

RULES OF THE UNION **(Adopted Conference 2023)**

1. Name

The name of the Union shall be National Association of Schoolmasters Union of Women Teachers (NASUWT), and all references to the "Union" in these Rules shall be construed accordingly.

2. Registered Office

The Registered Office of the Union shall be Hillscourt Education Centre, Rose Hill, Rednal, Birmingham B45 8RS, or at such other place as the National Executive may from time to time determine.

3. Objects

The Objects of the Union shall be:

- (a) to represent the interests of its members collectively and individually in negotiations with and submissions to employers, local and central government, and other relevant bodies;
- (b) to regulate relations between members, and to facilitate good professional relations between members and other teachers and other employees in the education service;
- (c) to oppose actively all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, class, colour, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic;
- (d) to protect and promote the interests of its members generally and in particular to ensure that the salary scales encourage the recruitment to and retention in the teaching profession of career teachers;
- (e) to promote equal opportunities including through collective bargaining, publicity material and campaigning, representation, union organisation and structures, education and training, organising and recruitment, the provision of all other services and benefits, and all other activities;
- (f) to protect and promote the interests of the education service;
- (g) to secure the representation of the Union on public and private bodies concerned with matters of interest to the Union;
- (h) to afford governments, administrations, Local Authorities and other bodies with an interest in the education service, the advice and experience of the Union and its members;
- (i) to render legal advice and assistance in accordance with Rule 24;
- (j) to provide educational facilities for members;
- (k) to render financial and other assistance whether through the NASUWT Benevolent Funds or otherwise;
- (l) to provide directly or indirectly financial services to members including but not limited to financial advice, insurance, and loan arrangements;
- (m) to participate in such commercial activity whether through the holding of shares in limited liability companies (including but not limited to majority shareholdings) or otherwise as the National Executive may consider appropriate and for the benefit of the Union or its membership;
- (n) to hold, purchase, lease, mortgage, sell or otherwise deal with land or other property;
- (o) to raise funds by borrowing money on any real or personal property of the Union;
- (p) the furtherance of the political objects to which Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992, applies;
- (q) in furtherance of the foregoing objects, to originate direct debits, and execute any indemnity that may be required by the banks receiving such debits.

4. Membership

(1) Full Membership

- (a) All persons who are employed as qualified teachers and such other persons whose contract of employment requires them to teach, lecture or instruct whether on a full or part-time basis are eligible for Full Membership of the Union provided they support the Objects of the Union.
- (b) The right to admit a candidate to membership of the Union shall be vested in the National Executive of the Union whose decision shall be final.
- (c) Throughout their teaching career a member shall be allocated to membership of the Local Association within whose area the member's workplace is situated. If a member has more than one workplace and such workplaces are situated in areas covered by more than one Local Association the member shall elect to join the Local Association which they consider they can serve most effectively. A member shall be eligible to be in membership only of a Local Association in the area in which they are employed as a qualified teacher or employed to teach,

lecture or instruct in accordance with Rule 4(1)(a). Where no Local Association exists the member shall be allocated to the list of centrally attached members.

- (d) Unless the context otherwise so requires, in these Rules the word "Member" shall mean "Full Member".

(2) Retired Membership

- (a) A Full Member who retires on pension may continue in membership as a Retired Member.
- (b) A Retired Member may opt to hold membership with the same benefits, obligations and rights to vote and hold office as a Full Member on payment of the same subscriptions as a Full Member save for ineligibility to stand as a candidate in elections for those offices listed in Rule 4(2)(c).
- (c) Only those Retired Members who are paying the same subscription as a Full Member and who are in compliance with Rule 4(1)(a) shall be eligible to stand for election as a National Officer, National Executive Member or Secretary, President or Vice-President of a Local Association or Federation.
- (d) A Retired Member paying a Full Member subscription shall join the Local Association covering the area in which they live or the Local Association with which they served when a Full Member, according to their wishes.
- (e) Upon the Retired Member's election to pay the prescribed reduced subscription a Retired Member shall be entitled to receive:
 - (i) benefits pursuant to Rule 25 at the discretion of the Central Benevolent Fund Committee;
 - (ii) at the discretion of the National Executive legal assistance in relation to any matter arising out of their former employment in the teaching profession at a time when the Retired Member held Full Membership;
 - (iii) and shall be subject to the provisions of Rule 27 but shall have no other rights under these Rules, and in particular shall have no voting rights nor shall they be eligible to hold office.
- (f) Upon election to pay the prescribed reduced subscription a Retired Member shall join the Retired Members' Association covering the area in which they live or the area in which they served when a Full Member, according to their wishes.

(3) Honorary Life Membership

- (a) The National Executive may recognise service rendered to the Union by a Full Member at national or local level by awarding Honorary Life Membership.
- (b) An Honorary Life Member who has retired from teaching shall have the same rights and obligations under these Rules as a reduced subscription Retired Member, save that an Honorary Life Member shall not be required to pay the prescribed reduced subscription to the Union.
- (c) An Honorary Life Member (unless they are also a Full Member of the Union) shall have no voting rights nor shall they be eligible to hold office other than as provided for in the constitution of a Retired Members' Association.

(4) Career Break Membership

- (a) Any Full Member who leaves the profession with the intention of subsequently returning shall be entitled to become a Career Break Member and may attend meetings of the Local Association of which they were a Full Member when teaching, or of the Local Association covering the area in which they reside, and may speak at the discretion of the Local Association President but shall have no other rights under this Rule, and, in particular, shall have no voting rights nor shall they be eligible to hold office.
- (b) A Career Break Member shall pay the reduced subscription prescribed and shall be entitled to receive:
 - (i) benefits pursuant to Rule 25 at the discretion of the Central Benevolent Fund Committee;
 - (ii) at the discretion of the National Executive, legal assistance in relation to any matter arising out of their former employment in the teaching profession at a time when the Career Break Member held full membership and shall be subject to the provisions of Rule 24.

(5) Student Membership

- (a) A student preparing to enter the teaching service may join the Union as a Student Member.
- (b) A Student Member shall pay the reduced subscription prescribed and shall be entitled to receive legal assistance in accordance with Rule 24 in relation to any matter arising out of their proposed employment in the teaching profession at the discretion of National Executive but shall have no other rights under these Rules and, in particular, shall have no voting rights nor shall they be eligible to hold office in the Union.

(6) Associate Membership

- (a) A member of the Union who secures employment outside teaching without the intention of returning to teaching may continue as an Associate Member and may attend meetings of the

Local Association of which they were a member when they were in teaching employment, or of the Local Association covering the area in which they reside, and may speak at the discretion of the Local Association President but shall have no other rights under these Rules, and in particular shall have no voting rights nor shall they be eligible to hold office.

- (b) An Associate Member shall pay the reduced subscription prescribed and shall be entitled to receive:
 - (i) benefits pursuant to Rule 25 at the discretion of the Central Benevolent Fund Committee;
 - (ii) at the discretion of the National Executive, legal assistance in relation to any matter arising out of their former employment in the teaching profession at a time when the Associate Member held full membership and shall be subject to the provisions of Rule 24.

(7) Former Membership

A person who previously held full membership who has resigned from such membership and who has not become a member of another teacher trades union since their resignation and who no longer holds membership in accordance with any of the membership categories set out in this Rule shall be entitled to receive:

- (i) benefits pursuant to Rule 25 at the discretion of the Central Benevolent Fund Committee;
- (ii) at the discretion of the National Executive legal assistance in relation to any matter arising out of their former employment in the teaching profession at a time when the Former Member held full membership.

(8) Data Protection

A person holding any category of membership of the Union agrees to lawful processing in accordance with the relevant privacy policies of such personal data maintained and collected by the Union concerning the member (including the fact of membership) by the Union, its employees and officers and any agents, contractors and other service providers for the purpose of directly or indirectly furthering any of the Union's objects and benefits under these Rules.

5. Subscriptions

- (a) The subscription rates for all classes of membership shall be determined by Conference and shall be payable in advance either:
 - (i) by direct debit payment, annually, quarterly, or monthly; or
 - (ii) by lump sum payment annually in advance; or
 - (iii) in such other manner as the National Executive shall provide.
- (b) (i) The Full Member subscription rate may include provision for a reduced rate of subscription for such Full Members as are employed part time.
 - (ii) "Part time" for the purposes of this Rule shall apply to any person entitled to full membership whose contract of employment requires them to work for not more than that percentage of the school year or pro rata equivalent thereof from time to time determined by National Executive.
- (c) The Honorary Treasurer shall allocate to a member's Local Association the local apportionment agreed by Conference which shall be paid in such manner and at such intervals as the National Executive shall from time to time direct.
- (d) (i) Any member who allows their subscription to fall more than three calendar months in arrears shall forfeit all rights and title to the funds and properties of the Union, shall be ineligible for assistance and benefits under Rules 23, 24, 25 and 26, shall forfeit the right to vote in any election or ballot and shall not be eligible to hold office in the Union.
 - (ii) Any such member shall be notified by the Union that unless their arrears are cleared their name will be lapsed from the list of members of the Union.
 - (iii) Any member in arrears of subscriptions who has not cleared their arrears within nine calendar months of the issue of notification of arrears under (ii) above shall be deemed lapsed from the list of members of the Union and shall cease to have any rights whatsoever under these Rules or otherwise arising out of their membership of the Union so terminated.
- (e) A member wishing to resign from membership of the Union may do so only by giving notice in writing to the General Secretary.
- (f) The Honorary Treasurer shall be empowered to take any proceedings open to the Union in the name of the Union to recover the subscription due from any member who fails to pay the same in accordance with the Rules of the Union and to this end the Union shall indemnify the Honorary Treasurer against all legal or other costs and expenses reasonably incurred.

6. Conference

- (a) The annual meeting of the Union shall be Conference.

- (b) The supreme government of the Union shall be vested in Conference and the decisions of Conference and of any Special Conference held in accordance with Rule 6(o) shall be binding on all members irrespective of class of membership.
- (c) Conference shall be held on such date or dates and at such place as appointed by the National Executive which date and place shall be published to the membership by the National Executive in such manner and at such time as the National Executive considers necessary for the efficient organisation of Conference.
- (d) Subject to the Standing Orders of Conference, Conference shall comprise the following representatives who shall have speaking and voting rights:
 - (i) the National Officers and National Officers elect of the Union;
 - (ii) National Executive Members;
 - (iii) Past Presidents of the Union and Past Presidents of the National Association of Schoolmasters and of the Union of Women Teachers;
 - (iv) two representatives of each Federation constituted under Rule 10 and two representatives of each of the Northern Ireland, Scotland and Wales/Cymru Executive Councils as constituted under Rule 11;
 - (v) two representatives elected by each Local Association constituted under Rule 8;
 - (vi) one additional representative elected by each Local Association constituted under Rule 8 for every hundred members over and above the first hundred members of that Local Association;
 - (vii) two representatives elected by the Federation of Retired Members' Associations constituted under Rule 9 whose speaking and voting rights shall be restricted to matters of direct concern to Retired Members.
- (e) The full names and addresses of the representatives elected by Local Associations and Federations under (d) (iv), (v), (vi) and (vii) above shall be submitted to the General Secretary by the Federation, Executive Council, Local Association or Federation of Retired Members' Associations concerned to be received by the General Secretary not less than six weeks before the first day of Conference.
- (f) Any representative elected under (d) (iv), (v), (vi) or (vii) above shall be a member of or delegate to the Local Association, Executive Council or Federation electing them as the case may be.
- (g) Save for Past Presidents and Retired Members attending Conference in accordance with (d)(iii) and (vii) above, all representatives attending Conference shall be Full Members of the Union.
- (h) The General Secretary and such staff as the General Secretary may authorise may attend Conference but shall have no vote or speaking rights at Conference save that the General Secretary shall have the right to speak if so invited by the President.
- (i) The National Executive and the President may invite guests of the Union to attend Conference, but such guests shall have no vote at Conference and shall only have the right to speak if so invited by the President.
- (j) Conduct of business at Conference shall be in accordance with such Standing Orders as are approved by Conference from time to time. An amendment to the Standing Orders of Conference may be proposed by:
 - (i) the National Executive by giving notice to the Local Associations in writing of the proposed amendment to the Standing Orders of Conference not less than three months prior to the date of Conference;
 - (ii) fifteen Local Associations giving notice to the General Secretary in writing of the proposed amendment to the Standing Orders of Conference not less than two months prior to the date of Conference.
- (k) Any amendments to the Standing Orders of Conference proposed in accordance with (j)(ii) above shall be circulated to the Local Associations by the National Executive not less than twenty-one days before the date of the Conference.
- (l) An amendment to Standing Orders shall require a two thirds majority of the votes cast at Conference.
- (m) A Standing Orders Committee consisting of two members elected by the National Executive and three members elected by Conference shall be elected annually.
- (n) Members of the Standing Orders Committee shall serve from the conclusion of the Conference at which they are elected until the conclusion of the succeeding Conference.
- (o) A Special Conference shall be held:
 - (i) if the National Executive so considers necessary; or
 - (ii) on the request to the General Secretary of at least ten Local Associations together representing not less than one third of the membership of the Union; for the purposes of conducting such business as shall be specified by the National Executive or by the Local Associations concerned in their request for the Special Conference.

- (p) Twenty-one days' notice of a Special Conference shall be given.
- (q) A Special Conference shall comprise the same representatives as under (d) above.
- (r) Notice of the full names and addresses of Local Association, Executive Council, Federation and Retired Members' Federation Representatives shall be submitted to the General Secretary by the Federation, Executive Council, Local Association or Retired Members' Federation concerned to be received by the General Secretary not less than seven days before the first day of the Special Conference.

7. The National Executive

- (a)
 - (i) The National Executive shall comprise the members of the National Officers' Committee and not more than forty-three elected seats to represent each District of the Union.
 - (ii) The General Secretary shall attend the National Executive to report on the business of the Union and shall have speaking rights at meetings of the National Executive but shall neither be a member of the National Executive nor have a vote.
 - (iii) No paid official or employee of the Union shall be eligible for election as a District member of the National Executive.
- (b) The Districts of the Union for the purposes of membership of the National Executive shall be:

England:

- District 1 County Durham, Darlington, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside, and Sunderland
- District 2 Middlesbrough, Hartlepool, Stockton-on-Tees, and Redcar & Cleveland
- District 3 Cumberland and Westmoreland and Furness
- District 4 Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan
- District 5 Blackburn with Darwen, Blackpool, and Lancashire
- District 6 Cheshire, Halton, Isle of Man, Knowsley, Liverpool, Sefton, St. Helens, Warrington, and Wirral
- District 7 Bradford, Calderdale, Kirklees, Leeds, North Yorkshire, Wakefield, and York
- District 8 Barnsley, Doncaster, Rotherham, and Sheffield
- District 9 East Riding of Yorkshire, Kingston upon Hull, North East Lincolnshire, and North Lincolnshire
- District 10 Derby, and Derbyshire
- District 11 Leicester, Leicestershire, West Northamptonshire and North Northamptonshire, and Rutland
- District 12 Nottingham, Nottinghamshire, and Lincolnshire
- District 13 Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall, and Wolverhampton
- District 14 Staffordshire, and Stoke-on-Trent
- District 15 Herefordshire, Shropshire, Telford & Wrekin, Warwickshire, and Worcestershire
- District 16 Cambridgeshire, Norfolk, and Peterborough
- District 17 Essex, Southend, Suffolk, and Thurrock
- District 18 Bedford, Central Bedfordshire, Hertfordshire, and Luton
- District 19 Bath & N.E. Somerset, Bristol, Gloucestershire, North Somerset, Somerset, and South Gloucestershire
- District 20 Bournemouth, Christchurch, Poole, Swindon, Wiltshire and Dorset
- District 21 Cornwall, Devon, Isles of Scilly, Plymouth, and Torbay
- District 22 Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, and Hounslow
- District 23 Camden, Corporation of London, Greenwich, Hackney, Hammersmith & Fulham, Islington, Kensington & Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth, and Westminster
- District 24 Bexley, Bromley, Croydon, Kingston, Merton, Richmond, and Sutton
- District 25 Barking, Havering, Newham, Redbridge, and Waltham Forest
- District 26 Brighton & Hove, East Sussex, Surrey, and West Sussex
- District 27 Kent, and Medway Towns
- District 28 Buckinghamshire, Milton Keynes, and Oxfordshire
- District 29 Bracknell Forest, Guernsey, Hampshire, Isle of Wight, Jersey, Portsmouth, Reading, Slough, Southampton, West Berkshire, Windsor & Maidenhead, and Wokingham

Wales/Cymru:

- District 30 Conwy, Ynys Mon, Gwynedd, Denbighshire, Flintshire, and Wrexham
- District 31 Blaenau Gwent, Bridgend, Caerphilly, Cardiff, Merthyr Tydfil, Monmouthshire, Newport, Rhondda Cynon Taff, Torfaen, and Vale of Glamorgan

District 32 Ceredigion, Carmarthenshire, Neath & Port Talbot, Powys, Pembrokeshire, and Swansea

Scotland:

District 33 Scotland

Northern Ireland:

District 34 Northern Ireland

- (c) Each District shall be represented by one member of the National Executive save that Districts 1, 4, 6, 7, 13, 23, 31, 33 and 34 shall be represented by two members.
- (d) The National Executive may between Conferences create a new District or Districts from existing Districts and may increase or reduce the number of members elected by each District so as to provide fair representation according to the number of members in each District subject to the overall limitation on the size of the National Executive referred to in Rule 7(a)(i).
- (e) In the event of the creation of a new District or any increase in the number of members of the National Executive for an existing District an election shall be held forthwith for the vacancy so created.
- (f) Any change in Districts or in representation of Districts shall be presented by the National Executive to the Conference immediately following the National Executive's decision to make such change as a proposed amendment to these Rules for approval by that Conference.
- (g) The period of office of a District member of the National Executive shall be two years commencing on 1st August in the year the member was elected until 31st July of the second year.
- (h) National Executive Members holding office shall be required to demonstrate eligibility to hold office on the basis of a contract to teach, lecture or instruct, on an annual basis.
- (i) Any member of the National Executive who fails to attend four meetings of the National Executive without good cause acceptable to the National Executive shall be deemed to have resigned. For the avoidance of doubt the National Executive member so deemed to have resigned shall be eligible to stand for re-election to the vacancy.
- (j) In the event of a member of the National Executive ceasing to be a member of the Union or of a vacancy for any other reason a by-election shall be held forthwith to fill such vacancy which by-election shall be held in accordance with such arrangements as the National Executive shall prescribe.
- (k) The National Executive shall, subject to these Rules and to the decisions of Conference, have full power and authority to take such action as it deems necessary for the conduct of the Union's affairs and the realisation of the objects set out in Rule 3.
- (l) Without prejudice to the generality of the power set out in Rule 7(j) the National Executive shall:
 - (i) subject to ratification at the Conference immediately following such decision, make such bye-laws and regulations as to the management of the Union not inconsistent with these Rules as the National Executive may consider desirable and to rule upon any question as to the construction of any Rule, bye-law or regulation;
 - (ii) determine the remuneration and duties of the General Secretary;
 - (iii) appoint such officials, other than the General Secretary, as the National Executive considers necessary for the good conduct of the affairs of the Union;
 - (iv) determine the remuneration and duties of such officials as are appointed under (l)(iii) above;
 - (v) enter into deeds, guarantees and agreements in accordance with these Rules as agents of the Union;
 - (vi) appoint such Committees with such powers and duties as the National Executive shall from time to time consider necessary;
 - (vii) whether by itself or on the advice or with the assistance of agents invest or cause to be invested such of the assets of the Union and the income arising therefrom as shall not be required for the administration or other purposes of the Union in accordance with these Rules provided that the National Executive shall not be liable for the defaults of agents whom it may employ for this purpose;
 - (viii) make such arrangements as the National Executive deems to be necessary and appropriate to fill any vacancy to any elected office in the Union arising from suspension or removal from office.
- (m) National Officers and members of the National Executive shall be indemnified by the Union:
 - (i) in respect of expenses properly incurred by them in the performance of their duties as such National Officers or members of the National Executive as the case may be; and
 - (ii) in respect of all demands, claims, actions, proceedings and damages (and the costs and expenses thereof) made, brought or obtained against them arising out of the

performance of their duties as such National Officers or members of the National Executive.

8. Local Associations

- (a) The National Executive shall have power to form, dissolve or amalgamate such Local Associations as it sees fit subject to such criteria as are approved by Conference from time to time. Any decision taken by the National Executive in accordance with this paragraph shall be reported for ratification to the Conference immediately following that decision.
- (b) The National Executive shall publish model rules for the conduct of Local Association business which rules shall be adopted by each Local Association save that the National Executive may approve any such local variations requested by a Local Association as it sees fit.
- (c) Only persons who are in Full Membership of the Union in compliance with Rule 4(1)(a) shall be eligible for election as Local Association Secretary, President or Vice-President.
- (d) The funds of a Local Association shall only be kept in an account opened in the name of that Local Association at a Bank, Post Office or Building Society approved by the Honorary Treasurer. Withdrawals from the account shall be under the signature of at least two duly appointed Local Association officers.
- (e) All Local Associations shall supply a statement of balances and an income and expenditure account to the Honorary Treasurer at the end of the financial year. The financial year is the calendar year.

9. Retired Members' Associations and Federation

- (a) The National Executive shall have power to form, dissolve or amalgamate such Retired Members' Associations as it sees fit subject to such criteria as are approved by Conference from time to time. Any decision taken by the National Executive in accordance with this paragraph shall be ratified by the Conference immediately following that decision.
- (b) The National Executive shall publish model rules for the conduct of Retired Members' Association business which rules shall be adopted by each Retired Members' Association save that the National Executive may approve any such local variations requested by a Retired Members' Association as it sees fit.
- (c) The funds of a Retired Members' Association shall only be kept in an account opened in the name of that Retired Members' Association at a Bank, Post Office or Building Society approved by the Honorary Treasurer. Withdrawals from the account shall be under the signature of at least two duly appointed Retired Members' Association officers.
- (d) All Retired Members' Associations shall supply a statement of balances and an income and expenditure account to the Honorary Treasurer at the end of the financial year. The financial year is the calendar year.
- (e) All Retired Members' Associations shall combine to form the Retired Members' Federation which shall be consulted by the National Executive on such matters affecting retired members as the National Executive considers appropriate.
- (f) The National Executive shall publish model rules for the conduct of Retired Members' Federation business which rules shall be adopted by the Federation save that the National Executive may approve such variations requested by the Federation as it sees fit.
- (g) A Retired Members' Association shall contribute to the Retired Members' Federation such proportion of its subscription apportionment and other income at such times and in such manner as shall be directed by resolution of the Federation from time to time.
- (h) The funds of the Retired Members' Federation shall only be kept in an account opened in the name of the Retired Members' Federation at a Bank, Post Office or Building Society approved by the Honorary Treasurer. Withdrawals from the account shall be under the signature of at least two duly appointed Retired Members' Federation officers.
- (i) The Retired Members' Federation shall supply a statement of balances and an income and expenditure account to the Honorary Treasurer at the end of the financial year. The financial year is the calendar year.

10. Federations

- (a) Where there is more than one Local Association within the area of a Local Education Authority the National Executive shall combine those Local Associations to form a Federation which shall be solely responsible for all negotiations with that Local Education Authority and such other employers as may be located within the area of that Local Education Authority.
- (b) The National Executive shall publish model rules for the conduct of Federation business which rules shall be adopted by each Federation save that the National Executive may approve such local variations requested by a Federation as it sees fit.

- (c) Only persons who are in Full Membership of the Union in compliance with Rule 4(1)(a) shall be eligible for election as Federation Secretary, President or Vice-President.
- (d) The funds of a Federation shall only be kept in an account opened in the name of the Federation at a Bank, Post Office or Building Society approved by the Honorary Treasurer. Withdrawals from the account shall be under the signature of at least two duly appointed Federation officers.
- (e) All Federations shall supply a statement of balances and an income and expenditure account to the Honorary Treasurer at the end of the financial year. The financial year is the calendar year.
- (f) A Local Association shall contribute to the Federation of which it is a member such proportion of its subscription apportionment and other income at such times and in such manner as shall be directed by resolution of the Federation from time to time.

11. Executive Councils in Northern Ireland, Scotland and Wales/Cymru

- (a) In Northern Ireland, Scotland and Wales/Cymru, National Executive shall combine Local Associations to form Executive Councils. These Executive Councils to be known as NASUWT Northern Ireland, NASUWT Scotland and NASUWT Cymru.
- (b) The National Executive shall publish model rules for the conduct of the business of those Executive Councils known as NASUWT Northern Ireland, NASUWT Scotland and NASUWT Cymru which rules shall be adopted by the said Executive Councils save that National Executive may approve such variations requested by NASUWT Northern Ireland, NASUWT Scotland and NASUWT Cymru as it sees fit.
- (c) The funds of the Executive Councils known as NASUWT Northern Ireland, NASUWT Scotland and NASUWT Cymru shall only be kept in an account opened in the name of the relevant Executive Council at a bank, post office or building society approved by the Honorary Treasurer. Withdrawals from the account should be under the signature of at least two duly appointed Executive Council officers.
- (d) All Executive Councils shall supply a statement of balances and an income and expenditure account to the Honorary Treasurer at the end of the financial year. The financial year is the calendar year.
- (e) Local Associations in Northern Ireland, Scotland and Wales/Cymru shall contribute to the appropriate Executive Council such proportion of Local Association subscription apportionment and other income at such times and in such manner as shall be directed by resolution of the appropriate Executive Council from time to time.

12. Regional Committees in England

- (a) National Executive shall make such arrangement as National Executive deems necessary and appropriate for the formation of Regional Committees in England.
- (b) The purpose of Regional Committees in England shall be to facilitate regional activity in accordance with model rules for the conduct of the business of Regional Committees as published by National Executive and which shall be adopted by each Regional Committee save that National Executive may approve such variations requested by a Regional Committee as National Executive sees fit.

13. National Officers' Committee

- (a) Membership of the National Officers' Committee shall be:
 - (i) the Junior Vice-President;
 - (ii) the Senior Vice-President;
 - (iii) the President;
 - (iv) the Ex-President;
 - (v) the Honorary Treasurer;
 which Officers shall be known as the National Officers of the Union.
- (b) No paid official or employee of the Union shall be eligible for election to membership of the National Officers' Committee.
- (c) National Officers shall be required to demonstrate eligibility to hold office on the basis of a contract to teach, lecture or instruct, on an annual basis.
- (d) Any National Officer who fails to attend four meetings of the National Officers' Committee without good cause acceptable to the Committee shall be reported by the President to the National Executive who may in their absolute discretion declare that the National Officer concerned shall be deemed to have resigned whereupon the casual vacancy procedure shall be commenced. For the avoidance of doubt the National Officer so deemed to have resigned shall be eligible to stand for election to National Office as and when an election is called.
- (e) Between meetings of the National Executive the National Officers' Committee shall conduct the business of the Union.

- (f) The National Officers' Committee may authorise a ballot for Industrial Action in accordance with Rule 22(c).
- (g) The National Officers' Committee shall be bound by decisions of the National Executive.
- (h) The National Officers' Committee may make such recommendations to the National Executive for the conduct of the business of the Union as the National Officers' Committee sees fit.
- (i) The National Officers' Committee shall report to the National Executive such decisions as it makes for the conduct of the business of the Union between meetings of the National Executive.

14. The Presidency

- (a) There shall be an annual election for the four-year term of office of the Presidency.
- (b) In the first year of office the member elected to the Presidency shall be known as the Junior Vice-President.
- (c) In the second year of office the member elected to the Presidency shall be known as the Senior Vice-President.
- (d) In the third year of office the member elected to the Presidency shall be known as the President.
- (e) In the fourth year of office the member elected to the Presidency shall be known as the Ex-President.
- (f) Each year of office for the purposes of this Rule shall commence on the first day of Conference in the relevant year and end on the first day of Conference in the following year.

15. Honorary Treasurer

- (a) The Honorary Treasurer shall be elected to hold office for a two-year term from the conclusion of Conference of the year of their election until the conclusion of Conference at the end of their second year.
- (b) The Honorary Treasurer shall be responsible, on behalf of the National Executive, for reporting on the financial health and solvency of the Union.
- (c) The Honorary Treasurer shall act in accordance with these Rules under the instructions of Conference, the National Executive and the National Officers' Committee.
- (d) In conjunction with the General Secretary and National Officers' Committee, the Honorary Treasurer shall report to the National Executive on the Union's income and expenditure, balances sheet, investments and other matters related to the Union's financial solvency.
- (e) The Honorary Treasurer shall prepare a budget for consideration and approval by the National Executive.
- (f) In conjunction with the General Secretary, the Honorary Treasurer shall publish the audited accounts of the Union annually in sufficient time for consideration at Conference.
- (g) The Honorary Treasurer shall propose such matters for adoption by Conference as the National Executive deems necessary, including proposals regarding the level of membership fee subscriptions.
- (h) In conjunction with the National Officers' Committee, the Honorary Treasurer may propose such financial regulations and directions as necessary for consideration and adoption by the National Executive.

16. Auditors

- (a) Chartered accountants shall be appointed annually by Conference to examine and audit the accounts of the Union.
- (b) An appropriately qualified person or persons or organisation shall be appointed annually by Conference to act as an assurer under the Trade Union and Labour Relations (Consolidation) Act 1992 for so long as required by law to do so.

17. Investment and Financial Affairs

- (a) Funds, assets and other property belonging to or held upon trust for the Union may with the consent of the National Executive be invested in or upon such shares, stocks, funds, securities or other investments in any part of the world and whether involving liability or not either in the names of the Trustees or in the name of a nominee on behalf of the Trustees as the National Executive shall in its absolute discretion think fit so that the National Executive shall be empowered to invest and transmute the investment of the said funds and other property of the Union in the same unrestricted manner as if they were the beneficial owners thereof.
- (b) All land, buildings, other property and assets of the Union shall be placed in the names of the Trustees or in the name(s) of a nominee or nominees on behalf of the Trustees approved by the National Executive or in the name of the Custodian Trustee or Public Trustee as the

National Executive shall in its absolute discretion think fit to be held for and on behalf of the Union.

- (c) All monies held by or on behalf of the Union shall be paid into the bank accounts of the Union.
- (d) Local Association and Federation reserves shall be held centrally in the name of the Local Association or Federation concerned and shall be subject to the right of withdrawal on demand by the Local Association or Federation provided that any such withdrawal is for a specified amount authorised by Minute of a meeting of the Officers or Executive of the Local Association or Federation.
- (e) Local Association and Federation Officers, accredited school representatives, Health & Safety Representatives, and such other Officers and representatives as may be approved by the National Executive from time to time shall be indemnified by the Union in respect of all demands, claims, actions, proceedings and damages and the costs and expenses thereof, made, brought or obtained against them arising out of the performance of their duties as such Officers or representatives.

18. Trustees

- (a) The President, Senior Vice-President, Junior Vice-President and Ex-President for the time being of the Union shall be trustees thereof.
- (b) The National Executive may appoint a Trust Corporation to be Custodian Trustee in accordance with Section 4 of the Public Trustee Act 1966.
- (c) The National Executive may transfer to the Public Trustee such funds or property of the Union and such stocks, shares or securities held by or on behalf of the Union as it sees fit.

19. General Secretary

- (a) The General Secretary shall conduct the business of the Union in accordance with these Rules and act under the instructions of Conference, the National Executive and the National Officers' Committee.
- (b) In the event of failure by the General Secretary to fulfil the terms of their contract of employment the National Executive may dismiss the General Secretary from office by resolution passed by a two thirds majority of the members of National Executive.
- (c) The General Secretary shall:
 - (i) have the conduct of the day-to-day administration of the Union;
 - (ii) manage the staff of the Union and shall give such directions as to their work as the General Secretary considers necessary;
 - (iii) convene meetings of the National Executive and its Committees and Sub-Committees as and when the National Executive or the National Officers shall require and as the General Secretary deems necessary;
 - (iv) put before the National Executive such reports and recommendations as to Union policy, organisation and administration as the General Secretary may deem necessary or as the National Executive may require.
- (d) Throughout these Rules wherever there is reference to the General Secretary (with the exception of Rule 20(4)) the General Secretary may nominate the Deputy General Secretary or any other member of staff to act in their place.

20. Elections

(1) Eligibility

- (a) No member shall be eligible to stand in an election for any elected office at local or national level within the Union if they are a member of the principal governing body of, or an elected officer of, agent or employee of another trade union representing persons who are eligible for membership of the Union. On becoming a member of the principal governing body of, or an elected officer of, agent or employee of another trade union representing persons who are eligible for membership of the Union, a member of the Union shall immediately vacate any elected office at local or national level within the Union.
- (b) No member shall be eligible to stand in an election for any elected office at local or national level within the Union if they engage in any employment relationship with any commercial enterprise competitive with the Union for those persons eligible for membership. On engaging in any employment relationship with any commercial enterprise competitive with the Union for those persons eligible for membership, a member of the Union shall immediately vacate any elected office at local or national level within the Union.

(2) National Officers

- (a) Each Local Association shall be entitled to nominate at a general meeting one member as candidate for the Presidency and one member as candidate for Honorary Treasurer.

- (b) Any such nomination shall be made by resolution of the Local Association passed at a General Meeting. The agenda and calling notice for the meeting must include as a separate item of business the consideration and making of nominations for the Presidency and Honorary Treasurer.
- (c) Only persons who are in Full Membership of the Union in compliance with Rule 4(1)(a) shall be eligible for election as Honorary Treasurer or to the National Presidency.
- (d) Any such nomination shall be on the prescribed form which shall be countersigned by the nominee as notice of acceptance of nomination and thereafter submitted to the General Secretary.
- (e) Any completed nomination form not received by the General Secretary on or before noon on the first Friday in November in the year of the election concerned shall not be a valid nomination.

(3) National Executive

- (a) Each Local Association, or such members who may role share, and who are employed within a District shall be entitled to nominate one member of a Local Association within that District as a candidate for each vacancy for the National Executive for that District.
- (b) Any such nomination shall be made by resolution of the Local Association passed at a General Meeting. The agenda and calling notice for the meeting must include as a separate item of business the consideration and making of nominations for District members of the National Executive.
- (c) Only persons who are in Full Membership of the Union in compliance with Rule 4(1)(a) shall be eligible for election to membership of the National Executive.
- (d) Any such nomination shall be on the prescribed form which shall be countersigned by the nominee as notice of acceptance of nomination and thereafter submitted to the General Secretary.
- (e) Any nomination form not received by the General Secretary on or before noon on the first Friday in April in the year of the election concerned shall not be a valid nomination.

(4) General Secretary

- (a) Any election for the position of General Secretary shall be called by the National Executive who shall cause to be published a timetable for the election.
- (b) The National Executive and each Local Association shall be entitled to nominate at a general meeting one candidate for General Secretary.
- (c) Any such nomination shall be made by resolution of the Local Association passed at a General Meeting. The agenda and calling notice for the meeting must include as a separate item of business the consideration and making of nominations for the General Secretary.
- (d) Any such nomination shall be on the prescribed form which shall be countersigned by the nominee as notice of acceptance of nomination and thereafter submitted to the President.
- (e) Any nomination form not received by the President on or before the closing date for nominations as prescribed by the National Executive shall not be a valid nomination.
- (f) For acceptance as a candidate for the post of General Secretary a prospective candidate shall be nominated either by the National Executive or by a minimum of twenty five Local Associations or by both in accordance with the procedure set out in this Rule.
- (g) No member shall be eligible to stand in an election for the position of General Secretary if they are a member of the principal governing body of, or an officer of, another trade union representing persons who are eligible for membership of the Union.

(5) Canvassing

- (a) Upon request to the General Secretary (or in the event of an election for General Secretary, the President) a prospective candidate may request an email to be sent to Local Associations relevant to the election concerned, for the sole purpose of corresponding with Local Associations to seek nomination.
- (b) The National Executive shall adopt and publish such appropriate guidance and protocols as it shall deem necessary.
- (c) No candidate may act in a manner contrary to any relevant data protection laws.

(6) Ballots

- (a) In the event of there being more than one candidate for the position of the Presidency, Honorary Treasurer, or General Secretary, a ballot shall be held amongst the members of the Union. Each member of the Union shall be entitled to one vote in each contested election and the candidate with the greatest number of votes cast shall be declared elected.
- (b) In the event of there being more candidates for nomination to the National Executive than the number of members of the National Executive prescribed for a District there shall be a ballot held of the members of the Local Associations in the District concerned. Each member of a Local Association in a District where a contested National Executive election is held shall be entitled to one vote for each vacancy and the candidate (or if more than one vacancy, candidates) with the greatest number of votes cast shall be declared elected.

(7) Election address

- (a) Validly nominated candidates shall be entitled to submit an election address.
- (b) Election addresses shall be produced in accordance with a protocol agreed and published by National Executive.
- (c) The election address shall be distributed at no cost to the candidate to those members who are entitled to vote in the election concerned at the same time as the ballot paper is despatched to those members.

(8) Balloting procedures

- (a) Ballot papers accompanied by election addresses shall be distributed to members eligible to vote within one calendar month after the closing date for nominations.
- (b) The ballot paper shall include on it the date by which the ballot paper to be valid shall be received by the Union's returning officer which date shall be twenty one days after the date of distribution of the ballot papers referred to above.
- (c) The National Executive shall appoint an independent scrutineer for each election whose duties shall be those set out in the Trade Union and Labour Relations (Consolidation) Act 1992 and as amended by any subsequent legislation.

(9) Election misconduct

- (a) Any complaint of election misconduct shall be made by a member in writing to the General Secretary (or to the President in the case of an election for General Secretary) to be received within twenty eight days of the act or omission, the subject of the complaint.
- (b) The General Secretary (or the President in the case of an election for General Secretary) shall have power to dismiss a complaint they consider to be frivolous or vexatious. The General Secretary (or the President as the case may be) shall report the dismissal of such a complaint to the National Officers' Committee Meeting immediately following their decision.
- (c) The National Officers' Committee (with the exclusion of an individual whose election is the subject of complaint) shall consider any complaint of misconduct not ruled frivolous or vexatious.
- (d) The National Officers' Committee in investigating a complaint of election misconduct may set up a Tribunal of Inquiry to investigate the complaint which Tribunal shall comprise either three members of the National Executive or three past Presidents or a combination thereof (save that any individual whose election is the subject of complaint shall not be eligible to serve on such a Tribunal).
- (e) A Tribunal of Inquiry constituted under this Rule shall have power to investigate such matters as it believes relevant, and to question such witnesses and to call for such documents as it considers necessary.
- (f) A Tribunal of Inquiry shall report to the National Officers' Committee in writing. The National Officers' Committee shall provide a copy of such report to the Complainant(s) and to any individual(s) who are the subject of the complaint.
- (g) Upon receipt of a report of a Tribunal of Inquiry the National Officers' Committee shall consider the report and thereafter either uphold the election or declare the election invalid and set a date for a new election, subject to confirmation by the National Executive.
- (h) The National Officers' Committee shall have power to suspend an election if it so considers necessary for the good management of the Union.
- (i) The National Officers' Committee, subject to confirmation by the National Executive shall make such arrangements as it considers necessary to ensure the good management of the Union should an election be suspended, which power includes the nomination of a member to perform the duties of the post, the subject of the contested election until the exhaustion of all and any misconduct claims and conclusion of that election.
- (j) In the absence of the suspension of an election by the National Officers' Committee, the election, shall proceed and the candidate(s) receiving the highest number of votes shall be declared elected and shall hold office unless and until the election is declared invalid on the grounds of electoral misconduct by the National Officers' Committee.
- (k) Nothing in this Rule shall be seen as a bar to internal Union discipline pursuant to Rule 27.

21. Casual Vacancies

- (a) A member of the National Executive or National Officers' Committee shall vacate office in the following circumstances:
 - (i) ceasing to be a Full Member of the Union;
 - (ii) ceasing to be a member of the relevant District;
 - (iii) resignation from office;
 - (iv) expulsion or debarment from office under Rule 27;
 - (v) long-term sickness absence to exceed the period of office;
 - (vi) failure to fulfil the duties of office.

- (b) In the event of the President ceasing to be a member of the Union or the office of President falling vacant for any other reason the Senior Vice-President shall vacate the office of Senior Vice-President and shall progress to the office of President and shall hold that office for the remainder of the unexpired year of office in addition to their year in office as President.
- (c) In the event of the Senior Vice-President ceasing to be a member of the Union or the office of Senior Vice-President falling vacant for any other reason the Junior Vice-President shall vacate the office of Junior Vice-President and shall progress to the office of Senior Vice-President and shall hold that office for the remainder of the unexpired year of office in addition to their year in office as Senior Vice-President.
- (d) In the event of the Ex-President ceasing to be a member of the Union or the office of Ex-President becoming vacant for any other reason, the National Executive shall appoint from amongst its number a member of the National Executive to carry out the duties of Ex-President.
- (e) In the event of the Honorary Treasurer ceasing to be a member of the Union or the office of Honorary Treasurer becoming vacant for any other reason, the National Executive shall appoint from amongst its number a member of the National Executive to carry out the duties of Treasurer. The National Executive shall then as soon as reasonable call an election to fill the vacancy for the remainder of the unexpired period of office which election shall be held in accordance with Rule 20 save that the National Executive may appoint such dates for the conduct of the election as it sees fit.
- (f) In the event of the Junior Vice-President ceasing to be a member of the Union or the office of Junior Vice-President becoming vacant for any other reason, the National Executive shall appoint from amongst its number a member of the National Executive to carry out the duties of Junior Vice-President. The National Executive shall then as soon as reasonable call an election to fill the vacancy for the remainder of the unexpired period of office which election shall be held in accordance with Rule 20 save that the National Executive may appoint such dates for the conduct of the election as it sees fit.
- (g) In the event of a National Executive Member ceasing to be a member of the Union or the office of National Executive Member becoming vacant for any other reason, the National Executive shall then as soon as reasonable call an election to fill the vacancy for the remainder of the unexpired period of office which election shall be held in accordance with Rule 20 save that the National Executive may appoint such dates for the conduct of the election as it sees fit.

22. Industrial Action

- (a) The following and only the following are authorised to call upon members to participate in industrial action:
 - (i) the General Secretary and,
 - (ii) in the General Secretary's absence, the Deputy General Secretary.
- (b) The National Executive may authorise a ballot for industrial action of the whole membership or such section of the membership as it considers necessary.
- (c) The National Officers' Committee may authorise a ballot for industrial action of the whole membership or such section of the membership as it considers necessary.
- (d) On receipt of a request for a ballot for industrial action from a National Executive Member, Federation Secretary or Local Association Secretary, the General Secretary shall:
 - (i) authorise a ballot and thereafter report such authorisation to the National Officers' Committee; or
 - (ii) reject the request for a ballot and thereafter report such rejection to the National Officers' Committee; or
 - (iii) report such request to the National Officers' Committee for decision.

23. Casework Assistance

- (a) Casework assistance shall be granted in accordance with the Union's Casework Code of Practice agreed and published by National Executive and at the discretion of the General Secretary to any Full Member and, to the extent permitted by Rule 4, Retired, Honorary Life, Career Break, Student, Associate and Former Members.
- (b) Casework assistance may be granted in relation to:
 - (i) any matter arising out of or occurring in the course of the member's employment;
 - (ii) any matter affecting the professional or other rights, welfare or interests of members or the teaching profession in general.
- (c) Casework assistance may be withdrawn by the General Secretary if an assisted person whose case has been supported by the NASUWT:
 - (i) fails to act on or accept the advice of the General Secretary or their NASUWT caseworker; or

- (ii) fails to co-operate in the provision or collection of information relevant to the case; or
 - (iii) has wilfully provided false or misleading information; or
 - (iv) seeks advice from a third party on their case; or
 - (v) is abusive or acts inappropriately to their NASUWT Caseworker; or
 - (vi) is three months or more in arrears with membership contributions; or
 - (vii) in any other circumstances where withdrawal is deemed to be necessary by the National Executive.
- (d) "Casework assistance" for the purpose of this Rule means assistance provided by an officer, official or employee of the Union to a person in a matter concerning that person.

24. Legal Assistance

- (a) Legal assistance shall be granted at the complete discretion of the National Executive.
- (b) The following shall be eligible for legal assistance:
 - (i) Full Members working in the British Isles.
 - (ii) Full Members working overseas employed by or under the auspices of the Overseas Development Administration, the Ministry of Defence, or such other Government Department as the National Executive shall from time to time approve.
 - (iii) Full Members working overseas pursuant to any other appointment approved by the National Executive.
 - (iv) Retired, Honorary Life, Career Break, Student, Associate and Former Members to the extent permitted by Rule 4.
- (c) Subject to Rule 4, legal assistance may be granted in relation to:
 - (i) any matter arising out of or occurring in the course of a member's employment;
 - (ii) any matter affecting the professional or other rights, welfare, or interests of members or the teaching profession in general.
- (d) Legal assistance may be withdrawn by the National Executive if an assisted person whose case has been supported by the Union:
 - (i) fails to act on or accept the advice of the General Secretary or the Union's legal advisers; or
 - (ii) fails to co-operate in the provision or collection of information relevant to the case; or
 - (iii) has wilfully provided false or misleading information; or
 - (iv) seeks advice from a third party on their case; or
 - (v) is abusive or acts inappropriately to their NASUWT Caseworker; or
 - (vi) is three months or more in arrears of membership contributions; or
 - (vii) in any other circumstances where withdrawal is deemed to be necessary by the National Executive.
- (e) If legal assistance is withdrawn pursuant to this Rule the assisted person shall be fully responsible for all legal costs incurred by the Union or by any other party to litigation in which the Union has supported the assisted person.

25. Benevolent Fund

There shall be a separate charitable fund known as the "NASUWT Benevolent Fund" which shall have such separate Rules as are approved by Conference from time to time with the consent of the Charity Commissioners which Rules shall provide for but shall not be limited to the objects, benefits, constitution, and administration of the fund.

26. Insurance and Other Member Benefits

- (a) The National Executive shall at its discretion make arrangements to indemnify members against such claims for liabilities incurred against them by way of contract of insurance or otherwise as it sees fit.
- (b) The extent of cover under (a) above shall be determined by the National Executive at its discretion.
- (c) The levels of benefit under this Rule shall be determined by the National Executive in its discretion which levels of benefit may vary according to:
 - (i) class of membership;
 - (ii) the circumstances giving rise to the claim;
 subject to such maximum limit as is provided for by Section 467 of the Income and Corporation Taxes Act 1988 and any amendment or re-enactment thereof.

27. Internal Union Discipline

(1) Offences

A member of the Union commits a disciplinary offence if that member:

- (a) wrongly or fraudulently receives or misapplies funds of the Union;

- (b) fails to participate in official industrial action;
- (c) acts contrary to or fails to carry out lawful instructions of the National Executive;
- (d) harasses another person or discriminates against another person on the grounds of gender, ethnic origin, disability, sexuality, religion or age;
- (e) acts contrary to or fails to carry out the policies of the Union;
- (f) acts in any way prejudicial to the interests of the Union;
- (g) assaults or abuses another person.

(2) Complaints

Complaints relevant to Internal Union Discipline may be made against any member of the Union by:

- (a) any member of the Union;
- (b) resolution of the National Officers (excluding the Ex-President).

(3) Secretariat

- (a) The General Secretary shall nominate a member of staff to act as secretary in all aspects of the administration of Rule 27. In the absence of the member of staff so nominated by the General Secretary, another member of staff nominated by the General Secretary may act in their place. The General Secretary's Nominee undertaking the role of secretary during Rule 27 proceedings will be known as the "Complaint Secretary".
- (b) The Complaint Secretary shall seek to ensure that all proceedings under Rule 27 are progressed in accordance with Rule 27 and any protocol relevant to Rule 27 which has been approved by National Executive.

(4) Disciplinary Complaint

- (a) Upon receipt of a complaint the Complaint Secretary shall send a copy of the complaint to the President (or Past President) who will carry out or commission an investigation.
- (b) The President, in consultation with two members of the National Executive (or the General Secretary, in consultation with one National Officer and two members of the National Executive), shall have the power to suspend a member from any office in the Union (or from attendance at any deemed meetings) pending investigation into any alleged complaint where deemed appropriate in the interests of the member, complainant, or the Union, or to enable the matter to be investigated expeditiously. Unless determined otherwise, suspension will continue until the conclusion of both the investigation process and any resulting disciplinary process. Neither the President nor any of the National Officers shall be debarred from participating further in the Rule 27 procedure by reason of having exercised, or considered the exercise of, the power of suspension under this rule.
- (c) If upon conclusion of the investigation the President (or Past President) is of the opinion that conciliation is not appropriate then they shall instruct the Complaint Secretary to convene a Disciplinary Committee Meeting for the purpose of the hearing to consider the complaint, save that if the President (or Past President) is of the view that the complaint is frivolous or vexatious they shall instruct the Complaint Secretary to notify the member who submitted the complaint and the Respondent that no further action will be taken.

(5) Discipline at Disciplinary Committee Level

- (a) The Disciplinary Committee shall be a Committee of the National Executive and shall comprise three members of the National Executive excluding the National Officers as nominated by the National Executive. The members of the Disciplinary Committee shall elect a Chair from among their number.
- (b) The Disciplinary Committee may resolve to:
 - (i) dismiss the complaint; or
 - (ii) find the complaint justified.
- (c) If the Disciplinary Committee passes a resolution in accordance with (5)(b)(ii) above, or the Respondent has admitted the complaint under (2)(b) above, the Disciplinary Committee shall resolve:
 - (i) to impose no penalty; or
 - (ii) to penalise the Respondent.
- (d) The penalties available to the Disciplinary Committee shall be:
 - (i) a reprimand;
 - (ii) to suspend the Respondent from membership of the Union for a specified period;
 - (iii) to debar the Respondent from holding office in the Union either permanently or for a specified period;
 - (iv) to expel the Respondent from membership of the Union.
- (e) As soon as is practicable, the Complaint Secretary shall notify the Respondent in writing of the resolution(s) of the Disciplinary Committee and of any right of appeal.
- (f) Any penalties imposed shall take effect from the date of decision, save that of expulsion, which shall take effect from the expiry of the time allowed for an appeal or, if there is an appeal, on the conclusion of that appeal (unless the appeal is upheld, or the penalty reduced). Where the

penalty imposed by the Disciplinary Committee is expulsion, the member shall be suspended from membership from the date of the decision until the expulsion takes effect or any appeal upheld, or the penalty is reduced.

(6) Appeals

- (a) There shall be a right of appeal from the Disciplinary Committee to the Appeals Committee when the Disciplinary Committee has imposed any of the penalties in Rule 27(5)(d).
- (b) Appeals Committee
 - (i) The Appeals Committee shall be a Committee of the National Executive and shall comprise three members of the National Executive excluding National Officers as nominated by the National Executive. The Appeal Committee shall elect a Chair from amongst their number.
 - (ii) No member of the National Executive who was a member of the Disciplinary Committee against whose resolution(s) the appeal has been made shall be a member of the Appeals Committee considering that appeal.
- (c) The Appeal
 - (i) The Respondent shall submit the appeal in writing (Notice of Appeal) specifying the grounds of the appeal to the Complaint Secretary.
 - (ii) The time limit for an appeal shall be ten days from the date the written notice of the resolution(s) against which the appeal lies was sent to the Respondent.
 - (iii) It is the Respondent's responsibility to ensure that the Notice of Appeal complies with this Rule and is received by the General Secretary within the time limit.
 - (iv) Upon receipt of a Notice of Appeal the General Secretary shall convene a meeting of the Appeals Committee for the purpose of a hearing to consider the appeal.
 - (v) The Appeals Committee may resolve to dismiss, uphold or reduce the penalty imposed by the Disciplinary Committee.
 - (vi) Any decision of the Appeals Committee shall be final.
 - (vii) As soon as is practicable, the Complaint Secretary shall notify the Respondent in writing of the resolutions of the Appeals Committee.
 - (viii) All appeal hearings shall be by way of full rehearing and new evidence shall be admissible at the discretion of the Chairperson.

(7) Implementation of Decisions

- (a) Where a disciplinary resolution passed under this Rule may be the subject of an appeal, it shall not take effect until either the time limit for appeal has expired and no appeal has been entered or an appeal has been dismissed. In all other cases the decision shall have immediate effect.
- (b) Any decision made by the Appeal Committee shall have immediate effect.

(8) Protocol

The National Executive shall adopt and publish a protocol for the progression of Rule 27 proceedings which shall be adhered to by all parties.

(9) Chair's Authority

The ruling of the Disciplinary Committee Chair, or of the Appeal Committee Chair as appropriate, shall be binding on all parties to Rule 27 proceedings in respect of any issue on which Rule 27 and/or the protocol adopted by National Executive are silent.

28. Amendment to Rules

- (a) An amendment to these Rules may be proposed by:
 - (i) The National Executive by giving notice to the Local Associations in writing of the proposed amendment to these Rules not less than three months prior to the date of Conference or any Special Conference called to consider amendments to these Rules.
 - (ii) By fifteen Local Associations giving notice to the General Secretary in writing of the proposed amendment to these Rules not less than two months prior to the date of Conference or any Special Conference called to consider amendments to these Rules.
- (b) Any amendments to these Rules proposed in accordance with (a)(ii) above shall be:
 - (i) submitted for review by the Standing Orders Committee elected in accordance with Rule 6(m) who will report and advise whether the proposed amendment is legally and technically competent.
 - (ii) circulated to the Local Associations by the National Executive not less than twenty-one days before the date of the Conference or Special Conference where the Standing Orders Committee has so deemed the proposed amendment to be competent.
- (c) An amendment to these Rules shall be made only by Conference or a Special Conference and shall require a two-thirds majority of the votes cast at that Conference.

29. Dissolution of the Union

- (a) A proposal to dissolve the Union may be made by:

- (i) a resolution of the National Executive passed by a two-thirds majority of the members of the National Executive;
 - (ii) Local Associations representing not less than half the Full Membership of the Union.
- (b) Any proposal made in accordance with (a) above shall be put to a ballot of Full Members and Retired Members paying the Full Member subscription.
- (c) The Union shall be dissolved if not less than two-thirds of the members referred to in (b) above vote in favour of such dissolution.
- (d) Upon a successful ballot to dissolve the Union, notice of dissolution shall be served in the manner prescribed by statute to the Certification Officer for Trade Unions and Employers' Associations and the funds and property of the Union shall (after discharge of all its liabilities) be divisible equally among the members of the Union referred to in (b) above or in such other manner as Conference may determine and as permitted by law.