



# CONSTITUTION

(Incorporating changes made at the ADC March 2024)

## **SECTION I – STRUCTURE OF THE UNION**

### **1. NAME**

The name of the organization to be the ISU, previously referred to as the Immigration Service Union.

### **2. REGISTERED OFFICE**

The Registered Office shall be at Phillips House, 12, Church Street, Harwich, Essex, CO12 3DS, or at such other places as the National Executive Committee may from time to time determine.

### **3. AIMS AND OBJECTIVES**

The ISU formed to represent the specialist interests and needs of staff involved in the operational delivery of all matters relating to immigration and borders policy. The ISU remains committed to this core aim.

The aims and objectives of the ISU shall be:

(a) to promote the continuous association of the members for the purpose of maintaining and improving the conditions of their working lives.

(c) to regulate the relations between members and the Government with a view to promoting their economic interests.

(d) to promote and encourage schemes for the further education and cultural well-being of the members.

(e) in pursuance of these objects the ISU may:

(i) co-operate with any other Association or Federation of Associations having as one of its objects the promotion of the interests of workers in the Civil Service or workers engaged in functions similar to that of ISU members..

(f) to provide benefits for members in accordance with s981 of the Corporation Tax Act 2010, or amending legislation, in the following areas: Sickness or incapacity from personal injury, unemployment superannuation, accident benefit, death benefit and legal expenses.

#### 4. ORGANISATION

Every member must belong to one or other of the Branches into which the ISU shall be divided for the purpose of organization. Members may move from one branch to another as is necessary but may not belong to more than one branch at any one time. Where there is no branch obviously or logistically available ISU HQ will allocate the member to a branch for this purpose.

#### 5. DISSOLUTION OR AMALGAMATION

Proposals for the dissolution or amalgamation of this Union with any other Union or Organization shall be submitted to a ballot of the membership and determined on simple majority.

In the event of the ISU being dissolved any funds remaining on the complete closure, sale of assets etc. will be donated to "For You By You" (The Charity for Civil Servants.); or any subsequent iterations

#### 6. INTERPRETATION AND BREACH OF RULES

In this Constitution, except where repugnant to the context, the feminine gender may be substituted for the masculine and the plural number for the singular. Ignorance of the Constitution, By-laws or Rules shall not be accepted as an excuse for any breach thereof.

## **SECTION II – MEMBERSHIP**

### **7. MEMBERSHIP**

a) Membership of the ISU is primarily focussed upon any person employed, temporarily, seasonally or permanently, by the Home Office within areas associated with the functions of the Border and Immigration Control.

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b) Life Membership is open to all members retiring from the Civil Service. In the event of re-engagement, in any capacity, with the Civil Service full membership subscriptions will be payable and full membership entitlements will be reinstated.

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(c) Life members shall continue to be entitled to membership benefits of the ISU as determined by the various scheme rules. They are not eligible to vote in any ballot of full members.

### **8. APPLICATION FORM**

Every applicant for membership shall complete an Official Application Form and submit it, together with an authorization for the payment of a monthly subscription for acceptance by the Finance Officer. The form shall be filed at Head Office.

### **9. CONTRIBUTIONS**

(a) The contribution rates for serving members will be as determined by the National Executive Committee in line with the associated rules.

(b) A Life Member shall pay a sum to be decided upon by the NEC from time to time upon their becoming a life member and shall pay no further sum thereafter.

### **10. INSPECTION OF BOOKS**

Members having an interest in the funds may inspect, at any reasonable time, the accounts, at the Head Office or wherever they may be available. The ISU reserves the right to make a reasonable charge in respect of this.

### **11. ARREARS**

(a) It shall be the duty of every member to see that his or her contributions are kept up to date and that they are paid at the correct rate.

(b) A member who is not up to date with their payments will not be entitled to ISU services.

## 12. DISCIPLINARY PROCEDURES

- (a) All members of the ISU have an obligation to act in conformity with the aims and objectives of the ISU, with the terms of the constitution and with all ISU rules. All members have an obligation not to act in any fashion that causes a detriment, or potential detriment, to the union or its members as a whole. Any act of harassment, bullying, or discrimination on any protected or otherwise irrelevant ground perpetrated by an ISU member is de facto a detriment to the ISU.
- (b) The administrative process by which complaints may be made, investigated and resolved shall be found in the ISU rules which may be amended by the NEC from time to time in response to changing needs of the business, or changes to applicable law.
- (c) However the principles behind the resolution of complaints should remain as follows:

Confidentiality and respect for the individual is paramount.

Emphasis should be on early resolution

Steps and actions must be proportionate to the issues complained of.

There should be no avoidable delay; either in making the complaint or in steps taken to resolve it.

Any actions taken will be in accordance with applicable law.

## **SECTION III – BRANCH ORGANISATION**

### 13. FORMATION OF BRANCHES

(a) The ISU shall be organised in Branches which may be formed in any Port or District, with the approval of the National Executive Committee. A list of Branches is shown at Annex A

(c) Each Branch shall meet at least four times a year and as often afterwards as may be desired by Branch members to transact business. Branch Officers and Committee shall be elected for the year, elections to be held so that the new committee takes office from 1st April. The names and contact details of Branch Officers shall be notified to ISU Head Office immediately after each election. Special Meetings may be summoned by the Branch Chairman or by the written request of at least six members of the Branch or by the General Secretary of the ISU.

(d) Each branch meeting should approve minutes of the previous meeting, which must also be sent to ISU headquarters. Any correspondence or meetings with managers on behalf of members on policy matters must be reported. Matters of concern to members should be discussed and appropriate arrangements made to bring these matters to the attention of managers or the department in the most appropriate way.

#### 14. BRANCH OFFICERS AND COMMITTEE

(a) Each Branch shall elect in accordance with the ISU Rules for BEC elections, a Chairman, Secretary, together with such a Committee as the Branch may deem desirable.

(b) The Officers and Members of a Branch shall act on behalf of the ISU in matters relating to their Branch and its Members only if authorised in accordance with the ISU Constitution, Rules, Policy and NEC decisions. The General Secretary may suspend, withdraw or withhold such authority where he considers it to be in the interests of the union or of members to do so. Such a decision by the General Secretary is to be confirmed by a simple majority vote at the next properly constituted NEC meeting in the light of any representations made.

(c) Where a new Branch is established or where no Branch Officers remain in post, the General Secretary may authorise any ISU member to act as a Branch Officer until such time as a committee can be formed in accordance with the ISU rules.

#### 15. BRANCH CHAIR

The Chair shall preside at all meetings and sign all Minutes and other official documents. He/she shall supervise the working of the Branch. He/she shall have one vote only. In the absence of the Chairman an interim Chairman shall be elected from the members present who shall, for the time being, be vested with the Chairman's authority.

#### 16. BRANCH SECRETARY

(a) The Branch Secretary shall keep the minutes and such other Branch records as may be necessary under this Constitution. He/she shall conduct Branch correspondence.. He/she shall act under the instruction of the National Executive Committee of the ISU, the Branch or Branch Committee, and shall file all Minutes, correspondence, etc., received on behalf of the Branch.

(b) He/she shall convene meetings of the Branch and Branch Committee and notify the hour and place of meetings to all concerned. Upon vacating office he/she shall inform the General Secretary of the name and address of his/her successor and hand over to him/her all Branch property, books and papers in his/her possession.

## **SECTION IV – NATIONAL EXECUTIVE COMMITTEE**

### **17. NATIONAL EXECUTIVE COMMITTEE**

The National Executive Committee shall consist of the National Chairman, Vice Chairman, General Secretary and ten members.

(a) The members of the National Executive Committee will faithfully represent the policy and interest of the ISU's membership as a whole; will be responsible for interpreting the policy of the ISU to members and will be required by the National Executive Committee to actively participate in the leadership and organisation of the ISU's Branches, reporting to the National Executive Committee on all such questions.

(b) Powers of National Executive Committee.

Decisions of the National Executive Committee shall be binding on all members of the ISU. The NEC must ensure that all paid employees of the ISU must have a suitable written contract of employment, prescribed line management and work under appropriate procedures to deal with capability and discipline. The NEC must observe all relevant legal provisions in their dealings with the employees of the ISU. The NEC shall also ensure that suitable contractual provisions are in place for those contracted to provide services to the ISU.

(c) Voting.

All members of the National Executive Committee shall have equal voting rights and powers, except that the Chair shall, when necessary to reach a decision, exercise a casting vote.

(d) Removal of Members of the National Executive Committee.

Where a member of the NEC has been subject to disciplinary sanction under the ISU disciplinary rules, where the sanction imposed impacts on their elected office and where the appeal route has been exhausted, that individual may be removed from the NEC by a two thirds majority vote

Where there is a realistic risk to the reputation of the ISU a member of the NEC may be removed temporarily from the NEC by a two thirds majority vote. The disciplinary process will be followed and if the allegations not upheld the individual will be permitted to return to the NEC.

(e) Meetings of National Executive Committee.

The National Executive Committee shall meet as often as necessary but not less than four times per year.

(f) Finance and Investments.

The National Executive shall have power to set delegated budgets or vote any monies required to carry on the affairs of the ISU, decide any honoraria, and invest, re-invest or vary the investments of the ISU as may be resolved upon the concurrence of the ISU's Trustees in any investment in which the Trustees are for the time being by law authorised to invest trust funds, or in any Society registered under the Co-operative Benefit Societies and Credit Union Act. The NEC shall have the express power to invest in the purchase of land or freehold or leasehold property, and the power to raise monies by way of loan, mortgage or by charge on any assets of the ISU to carry on the affairs of the ISU or for the development, reconstruction and upkeep of property.

The General Secretary, Chair and Finance Officer are responsible for all resolutions passed under this paragraph.

(g) Interpretation of Rules.

The National Executive Committee shall have power to make rules as are necessary and do not contravene the existing Constitution. They shall have power to issue instructions to all Officers and Branches, adjudicate on all matters remitted by the Officers and/or Branches or on any interpretation of any Article, or Rule or on any point on which this Constitution, or other Rules are silent.

## 18. NATIONAL EXECUTIVE COMMITTEE ELECTIONS

(a) The National Executive Committee of the ISU shall be elected, in accordance with the ISU Rules for NEC elections, for a period of three years

(b) Nominees as members of the National Executive Committee must be full members of the ISU, be up to date with their subscriptions and must have expressed the willingness to stand for election. Nominations shall be by any two paid-up full members.. Nominees must fulfill one or more of the following requirements, ,

Have served a minimum of two years as a BEC member and still hold that office at the time of nomination; or

Be an existing NEC member at the time of nomination; or

Have served as an NEC member during the previous two years; or

Be serving as an appointed AGS or DGS

In the event of retirement, resignation etc, during the three year tenure a by-election may be held for that post; the successful candidate to remain in office for the balance of the original 3 year tenure.



## **SECTION V – NATIONAL OFFICERS AND OTHER POSTS**

### **19. NATIONAL OFFICERS**

(a) The National Officers of the ISU shall be the Chair, Vice-Chair and General Secretary. If the volume of work to be undertaken so requires, a number of Deputy General Secretaries may be appointed by the General Secretary. This decision to be ratified by a properly constituted meeting of the NEC.

(b) Where an office holder becomes incapacitated or is unavailable for any reason, their deputy shall act in their stead with their full powers. Should no deputy exist or should they be unavailable, a majority vote of the NEC may appoint such a deputy.

### **20. NATIONAL OFFICER ELECTIONS**

Nominees as Chair, Vice-Chair and General Secretary must be up to date with their subscriptions, hold the post of Deputy General Secretary or be elected to the NEC at the time of their nomination, and must have expressed their willingness to stand for election, nominations shall be from two paid-up full members; any election shall be by separate National Ballot of the entire membership. Such National Officers shall hold office for a period of three years except that any vacancies as may occur during such period shall be filled only for the remaining part of such period.

### **21. CHAIR AND VICE CHAIR**

(a) The Chairman shall preside at all meetings of the National Executive Committee and shall chair the Annual Delegate Conference and any Special Delegate Conference with the right to speak and vote on all questions, see that the business is conducted with propriety and order, put all motions to the vote when seconded, and be the judge of order in line with any rules or agreed procedures at the time. He/she shall sign all Minutes of meetings when they have been confirmed.

(b) In the absence of the Chair, the Vice-Chair shall preside, and act with the authority provided by the above Clause (a).

(c) The Chair shall be entitled to attend every meeting of members convened to consider the business of the ISU and shall have the right to speak on all questions. He/she shall not, however, preside at such meetings unless required to do so by the Constitution, Rules or Standing Order or at the invitation of the meeting.

## 22. GENERAL SECRETARY

(a) The General Secretary shall be responsible for the administration of the organisation and the conduct and performance of individuals paid and unpaid undertaking functions on behalf of the ISU. In any legal proceedings regarding ISU employees he/she will be the nominated person to stand as "employer" on behalf of the ISU.

(b) He/she shall be responsible for employing and supervising the resources of the NEC and the ISU in such a way as to achieve the aims, policies and objectives of the organisation as set out in its Constitution, Policy Documents and Business plans so long as they do not conflict with any contrary legal requirement.

(c) He/she shall be responsible for keeping the records of the organisation in good order and for providing any information from them as is required by law and regulation.

(d) He/she shall be responsible for the maintenance of a register of all Branches and members in accordance with the prevailing legislation.

(e) He/she shall have power to convene meetings of the NEC and any sub-committees that from time to time exist. He/she shall also have the power to convene meetings of BEC's and to obtain from them any documents or information relevant to the functioning of the ISU and its Branches. He/she will be entitled to attend any meeting of members convened to consider the business of the ISU and shall have the right to speak on all issues. .

(f) He/she shall be entitled to be a delegate to all meetings, conferences or seminars in which the ISU is interested.

(g) He/she shall be responsible for assisting Branches in their organisation, attend to the organisation of new branches and undertake the provision of appropriate training for all ISU officers/officials.

(h) He/she shall make every effort to assist all other officers, branch and national executive members of the ISU to discharge their duties in accordance with the Constitution, , Policy Documents and Business Plans.

(j) The General Secretary shall have power to delegate any of the above listed functions to any NEC member, Deputy or Assistant General Secretary (but shall retain responsibility for the performance of them).

(k) The General Secretary shall have the power to appoint any full member of the ISU to undertake any of his/her administrative functions.

## 23. FINANCE AND PROFESSIONAL OFFICERS

(a) The Finance Officer AND / OR Professional Officer shall be appointed by a panel consisting of the 3 persons as directed by the General Secretary. This decision to be ratified by a properly constituted meeting of the NEC.

(b) The Finance Officer shall be responsible for ensuring that the Financial Affairs of the ISU are conducted with probity and efficiency. He/she will undertake this role in accordance with Bye-Laws that shall be made by the NEC so as to safeguard the assets

of the union and to ensure that the most economic use is made of them for the benefit of the membership in accordance with these rules.

(c) The Finance Officer shall ensure that accurate records are kept and that all activities are audited on an annual basis. He/she shall compile any returns required of the ISU by the Certification Officer or any other official office. He/she shall produce full audited statements of income and expenditure to the NEC and ADC and / or Trustees when appropriate. He/she shall produce any of the ISU's financial records upon request of the NEC.

(d) The Professional Officer is responsible for advice to the NEC regarding legal compliance for the ISU. They will ensure that the Constitution and Rules passed by the NEC are appropriate and sufficient. They will undertake whatever other duties as may be determined by the General Secretary from time to time.

## 24. TRUSTEES

(a) All the property and funds of the ISU shall vest in and be held in the names of the Trustees. The Trustees, who shall not be members of the National Executive Committee, shall not be less than three in number and shall be appointed and may be removed by the National Executive Committee.

(b) The Trustees shall ensure that the ISU has the necessary financial and structural stability to carry out its aims and objectives effectively and shall support the General Secretary and Chair in meeting the aims and objectives of the ISU and ensuring the lawful management of it. They will ensure that the ISU always acts ethically. They may offer advice to the Union's officers and the NEC formally or informally and are expected to make their opinions known when necessary. Trustees will act in accordance with the Nolan Committee's Seven Principles of Public Life, namely: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

(c) The Trustees shall have power to examine the accounts of the ISU, at any reasonable time. *No financial liability rests with the Trustees save for any set out in the criminal law.*

## 25. AUDITORS

(a) A Statutory Auditor shall be appointed by the Finance Officer and General Secretary to audit the Books and Accounts of the ISU, generally at least once a year or when required to do so. They shall have access to all Accounts, Books, etc. necessary for the fulfillment of their duties and shall have such assistance from the Officers and National Executive Committee as they may require.

b) The Auditor appointed must meet the requirements of Part 42 of the Companies Act 2006. They must not be an officer or employee of the ISU; or the partner or employee of any such.

(c) An auditor of the union shall not be removed from office except by resolution passed at a general meeting of the members or of delegates of the members.

(d) An auditor duly appointed to audit the accounts of the union shall be re-appointed as auditor for the following accounting period, unless-

(1) a resolution has been passed at a general meeting of the union appointing somebody instead of him or providing expressly that he shall not be re-appointed, or

(2) he has given notice to the union in writing of his unwillingness to be re-appointed, or

(3) he is ineligible for re-appointment, or

(4) he has ceased to act as auditor by reason of incapacity.

(e) Where notice has been given of an intended resolution to appoint somebody in place of a retiring auditor but the resolution cannot be proceeded with at the meeting because of the death or incapacity of that person, or because he is ineligible for the appointment, the retiring auditor need not automatically be re-appointed.

(f) The references above to a person being ineligible for appointment as auditor of the union are to his not being qualified for the appointment in accordance with [subsections (1) to (4)] of section 34 of the Trade Union and Labour Relations (Consolidation) Act 1992 or being precluded by [subsection (5)] of that section from acting as its auditor.

## **SECTION VI - CONFERENCE OF MEMBERS**

### **26. CONFERENCE**

(a) A Delegate Conference of members of the ISU shall be held annually .

(b) A Special Conference shall be called at the discretion of the National Executive Committee or upon the receipt of a requisition from any number of Branches whose combined membership represents not less than two-thirds of the membership of the ISU.

(c) Each Branch shall have one vote per 50 members or part thereof . For the purpose of this Article the membership which shall be counted is the fully paid-up membership on the books of the Branch at the end of the year immediately preceding the election of delegates to the Conference or Special Conference. This vote to be placed by a display of cards shown by the delegate(s) attending from that branch.

(d) A delegate at the time of his nomination must be a member of the Branch he is to represent.

(e) The funds of the ISU shall bear the full cost of agreed expenses of all delegates properly elected to the Branch; except that the expenses of a delegate from outside the United Kingdom will not exceed the expenses that would be paid to a delegate travelling from the furthest point in the United Kingdom to and from the Conference centre. The maximum number of delegates who will be funded will not exceed the number of votes which can be cast under Article 26(c). The delegates to attend under Ss(c) and (d) shall be selected by the Branch Executive Committee. There is no obligation on the branch to send the full number of delegates.

(f) Any member of the ISU shall, on production of his membership card showing him to be a fully paid-up member, be admitted to any Conference or Special Conference but he shall not be permitted to speak or vote on any matter.

(g) All Notices of Motion shall be in writing to be received not later than the closing date announced. It shall be the responsibility of the Branch proposing a Motion to ensure that the Motion has been received.

## **SECTION VII - MISCELLANEOUS**

### **27. VOTING BY BALLOT**

(a) The General Secretary shall nominate an independent agency to supervise any ballot which will be held in accordance with the Relevant statutory provisions

### **28. ALTERATION OF RULES**

(a) Other than as reflected below this Constitution shall not be rescinded, added to or altered except upon a motion by a Branch of the ISU or by the National Executive Committee; sThe National Executive Committee shall in their discretion decide if the motion shall be submitted to a ballot vote of the ISU membership or if it shall be submitted to the next Annual Delegate Conference of the members of the ISU.

The only changes permitted without either membership ballot or a vote at the Annual Delegate Conference are changes to spelling / grammar as may be required and changes to the list of Branches contained as an annex.

(b) A motion for amendment to the Constitution shall not be carried unless the number of votes cast for the amendment in the ballot or at the Delegate Conference exceeds twice the number of votes cast against the amendment and the Rule in its amended form is acceptable to the Certification Officer.

## **Branches**

1. Cheriton Branch
2. Croydon and Metropolitan Branch
3. Dover Branch
4. East Anglia Branch
5. West London Branch
6. Gatwick Branch
7. Heathrow Branch
8. Midlands Branch
9. North West Branch
10. Scotland and Northern Ireland Branch
11. Stansted, Luton and London City Branch
12. South, South Western and Wales Branch
13. North East, Yorkshire and Humberside Branch