



RULES OF THE NATIONWIDE GROUP STAFF UNION EFFECTIVE - 13 OCT 2021

INTRODUCTORY

- 1 NAME AND PRINCIPAL OFFICE
- 2 DEFINITIONS
- 3 AIMS AND OBJECTIVES
- 4 GENERAL POWERS OF THE UNION

MEMBERSHIP

- 5 ELIGIBILITY
- 6 RIGHTS OF MEMBERS
- 7 RESPONSIBILITIES OF MEMBERS
- 8 SUBSCRIPTIONS
- 9 LEVY ON MEMBERS
- 10 TERMINATION OF MEMBERSHIP

ORGANISATION & REPRESENTATION

- 11 ELECTIONS
- 12 CONSTITUENCIES
- 13 REGIONAL COUNCILS
- 14 NATIONAL EXECUTIVE COMMITTEE
- 15 NATIONAL CONFERENCE - BIENNIAL AND SPECIAL
- 16 NATIONAL CONFERENCE - DELEGATES
- 17 SPECIAL NATIONAL CONFERENCE - SPECIFIC PROVISIONS
- 18 BALLOTS OF THE MEMBERSHIP

OFFICERS AND OFFICIALS

- 19 GENERAL SECRETARY
- 20 PRESIDENT
- 21 VICE-PRESIDENT
- 22 TREASURER

APPOINTMENTS

- 23 TRUSTEES
- 24 AUDITORS
- 25 INDEPENDENT SCRUTINEERS

PROCEDURAL

- 26 ACCOUNTS
- 27 VOTING PROCEDURES
- 28 AMENDMENTS TO THE RULES
- 29 AFFILIATION
- 30 AMALGAMATIONS
- 31 DISSOLUTION
- 32 INTERPRETATION AND AVAILABILITY OF THE RULES
- 33 INDUSTRIAL ACTION
- 34 OVERRIDING EFFECT OF STATUTE

APPENDICES

- APPENDIX A - COMPLAINTS PROCEDURE
- APPENDIX B - DISCIPLINARY PROCEDURE

INTRODUCTORY

1 NAME AND PRINCIPAL OFFICE

- (a) The Union is called the 'Nationwide Group Staff Union'.
- (b) The Union's principal office will be at Middleton Farmhouse, 37 Main Road, Middleton Cheney, Oxfordshire OX17 2QT, or such other address as the National Executive Committee may decide.

2 DEFINITIONS

Throughout these Rules, unless inconsistent with the context:

- (a) 'Union' means the Nationwide Group Staff Union.
- (b) 'Members' means the members of the Union.
- (c) The 'National Executive Committee', defined in Rule **14**, is the Union's principal executive committee for the purposes of the legislation governing trades unions.
- (d) 'Society' means the Nationwide Building Society Group or its successor in title, and associated & subsidiary companies.
- (e) 'Relevant Employer' means any employer which recognises the Union for the purpose of collective bargaining.
- (f) 'Management' means the Chief Executive, other members of Executive Management, and the Secretary of the Society or any other Relevant Employer, as appropriate.

3 AIMS AND OBJECTIVES

The aims and objectives of the Union are:

- (a) To be at all times the sole independent trade union recognised by the Society for the purpose of collective bargaining within the Society, fostering a spirit of cooperation, mutual confidence and goodwill between members and the Society and amongst members of the Union.
- (b) Where recognised by an employer other than the Society for the purpose of collective bargaining, to foster a spirit of cooperation, mutual confidence and goodwill between members and that employer and amongst members of the Union.
- (c) To provide a means of communication, consultation and negotiation between members in workplaces where the Union is recognised and their employer either individually or collectively, and of improving terms and conditions of employment.
- (d) To promote equality through collective

bargaining, organisation, union structures, the employment of staff, education, the provision of services and benefits and all other activities; and to actively oppose all forms of prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, class, caring responsibilities, marital status, sexuality, physical or mental disability, age, or other status or personal characteristic.

- (e) To represent members individually and to provide legal advice and assistance where, in the opinion of the National Executive Committee, it is appropriate to do so.
- (f) To represent, defend and support the interests of members either individually or collectively in dealings with outside organisations. This will include representation to Government, Members of Parliament, Statutory Bodies and Commissions upon matters relating to the interests of members as governed by Union Policy or at the direction of the National Conference.

4 GENERAL POWERS OF THE UNION

- (a) To devise and promote schemes for the welfare of members, and to provide such benefits to members and members' families, as the National Executive Committee thinks fit.
- (b) To obtain a Certificate of Independence under the legislation in force, raise funds by subscriptions on members, and encourage all staff in workplaces where it is recognised to become members of the Union.
- (c) To employ persons to carry out Union administration and provide services to members upon such terms and conditions as the National Executive Committee may decide.
- (d) To aid, materially or otherwise, other organisations of employees having similar objectives, and/or to federate with such organisations.
- (e) As the National Executive Committee considers necessary, to purchase, take on lease, or otherwise acquire for the Union any property or other interest in real estate, and to let on lease, hire or otherwise dispose of any of the Union's assets, or to grant easements over them.
- (f) To borrow or raise money by way of mortgage for any of the purposes in Rule **3** and to advance or lend money upon such a security as the National Executive Committee thinks proper.
- (g) To carry out any lawful actions to secure the attainment of the Union's aims and objectives.

MEMBERSHIP

5 ELIGIBILITY

- (a) Anyone who supports the Union's aims and objectives is entitled to join the Union. Every member will receive a Membership Certificate. Membership will commence from the date shown on the Certificate of Membership issued by the Union.
- (b) An application for membership can only be rejected on the authority of the National Executive Committee.
- (c) A member who has left the service of the Society or another employer through retirement will have the status of Retired Member.
- (d) A member who is not employed by the Society or another Relevant Employer will have the status of Associate Member. The National Executive Committee will decide whether Associate Members may attend National Conference in any capacity.
- (e) The National Executive Committee may accept into Honorary Membership anyone who it deems in its absolute discretion to merit such status. No more than three Honorary Members shall be admitted in any calendar year.

6 RIGHTS OF MEMBERS

- (a) Members are entitled and encouraged to seek to influence the policy and activities of the Union, in particular through standing and/or voting in elections for representatives in their district or department, in their Region, and at the national level for the National Executive Committee, subject to the provisions of Rule **11**.
- (b) Members of the Union are entitled to seek the assistance of the Union on any matter within its aims and objectives, in accordance with agreed procedure.
 - (i) The National Executive Committee shall ensure that the Union is able to provide members with advice and representation on an individual or group basis in disciplinary and grievance matters with their Employer, on matters of Health and Safety, at times of potential organisational change, and on such other matters as it deems appropriate. Such representation may be provided by elected representatives, employees of the Union or otherwise.
- (c) The privileges, liabilities and rights of the individual member are personal and are neither transferable nor transmissible in any circumstance.

(d) Each member is free to inspect her / his membership record, subject to the appropriate legislation.

(e) A member who believes that action contrary to the Rules of the Union has taken place, may bring a complaint to that effect, in which case the procedure in Appendix **A** will be followed.

7 RESPONSIBILITIES OF MEMBERS

- (a) Members are responsible for notifying the Union of any change of name, address, employment status or location, to the principal office of the Union.
- (b) All members are required to act in accordance with the Rules and can be removed from membership if their conduct is deemed to be detrimental to the objectives and well being of the Union. The Union's Disciplinary Procedure can be found in Appendix **B**.
- (c) All members are required to pay all subscriptions and any levy set by the National Executive Committee at the appropriate rate and in accordance with the timescales set out in Rules **8, 9 and 31**.

8 SUBSCRIPTIONS

- (a) The subscription rates payable for categories of members will be notified to members by the National Executive Committee. Increases in subscription rates may be adopted by the National Executive Committee to become effective no sooner than one month after notice of the increase has been given to the membership. Where the proposed overall increase exceeds 15%, a ballot of the membership must approve the increase before it can take effect.
- (b) Different subscription rates may be set for different categories of members; in determining those categories, the following criteria, among others, may be taken into account:
 - (i) status of members as in Rule **5(c) and (d)**
 - (ii) hours worked
 - (iii) a member being on maternity or adoption leave
- (c) Subscriptions are due each calendar month commencing from the first calendar month after the application for membership is accepted. New members are entitled to individual representation on receipt of the first subscription where they are within a probationary period with their employer, and on receipt of the third subscription otherwise.
- (d) A member will only be entitled to any reduction in subscriptions due on a change in

category of membership from the first of the month after the date that the member provides notice of that change to the principal office of the Union.

- (e) A member whose subscription is one calendar month or more in arrears will be given written notice of their membership being suspended, and will not be entitled to attend any meeting of the Union, vote in any ballot, or receive any benefit. Membership will lapse if a member is more than three months in arrears.
- (f) A member whose membership has lapsed may, after paying the full arrears due, apply to the National Executive Committee for re-admission to membership. The Committee will have an absolute discretion as to whether to re-admit the former member.

9 LEVY ON MEMBERS

- (a) The National Executive Committee may make a levy upon the members (except Honorary Members) for any special purpose which, in the opinion of the Committee, is vital to the welfare of NGSU, or where they consider NGSU funds insufficient to meet liabilities.
- (b) Such levy, which shall be payable by members in addition to the subscription, may be authorised by resolution of the National Executive Committee. Such resolution shall require the support, on the final vote only, of two-thirds of the votes validly cast, an abstention not being regarded as a vote for this purpose.
- (c) Any member not making a payment when asked under this Rule shall cease to have any claim on any NGSU services until the payment is made. If the payment is not paid within twenty-six weeks from the date of asking, membership of NGSU shall cease.

10 TERMINATION OF MEMBERSHIP

- (a) A member may terminate membership at any time by giving one month's notice in writing to the principal office of the Union. Subscriptions to the Union will cease from the month following termination of membership.
- (b) A member who leaves the employment of the Society or another Relevant Employer will, on the last day of the month in which the member ceases to be employed by that employer, become either an Associate Member or a Retired Member, as appropriate, unless
 - (i) The member transfers from one Relevant Employer to another.
 - (ii) The member advises the Union of their desire to terminate membership as specified in **(a)** above.

ORGANISATION & REPRESENTATION

11 ELECTIONS

- (a) With the exception of the General Secretary:
 - (i) To be eligible for election to a representative position, a member must have been a member of the Union for at least six months at the point of nomination. In exceptional circumstances, the National Executive Committee may waive this requirement if it deems it appropriate to provide effective representation to the relevant group of members.
 - (ii) Only members employed by the Society are eligible for election to a National Executive Committee position.
 - (iii) The standard term of office for all elected Representative positions is two years, commencing in the April of alternate years.
 - (iv) Where a vacancy is filled after the standard term of office has begun, any Representative elected will serve the remainder of that term of office.
- (b) Where only one valid nomination is received for any position by the time specified on the notice to members, that candidate will be deemed elected without a ballot needing to be held.
- (c) Where a Representative position is associated with a particular geographic area or some other group of the Union's members, an elected Representative who is transferred outside the area or otherwise ceases to be a member of the relevant group, will cease to be eligible to be a Representative, and an election will be held for a replacement. This provision will not apply where the transfer is for a period of six months or less.

12 CONSTITUENCIES

- (a) *(Until the end of the term of office beginning 1st April 2021)*

Within the Society's Retail Network, the National Executive Committee will establish a structure based on Districts, Areas, and Regions.

- (i) Each District will be entitled to one Representative (District Representative).
- (ii) Each Area will consist of a number of Districts, as decided by the National Executive Committee. All the District Representatives in an Area will attend Regional Council meetings on behalf of

the members in the Area.

- (iii) Each Region will consist of such Areas as the National Executive Committee decides.

- (a) *(From the term of office beginning 1st April 2023)*

Within the Society's Retail Network, the National Executive Committee will establish a structure based on Districts and Regions.

- (i) Each Region will consist of such Districts as the National Executive Committee decides. A District may be associated with a geographical area, with work roles or functions, or with a combination of the two; or with such other factors as the National Executive Committee may determine.

- (ii) The National Executive Committee shall determine the appropriate number of District Representatives for each District prior to the general call for nominations for the elections held in accordance with Rule 11, and whenever it deems it necessary after such an election. When a change is made during the term of office specified in Rule 11, no Representative in post will be deprived of their post as a result.

- (b) The National Executive Committee will establish a structure based on Departments and subsidiaries for members working in Administration Centres, subsidiaries, and other non-Retail offices.

- (i) Each Department and subsidiary will be entitled to such number of Departmental Representatives as the National Executive Committee decides prior to the general call for nominations for the elections held in accordance with Rule 11.

- (ii) Departments and subsidiaries will be grouped into such Regions as the National Executive Committee decides. In so doing, the National Executive Committee will be mindful of Society reporting structures, but will not be obliged to follow those structures.

- (c) Elections for District and Departmental Representatives will be held by secret ballot administered by the General Secretary, in accordance with Rule 27(b).

- (d) The National Executive Committee will establish such structures as it deems appropriate for the representation of Members employed at Relevant Employers other than the Society.

- (e) In an election for District or Departmental Representative, all members of the Union working in the relevant Constituency are entitled to vote, except members who have been given notice according to Rule 8(e).

13 REGIONAL COUNCILS

- (a) The Regional Councils in the Branch Network will consist of District Representatives within the Region, together with the National Regional Officer. The other Regional Councils will consist of the Departmental Representatives within the Region, together with the National Regional Officer.

- (b) Functions

- (i) To consider all matters affecting the members within the Region brought to its attention by members within the Region or by representatives attending the meetings.

- (ii) As appropriate to formulate, consider, debate and vote on Motions for submission to National Conference and resolutions for submission to the National Executive Committee to discuss and vote upon.

- (iii) To receive reports on national and local issues, and inform all members of the activities of the Union.

- (c) Procedures

- (i) Regional Councils will meet at least twice in every calendar year.

- (ii) A quorum will be a simple majority of those elected members entitled to be present.

- (iii) At the first meeting in the period specified in Rule 11(a)(iii), and as necessary thereafter, the Regional Council will elect from their number a Chairperson, Equality Officer and Organiser for the Region.

- (iv) If an elected representative is unable to attend a Regional Council meeting, a member may be nominated by the Area or Administrative Centre group to attend as their representative with full voting rights.

14 NATIONAL EXECUTIVE COMMITTEE

- (a) Constitution and Procedures

- (i) The Committee consists of the President and the General Secretary, together with nine Executive Officers and a National Regional Officer representing each of the Union Regions as determined in Rule 12(a)

and (b). Each member of the Committee shall have an equal vote.

- (ii) The Committee will meet at least six times per year.
- (iii) At the first meeting in the period specified in Rule **11(a)(iii)**, and as necessary thereafter, the National Executive Committee will elect from their number (excluding the President and General Secretary) a Vice-President, Treasurer, and National Equality Officer. The results of such elections must be published no later than one month after the relevant meeting.
- (iv) A quorum will be a simple majority of those elected members entitled to be present.
- (v) The Committee will regulate its own affairs, subject to legislative requirements, the Rules and objectives of the Union, and policy established by National Conference.

(b) Election

- (i) The General Secretary will be elected to the National Executive Committee every five years in accordance with Rule **19**.
- (ii) In an election for President or Executive Officer, all members of the Union are entitled to vote except members who have been given notice according to Rule **8(e)**.
- (iii) In an election for National Regional Officer:
 - every candidate must work in the respective Region, and
 - all members of the Union working in the respective Region are entitled to vote, except members who have been given notice according to Rule **8(e)**.
- (iv) Elections for members of the National Executive Committee, other than the General Secretary, will be conducted by secret ballot administered by the General Secretary and the Independent Scrutineers, in accordance with Rule **27(b)** and relevant legislation.
- (v) Should vacancies arise among the Executive Officers during the course of a term of office, it will not be necessary to elect successors for the vacant positions unless the number of Officers in post falls below six.

(vi) For the avoidance of doubt, the position of National Regional Officer is included in the positions covered by Rule **11(c)**.

(vii) Members of Management are not eligible for election to the National Executive Committee.

(c) Functions

- (i) The Committee will carry out Union policy as directed by National Conference, and may take any action consistent with the Rules to further the interests of members.
- (ii) The Committee will be responsible for the overall administration of the Union and will define the organisation; determine the relevant number of Regions under Rule **12(a) and (b)**; decide the level of staffing required; allocate duties; and decide the appropriate level of remuneration.
- (iii) Members of this Committee will form the Union Negotiating Team with the Society; the Union Negotiating Team will accordingly have the authority to commit the Union.
- (iv) The Committee will agree the Union Negotiating Team for discussions with other Relevant Employers; the Union Negotiating Team will accordingly have the authority to commit the Union.
- (v) The Committee will consider all matters affecting the members brought to its attention in writing by Representatives. This will include debating and voting on all resolutions forwarded from Regional Councils.
- (vi) The Committee will ensure that Representatives and members are regularly advised of the Union's activities by such means as it decides.
- (vii) The Committee will ensure that the Officers carry out their functions as required by the Rules.
- (viii) The Committee will prepare and circulate a report on the Union's activities to all National Conference Delegates prior to National Conference.
- (ix) The Committee will affiliate the Union to such organisations as it deems appropriate to further the interests of members. Such affiliations will be subject to ratification by the National Conference.
- (x) The Committee will determine the

appropriate categories of members as stated in Rule **8(b)**, and the acceptable methods of payment of Subscriptions and Levies imposed under Rules **8, 9 and 31**.

15 NATIONAL CONFERENCE - BIENNIAL AND SPECIAL

- (a) At least biennially, the Union will hold a National Conference whose delegates will be as determined under Rule **16**. Delegates act for and on behalf of the members and, when called upon to do so, move motions on behalf of those members.
- (b) There will be a Standing Orders Committee whose duty will be to prepare the agenda for Conference and to make such recommendations as may be necessary for the efficient and expeditious despatch of business.
- (c) The Standing Orders Committee will consist of 5 members, one of whom will act as Chairperson and one as Deputy Chairperson. These members will be elected at the end of each National Conference by Delegates and they will hold office until the conclusion of the following National Conference. If one of the members is not able to continue as a member of the Standing Orders Committee, a replacement will be appointed by the National Executive Committee after consulting with the remaining members of the Standing Orders Committee.
- (d) The Standing Orders Committee will decide the National Conference procedures, after consulting with the National Executive Committee.
- (e) National Conference may only be opened when a simple majority of Delegates entitled to attend are present.
- (f) A majority of two-thirds of all Delegates is required for a motion or decision of National Conference to become binding upon the Union. Abstentions will be counted as part of the total votes cast.
- (g) Voting procedures are laid down in Rule **27(e) and (f)**.

16 NATIONAL CONFERENCE - DELEGATES

- (a) Regional Delegates
 - (i) Within two months of 30 June and 31 December each year, the National Executive Committee shall determine the total number of members in the Union, and in each Region of the Union as at those dates. Members suspended under Rule **8(e)** will not be included in these figures.

- (ii) At the same time, the National Executive Committee shall determine the total number of Regional Delegates, on a basis of one Delegate for no more than every 150 members, who will be able to attend any National Conference held in the following six months. The National Executive Committee will ensure that the distribution of Regional Delegates between Regions is equitable based on the number of members in each Region, and in so doing may determine that each Region will be entitled to a minimum number of Regional Delegates.

- (iii) Members of the Region's National Conference delegation will be drawn from the members of the Regional Council. This will be determined by vote of the Regional Council.

- (iv) If there are insufficient National Conference delegates elected by the Regional Council as in **(a)(ii) and (iii)**, the Region's remaining National Conference delegates will be drawn from the Region's District Representatives, and then from others actively involved in the Union's activities. This will be determined by vote of the Regional Council.

- (b) Elected National Executive Committee members will also be delegates to National Conference.

- (c) Elected Standing Orders Committee members will attend National Conference in that capacity only, and will not have delegate status.

17 SPECIAL NATIONAL CONFERENCE - SPECIFIC PROVISIONS

- (a) If circumstances dictate, the National Executive Committee may call a Special National Conference by giving 21 days' notice to members.

- (b) The National Executive Committee must call a Special National Conference at the request, in writing, of 5% of the members. Such a resolution must be sent to the General Secretary and state specifically the reason for the meeting.

- (c) The agenda will be decided by the National Executive Committee. Where the National Executive Committee is responding to a request from members as in **(b)**, the Agenda will reflect the rationale stated in the members' request.

- (d) All other relevant provisions of **Rules 15 and 16** shall apply in the case of Special National

Conferences.

18 BALLOTS OF THE MEMBERSHIP

The National Executive Committee may call a ballot of members, either nationally or amongst a designated group of members, on any matter it deems appropriate.

OFFICERS AND OFFICIALS

19 GENERAL SECRETARY

The General Secretary, who may or may not be a member of the Union, will be the Chief Executive Officer of the Union.

(a) Election

- (i) The General Secretary will be elected by national secret ballot of the entire membership in accordance with the appropriate legislation.
- (ii) All members of the Union shall be eligible for nomination for the position of General Secretary.
- (iii) The General Secretary will be elected for a five year term, the election to take place by 31 October in the relevant year and the term of office to commence the following 1 January.
- (iv) Should a vacancy arise for any reason, an election must be organised within six months of the vacancy arising, the term of office to last for no more than five years, ending on 31 December. The National Executive Committee will appoint an Acting General Secretary until a General Secretary is elected.
- (v) Nomination must be by completion of an approved Nomination Form, accompanied by the written agreement of the nominee to serve if elected. Nominees must be suitably qualified to take up the position of General Secretary. The National Executive Committee has the right in its absolute discretion to reject any application for candidature on the grounds that the applicant is not reasonably qualified. Under the selection process, any nominee who receives the approval of a two thirds majority or more of the National Executive Committee will be shown on the ballot paper as the preferred candidate.
- (vi) Every member will be entitled to one vote, other than those who have been given notice according to Rule **8(e)**.

(b) Function

The General Secretary is the Chief Negotiating Officer for the Union with the Society and other Relevant Employers, and the Union's principal spokesperson. As such the General Secretary will:

- (i) Be responsible to the National Executive Committee.
- (ii) Advise upon and implement policy and other decisions of the National Conference.
- (iii) Be responsible for the proper conduct of all elections.
- (iv) Ensure that the notification, decisions and minutes of all meetings are properly distributed and recorded.
- (v) Be responsible for the day to day direction and supervision of the Union Head Office, administration and Union employees.
- (vi) Maintain a register of members in accordance with the appropriate legislation.
- (vii) Have a place but no vote on all Union Committees (whilst remaining a full voting member of the National Executive Committee).

With the agreement of the National Executive Committee, the General Secretary may delegate any of the duties in **(ii) - (vi)** above whenever necessary or desirable to do so.

20 PRESIDENT

(a) The President will:

- (i) Preside at all meetings of the National Executive Committee and the National Conference.
- (ii) Sign minutes of all the above meetings.
- (iii) In conjunction with the General Secretary, coordinate all representational activities. This will include Grievance, Disciplinary and Appeals procedures.
- (iv) Ensure good communication between all Union Committees and the membership as a whole. In particular, the President will have the right to attend all Regional Council meetings.
- (v) In conjunction with the General Secretary, coordinate recruitment to the Union.

21 VICE-PRESIDENT

(a) The Vice-President will deputise for the

President as necessary.

- (b) In the event of the President resigning or becoming ineligible for office during the last six months of their term of office, the Vice-President will assume the office and duties of President for the remainder of the term of office. If the post of President becomes vacant more than six months before the end of the term of office, the Vice-President will assume the office and duties of President until a new President is elected.

22 TREASURER

- (a) The Treasurer is responsible for ensuring that all of the functions listed below are carried out:
 - (i) Receipt of all income paid to the Union, including members' subscriptions.
 - (ii) Maintenance of all accounting records relating to the Union.
 - (iii) Payment of all the Union's expenses, and the proper authorisation of all cheques drawn on an account held by the Union.
 - (iv) Recommending to the Trustees proposals for the investment of surplus funds.
 - (v) Preparation of interim accounts as required by the National Executive Committee and National Conference, and of an Income and Expenditure Account and a balance sheet showing the state of the Union's affairs at the end of the financial year.
 - (vi) Preparation of an Annual Return for submission to the appropriate statutory Authority.
 - (vii) Preparation and circulation of the Annual Financial Statement as required under the legislation in force at the time.

APPOINTMENTS

23 TRUSTEES

- (a) The National Executive Committee will appoint at least three general trustees on a biennial basis at the first meeting of the standard term of office. The trustees must be members or employees of the Union, with a majority being members. Subject to the provisions in **(d)**, the trustees will be appointed until the first meeting of the next standard term of office of the National Executive Committee.
- (b) The trustees will jointly hold in trust all assets and property belonging to the Union and fulfil

the role of general Trustees, in accordance with legal requirements and these Rules.

- (c) The trustees will meet as and when considered necessary according to the business at hand, and to enact the investment policy recommended to them by the National Executive Committee. The quorum at any such meeting is two.
- (d) The National Executive Committee may appoint a replacement for any trustee who gives up or ceases to be qualified to carry out the role, becomes unfit to carry out the above duties, or is unable to act through permanent ill health.
- (e) A company may be established to fulfil the role of Corporate Trustee for the Union. In such a case, the provisions in **(a)** to **(d)** shall be read, to the extent permitted by law, as referring to the directors of the company.

24 AUDITORS

- (a) At its first meeting each year, the National Executive Committee will pass a Resolution appointing auditors for the Union. The appointment, qualifications and duties of the auditors will be in accordance with statute.
- (b) The auditors may be removed from office by a Resolution passed by the National Executive Committee. A Resolution appointing replacement auditors must be passed no later than the next scheduled National Executive Committee meeting.

25 INDEPENDENT SCRUTINEERS

The National Executive Committee will appoint Independent Scrutineers to conduct and supervise ballots in accordance with statute law and the Rules and Objects of the Union, in particular for elections for the position of General Secretary and members of the National Executive Committee. The Scrutineers will report directly to the General Secretary, who will ensure that their report is published in the timetable prescribed by legislation.

PROCEDURAL

26 ACCOUNTS

- (a) The funds of the Union will be applied to purposes which are consistent with the Union's aims and objectives.
- (b) The Union's financial year will terminate at 31 December each year.
- (c) The National Executive Committee is responsible for the preparation and approval of the Annual Report and Accounts.
- (d) The accounting records of the Union are available for inspection by any member, in accordance with the appropriate legislation.

27 VOTING PROCEDURES

- (a) The General Secretary and the Scrutineers as defined in Rule **25** will be responsible for the proper and efficient conduct of all votes in line with the Rules and Objectives of the Union and Statute Law.
- (b) It will be the duty of the General Secretary to organise ballots, whether for elected positions or otherwise, and publish the results to the membership.
- (c) All those entitled to vote have equal voting rights, and will be given the opportunity to cast one vote for each vacant position / each proposition.
- (d) All votes at National Executive Committee and at Regional Council will be decided by hand vote of those present and entitled to vote, and any decisions taken will be by a simple majority. The Chairperson will supervise the vote and may appoint scrutineers from the meeting to oversee a secret ballot if it is deemed necessary by the meeting.
- (e) Delegates at National Conference will have one vote each.
- (f) Votes at National Conference will usually be decided by a hand vote of delegates. The Chairperson will supervise the vote and may appoint scrutineers to oversee a hand vote or a secret ballot if deemed necessary. Unless proposing a rule change a motion will be passed by a simple majority of votes cast for and against; a motion will become binding upon the Union, and a rule change will become effective, only where it is passed by two-thirds of all registered delegates.

28 AMENDMENTS TO THE RULES

These Rules may be amended in either of the following ways:

- (a) By Motion passed at National Conference.
 - (i) A Motion approved and passed by a two thirds majority of all Delegates at National Conference. Abstentions will be counted as part of the total votes cast.
 - (ii) Any such Motion will deal with only one amendment, except where several amendments are required to ensure consistency within and between the rules.
 - (iii) Any amendments to the rules being approved by National Conference in accordance with **(a)(i)** will be effective from the closure of National Conference or from the date specified in the Motion. Rule changes affecting the representative structure will be

effective for terms of office beginning after the passage of the relevant Conference Motion.

- (b) By Special Resolution passed by the National Executive Committee, endorsed in a ballot of the members.
 - (i) The resolution must carry the support of two-thirds of those voting in the ballot to achieve approval.
 - (ii) Any amendments to the Rules approved by a ballot of the members will be effective from the date specified in the Resolution put before the members, except that rule changes affecting the representative structure will be effective for terms of office beginning after the approval of the members.

29 AFFILIATION

- (a) The Union will not affiliate to or subscribe to any political party.
- (b) Subject to **(a)** above, the Union will affiliate to such organisations as the National Executive Committee deems appropriate to further the interests of members. Such affiliations will be subject to ratification by the National Conference.

30 AMALGAMATIONS

The Union may only amalgamate with or transfer its engagements to another organisation following a Resolution passed by the National Executive Committee and endorsed by those members voting in a secret ballot of the entire membership in accordance with Rule **27(b)**.

31 DISSOLUTION

- (a) The Union cannot be dissolved except by a motion carried by National Executive Committee and passed by the membership voting by secret postal ballot in accordance with Rule **27(b)**. The resolution must carry the support of two-thirds of those voting in the ballot before it becomes binding on the Union.
- (b) If a Resolution to dissolve the Union is passed in accordance with **(a)** above the National Executive Committee will remain in office until all the affairs of the Union have been wound up.
- (c) In the event of dissolution of the Union its surplus funds, after providing for all liabilities, will be used for welfare purposes to the benefit of members. In the event of a deficit being revealed, a levy will be imposed on those members who were registered with the Union at the end of the calendar month prior to the date on which the Resolution for

dissolution was passed.

32 INTERPRETATION AND AVAILABILITY OF THE RULES

- (a) The interpretation of any of these Rules lies with the National Executive Committee who will decide any matters where these Rules are silent.
- (b) A copy of the Rules will be given to any member on request.
- (c) A copy of the Rules may be supplied to any person not in membership of the Union on payment for the cost of production and delivery.

33 INDUSTRIAL ACTION

- (a) While there is a Procedure Agreement in operation between the Union and an employer, all the stages of the procedure, including arbitration where applicable, must be completed before industrial action can be undertaken by members of the Union.
- (b) In the case of matters subject to arbitration no industrial action will be undertaken by the membership of the Union unless the Management fails to comply with the award of the arbitrator.
- (c) The process whereby industrial action can be undertaken is as follows:
 - (i) Where industrial action is contemplated by either a specified group of members, or the total membership, the authority to call for a ballot of members rests with the National Executive Committee.
 - (ii) The approval of a simple majority of the members who voted in a resultant secret ballot in compliance with the legislation in force at the time will be deemed to be the authority for industrial action to be undertaken, subject to the provisions of such legislation.
 - (iii) Official industrial action is action which has the approval of the National Executive Committee following the receipt of the approval required in **(ii)**. Only the General Secretary may authorise the commencement of industrial action, acting in compliance with the legislation in force at the time.

34 OVERRIDING EFFECT OF STATUTE

The Union will at all times comply with the Statutory provisions governing Trade Unions. Where there is a conflict between these Rules and the Law, or these Rules are silent, the Law will prevail.

APPENDICES

APPENDIX A - COMPLAINTS PROCEDURE

When a member raises a complaint that action contrary to the Rules of the Union has taken place, the following procedure will apply:

- (a) The member must write to the General Secretary, giving precise details of the action complained of, and in particular the relevance of any Rules of the Union.
 - (b) The General Secretary will make any enquiries which are considered necessary and advise the member in writing of the findings.
 - (c) If the member remains dissatisfied, the General Secretary will convene the Complaints Committee of the National Executive Committee, made up of the General Secretary and four members of the National Executive Committee other than the President. The member will be able to make representations to the Committee in person, by representative, or in writing.
 - (d) The General Secretary will write to the member making the complaint, setting out the view of the Complaints Committee.
 - (e) If the member remains dissatisfied, the General Secretary will convene the Appeals Committee, made up of the President and four other members of the National Executive Committee who did not sit on the on the Complaints Committee. The member will be entitled to make representation to the Appeals Committee personally.
 - (f) The Appeals Committee will advise the member concerned of its findings.
 - (g) Subject to statutory rights, the decision of the Appeals Committee will be final.
- (c) If, after fully considering any representation made by or on behalf of the member, a simple majority of the Disciplinary Committee present and voting find the charges proven, the General Secretary will write to the member within 7 days indicating which of the following penalties (if any) the Committee has decided to be appropriate in the circumstances:
 - (i) Expulsion from membership;
 - (ii) Suspension from membership for a period of no more than 12 calendar months;
 - (iii) A fine for a specified amount up to a maximum of £50;
 - (iv) Debarring from any office of the Union for a specified period.
 - (d) Where the Disciplinary Committee has found the allegations proven, the member may appeal in writing to the General Secretary within 14 days. No action will be taken within that 14 days or whilst an appeal is pending.
 - (e) Within 14 days of an appeal being lodged, the General Secretary will convene the Appeals Committee, made up of the President and four other members of the National Executive Committee who did not sit on the Disciplinary Committee. The General Secretary will give reasonable notice of their meeting to the appellant member, who may attend with, or send, a representative and be heard.
 - (f) The Appeals Committee may uphold or reverse the verdict and vary or rescind the findings of the Disciplinary Committee within the limits of (c) above. Their findings will have immediate effect and will be notified to the appellant in writing. The decision of the Appeals Committee will be final.

APPENDIX B - DISCIPLINARY PROCEDURE

The National Executive Committee may take disciplinary action against a member who is believed to have acted in breach of the Union's Rules as follows:

- (a) The General Secretary will convene the Disciplinary Committee of the National Executive Committee, made up of the General Secretary and four other members, not including the President.
- (b) The General Secretary will write to the member stating the allegation(s), and advising them that representation may be made in person, through a representative or in writing to the meeting of the Disciplinary Committee at which such allegation(s) are to be considered. This notice will be given not less than 21 days prior to the meeting.