council including:

- i the names of the members present at the meeting;
- ii the decisions made at the meeting; and
- iii where appropriate, the reasons for the decisions;
- iv all reports of committees and boards; and
- v all professional advice obtained.

# 9 BALLOTS ON INDUSTRIAL ACTION

The Society shall only issue instructions or call for industrial action following a secret postal ballot of all members concerned. Any such ballot for industrial action shall be conducted in accordance with the legal requirements and procedures set out in [Appendix 2](#).

# 10 ELECTIONS FOR BOARDS OF COUNCIL

Council may from time to time specify the arrangements under which members may be elected by secret ballot to serve on specified Boards of Council, NSEAD Forum or Specialist Interest Groups. Ref. Appendix 3; Sect A; paragraphs 4 and 5.

# 11 NATIONS AND REGIONS

## 11.1 DEFINITION

To various purposes United Kingdom and Northern Ireland may be divided into nations or regions. The term nation shall apply to Scotland, Northern Ireland and Wales. It is recognised that Scotland, Northern

Ireland and Wales each have devolved government with responsibilities including education. The term region shall be applied to local government regions.

## 11.2 REGIONAL BOUNDARIES

The areas included in the several regions of England shall be as defined as the North, North West (to include the Isle of Man), Yorkshire and Humberside, West Midlands, East Midlands, South (to include the Channel Islands), South West, East Anglia and London and the Home Counties. The boundaries of these districts shall be as defined by central government for administrative purposes. Scotland, Northern Ireland and Wales shall be defined by the respective national boundaries. (Ref. Appendix 4.)

**This Constitution and Rules was adopted at the Annual General Meeting of the Society held at the Hotel Russell, Russell Square, London WC1B 5BE on Saturday 21<sup>st</sup> March 2009.**

### **IMPORTANT NOTE:**

No amendments should be made to this document without reference to the appropriate legislation. Particular attention should be paid to the provisions of The Trade Union and Labour Relations Act 1974, The Data Protection Act 1984, The Trade Union Act 1984, the Employment Act 1988 and the Trustee Act 1925, The Trade Union and Labour Relations (Consolidation) Act 1992, The Trade Union Reform and Employment Rights Act 1993.



## APPENDIX ONE

### LEGAL ADVICE AND AID

Legal Advice and aid is provided by the Society in accord with the Compensation Act 2006 and the Code of Practice for the provision of Regulated Claims Management Services by Trade Unions.

The Society offers legal advice and aid only to Full Members, Life Members and Student Teacher Members who are in good standing having paid the required annual subscription for the year in which legal aid becomes necessary, on the following basis:

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#### 1. INITIATING CLAIMS

- 1.1 All requests for professional advice or legal aid should be made through the NSEAD office. It is not normally the role of elected members of Council to act as 'workplace representatives'.
- 1.2 On being informed of the matter by the member, the General Secretary will, in consultation with the Finance and General Purposes Committee, consider whether the case may be dealt with through normal professional channels, prior to any recourse to legal action. The Society shall endeavour to give honest, impartial advice to a member about whether to pursue a claim, and if so the most appropriate method of doing so. This does not preclude the Society from giving collective or individual advice based upon an assessment of the best interests of groups of members or the membership as a whole.
- 1.3 The Society shall base advice to members on the merits of a successful claim, including an assessment of the likelihood of a successful claim.
- 1.4 The Society shall advise members not to pursue a claim if doing so would not be in the member's best interests.
- 1.5 For the avoidance of doubt nothing in this appendix to the Constitution and Rules of the Society shall be taken to oblige the Society to pursue a claim on behalf of a member. The extent of all or any legal aid to members is at the discretion of the Finance and General Purposes Committee or Council of the Society.

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#### 2. COMPLAINTS AND REDRESS

- 2.1 Members are entitled to pursue a complaint about the service in relation to a claim received directly from the Society by appealing to the Finance and General Purposes Committee. This should include the ability to complain about any fees or charges to members or deductions from a member's damages and if the matter cannot be resolved to the satisfaction of both parties, to a third party. Where it is proved that unjustifiable fees have been charged, these shall be repaid.
- 2.2 The Society shall take reasonable steps to inform members who receive advice from the union about pursuing a claim about its internal complaints procedure. This applies to advice direct from the union, not advice provided by union appointed solicitors in respect of whom a separate complaints procedure applies.
- 2.3. Where a complaint cannot be resolved to the satisfaction of the member within a reasonable time, it shall be referred to a third party for determination.
- 2.4 Should it be determined that the Society had failed to fulfil its obligations to the member the Society shall refund any fees or charges pre-paid by the member in respect of the claim promptly and in full.
- 2.5 The Society shall not be obliged to consider a complaint about its refusal to pursue a claim (further or at all) on behalf of a member.

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#### 3 FUNDING CLAIMS

- 3.1 The extent of any legal aid to members is at the discretion of the Finance and General Purposes Committee or Council of the Society. The Society shall give a member relevant information about the funding of their

claim, including details of any fees payable by the member and any fees being received by the Trade Union in respect of the claim.

- 3.2 If fees are payable by the member in respect of the claim, a Trade Union should disclose to the member how these are to be spent.
- 3.3 Any referral fees received by the Trade Union in respect of the member's claim should be disclosed to the member.
- 3.4 The method for any deductions to be made from a member's compensation payment for the benefit of the Trade Union should be agreed by the member in advance.
- 3.5 In advising a member in any case where fees are payable by the member in respect of the claim, a Trade Union should ensure alternative methods of funding a claim are considered.
- 3.6 If a member wishes to consult a solicitor other than the NSEAD solicitor for any good reason (e.g. urgent need or distance) and provided that the member has the written permission of the General Secretary, then the Society will pay an initial fee or part thereof equivalent to any fee which would have been paid to the NSEAD solicitor for such an initial consultation.
- 3.7 The Society will not pay legal fees or charges beyond those that have been agreed in writing by the General Secretary, nor will the Society pay legal fees or charges arising from subsequent or other legal consultations, or actions on behalf of the member unless such consultations, actions etc have been specifically authorised in writing by the General Secretary.

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#### 4. ARRANGEMENTS WITH THIRD PARTIES

- 4.1 The Society shall inform a member of any relationship between the Society and any third party (including a solicitor, claims management company or any other agency) where such a relationship has a direct bearing on the handling of a claim on behalf of a member.
- 4.2 The involvement of any subsidiary companies in handling a member's claim (whether owned wholly or partly by the Society) shall be disclosed.
- 4.3 The information given by the Society to a member about arrangements with third parties should be clear and appropriate to the members needs. The Society is required to disclose commercially sensitive information.

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#### 5. COMPETENT EMPLOYEES

- 5.1 The Society shall take reasonable steps to ensure that any advice given to a member in relation to pursuing a claim is provided by a competent employee, who has appropriate experience. Such advisers shall conduct themselves with honesty and integrity in dealing with a member's claim.
- 5.2 The Society shall ensure that regular training is made available to employees who offer advice to members on pursuing a claim.
- 5.3 The Society shall take reasonable steps to ensure that such persons operate within the rules of the union.
- 5.4 The Society shall take reasonable steps to monitor the quality of advice given to members.

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#### 6. RECORD KEEPING

- 6.1 On request, the Society shall give a member access to records kept in respect of a claim.
- 6.2 Subject to the requirements of the Data Protection Act 1998 and any relevant provision in a Code of Practice issued by the Information Commissioner, the Society shall retain its documentary records of any claim for three years from the conclusion of the claim.

- 6.3 The Society shall not be required to disclose information where not so required under the Data Protection Act 1988.

(Amended at the Annual General Meeting of the Society held on 21<sup>st</sup> March 2009)

## APPENDIX TWO

### PROPER CONDUCT OF ELECTIONS AND SECRET BALLOTS

#### 1 GENERAL REQUIREMENTS

The requirements to be satisfied in relation to elections to the principal executive committee (National Council) of the Society are contained in section 2 of the Trade Union Act 1984, and as amended by the Employment Act 1988 and Trade Union Ballots and Elections (Independent Scrutineer Qualifications) (Amendment) Order 2010.

Every elector must, so far as is reasonably practicable, be sent a voting paper by post to his/her home address or any other address which he/she has asked the Society in writing to treat as his/her postal address, and be given a convenient opportunity to return it by post. No other method of voting may be used.

The 1984 Act requires the Society to keep a register of members' names and addresses. Schedule 3 of the Employment Act 1988 places a duty on the Society to:

- a) allow any member, free of charge and at any reasonable time, to check whether he/she is included on the register, provided he/she has given reasonable notice;  
and
- b) supply any member on request with a copy of his/her register entry. This must be done as soon as reasonably practicable after the Society has received the request, either free of charge or on payment of a reasonable fee.

#### 2 INDEPENDENT SCRUTINY OF BALLOTS AND ELECTIONS

The Society must:

- a) before the ballot takes place, appoint a qualified independent scrutineer to carry out the functions described below and any additional functions it wishes;
- b) ensure that nothing in the scrutineer's terms of appointment, or in any additional functions which the Society requires him/her to perform, could cast reasonable doubt on his/her independence from the Society;  
**and**
- c) comply with all reasonable requests made by the scrutineer in connection with the carrying out of his/her functions.

An independent scrutineer must:

- a) be specified, or satisfy conditions set out by the Secretary of State, in a statutory instrument;  
**and**
- b) be someone who the Society has no reason to believe will carry out his/her functions incompetently or could have his/her independence from the Society or the ballot called into question.

The independent scrutineer must be required by the Society to:

- a) supervise the production and distribution of all the voting papers used in the ballot;
- b) be the person to whom the voting papers are returned by the members of the Society who take part in the ballot;
- c) take whatever steps he/she considers necessary to enable him/her to produce a report on the conduct of the ballot (see below);

- d) retain custody of all returned voting papers for a period of one year following the announcement of the result of the ballot or, if a complaint is made about the conduct of the ballot, for any longer period that the Certification Officer or a court may require;  
**and**
- e) carry out any additional functions that the Society requires him/her to undertake.

The Society is free to specify the exact nature of any additional functions so long as these do not conflict with the functions described above. The Society could, for example, require the scrutineer to carry out all parts of the balloting process.

### 3 INDEPENDENT SCRUTINEER'S REPORT

The independent scrutineer's report on the ballot must state:

- a) the number of voting papers distributed;
- b) the number of voting papers returned to the scrutineer;
- c) the number of valid votes cast for each candidate in an election, or for and against the proposition in an industrial action ballot;  
**and**
- d) the number of returned voting papers which were spoiled or otherwise invalid.

The report is also required to state whether the independent scrutineer is satisfied that:

- a) there are no reasonable grounds for believing that the conduct of the ballot contravened any legislative requirements;
- b) security arrangements for the production, storage, distribution, return or other handling of the voting papers and for the counting of them were, so far as reasonably practicable, sufficient to minimise the risk of any unfairness or malpractice;  
**and**
- b) he/she was able to carry out his/her functions without any interference which would cast reasonable doubt on his/her independence from the Society.

If he/she is not satisfied on the above matters, the scrutineer's report should explain why that is the case.

### 4 PUBLICATION OF THE INDEPENDENT SCRUTINEER'S REPORT

The Society must **not** publish the result of a ballot or election until it has received the scrutineer's report. Having received the report, the Society must:

- a) within three months:
  - i) **either** send a copy to every member of the Society to whom it is reasonably practicable to do so,
  - ii) **or** notify the contents of the report to members in whatever way is normal when matters of general interest to all members need to be brought to their attention;
- b) ensure that any copy of the report sent out or notification of its contents is accompanied by a statement that the Society will, on request, supply any Society member with a copy of the report either free of charge or on payment of a reasonable fee which has been specified by the Society;
- c) supply a copy of the report to any member who requests one and pays any specified fee.

### 5 VOTING PAPERS

Each voting paper used in the ballot must:

- a) specify the address to which, and the date by which it is to be returned;
- b) and be marked with a different serial number. These must be whole numbers and be drawn from a series all of which are used in numbering the voting papers.

## 6 ELECTION ADDRESSES

The requirements for the preparation and submission to the Society of an election address are:

The Society:

- a) **must** give each candidate in the election the opportunity to prepare an election address in his/her own words and submit it to the Society for distribution with the voting papers;
- b) **must** ensure, so far as reasonably practicable, that any facilities and restrictions concerning the preparation, submission and length of election addresses are provided or applied equally to all candidates;
- c) **may** specify that the address must not exceed a particular length - but candidates **must** be allowed a minimum of 100 words;
- d) **may** specify if, and to what extent, election addresses may contain photographs and other material not in words;
- e) **may** set a deadline for the receipt of election addresses from candidates - but this **must not** be earlier than the latest time at which a person may become a candidate.

Where the Society does not impose a limit on the number of words, or on the incorporation of other material, each candidate is free to determine such matters for him/herself.

## 7 PRODUCTION OF COPIES OF ELECTION ADDRESSES

The Society:

- a) **must** ensure that candidates do not have to bear any of the costs of producing copies of election addresses;
- b) **must** not change an election address submitted to it unless:
  - the candidate requests the change or agrees to it;
  - or
  - the change is a necessary part of the production process;
- c) **must** ensure that the same method of producing copies is applied in the same way to all election addresses;
- d) **must**, so far as reasonably practicable, ensure that no facility, or information about the method of producing copies or about any necessary modifications, is provided in a way that would benefit any candidate without being provided equally to all the others.

## 8 DISTRIBUTION OF ELECTION ADDRESSES

The Society **must**, so far as reasonably practicable, ensure that copies of every election address received before any deadline set are sent by post, with the voting papers, to all the members who are entitled to vote in the election.

## 9 LEGAL LIABILITY FOR THE CONTENTS OF ELECTION ADDRESSES

Any civil or criminal liability in respect of publishing or copying an election address for the purposes of this section of the Act rests **solely with the candidate concerned**.

## 10 PROPERLY CONDUCTED INDUSTRIAL ACTION BALLOTS

To avoid an application by a member leading to a court order against it under section 1 of the Trade Union Act 1984 the Society must not organise (i.e. authorise or endorse) industrial action unless it has held a ballot which satisfies **all** the requirements which are set out in section 11 of the Trade Union Act 1984. Section 11 of the 1984 Act is itself amended by the 1988 Act.

The requirements of section 11 also apply to a ballot if it is to preserve a union's immunity against an application to the court by an employer, or any of an employer's customers or suppliers, who may suffer damage as a result of its inducement to members to break or interfere with the performance of their employment contracts.

The statutory requirements are as follows.

Timing of the ballot and related action:

- a) The ballot must always be held before the Society authorises or endorses industrial action.
- b) The date of a ballot may not be more than four weeks before the start of industrial action; if votes may be cast on more than one day, the "date of the ballot is the last day on which votes may be cast.
- c) The Society cannot avoid liability by holding a properly conducted secret ballot after previously authorising or endorsing industrial action without one.

## 11 ELIGIBILITY TO VOTE

- a) All those members, **but only those members**, who it is reasonable at the time of the ballot for the Society to believe will be induced to take part in the industrial action.
- b) No-one else may be given a vote, and no-one denied entitlement to vote may subsequently be called on to take part in the action by the Society, without invalidating the ballot itself.

## 12 RECORDING OF VOTES

- a) Voting must be by the marking of a ballot paper.
- b) Those voting must be allowed to do so without interference or constraint (for example, intimidation) on the part of the Society or any of its members, officials or employees.
- c) So far as reasonably practicable all those properly entitled to vote must be:
  - able to vote in secret at no direct cost to themselves;
  - supplied with a voting paper or have one made available during working hours (or immediately before or after their working hours) either at their place of work or a place more convenient to them;
  - given a convenient opportunity to vote either by post, or during working hours (or immediately before or after their working hours) either at their place of work or at a place more convenient to them, **or** a choice between these two methods of voting.
- c) The voting paper must contain at least one of the following questions, framed so as to require a "yes" or "no" answer:
  - a question (however framed) which requires the voter to say whether he/she is prepared to take part (or to continue to take part) in a strike;
  - a question (however framed) which requires the voter to say whether he/she is prepared to take part (or continue to take part) in industrial action short of a strike.
- e) The statement "If you take part in a strike or other industrial action, you may be in breach of your contract of employment." must appear on every voting paper. That statement must not be qualified or commented upon by anything else appearing on the voting paper.

## 13 MAJORITY SUPPORT

Majority support must be obtained in response to the question (or questions) on the ballot paper which are appropriate to the type of industrial action concerned, i.e.;

- a) In the case of a strike, majority support must be obtained in response to a question on the voting paper which asks if members are prepared to take part in (or continue with) such action;
- b) In the case of action short of a strike, majority support must be obtained in response to a question on the voting paper which asks if members are prepared to take part (or continue with) such action;
- c) If the action consists or may consist of a strike and other industrial action, majority support must be obtained for each type of action in response to separate questions on the voting paper asking if members are prepared to take part in (or continue with) each type.

## 14 COUNTING OF VOTES

Votes cast must be accurately and fairly counted (only accidental misrecording on a scale which could not affect the result is allowable without the ballot being rendered invalid).

Where votes in the ballot are given to members at different places of work they may be aggregated (i.e. counted together to produce a single overall result) if it is reasonable for the Society to believe (and it does believe) that those whose votes are to be aggregated form a group consisting of:

- all its members; or
- all its members employed by one or more employers; or
- members who each share a "common distinguishing factor".

For these purposes a "**factor**" is one which relates to a member's terms and conditions of employment or occupational description but which is not consequent upon his/her place of work alone; it is "**common**" if it is shared with one or more of the other members in the group; and "**distinguishing**" if it is not shared with any member employed by the same employer who is not entitled to vote.

There is thus no requirement for separate place of work ballots if, for example, the Society reasonably believes that those whose votes are to be aggregated across different places of work are:

- all of its members employed in a particular occupation by the same employer or a number of employers; or
- all of its members who share a particular term or condition of employment because their terms and conditions are determined by the same established bargaining arrangements.

In other cases, however, the changes made to section 11 of the 1984 Act by section 17 of the 1988 Act require that where votes are given to members of the Society with different places of work, their votes must be counted separately, producing particular results for each such place of work. As described below the vote at each such workplace must then be treated, in effect, as a separate ballot.

## 15 ANNOUNCEMENT OF BALLOT RESULTS

As soon as reasonable practicable after the ballot the Society must take the necessary steps to ensure that all those entitled to vote are informed of the number of:

- total votes cast in the ballot;
- "yes" votes to the question (or if more than one, each question) on the voting paper;
- "no" votes to the question (or if more than one, each question) on the voting paper;
- spoiled voting papers.

## APPENDIX THREE

### NSEAD FORUM AND SPECIALIST INTEREST GROUPS

#### 1 CONSTITUTION OF THE NSEAD FORUM AND SPECIALIST INTEREST GROUPS

- 1.1 The NSEAD Forum and Specialist Interest Groups will be appointed by Council as defined by the Constitution (paragraph 4.18) and the Procedures for the Appointment of the NSEAD Forum and Specialist Interest Groups as approved by the Council.
- 1.2 The NSEAD Forum and Specialist Interest Groups shall be responsible to the Council of the Society. The Council may review the Terms of Reference or Constitution of the NSEAD Forum or Specialist Interest Groups or any other competent business, at such times as it is deemed appropriate to do so by the Council.
- 1.3 The NSEAD Forum shall be empowered to establish Specialist Interest Groups or other consultative groups to carry out specific tasks subject to approval of Council
- 1.4 The NSEAD Forum normally will meet three times each calendar year. The NSEAD Forum meetings will normally coincide with the Council meeting.
- 1.5 The minutes of The NSEAD Forum shall be submitted to the Finance and General Purposes Committee and included as an agenda item for meetings of the Council.

#### 2 MEMBERSHIP OF THE NSEAD FORUM AND SPECIALIST INTEREST GROUPS

- 2.1 All members of the Society, but excluding Collegiate Members, Student Teacher Members and Life Members, shall be eligible to serve on the NSEAD Forum and Specialist Interest Groups
- 2.2 Membership of the NSEAD Forum shall be by appointment of the Council annually from nominations received from the above categories, due regard being given to nominees' gender, the phase of education in which they work, geographical location and ability to attend meetings and undertake work on behalf of the Society
- 2.3 Membership of the Specialist Interest Groups shall be by invitation to members and specialists including the options of temporary and fixed term co-option as agreed by Council

#### 3. TENURE

- 3.1 A member of the NSEAD Forum shall not normally serve for more than three calendar years. Initial appointments to the NSEAD Forum shall be made for periods which subsequently will allow for continuity of membership.
- 3.2 Non-attendance by a member of the NSEAD Forum at three consecutive meetings without exceptional cause renders the membership void. The vacant position on the NSEAD Forum shall be filled by the normal appointments procedure.
- 3.3 The NSEAD Forum shall be empowered to invite specialists to single meetings of the NSEAD Forum
- 3.4 Specialist Interest Groups shall be time limited to their specific task and members will serve for the duration of that task

#### 4. APPOINTMENT PROCEDURES

- 4.1 The constitution of the NSEAD Forum shall be described by specific categories of membership and the number of members in each category. The President of the Society or a representative of the Finance and General Purposes Committee nominated by Council and the General Secretary of the Society shall be ex officio members of the NSEAD Forum and the Specialist Interest Groups
- 4.2 Notice of vacancies on the NSEAD Forum shall be given to all members of the Society in the E Bulletin, AD Magazine or other appropriate means. The notice of vacancies shall include the procedures and timetable



for the appointment of members to the NSEAD Forum, including the timetable for elections or dates for submission of applications and consideration of applications by the Council

- 4.3 Application forms shall be provided on request by the General Secretary, along with a specification of the responsibility of the positions to be appointed.
- 4.4 Applications for positions on the NSEAD Forum shall be required to be submitted to the General Secretary by a specified date. The General Secretary shall be responsible for checking the validity of the applications, in terms of membership of the Society and category of application.
- 4.5 The General Secretary shall prepare a categorised list of applications to be circulated to Council members as part of the agenda papers for the appropriate meeting of Council.
- 4.6 Copies of submitted application forms and the full list of current NSEAD Forum members shall be provided for information at the Council meeting, identifying vacancies and specifying, when relevant, the geographical or institutional affiliation of members.
- 4.7 Appointments by the Council to specific categories of membership of the NSEAD Forum shall be by a secret ballot of members at a meeting of the full Council or by postal ballot of the Council if less than two thirds of the Council are present at that meeting. Alternatively, if the number of applicants exceeds the number of vacancies in any category of the NSEAD Forum membership the Council may determine to hold a secret ballot of all members or a secret ballot of members in a specific membership category.
- 4.8 Tellers for ballots in Council shall be two members without vested interest appointed by the Council.

## 5. CHAIR OF THE NSEAD FORUM AND SPECIALIST INTEREST GROUPS

- 5.1 The Chair of the NSEAD Forum shall normally be the President or nominee, an elected member of Council or an officer of the Society.
- 5.4. The Chair, if not an elected member of Council, shall be invited to be in attendance at meetings of the Council of the Society.
- 5.3 The Chair of NSEAD Forum, if not an elected member of Council shall be appointed or reappointed for a period of one year by the Council.
- 5.4 Specialist Interest Groups will appoint a Chair from within membership of the group. The Chair will report to Council and to the NSEAD Forum

## NSEAD FORUM AND SPECIALIST INTEREST GROUPS SECTION B

### 1 TERMS OF REFERENCE AND MEMBERSHIP

NSEAD Forum will be responsible to the NSEAD Council. The responsibilities of NSEAD Forum will be to debate, research, prioritise and advise NSEAD Council on the following and to work towards fulfilling NSEADs aims and objectives in the Strategic Plan

- All matters relating to the full range of publications, content development and commissioning
- Social media platforms and website development
- Initial teacher education and continuing professional development for teachers in service across all phases throughout the UK, to include conferences, workshop programmes, seminars and online courses
- Curriculum development, to include its assessment and examination across all phases throughout the UK.
- Partnerships and communications between new and existing organisations and agencies to include cultural, academic, technical and commercial
- Liaison with consultants and organisations on an international platform

- Initiate Specialist Interest Groups when and where appropriate
- To consider matters referred from Council
- To submit reports to Council as necessary
- Advocacy and promotion of actions in the best long term interests of the subject and as a single voice promote the value of the subject to government, education communities and wider society.

Membership of NSEAD Forum will be drawn from membership of the Society and consist of the following.

- The President or nominee of the President, the two Vice Presidents, Honorary Treasurer, General Secretary and Assistant General Secretary
- 20 members nominated by members and appointed by Council, to include representation from across the UK and from the following constituencies; Primary, Secondary, Early Years, ITE Primary, ITE Secondary, FE/HE, NQT and the creative industries and cultural sector
- At its discretion NSEAD Forum may invite up to three additional members depending on the needs of the agenda.
- At its discretion NSEAD Forum may establish task specific time limited Specialist Interest Groups from across the membership to debate and co-ordinate activities on behalf of the Society.
- The NSEAD Forum may elect to send up to two representatives to Council.

## APPENDIX 4

The Regions of the Society in England correspond to those recognised by Central Government.