



NHBC Staff Association
Constitution

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1 Title and address

- 1.1 The Association shall be known as the National House Building Council Staff Association (hereinafter called “the Association”).
- 1.2 The address will be that of the General Secretary.

2 Objectives and purpose

- 2.1 The objectives of the Association are:
 - 2.1.1 To protect and promote the interests of the members of the Association.
 - 2.1.2 To encourage a spirit of mutual confidence and goodwill between the staff and NHBC.
 - 2.1.3 To be the sole body recognised by NHBC for negotiation, consultation and communication between it or its appointed representatives and the staff of NHBC on all matters affecting the staff of NHBC including pay, benefits and other terms and conditions of employment, along with internal policies and procedures implemented by NHBC, and to seek improvements in these aspects for the benefit of all staff.
 - 2.1.4 To support its members (at their request) in internal disciplinary and grievance proceedings.

- 2.1.5 To maintain and improve as needed the status, remuneration and conditions of employment of staff of NHBC and to protect and promote the interests of its members.
- 2.1.6 To promote and support observance of internal policies and procedures adopted by NHBC from time to time for the better performance of its business.
- 2.1.7 To support NHBC in communication, education and training on such policies and procedures which have been agreed through consultation with the Association.
- 2.1.8 To support and encourage NHBC in activities of a welfare, educational and training nature for the benefit of the staff.
- 2.1.9 To provide a service of legal advice on matters affecting their employment, along with any other benefits which may become available from time to time for members.
- 2.2 To do all such things as will assist in achieving the above objectives.
- 2.3 The Association shall be independent of NHBC and shall not affiliate or subscribe to any political organisation or political party.

3 Membership

- 3.1 Membership is open to all persons employed by NHBC and any wholly owned subsidiary thereof; with the exception of specific roles listed below (at 3.3), which are wholly or partially excluded.
- 3.2 Exclusions are made in order to maintain the Association's operational independence from NHBC, and to protect against conflicts of interest between the Association's members and NHBC where those members have the potential ability to work against the interests of the Association.
- 3.3 Roles partially or wholly excluded from Association membership are:
 - 3.3.1 Wholly excluded:
 - 3.3.1.1 *NHBC Board members and Non-Executive Directors;*
 - 3.3.1.2 *NHBC Chief Executive and Executive Directors;*
 - 3.3.1.3 *NHBC HR Director.*

3.3.2 Partially excluded:

3.3.2.1 *Senior HR Business Partners;*

3.3.2.2 *HR Business Partners;*

3.3.2.3 *Senior Manager – Rewards and Operations (HR);*

3.3.2.4 *Reward Consultant (HR).*

3.4 Partially excluded members:

3.4.1 Will not be able to contribute to union membership discussions (for instance, on consultations or motions tabled at the AGM);

3.4.2 Will not be able to vote on any matters relating to the Association, including elections; adoption of motions; changes of policy; etc;

3.4.3 Will be entitled to representation in any formal meetings relating to their personal working circumstances (disciplinary, grievance, etc.);

3.4.4 Will be entitled to use any other benefits provided by the Association for its members.

3.5 All applicants for membership must agree to act in accordance with the Constitution and Membership Rules (hereinafter called “the Rules”) and sign an application form to this effect.

3.6 Membership of the Association ceases immediately upon a member ceasing to be employed by NHBC or by the member providing written notice to the General Secretary or any other member of the Executive Committee.

3.7 The member must agree that their membership subscriptions be deducted from monthly salary.

3.8 Any member breaking a Rule (as detailed in the Rules) or a provision of the Constitution or acting prejudicially to the Association may, after investigation by the Executive Committee, be invited to a disciplinary hearing. Any member found to have broken the rules of the Association may have their membership removed. The decision will be subject to an appeal to the Representative Committee at which none of the Executive Officers shall exercise a vote, any appeal to be entered within a week of such sanction being delivered.

3.9 The charges and any evidence found through investigation against the member must be given to them in writing before any formal disciplinary proceedings under the Rules are commenced.

- 3.10 The Association reserves the right to refuse membership of or partially exclude any person employed by NHBC in circumstances where in the opinion of the Association there would exist a conflict of interest between the interests of the Association and NHBC. The decision will be subject to an appeal to the Representative Committee at which none of the Executive Officers shall exercise a vote.

4 The Annual Meeting and General Meetings

- 4.1 For the avoidance of doubt, the Association recognises five types of meeting:
- 4.1.1 Annual General Meeting (AGM) for all members of the Association
 - 4.1.2 Representative Committee meetings: meetings of the elected Committee of representatives (typically four times per annum)
 - 4.1.3 Executive Committee meetings: meetings of the 4 elected Executives of the Association (held monthly as a minimum, or otherwise as necessary)
 - 4.1.4 Special general meeting: meeting of all members convened under exceptional circumstances
 - 4.1.5 Business Unit Liaison meetings: meetings typically occurring every 6 months between representatives and management of any business unit of NHBC, or as often as may be arranged locally
- 4.2 The Annual General Meeting
- 4.2.1 Any amendment to the Rules, the Constitution and policies of the Association shall be carried out by the members of the Association at the Annual General Meeting or at a Special General Meeting convened for the purpose of making such a change, as set out in 4.3 below.
 - 4.2.2 Given the dispersed nature of the NHBC business, votes carried out secretly following an Annual General Meeting through any such online channel as the Executive Committee see fit will be counted as quorate if more than 6 votes are cast in addition to the Representatives.
 - 4.2.3 The Association Secretary (hereinafter called “the Secretary”) will give 21 days’ notice to members of the Annual General Meeting.
 - 4.2.4 To be brought into effect, proposals for changes to the Rules and Constitution shall require a two-thirds majority of those voting at the Annual General Meeting, or those casting their vote electronically as described above.

- 4.2.5 To be brought into effect, proposals for changes in policy shall require a simple majority of those voting at the Annual General Meeting or in a subsequent or electronic ballot.
- 4.2.6 In all votes undertaken, abstentions (or, in the case of postal/electronic voting, nonreplies) are not to be counted as votes either for or against the proposed changes.
- 4.2.7 The Treasurer shall submit to the Annual General Meeting for approval the name and address of the auditors for the next financial year together with the accounts for the previous financial year.
- 4.3 Special General Meetings
- 4.3.1 Proposals for emergency changes in the constitution, rules or policy may be submitted by the Representative Committee to a Special General Meeting which can be called on giving 14 days' notice to members.
- 4.3.2 Given the dispersed nature of the NHBC business, votes carried out secretly following any Special General Meeting through any such online channel as the Committee see fit will be counted as quorate if more than 6 votes are cast in addition to the Representatives.

5 The Representative Committee

- 5.1.1 The Representative Committee shall comprise of up to 21 Representatives, and no less than 7, who shall be elected by an independent secret ballot at 3 yearly intervals by rotation, ideally with no more than 7 Representatives being re-elected in any one year.
- 5.1.2 Any member can stand for election to the Representative Committee following successful completion of their probationary period with NHBC.
- 5.1.3 Representatives shall be eligible for re-election at the end of their three-year term. There is no limit to the number of terms that may be served consecutively, as long as a Representative is duly re-elected by the membership.
- 5.1.4 Representatives shall stand for election within constituencies defined by the prevailing structures of NHBC, together with other departments/functions which may be created from time to time.

- 5.1.5 The candidates receiving the highest number of votes from within their eligible constituency shall be declared elected. A term of office lasts for three years before re-election must be sought.
- 5.1.6 Representatives should be elected in proportionate numbers to the number of staff employed by each directorate, so far as is reasonably possible.
- 5.1.7 To ensure representation from the regions at least one Representative place should be reserved to represent staff from each satellite office location outside Milton Keynes, and each country of operation (i.e. Scotland, Northern Ireland), and 1 to represent home based staff as a minimum.
- 5.1.8 The Representative Committee may choose to further restrict or enlarge elections to specific areas of the business (for example but not limited to definitions based on geographical location, job function, level or by role/family), to help ensure balanced representation.
- 5.1.9 The Representative Committee shall have the power to co-opt, employ, appoint and reimburse such persons, including professional advisers and consultants (whether these persons are members of the Association or not) as it deems fit in order to better protect and/or preserve the interests of its members
- 5.1.10 The Representative Committee shall meet not less than four times per annum and shall have the responsibility of reviewing and setting policy as well as considering all matters brought to its notice by members. It shall also receive verbal or written reports from the Executive Officers.

5.2 General Authority:

- 5.2.1 Association business conducted by the Representative Committee and executed in good faith within the objectives of the Association set out in Clause 2 is deemed to be carried into effect.

6 The Executive Officers and Executive Committee

- 6.1 The day-to-day business of the Association shall be conducted by five Executive Officers:
 - 6.1.1 General Secretary,
 - 6.1.2 Deputy General Secretary,
 - 6.1.3 Secretary,
 - 6.1.4 Treasurer,
 - 6.1.5 Health and Safety Representative

- 6.2 They must be both members of the Association and of the Representative Committee.
- 6.3 The Executive Officers shall each be elected from the membership of the Association on a five-yearly basis.
- 6.4 Elections will be carried out by a secret ballot conducted in accordance with current trade union legislation.
- 6.5 The candidates receiving the highest number of votes in any such election for each Officer position shall be declared elected.
- 6.6 There is no limit to the number of five-year terms an Executive Officer may serve, as long as they are duly re-elected by the membership.
- 6.7 An Executive Officer ceases to be an Officer when they:
- 6.7.1 are not re-elected to post by ballot;
 - 6.7.2 cease to be a member of the Representative Committee;
 - 6.7.3 cease to be a member of the Association;
 - 6.7.4 otherwise resign through giving notice to the Executive Committee.
- 6.8 An Executive Officer / group of Officers may be removed from office by a “vote of no confidence”.
- 6.9 A vote of no confidence may be triggered by:
- 6.9.1 a member of the Representative Committee;
 - 6.9.1.1 *The Representative Committee must vote with a two-thirds majority to carry the proposal forward;*
 - 6.9.1.2 *The binding vote will be conducted by a ballot of the full membership, to be held electronically and in secret.*
 - 6.9.2 a direct petition to the Representative Committee:
 - 6.9.2.1 *The petition must be supported by at least 10% of the Association’s members;*
 - 6.9.2.2 *The petition will trigger a Special General Meeting to be held within 21 days;*
 - 6.9.2.3 *At this time the motion to remove the Executive Officer or group of Officers will be debated;*
 - 6.9.2.4 *This debate will be followed by a vote of the full membership on the motion, to be held electronically and in secret.*
- 6.10 Ballots of the Association membership on any matter relating to removing an Executive Committee member must be carried by a two thirds majority of votes cast.

6.11 The Executive Committee roles:

6.11.1 The General Secretary shall chair the Annual General Meeting, any Special General Meeting and meetings of the Representative Committee and Executive Committee. In the event of a tie in votes the General Secretary shall have the right to exercise a casting vote, except where the Representative Committee meets as an appeals body under Clauses 3.8 and 3.11, when the General Secretary shall have no right to vote.

6.11.2 The Deputy General Secretary shall, in the absence of the General Secretary, carry out the duties as for the General Secretary detailed above and shall accompany the General Secretary and Secretary in meetings with management.

6.11.3 The Secretary shall conduct the correspondence, prepare the business of meetings and the Annual report of the Association, and keep its records. The Secretary shall accompany the General Secretary and Deputy General Secretary on meetings with management and keep the Association's minutes.

6.11.4 The Treasurer shall be responsible for keeping the accounts, as set out under Clause 8, for preparing the annual statement of income and expenditure (including liaison with auditors), for advising on the financial position of the Association, and shall accompany the General Secretary and Secretary in meetings with management.

6.12 The Executive Officers shall attend the Annual General Meeting, Special General Meetings, Representative Committee meetings and Executive Committee meetings, and have the right to vote, except when the Committee is meeting as an appeals body under Clauses 3.8 and 3.11.

6.13 The Executive Officers shall be required to submit reports to each meeting of the Representative Committee verbally or in writing, and to the Annual General Meeting of the Association in writing.

7 Voting by Post or electronically

7.1 The Association shall have the right, at its own discretion and own cost, to seek votes of members by post, proxy or via any electronic format it sees as ensuring the confidentiality of any ballot or vote subject to compliance with current trade union legislation.

- 7.2 Notice of proposals requiring a vote shall be sent by the Association to its members at their recorded address/NHBC email address and shall be accompanied as may be appropriate by prescribed forms of ballot return and/or forms of proxy.
- 7.3 The Association will give to each member instructions as to the date, place and time of any meeting where such votes will be taken and directions for the valid return of any ballot by post, electronically or for the lodgement of any Proxy.

8 Financial arrangements

- 8.1 The Association's financial year shall be from 1 January to 31 December.
- 8.2 The membership subscription shall be a periodic sum as fixed by the Representative Committee which shall be deducted from the monthly remuneration of a member. Changes to the membership fee should be supported by a costed business case.
- 8.3 All administration expenses of the Association (other than those detailed in the Facilities Agreement with NHBC) shall be defrayed out of the funds of the Association.
- 8.4 The Executive Officers shall be entitled to draw and be paid from the Association funds such expenses that are incurred in the proper performance of their duties and that are not met by NHBC.
- 8.5 The Representatives are entitled to claim from the Association approved expenses and other pecuniary loss incurred by reason of their being required by the Association to attend any meeting, training or function in circumstances where NHBC will not make such reimbursement to the representative.
- 8.6 Any member shall be entitled to inspect the accounting records of the Association on making a request to the Treasurer.
- 8.7 The Association's funds shall be kept in an account in the name of the Association at an agreed Bank or other appropriate financial institution (subject to Clause 8.8 below)

- 8.8 The Executive Officers are to be made account signatories for the Association's accounts. All cheques or electronic payment requests must be signed or otherwise approved by two designated account signatories, normally the Treasurer and the General Secretary.
- 8.9 Other Executive Officers may only sign cheques or electronically approve payments with the explicit prior written permission of the General Secretary, or where the General Secretary is unavailable.
- 8.10 Funds surplus to immediate requirements may be invested in low-risk areas in the Association's name and as approved by the membership. Management of this investment will be by such Sub-Committee as appointed by the Executive Committee, termed the Investment Sub-Committee.
- 8.11 The Investment Sub-Committee will be made up of two Executive Officers and two lay members of the Association, or by other such members as may be approved by the membership from time to time.
- 8.12 The Investment Sub-Committee will meet as necessary to ensure the safe management of such invested funds as have been dispersed, and will report to the AGM in writing.
- 8.13 Funds under £5000 otherwise surplus to immediate requirement may be invested at the discretion of the Treasurer, with the approval of the General Secretary.
- 8.14 The Association's funds are to be applied solely for the administration of the Association and for the furtherance of the Association's objectives in Clause 2.
- 8.15 A member who is concerned that some irregularity may be occurring, or may have occurred, in the financial affairs of the Association may investigate further, as detailed in the Membership Rules document.

9 Complaints

- 9.1 Any complaints against a Staff Association officer, representative or member which relates to the conduct of their day-to-day NHBC business must be dealt with through normal NHBC procedures

- 9.2 Complaints regarding conduct of the Association, any Officer, representative or member, solely regarding Association matters can be raised by a complaint to the Association Executive committee (the 'EC').
- 9.3 Complaints regarding the conduct of any officer, representative or Member who is not the General Secretary will be investigated by a duly elected member of the EC independently of that person. Complaints regarding the conduct of the General Secretary will be investigated by another EC member.
- 9.4 The EC may invite any person subject to the complaint to a hearing, giving them sufficient notice, along with the evidence presented, the person making the complaint and the right to representation. ~~at said meeting~~
- 9.5 The EC will reach a decision at or soon after said meeting and this decision will be communicated to the parties in writing not later than 14 days after the date of the hearing.
- 9.6 There will be a right to appeal the decision. Appeals should be lodged in writing within one week after the date of the decision letter (or email).
- 9.7 In the event of an appeal, the appeal will be dealt with by the General Secretary unless the complaint is against the General Secretary, in which case the appeal will be referred to a representative of the General Federation of Trade Unions (the 'GFTU'), who will deal with the complaint independently of the Association.

10 Industrial action

- 10.1 The Executive Committee may authorise or endorse a ballot of part or all of the membership for strike action and/or industrial action short of a strike, only upon the recommendation of the General Secretary. All authorised action must be conducted under the supervision of the General Secretary,

10.2 Such ballot will necessarily be carried out in accordance with current trade union legislation.

11 Winding up

11.1 The Association shall be dissolved if:

11.1.1 the membership drops to the lesser of 50 members, or 5% of employees, or

11.1.2 if decided by a ballot of the membership of which two-thirds of those vote in favour.

11.2 A vote may be triggered by a direct petition to the Representative Committee supported by 10% of the Association's members, which will trigger a Special General Meeting to be held within 21 days, at which time the motion to dissolve will be debated.

11.3 The remaining funds to be equally divided and returned to former members who were fully paid-up on the day of dissolution provided the amount is not less than £1.00 per member; otherwise the residue shall be donated to a recognised charity determined by the Executive Committee.