

# **NATIONAL UNION OF TEACHERS**

## **RULES 2008/2009**



including:

Appendices to the Rules  
Joint Partnership & Other Membership Agreements  
Grant Regulations  
Model Rules for Associations/Divisions



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# RULES

## TITLE

1. The Union shall be called the National Union of Teachers.

## OBJECTS

2. The objects of the Union shall be:-
  - (a) To associate and unite those concerned in the service of education in England and Wales, the Channel Isles and the Isle of Man.
  - (b) To regulate relations between teachers and their employers or organisations of their employers and to negotiate salaries and conditions of service on their behalf.
  - (c) To provide means for the co-operation of teachers and the expression of their collective opinion upon matters affecting the interests of education, the teaching profession and the Trade Union Movement.
  - (d) To secure adequate financial and other resources for the full development of the publicly provided education service and satisfactory working conditions and adequate facilities in all educational establishments.
  - (e) To afford to the Government, the Local Authorities and other public or private organisations which have relation to educational affairs, the advice and experience of the Union.
  - (f) To secure the effective representation of educational interests in Parliament.
  - (g) To secure the solidarity and extend the influence of the teaching profession.
  - (h) To co-operate with the Trades Union Congress and other societies or bodies having objects altogether or in part similar to the objects of the Union and to contribute, to subsidise or otherwise assist or take part in the working, management or control thereof.
  - (i) To negotiate and enter into arrangements for amalgamation, partnership or federation with other teachers' organisations or other bodies in such manner as may be prescribed by law and upon such terms as may be agreed with them.
  - (j) To monitor the administration and working of the Education Acts and other Acts of Parliament connected with education or affecting the interests of the teaching profession, the Regulations made thereunder and the memoranda and circulars issued by the Ministers concerned; to endeavour to amend their terms and administration when desirable; and to endeavour to secure the removal of difficulties, abuses and obsolete regulations detrimental to progress.
  - (k) To make recommendations on and participate in the organisations responsible for the education of teachers; to maintain a high standard of qualifications for entry to the profession; to secure an acceptable form of self-government for the profession; to endeavour to raise the status of the profession and to ensure that all posts in the Education Service of the country are open to members of the teaching profession.
  - (l) To establish and administer a code of Professional Conduct and Disciplinary Procedures for members of the Union.
  - (m) To afford advice and assistance to members in:
    - (i) legal cases arising out of or in the course of their professional life.
    - (ii) any matter affecting their professional interests.
    - (iii) any matter affecting their educational interests.
  - (n) To extend protection to those concerned in the service of education whenever necessary.
  - (o) To watch the administration of the Superannuation Acts, Pensions (Increase) Acts and National Insurance Acts and all relevant regulations and memoranda issued thereunder and to endeavour to secure their amendment where necessary.
  - (p) To promote the interests of the Teachers' Building Society, the Teachers' Housing Association, the Teachers Provident Society Limited and the Teacher Support Network.
  - (q) To purchase, lease, exchange or otherwise acquire any real and personal property, and to construct, alter and maintain any buildings required for the purpose of the Union, and to sell, improve, develop, lease, mortgage or otherwise deal with all or any part of the property of the Union.
  - (r) To establish or aid or join with other societies or bodies in establishing charitable trusts of an educational nature and to subscribe to charitable trusts of such nature as are already in existence.
  - (s)
    - (i) **To promote equality for all including through:**
      - (a) **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;**
      - (b) **the Union's own employment practices.**
    - (ii) **actively to oppose all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, gender, gender identity, race, ethnic or national origin, religion, religious belief or similar philosophical belief, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristics.**
  - (t) Further, to the extent authorised by these Rules, those objects capable of being pursued in accordance with statute by expenditure out of the Political Fund of the Union as set out in Appendix VI.



## CONSTITUTION

### Conference Authority

3. Conference is the supreme authority of the Union.

### Executive

4. (a) The affairs of the Union shall be managed by a Central Executive body (hereinafter called the "Executive"), which shall consist of the officers of the Union and thirty-seven other members elected in accordance with these Rules.
- (b) The Executive shall have the power to set up such Advisory and other Committees as it deems necessary.

### Constituent Associations

5. (a) The Union shall consist of Local Associations and such Central Associations and any Local Associations which are divisions as may be affiliated by the Executive (hereinafter referred to collectively as "Constituent Associations"), together with such Multi-Association Divisions as may be recognised by the Executive.
- (b) Every Constituent Association shall elect annually a President, Secretary, Treasurer, Committee and appoint either two Lay Auditors or a Professional Auditor.
- (c) (i) Every Constituent Association shall keep records, documents and books of accounts relating to the financial transactions of the Association as the Executive shall from time to time decide and annually at December 31 or at such other dates as shall be required by the Executive, shall prepare and submit to the General Secretary, a Statement of Account in the form and manner required by the Executive, and in compliance with the requirements of the Certification Officer for Trade Unions and Employers' Associations.
- (ii) The Auditor(s) of every Constituent Association shall carry out their duties in accordance with the requirements of the Auditors appointed by the Executive of the Union under Rule 50(a).
- (d) Subject to the provisions of Rule 37(a), a Constituent Association shall admit to full membership all applicants holding qualified teacher status and serving in educational establishments. For the purpose of this rule, the expression "qualified teacher status" shall be taken to refer to
- (i) all teachers possessing qualifications recognised in accordance with statutory regulations as conferring the right to teach in maintained schools in England and Wales;
- (ii) persons holding any of the teaching qualifications listed in part A of Appendix VII to these rules which list shall be subject to amendment from time to time by decision of Conference provided, however, that there shall not be eligible for membership persons holding qualified teaching status in accordance with statutory regulations but whose qualifications are of a category disapproved by Conference and as a result included in the list of such categories set out in part B of Appendix VII.
- (e) All Constituent Associations/Divisions shall forward a copy of their rules to the General Secretary of the Union, upon:
- (i) formation, amalgamation, or re-organisation of the Constituent Association;
- (ii) a request to submit the rules as may be determined by the Executive; Constituent Associations shall forward a statement signed by the Secretary, to the General Secretary of the Union confirming that the Association/Division rules are in accord with model rules and that (a) no amendments have taken place or (b) amendments have taken place and are appended for Executive endorsement in accordance with Rule 5(f).
- (f) The rules of the Constituent Association shall be approved by the Executive and no alteration of nor addition to the rules can be made nor may any change be made in the title of the Constituent Association without the sanction of the Executive.
- (g) The Executive shall exclude from the National Union of Teachers any Constituent Association which declines to bring its rules into accord with the general Rules of the Union.
- (h) The rules of every Local Association shall contain a provision for the affiliation of the associations to the appropriate Division.
- (i) In acting under the provision of Rule 5(f) the Executive shall ensure that the rules of the Constituent Association shall make provision for the election by ballot of the Officers and Members of its Executive Committee, Representatives or Delegates to Divisions and Conference Representatives other than ex-officio Representatives, and further, that each Constituent Association shall have standing orders which contain provisions whereby any challenge to the decision of the Chairperson of the meeting of the Association shall be considered at the next meeting of the Association.

## **Divisions**

6. (a) A group of Local Associations, or a Local Association where that Association is the only Local Association, within the area of a non-metropolitan county or metropolitan district or an ad hoc Local Authority\* shall be recognised by the Executive as a Division but not more than one group shall be recognised in the area of a non-metropolitan county, metropolitan district or ad hoc Local Authority.
- (b) All Local Associations within the area of a Local Authority\* shall affiliate to form a Division which shall act as the negotiating body and be coterminous with that Local Authority.
- (c) Every Division shall elect annually a President, Treasurer and Secretary and appoint either two Lay Auditors or a Professional Auditor.
- (d) (i) Every Division shall keep such records, documents and books of accounts relating to the financial transactions of the Division as the Executive shall from time to time decide and annually at December 31 or such other dates as shall be required by the Executive, shall prepare and submit to the General Secretary, a Statement of Accounts in the form and manner required by the Executive, and in compliance with the requirements of the Certification Officer for Trade Unions and Employers' Associations.
- (ii) The Auditor(s) of the Division shall be required to carry out their duties in accordance with the requirements of the Auditors appointed by the Executive of the Union under Rule 50(a).
- (e) The Executive may remove from the list of Divisions any Division which holds no meeting or makes no report to the Executive for the space of twelve months.
- (f) All Divisions shall forward a copy of their rules to the General Secretary of the Union by December 31 of each year.
- (g) The rules of the Division shall be approved by the Executive and no alteration of nor addition to the rules shall be made, nor shall any change be made in the title of the Division without the sanction of the Executive.
- (h) The Executive shall exclude from the National Union of Teachers any Division which declines to bring its rules into accord with the general rules of the Union.
- (i) All negotiations of a collective nature on behalf of members of the Union with their employing Authority shall be conducted by the Division and the Division shall have responsibility for communicating the general views and representing the collective interests of the members of their employing Authority.
- (j) No part of the organisation of the Division nor any of its funds shall be used for the purpose of promoting the election of a member as an Officer of the Union or as a member of the Executive or as General Secretary or Deputy General Secretary of the Union or as a member of a Union Advisory Committee or as a member of a Regional Disciplinary Panel or as a member of the National Appeals Committee provided that this rule shall not apply in the case of a Division which is also a local association.
- (k) In acting under the provisions of Rule 6(g) the Executive shall ensure that the Rules of the Division and its Standing Orders include those Rules and Standing Orders declared to be mandatory upon Divisions by Conference from time to time.
- (l) In special circumstances, the Executive may approve temporary arrangements which enable the full duties and responsibilities for members in more than one Local Association normally undertaken by more than one Division to be undertaken by a body entitled a Federation. There shall be affiliated to such a federation such constituent associations as lie within the area of the relevant Local Authorities. This Federation will represent members from more than one Local Authority in accordance with the duties and responsibilities of Divisions as defined by National and Model Rules. In such cases, for the purpose of these Rules, all references to Divisions shall also apply to Federations and their Councils.
- (m) Associations within multi-association Divisions are required to set the same local fee.

## **Metropolitan County Associations**

7. A group of Local Associations within the area of a Metropolitan County may be recognised by the Executive as a Metropolitan County Association but not more than one such group shall be recognised in the area of one Metropolitan County\*.

## **Industrial Action**

8. No Constituent Association or Division of the Union, or members or member thereof, shall organise or engage in a strike or industrial action without prior approval of the Executive.

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*\*Note: References in these rules to authorities, the description of which has been changed by legislation, are to be taken as reference to local authorities having responsibility for education in an area.*

## OFFICERS AND EXECUTIVE

9. (a) Subject to the provisions of Rule 9(b) the election of the Officers of the Union (except the President) and thirty seven members of the Executive shall take place biennially. In the year of an election the Officers shall consist of the President, the Senior Vice-President and Junior Vice-President, the Ex-President, and the Treasurer of the Union elected in accordance with these rules. In the year commencing at the Annual Conference next following an election, the Officers shall consist of the President, the Senior Vice-President, two Ex-Presidents and the Treasurer of the Union elected in accordance with these rules. In both years there shall be, in addition, thirty-seven other members of the Executive elected in accordance with Rule 17 and such other members nominated under the terms of the Joint Partnership Schemes as annexed to these rules.
- (b) Conference shall have the power by resolution to identify a category of members sharing a particular common interest which Conference may, from time to time, believe should have distinct representation on the Executive. A common interest for this purpose shall be an interest affecting the rights of members in the relevant category to equality of treatment regardless of race, nationality, colour, ethnic origin, disability, gender, age, sexual orientation or religious belief. Such a category of members shall be treated, for the purposes of election to the Executive, as a separate section, the members of which shall have a right under these rules to elect a member or members of the Executive in addition to those elected under Rule 9(a). Any election held under this rule shall be conducted in accordance with Rule 19.
10. Subject to the provisions of Rule 12(c):
- (a) The Senior Vice-President elected in accordance with Rule 14 shall be the President in the year following his or her election and shall hold office as Ex-President during the two years next following provided membership of the Union be retained.
- (b) The Junior Vice-President elected in accordance with Rule 14 shall be the Senior Vice-President in the year following his or her election and shall hold office as President and Ex-President respectively during the two succeeding years provided membership of the Union be retained.
11. All members of the Executive except the President and the Senior Vice-President shall retire biennially but shall be eligible for re-election.
12. (a) No paid official of the Union may be a member of the Executive.
- (b) In the event of a member of the Executive applying for a paid post to which the appointment is made by the Executive, the said member shall be suspended from attending the meetings of the Executive and its Committees with effect from the date of submission of his or her application until the confirmation by the Executive of the aforesaid appointment.
- In the event of a member of the Executive being an Officer applying for such post, he or she shall, during the period of suspension, be supplied with all Executive papers other than those relating to the said post. Other members of the Executive shall be supplied with all the aforesaid papers and shall also be entitled to undertake all other duties of an Executive member. In the event of a member of the Executive being appointed to such a paid post as aforesaid, he or she shall be deemed to have resigned his or her membership of the Executive with effect from the date on which the appointment is made.
- (c) All members of the Union other than student members and those who have retired or otherwise left the profession shall be eligible for nomination for or election to the Executive. Any member of the Executive who retires from teaching service shall relinquish his or her membership of the Executive on the last day of the Annual Conference next following such retirement except the Senior Vice-President who shall relinquish his or her membership of the Executive on the last day of the Annual Conference at which he or she relinquishes the office of President.

## Nominations and Elections (General)

13. (a) Constituent associations shall be invited to make nominations for the elections of Senior and Junior Vice-Presidents, Treasurer, Examiners of Accounts and General Secretary and Deputy General Secretary and local associations (including those which are divisions) shall be invited to make nominations for the elections of members of the Executive.

The support of the Constituent Association for a candidate shall be the decision either by a ballot of all the members of the Constituent Association (other than student members as defined in Rule 37(f)) or at a General Meeting of the Constituent Association, subject to any provisions contained in the Association's/Division's own rules and shall be made in accordance with the nomination guidelines (reproduced as Appendix VIII to the Rules) which have been approved by the appointed independent scrutineer.

The Secretary of each Constituent Association shall give to the members (other than student members as defined in Rule 37(f)) at least seven days notice of the time and place of the General Meeting to decide on the nominations of the Constituent Association.

The failure on the part of an Association to follow the nomination procedures set out in Appendix VIII shall invalidate that nomination, which shall not otherwise affect the rights of a member to be a candidate if he or she has otherwise achieved nominations as required by these rules and in accordance with the procedures set out in Appendix VIII.

Nominations shall not be invalidated by reason only of the failure on the part of a member to whom notice of a general meeting (or ballot paper) has been sent but who has not received that notice (or ballot paper).

- (b) The election of the Officers of the Union and of Examiners of Accounts as provided in Rule 51 shall be held prior to the election of the thirty-seven other members of the Executive.
- (c) Teachers who have retired or who have left the profession shall be disqualified from election.
- (d) The election of the Officers of the Union, the other members of the Executive, the Examiners of Accounts, General Secretary and Deputy General Secretary shall be conducted under the system of the single transferable vote. The results of the elections shall be declared as provided by Rule 20(c).
- (e) Each candidate in the elections for Senior and Junior Vice-President, Treasurer, Examiner of Accounts and members of the Executive, shall be entitled to have circulated by the Union an election address of not more than 300 words in accordance with the requirements of any statutory provision for the time being in force. The election address must be received no later than seven days after the closing date for receipt of nominations by the General Secretary.

### **Nomination and Election of Vice-Presidents**

- 14. (a) Every Constituent Association may nominate two members of the Union for the offices of Junior and Senior Vice-President whose election shall be conducted in accordance with the procedure laid down in Rule 20. The votes shall be recorded on the same voting paper.
- (b) Subject to the provisions of Rule 12(c) the member so nominated must have been a member of the Union for the seven years immediately preceding the election provided that this rule shall not bar the nomination of any member who at the time of nomination is a member of the Union and has been a member of the Union for an aggregate of seven years in the ten years immediately preceding the election but whose period of continuous membership has been broken only for a period of absence from teaching service in circumstances where their absence may be taken as a period of absence from teaching service without pay for the purposes of salary increments.

### **Nomination and Election of Treasurer**

- 15. (a) Every Constituent Association may nominate one member of the Union for the Office of Treasurer.
- (b) Subject to the provisions of Rule 12(c) the member so nominated must have been a member of the Union for the seven years immediately preceding the election provided that this rule shall not bar the nomination of any member who at the time of nomination is a member of the Union and has been a member of the Union for an aggregate of seven years in the ten years immediately preceding the election but whose period of continuous membership has been broken only for a period of absence from teaching service in circumstances where their absence may be taken as a period of absence from teaching service without pay for the purposes of salary increments.
- (c) The election of the Treasurer shall be held at the same time as the biennial election of the Junior and Senior Vice-President and the votes shall be recorded on the same voting paper.

### **Timetable - Election of Officers and Examiners of Accounts**

- 16. The biennial election of the Officers (Senior and Junior-Vice Presidents and the Treasurer) and the Examiners of Accounts shall be held as follows:
  - (a) Notification of the timetable for the election will be circulated to associations no later than 17 May in the year in which the election is to take place;
  - (b) Nominations made in accordance with the provisions of the relevant rules shall be made on the form provided for the purpose and must reach the General Secretary not later than 30 September in the year in which the election is to take place;
  - (c) The consent of any candidate to seek election may be withdrawn up to seven days following the close of nominations;
  - (d) Each candidate shall be entitled to have circulated an election address of not more than 300 words in accordance with the requirements of any statutory provisions for the time being in force, together with a statement of biographical details of up to 100 words. Any such election address and statement of biographical details must be received by the General Secretary no later than seven days after the closing date for receipt of nominations;

- (e) Voting papers shall be sent to the home address of all members eligible to vote, or to such other address as the member has indicated in writing shall be the address for the purpose of the election, at least three weeks before the closing date for return of voting papers to the offices of the independent scrutineer;
- (f) The closing date for receipt of voting papers at the offices of the independent scrutineer shall be midday on the third Wednesday in November in the year in which the election is to take place;
- (g) In the event that a date fixed by these rules falls on a Saturday, Sunday or public holiday the date of the next following working day (Monday to Friday) shall be substituted.

### **Nomination for Election of Executive Members other than Officers and those elected under Rule 19**

- 17.- (a) Executive Electoral Districts: England shall be divided into Electoral Districts and Wales shall be one whole Electoral District. The Electoral Districts and the Executive Representation for each Electoral District shall be as set out in Appendix V.
- Local Associations (including those which are divisions) may nominate as candidates for the Executive as many members of the Union as there are members to be elected for the Electoral District.
- (b) Subject to the provisions of Rule 12(c) the member so nominated must have been a member of the Union for the three years immediately preceding the election provided that this rule shall not bar the nomination of any member who at the time of nomination is a member of the Union and has been a member of the Union for an aggregate of three years in the five years immediately preceding the election but whose period of continuous membership has been broken only for a period of absence from teaching service in circumstances where their absence may be taken as a period of absence from teaching service without pay for the purposes of salary increments.
  - (c) A candidate for the Executive must be nominated by a local association (including those which are divisions) within the Electoral District he or she seeks to represent and such Electoral District shall include the local Association/Division through which his or her annual subscription to the Union is paid.
  - (d) No candidate may accept nomination in more than one Electoral District.
  - (e) Central Associations may nominate candidates for the Executive of the Union subject to the limitation imposed on Local Associations in Rule 17(a) and the requirements for eligibility in Rule 17(b). Each such candidate must be nominated in accordance with Rule 17(c) and 17(d), for an Electoral District in which he or she is in service as a teacher.

### **Timetable - Election of Executive Members other than the Officers**

- 18.- The biennial election of the members of the Executive shall be held as follows:
- (a) Notification of the timetable for the election will be circulated to associations no later than 17 May in the year prior to which the election is to take place;
  - (b) Nominations made in accordance with the provisions of the relevant rules shall be made on the form provided for the purpose and must reach the General Secretary not later than 11 January in the year in which the election is to take place;
  - (c) The consent of any candidate to seek election may be withdrawn up to seven days following the close of nominations;
  - (d) Each candidate shall be entitled to have circulated an election address of not more than 300 words in accordance with the requirements of any statutory provisions for the time being in force, together with a statement of biographical details of up to 100 words. Any such election address and statement of biographical details must be received by the General Secretary no later than seven days after the closing date for receipt of nominations;
  - (e) Voting papers shall be sent to the home address of all members eligible to vote, or to such other address as the member has indicated in writing shall be the address for the purpose of the election, at least three weeks before the closing date for return of voting papers to the offices of the independent scrutineer;
  - (f) The closing date for receipt of voting papers at the offices of the independent scrutineer shall be midday on Wednesday, twelve days before Easter Monday in the year in which the election is to take place;
  - (g) In the event that a date fixed by these rules falls on a Saturday, Sunday or public holiday the date of the next following working day (Monday to Friday) shall be substituted.

### **Conduct of Elections: Equality Sections Executive Members**

19. (a) Following the identification by Conference, acting under Rule 9(b), of a separate section of members who should have distinct representation on the Executive, an election of such representative or representatives shall be held concurrently with the next ensuing election of Executive Members other than Officers held under Rules 17 and 18.

- (b) For the purposes of an election under this rule, the Executive shall have established a register of those members who by virtue of the characteristics they share and for which the relevant section was created by Conference, express their wish to exercise the right to vote conferred upon them by Rule 9(b). Eligibility for enrolment on such a register shall be on such conditions as Conference may decide.
- (c) Notification of the timetable for any election held under this rule will be circulated to members whose names appear on the register established and maintained under this rule no later than 17 May in the year prior to which the election is to take place.
- (d) Nominations for election under this rule may be made by local associations from amongst those members whose names appear on the aforementioned register at the date of notification under Rule 19(c) and must reach the General Secretary no later than 11 January in the year in which the election is to take place.
- (e) The consent of any candidate to seek election may be withdrawn up to seven days following the close of nominations.
- (f) Each candidate shall be entitled to have circulated an election address of not more than 300 words in accordance with the requirements of any statutory provisions for the time being in force, together with a statement of biographical details of up to 100 words. Any such election address and statement of biographical details must be received by the General Secretary no later than seven days after the closing date for the receipt of nominations.
- (g) Eligibility to vote shall be restricted to those members whose names appear on the register established and maintained in accordance with Rule 19(b) at the closing date for the receipt of nominations.
- (h) Voting papers shall be sent to the home address of all members eligible to vote, or to such other address as the member has indicated in writing shall be the address for the purpose of the election, at least three weeks before the closing date for return of voting papers to the independent scrutineer.
- (i) The closing date for the receipt of voting papers at the offices of the independent scrutineer shall be midday on Wednesday, twelve days before Easter Monday in the year in which the election is to take place.
- (j) In the event that a date fixed by these rules falls on a Saturday, Sunday or public holiday the date of the next following working day (Monday to Friday) shall be substituted.
- (k) Rules 12, 13(c), 13(d), 13(e), and Rules 20(b) to 20(g) shall apply to any election held under this rule. Rule 20(a) shall apply subject to the provisions of this rule as to eligibility to vote. Rule 21(b) shall apply in relation to any vacancy in a position to which a member has been elected under this rule.

## **Conduct of Elections:**

### **Officers, Executive, Examiners of Accounts, General Secretary & Deputy General Secretary**

20. (a) **Eligibility to Vote.**  
All those, other than students, who are in membership of the Union at the date voting commences shall be entitled to vote in the election except in the case of elections where voting commences after 31 May, when those whose membership has lapsed as determined by Rule 42(b) shall also not be entitled to vote.
- (b) **Counting of Votes and Returning Officer.**  
The counting of votes shall be under the control and administration of an appointed independent scrutineer and a representative of the independent scrutineer shall act as Returning Officer. The count in each election covered by this rule shall commence at midday on the day on which the ballot is due to close. Details of the name and address of the Independent Scrutineer appointed by the Union for each election shall be advised to associations at the time of circulation of the timetable for the election.
- (c) **Declaration and Publication of Results.**
- (i) The results of each election shall be declared and notified to each candidate as soon as possible after the conclusion of the count. The results shall be published in accordance with any statute for the time being in force, but in any event no later than three months following the declaration of the Result.
  - (ii) A copy of the Independent Scrutineer's Report and Certified Election Result Sheet(s) shall be available for inspection by any member at the Union's Headquarters and at any of the Union's Regional Offices and the Wales Office.
  - (iii) The results of the Officers and Executive Elections shall be circulated at the first session of Annual Conference following the election.
- (d) **Tied Result**  
In the event of a tied result, the result of the election will be determined in accordance with parliamentary procedures under the auspices of the appointed independent scrutineer.

- (e) **Period of office.**  
Subject to the provisions of Rule 12(c) members of the Executive and Examiners of Accounts shall hold office from the day following the close of the Conference at which their election is reported until the last day of the Annual Conference immediately following the holding of the next biennial election.
- (f) **Omission to issue voting papers.**  
Provided that all reasonably practicable steps have been taken, the election shall not be invalidated by the failure of members to receive voting papers, otherwise than by the operation of law.
- (g) **Countermand.**  
If after the latest time for delivery of nomination papers and before the latest date upon which voting papers are to be supplied to members eligible to vote under the provision of Rule 20(a) by the Union a candidate who remains validly nominated dies, or becomes disqualified for election under the Rules of the Union, the President of the Union shall countermand the election in the case of the Officers, Treasurer and Examiners of Accounts. In the case of the election of a member of the Executive other than Officers or Treasurer, the President shall countermand the election of the Electoral Districts affected. All the proceedings with reference to the said election shall be commenced afresh provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the election. On the election being countermanded, the Executive shall determine the timetable for the fresh election. The election shall then otherwise be held in accordance with the provisions of the foregoing rules. Any fresh nominations shall be received by the General Secretary in accordance with the new timetable.

## Vacancies

- 21. (a) Any vacancy arising between elections in the office of President, Senior Vice-President or Ex-President may be filled by the Executive from its own body until the next biennial election. Any vacancy in the office of Treasurer arising through the operation of Rule 12(c) at the Annual Conference next following a biennial election shall be filled by an election held in accordance with the procedure laid down in these Rules for an ordinary election of Treasurer. Any vacancy in the office of Treasurer arising otherwise than by reason of the operation of Rule 12(c) shall be filled by the Executive from its own body until the next biennial election. Any member of the Executive, other than a member nominated under the terms of the Joint Partnership Schemes shall, by virtue of his or her election to the Executive, be eligible for appointment to officership of the Union in circumstances described in Rule 21 (vacancies).  
Any vacancy arising at any time in the office of Junior Vice-President shall be filled by a special election held in accordance with the general procedure laid down in Rule 21(b). In the event of the Executive filling a vacancy as aforesaid in the above mentioned offices, a vacancy shall then be declared in the Executive in accordance with the provisions of Rule 21(b).
- (b) In the event of any vacancy being declared in the Executive between December 31 of the year preceding the year of the biennial election and the Annual Conference of that year, such vacancy shall not be filled until the holding of the biennial election. In the event of a vacancy being declared between the Annual Conference of the year of an election and December 31 of the year following, the Executive shall determine the timetable for the new election. The election shall then otherwise be held in accordance with the provisions of the foregoing rules.

## Meetings of the Executive

- 22. (a) The Executive shall meet:
  - (i) at least monthly, except in August;
  - (ii) at such other times as the President and the General Secretary or the Executive may deem fit;
  - (iii) when a requisition signed by twelve members of the Executive stating in writing the object of the meeting has been received by the General Secretary.
- (b) The meetings shall be held in London or such other place as may be agreed upon by the Executive.
- (c) In any meeting of the Executive duly summoned, twenty members shall form a quorum.
- (d) The expenses of the members of the Executive for approved business shall be defrayed out of the funds of the Union.
- (e) If any member of the Executive shall be absent from the meetings of the Executive and its committees for three successive months without reasons which are considered sufficient by the Executive, such person shall cease to be a member and shall not be eligible for re-election until the next biennial election.

## OFFICIALS

23. (a) The officials of the Union shall be the General Secretary and all other officials whose offices have been sanctioned by the Annual Conference.
- (b) The power to appoint or dismiss any official of the Union shall be vested in the Executive.
- (c) No paid official of the Union may be a member of the Executive, a representative of an Association at Conference, or a Trustee of the Union.
- (d) (1) The General Secretary and Deputy General Secretary shall be salaried officials of the Union elected by a postal ballot of those members eligible under rule 20(a).
- (2) Candidates for the posts of General Secretary and Deputy General Secretary shall be either:
- (a) Members of the Union for not less than seven continuous years immediately preceding the commencement of the ballot; or
- (b) Officials of the Union whose offices have been sanctioned by Conference under Rule 23(a).
- (3) Candidates must be nominated by at least ten or more Constituent Associations.
- (4) Elections for the posts of General Secretary and Deputy General Secretary shall be held at least prior to the end of every fifth year following the previous election in accordance with a timetable to be determined by the Executive which shall ensure:
- (i) that voting does not commence in either such elections within four weeks of the completion of elections of the Officers, the Examiners of Accounts or Executive Members other than the Officers;
- (ii) that voting in the election for the post of Deputy General Secretary does not commence within four months of the completion of the election for the post of General Secretary and shall otherwise conform to the following provisions:
- (a) The Executive shall by notice given to the Secretaries of Constituent Associations declare the timetable for the elections of the General Secretary and the Deputy General Secretary within two months of the end of the fourth year following the previous election held under Paragraph 6 of this rule.
- (b) The nominations shall be made on the form provided for the purpose and must reach the President not less than eight weeks before the closing date of an election.
- (c) The consent of any candidate to seek election may be withdrawn no later than seven days after the closing date for the receipt of nominations.
- (d) Each candidate shall be entitled to have circulated an election address of not more than 300 words in accordance with the requirements of any statutory provisions for the time being in force. Any such Election Address must be received by the President no later than seven days after the closing date for nominations.
- (5) Elections for the posts of General Secretary or Deputy General Secretary shall otherwise be held no later than three months following the date upon which either of such posts becomes vacant and the elected candidate shall thereafter hold office until a date determined by the Executive in the fifth year following the previous election held under Paragraph 6 of this rule.
- (6) Voting shall be under the control and administration of the appointed independent scrutineer and a representative of the independent scrutineer shall act as Returning Officer.
- (7) The voting papers, together with the electoral addresses, shall be sent to the home addresses of all members eligible to vote or such other address as the member has indicated in writing shall be the address for the purpose of the ballot in accordance with the published timetable.
- (8) The voting papers shall be returned by post to the offices of the appointed independent scrutineer in accordance with the published timetable.
- (9) The result shall be published to members in accordance with the requirements of Rule 20(c).
- (10) The General Secretary and the Deputy General Secretary, once elected shall be immediately appointed to the salaried service of the Union upon terms appropriate to the holders of such office. The contracts of service of any outgoing, General Secretary or Deputy General Secretary shall be deemed to be terminated upon the declaration of the vote subject to such terms as to further employment of any such former postholder as the Executive may decide.
- (11) The provisions of Rule 13 - Nominations and Elections (General) and Rule 20 - Conduct (a), (b), (c), (d), (e) and (f) shall apply to the elections of the General Secretary and Deputy General Secretary, save that where reference is made in the provisions of Rules 13 and 20 to the General Secretary, the provisions shall be read as referring to the President.



## CONFERENCE

### Time and Place

24. (a) The Annual Conference shall be held at Easter unless the Executive considers it expedient, for good reason and following consultation with Constituent Associations, to hold Annual Conference at another time, and provided always that no period longer than fifteen months shall elapse between Annual Conferences.
- (b) A Special Conference may be held at such time and place as the Executive may deem expedient, provided always that not less than seven days' notice be given to the Secretaries of Constituent Associations.
25. Subject to Rule 24a, the Executive shall have the authority to choose the time and place of meeting of Annual Conference for up to three years next following the current conference and the list of these times and places shall appear in the Annual Report.

### Members

26. Conference shall consist of the Executive, the former Presidents who are still members of the Union, the General Secretary, the Deputy General Secretary, the Trustees, the Examiners of Accounts, the Honorary Members of the Union, members of the Conference Business Committee and the Representative elected according to Rule 27.

27. (a) Each Constituent Association may send to Conference representatives according to the following scale. This scale shall be made up of the number of those members, other than student members, of the Constituent Association in the previous year.

	1 to 350	Two Representatives
	351 to 650	Three Representatives
	651 to 950	Four Representatives
	951 to 1,250	Five Representatives
Membership (other than Student)	1,251 to 1,550	Six Representatives
Membership as defined in Rule 37(f)	1,551 to 1,850	Seven Representatives
	1,851 to 2,150	Eight Representatives
	2,151 to 2,450	Nine Representatives
	2,451 to 2,750	Ten Representatives
	2,751 to 3,050	Eleven Representatives
	3,051 & upwards	Twelve Representatives
		(which shall be the maximum)

- (b) A Constituent Association may appoint, from amongst its officers, ex-officio representatives to Conference and shall elect by ballot all other Conference representatives.
- (c) Each Division (other than a Division which is also a Local Association) may appoint two representatives to attend Annual and Special Conferences of the Union.
- (d) Only members of the Union (other than Student members) shall act as representatives at Conference. Each Constituent Association shall be represented by members who at the time of their election as representatives to Conference were members of that Constituent Association and had paid their current annual subscription to the Union in accordance with Rule 41 through that Constituent Association.
- (e) No paid official of the Union shall act as the representative of any Association.
- (f) The full names and addresses of Conference representatives shall be sent to the General Secretary by 3 February in each year, otherwise the representative will not be recognised at Conference. If, from any cause, a representative is unable to attend Conference, the Constituent Association or Division may, in accordance with arrangements made by that Association or Division, provide a substitute representative, provided the name is sent by the Association or Division Secretary so as to reach the Head Office of the Union not later than first post on the Wednesday before commencement of Conference.
- (g) Each Constituent Association may be represented at a Special Conference by special representatives who shall be appointed and elected in accordance with the provisions of Rule 27(b). Otherwise the representatives at a Special Conference shall be the representatives appointed and elected to attend the previous Annual Conference.

## Voting Power

28. (a) A record of the members (other than Student Members) of each Constituent Association for the current year shall be kept by the General Secretary of the Union. This record shall be evidence of and shall determine the voting power of each Constituent Association at any Annual or Special Conference held in the following year.
- (b) In the event of a card vote called at Conference each Constituent Association shall have one vote for every member whose name appears in such record.
- (c) The number of such votes referred to in Rule 28(b) belonging to a Constituent Association shall be divided equally amongst its representatives.
- (d) Each representative appointed under Rule 27(c) shall have one vote.
- (e) Each Officer, member of the Executive, Former President, Trustee, Honorary Member, Examiner of Accounts, member of the Conference Business Committee, the General Secretary and the Deputy General Secretary shall have one vote.

## Conference Business Committee

29. There shall be set up a Conference Business Committee consisting of the Senior Vice-President of the Union, six other members of the Executive elected by that body and eight members of the Union other than student members and those who have retired or otherwise left the profession, elected in accordance with the terms and procedure laid down in Appendix II. The Committee shall act in accordance with the provisions set out in Appendix II.

## Agenda of Annual Conference

30. (a) Original motions for discussion for Annual Conference may be submitted by the Executive, Constituent Associations and Divisions. No Constituent Association or Division shall submit more than six original motions for discussion at the Annual Conference and no notice of motion shall be placed upon the Agenda of such a Conference except such as may have been proposed by the Executive, Constituent Associations or Divisions subject to the powers of the Conference Business Committee (see Appendix II) and subject also to the provisions of Rule 30(f) and Rule 30(g).
- (b) Notices of original motion for the Annual Conference must be submitted, in writing, to the General Secretary during the six-week period terminating November 15 and shall be considered by the Conference Business Committee and placed under subject headings and allocated to the appropriate sections based on the Report of Committees in the Annual Report of the Executive.
- (c) In addition to motions submitted under Rules 30(a) and (b), original motions for discussion at Annual Conference may be submitted, before November 15 in the year prior to the Conference at which they may be considered, by a body constituted and approved by Conference as a body having as its purpose to contribute to the development of Union policies against discrimination and inequality and representative of a section of the membership of the Union having a common interest which is distinct from that of the generality of members. Any such motion or motions shall be limited to matters which are directly relevant to that interest for which the body by which they are submitted was established. Subject to the Conference Business Committee being satisfied that the motion or motions concerned are properly submitted in accordance with this rule, the Conference Business Committee shall then allocate such a motion or motions to a section of the Agenda of Conference established for their consideration.
- (d) (i) *The list of original motions for the Annual Conference, as arranged, classified and approved by the Conference Business Committee, with those motions which are already accepted as Union policy and have been debated in the previous two Annual Conferences of the Union marked with an asterisk shall be printed in January and forwarded to Constituent Associations and each Association shall be asked to select*
- (a) *from amongst the motions submitted under Rules 30(a) and (b) the six original motions, of which only two shall be asterisk motions, it considers most important, and*
- (b) *from amongst the motions submitted under Rule 30(c) the one motion it considers most important.*
- The closing date for priority voting shall be January 31. The result of the voting shall determine the order of the subjects and the particular motions for discussion, except as provided in Rule 30(f) and 30(g). Original motions in the order of voting shall be included in the appropriate section of the Agenda of Conference.*
- (ii) *A Constituent Association or Division may submit up to six amendments to motions submitted under Rules 30(a) and (b) and ordered under Rule 30(d)(i) and may, in addition, submit up to two amendments to motions submitted under Rule 30(c) and ordered under Rule 30(d)(ii).*

- (e) (i) Only memoranda which have been requested by a previous Conference shall be placed on the Agenda for discussion at Conference.
  - (ii) Amendments to (i) The Report of the Executive, or (ii) Any Special Report or Memorandum submitted by the Executive, or (iii) Standing Orders of Conference, shall be submitted, in writing, to the General Secretary of the Union by 3 March in each year. These amendments shall be included in the Final Agenda, which is circulated to Conference representatives prior to Conference.
  - (f) Any of the following items of business shall take precedence over considerations of motions in accordance with Rule 30(d).
    - (i) The necessary formal business of any Public Session;
    - (ii) The Annual and any Special Reports or Memoranda of the Executive which shall be taken at such sessions as indicated in the Standing Orders of Conference.
  - (g) The Executive shall be empowered to place on the Conference Agenda a motion or motions involving subject matter of urgency or priority. However no urgency or priority motion of the Executive shall be debated unless Conference so decides by a majority vote after the suspension of Standing Orders has been moved. Suspension of Standing Orders shall allow only one speaker for and against.
  - (h) All Sessions of Conference shall be Public Sessions with the exception of one Private Session, to be provided for as indicated in the Standing Orders of Conference, which shall be a Session devoted to the Accounts provided always that Conference can sanction such further Private Sessions as may be deemed necessary.
31. (a) Outside speakers shall only speak to Conference if the Executive has agreed to such speakers at an Executive meeting. The times and duration of such speakers shall be included in the report of the Conference Business Committee. Such speakers shall be limited to ten minutes unless Conference agrees to an extension. Conference may agree by a majority vote (without debate) to hear an outside speaker or speakers in a genuine emergency.
- (b) The contributions of outside speakers shall not exceed 1½ hours of Conference time in total, unless Conference decides otherwise by a majority vote.
- (c) No Union official shall be empowered to speak to Conference unless they are on the Final Conference agenda, or the Conference Business Committee so decides.

### **Conference Documents**

32. (a) The General Secretary shall forward to the Secretary of each affiliated Constituent Association by 10 February in each year the number of copies as shall have been previously ascertained of the Report of the Executive together with such Memoranda or Reports which may be submitted to Conference for discussion.
- (b) The General Secretary shall forward to each duly recognised member of Conference by 24 February a copy of the Report of the Executive to Conference, a copy of the Conference Agenda together with such Memoranda or Reports which may be submitted to Conference for discussion, and a voting paper for the elections to the Conference Business Committee.
- (c) The General Secretary shall forward to each duly recognised member of Conference, three weeks before the start of Conference, a copy of the Financial Statements relating to the Central Funds of the Union duly audited for the preceding year ending December 31.

### **Standing Orders**

33. At the opening of the second Session of Conference, after the necessary formal business, the Standing Orders prepared by the Executive shall be submitted and, if approved, adopted and until such Standing Orders as approved be adopted, the Standing Orders of the preceding Annual Conference shall be operative.

### **Quorum**

34. No business shall be commenced in any meeting of Conference unless at least one hundred representatives be present, and if at any time during the sittings of Conference the attention of the President be drawn to the fact that less than one hundred representatives are present, the business shall be suspended.

### **Scrutineers**

35. Scrutineers shall be appointed by Conference to count up the votes recorded during Conference, and to report the results to the President.

## Conference Salaries Policy

36. (i) All decisions of the Executive involving the salary policy of the Union as approved by Conference must be in accord with that policy except that if at least three-fourths of the Executive present decide that circumstances are such that Conference decisions in this category must be disregarded, such decisions must be reported to the membership and ratified by a ballot of the membership or a Conference of the Union at the earliest opportunity.
- (ii) The Executive shall not instruct or permit its representatives on the Teachers' Pay and Conditions Committee to ratify any tentative annual salary agreement reached in the Committee until it has been endorsed by a ballot of the membership or a Conference of the Union.

## MEMBERSHIP

37. (a) Subject to the provisions of the Joint Partnership (National Union of Teachers/University and College Union) Scheme (annexed to these rules) and any other Partnership Scheme negotiated between the Union and the Associations concerned and subject to the agreement for the affiliation of the Central Association with the National Association of Youth and Community Education Officers annexed to these rules and subject to inquiry in the case of any applicant for membership, who is, or has recently been, a member of a Union affiliated to the Trades Union Congress every teacher as described in Rule 5(d) and against whose professional conduct no charge can be sustained shall have the right of admission to any one of the Local Associations<sup>1</sup> of the Union upon payment of the subscription as provided for in the Rules of the Union and the Constituent Association. A member, if he or she so desires, may join a second Constituent Association, if the rules of that Association permit, and on payment of the appropriate local subscription, but in no case can he or she be a member of more than two Constituent Associations at one and the same time.
- (b) *It shall not be a bar to eligibility for membership of the Union that a teacher is a member of or acquires membership of another union representing teachers and seeking to negotiate salaries and conditions of service on their behalf. Nor shall it be a bar to eligibility for membership that a teacher is a member of a political party, save that it may be considered a bar to eligibility for membership that a teacher is a member of an organisation, whether or not constituted as a political party, the objects and/or policies of which are generally considered to be racist and/or fascist<sup>2</sup>.*
- (c) If in the opinion of any Constituent Association the professional conduct of any applicant for membership makes it desirable that the applicant's name should not be on the roll of members, the matter shall be referred to the Executive for inquiry by the Professional Conduct (Criminal Convictions) Committee.
- (d) Any applicant for membership having been declared by the Executive ineligible for membership shall remain ineligible until such time as the Executive may decide to admit such person to membership.
- (e) Notwithstanding anything in these rules the Executive may by giving six weeks' notice in writing terminate the membership of any member if necessary in order to comply with a decision of the Disputes Committee of the Trades Union Congress provided that the member shall be entitled to a hearing before the appropriate disciplinary committee of the Union in accordance with the provisions of Appendix III Section 1 of these rules.
- (f) Every student who has either (i) been accepted for entry to a College or University Department of Education, or other recognised Institution for training as a teacher, or (ii) commenced a course of such training, shall be eligible for membership of the Union as a Student Member without payment of any fee or subscription, on undertaking to become an ordinary member of the Union on being appointed as a teacher, and every such Student Member shall be entitled to full advice and information including educational and professional advice and legal assistance under Rule 52 but he/she shall not have the right to take part in or vote on the nominations or elections under Rules 13-21 (inclusive) and Rule 51 or be taken into account for the purpose of computing the membership of the Union or of the Local Association under Rules 20, 27 or 28.

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<sup>1</sup>It is desirable that members of the Union should be members of the Associations covering the area in which they are employed.

<sup>2</sup>Whilst respecting the legal rights of members, the Union is fundamentally opposed to racist and fascist ideologies and reserves the right to take disciplinary action against members guilty of conduct giving expression to racist or fascist views. The Union does not seek to recruit holders of such views.

## **Suspension**

38. Any member of the Union shall be suspended from the rights and benefits of membership by the Executive when, following proceedings in accordance with the terms of Appendix I(A) to these Rules, it is decided that the professional conduct of such a member makes this necessary or in the case of a breach of Union discipline, after proceedings in accordance with Appendix III of these Rules. Such member's conduct during the period of suspension shall remain within the jurisdiction of the Union's procedures.
- A member suspended from the rights and benefits of membership shall not be individually entitled to any Union advice or assistance. A suspended member shall not be entitled to any preferential benefits of membership other than any which pre-existed the period of suspension and which arise by virtue of a binding agreement. Such suspension shall be without prejudice to the member's statutory rights.

## **Expulsion**

39. Any member of the Union shall be expelled from membership by the Executive when, following proceedings in accordance with the terms of Appendix I(A) to these rules, it is decided that the professional conduct of such member makes this necessary or in the case of a breach of Union discipline, after proceedings in accordance with Appendix III of these rules.

## **Re-Admission**

40. (i) Any person who has (a) been expelled, (b) forfeited membership under Rule 56(c) may, on application, be re-admitted upon such terms as the Executive may decide, and before being eligible for membership under the rules of the Union shall carry out such directions as the Executive in its sole discretion may require, and shall make such payments as the Executive may order, such payments to be in addition to any subscriptions or payments otherwise provided for in the rules of the Union.
- (ii) No action shall be taken by the Executive under Rule 40(i) otherwise than in accordance with a motion recommended by the Committee (as constituted at the date when the application is to be considered) responsible for the decision to expel or forfeit membership following a meeting at which the applicant for readmission shall have had the opportunity of being heard personally and of being accompanied by a friend who is a member of the Union.

## **Subscriptions**

41. (a) Except as herein provided the annual subscription to the Union from each Constituent Association in respect of each member shall be as Conference from time to time shall decide. The local subscription shall be not less than five per cent of the appropriate annual subscription of the Union from the Constituent Association. The annual subscription shall include the contribution to the Political Fund of the Union of each member who has not given notice of exemption under paragraph 4 of Addendum 2 to these rules.
- (b) All subscriptions to the Union inclusive of local subscriptions shall be paid to the Head Office of the Union under arrangements determined by the Executive and Constituent Associations shall be reimbursed from the Head Office of the Union the local subscription determined by the Constituent Association on a per capita basis.
- (c) The amount allocated to the Professional Sustentation Fund in respect of each member shall be as Conference from time to time shall decide.
- (d) In the case of a teacher who, being a member of the Educational Institute of Scotland and having paid the subscription for the current year as a member of the Institute, obtains a permanent teaching appointment in England or Wales or the Channel Isles or the Isle of Man. Membership of the Union shall be recognised without subscription from the time the teacher takes up such appointment until December 31 next following, provided that the teacher has undertaken to become an ordinary member of the Union.
- (e) (i) Members who have left the Education Service, but who have not retired shall be entitled to Left Professional Membership on payment of an annual subscription together with any local fee provided for in the rules of the Constituent Association.
- (ii) members who have retired from the profession shall be entitled to Retired Membership upon payments of an annual subscription together with any local fee provided for in the rules of the Constituent Association.
- (iii) Members referred to in 41(e)(i) and (ii) above shall subject to the provisions of Rule 52(c)(ii) not be entitled to legal assistance entailing expenditure from the funds of the Union, but shall be entitled to such other benefits of Union membership as may be agreed by the Executive.

- (f) (i) Members who pay the full annual subscriptions may continue to do so when serving temporarily outside England and Wales, the Channel Isles and the Isle of Man<sup>2</sup> and they will then be eligible to receive benefits and assistance entailing expenditure from the funds of the Union in accordance with these rules.
  - (ii) Alternatively, such members and members permanently resident outside England and Wales, the Channel Isles and the Isle of Man may pay a nominal annual subscription of five pence, but in this event they shall have no claim to benefits and assistance which entail expenditure from the funds of the Union.
  - (g) In the case of teachers accepted into membership under the Joint Partnership (National Union of Teachers/ University and College Union) Scheme, the subscription shall be in accordance with the provisions of such Scheme.
  - (h) In the case of teachers accepted into membership under any other Partnership Scheme, similar to that referred to in Rule 41(g), the subscription shall be in accordance with the provisions of that Scheme.
- 42.**
- (a) All subscriptions are due and payable on 1 January of each year, and every member shall be required to pay the subscription for the year unless notice of intention to terminate membership shall have been given to the Secretary of the Constituent Association, in writing, not later than 31 December of the previous year. In the case of amounts imposed by the Constituent Association for the purpose of Rule 43, payments by those members concerned shall be made monthly commencing on the first day of the month following after the order of the Executive under the said rule.
  - (b) Where a member has not paid or has not entered into a commitment to pay his/her subscriptions before 31 May of any year in respect of which such subscriptions are due his/her membership shall be deemed to have lapsed and he/she shall forfeit all claims upon and shall not be entitled to any of the benefits of the Union, unless the Executive shall otherwise determine.
  - (c) Any teacher who has forfeited membership under the foregoing rule shall be re-admitted to membership upon payment of the full annual subscription and of any sums due under other rules of the Union.
  - (d) (i) The Head Office of the Union shall be responsible for the issue of credentials of membership and shall be responsible for notifying the Constituent Association of each such credential issued;
  - (ii) The Officers of each Constituent Association of Division shall forward to the General Secretary an audited Statement of Account for each financing year ending 31 December, not later than 31 March next following.
  - (e) The Treasurer of the Union together with one other Officer of the Union shall have power, at the initiative of the Executive, to execute such forms of indemnity as may be required to enable the Union to enter into arrangements for the Collection of Subscription by direct debit through schemes operated by members of the Association for Payment Clearing Services.

## **Levy**

- 43.**
- (a) In addition to the subscription to be paid under Rule 41, each member shall be required to pay to the Head Office of the Union such further sum as and when the Executive may order provided that the Executive shall make no such order unless:
    - (i) a motion to that effect be recommended by a Committee of the Executive and be considered by the Executive at a fixed time.
    - (ii) at least four days' notice of such motion shall have been given to each member of the Executive;
    - (iii) the number of members voting in favour of the motion be at least three-fourths of the number of members of the Executive.
  - (b) Members whose subscriptions to the Union are in accordance with Rule 41(e)(i) or (ii) shall not be covered by Rule 43(a).
  - (c) Any member who does not pay any sum due from him/her under the provision of this rule shall be deemed to have lapsed membership on the last day of the third month following that in which such payment was due, provided that the member concerned shall be entitled to a hearing before the appropriate disciplinary committee in accordance with the provisions of Appendix III of these rules before the implementation of this rule.

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<sup>2</sup> The term "serving temporarily outside England and Wales, the Channel Isles and the Isle of Man" shall, mean:

- (a) Service overseas with H.M. Forces or under an appointment made by a Minister of the Crown.
- (b) Service or contract for a number of years with a Colonial Administration, Commonwealth or Foreign Government.
- (c) Any other service which, in the opinion of the Executive, is comparable with (a) and (b) above.

- (d) Any teacher who has forfeited membership in accordance with Rule 43 (c) may be re-admitted to membership on payment of any sum due under the provisions of Rule 41 and 42(c).
- (e) The Executive shall have the authority to execute such forms of indemnity as may be required to enable the Union to enter into arrangements for the collection of subscriptions by direct debit through schemes operated by members of the Association for Payment Clearing Services.

## FUNDS

### Application

44.- The funds of the Union shall consist of:

- (a) The General Fund.
- (b) The General Fund Reserve.
- (c) The Professional Sustentation Fund.
- (d) Political Fund
- (e) Such other funds as the Executive may establish.

These funds shall be applicable for the purpose of attaining the objects of the Union as defined by, and subject to, the provisions of these rules. Only monies from the Professional Sustentation Fund shall be used for financing strikes, lock-outs or other industrial disputes.

No expenditure shall be incurred out of the Political Fund other than in pursuit of statutory objects (d) and (f) as set out in Paragraph 1 of Appendix VI Addendum 2.

### Allocation

45. (a) **General Fund** - All annual subscriptions to the Union received from Constituent Associations, other than the sums allocated to the Professional Sustentation Fund under Rule 41, shall be paid into the General Fund.
- (b) **General Fund Reserve** - There shall be transferred into the General Fund Reserve on 31 December of each year the amount by which the income of the General Fund exceeds the expenditure of the Fund for that year; and in case the expenditure from the General Fund exceeds the income of the Fund for that year, the amount of the deficit shall be made good from the General Fund Reserve.
- (c) **Professional Sustentation Fund**-
- (i) Such part of the subscription to the Union as shall be allocated from time to time under Rule 41 to the Professional Sustentation Fund together with such part of the income from its investments as it is not required for the purposes of the Fund shall be paid into and form part of the capital of that Fund and shall be invested accordingly.
  - (ii) The Sustentation Fund shall be used for the maintenance and sustentation of members acting in accordance with instructions of the Union and payments shall only be made in accordance with provisions of the Sustentation Rules as set out in Appendix IV of these rules.
  - (iii) If any member suffers pecuniary loss or damage from any cause which in the opinion of the Executive, after consultation with the Constituent Association, arises from any action taken on the advice of the Union in the defence of professional rights or from any cause which in the opinion of the Executive renders the member worthy of support the Executive may make out of the Sustentation Fund such grants towards the maintenance and relief of such member as it deems advisable.
- (d) **Other Funds** - Expenditure from such other funds as the Executive shall establish under Rule 44(e) shall be restricted to the objects of such funds.

### Financial Statements and Annual Report

46. (a) A copy of the Financial Statements relating to the Central Funds of the Union, duly audited, shall be forwarded by the General Secretary to the Secretary of each affiliated Constituent Association three weeks before the start of Conference.
- (b) The Financial Statements and the Report of the Executive as approved by Conference shall be published in the Annual Report.
- (c) The Annual Report shall be issued as early after the Conference as practicable.
- (d) The General Secretary shall examine and summarise all Statements of Account forwarded to him by each Constituent Association and Division at 31 December annually under Rules 5(c)(i) and 6(d)(i) and shall make a return to the Certification Officer for Trade Unions and Employers' Associations in the manner required by him.

### Recovery of Moneys

47. All moneys payable, either by way of subscription or otherwise, to the Union by any member or official, either in his/her personal or in his/her representative or official capacity, shall be paid to, and be recoverable by, the Treasurer on behalf of the Union.

## **Trustees**

48. (a) Four persons shall be elected as Trustees by the Executive. Each of the persons elected must have been a member of the Union for at least the seven years immediately preceding the date of election. No paid official of the Union may be a Trustee.
- (b) When the number of the Trustees is reduced to two, it shall be the duty of the Executive to fill the vacancies forthwith, provided always that any business involving the appointment of a Trustee shall not be transacted unless notice in writing of such business shall have been sent to every member of the Executive at least seven days before the meeting at which such business is to be transacted.
- (c) The Trusteeship of any person holding the office shall be ipso facto determined if he/she becomes bankrupt or insolvent or if he/she has allowed his/her membership of the Union to lapse.
- (d) It shall be within the power of the Executive to determine the Trusteeship of any person by a resolution, which shall not be declared carried unless at least two-thirds of the members present vote in its favour. Notice of such motion must be sent in writing to every member of the Executive at least seven days before the meeting at which such motion is to be proposed.

## **Investment of Funds**

49. (a) The funds and properties invested in the names of the Trustees or the Custodian Trustee in Rule 49(b) hereinafter mentioned shall be under the control and at the disposal of the Executive for the respective purposes to which the various funds are devoted under the scheme as approved by Conference.
- (b) Subject as hereinafter provided, all funds and properties shall be invested in the names of the Trustees, provided nevertheless that the Trustees shall have power to hold all or any of such investments in the name of the HSBC PLC or any other Custodian Trustee as aforesaid and for this purpose to appoint HSBC PLC or such other Custodian Trustee as aforesaid Custodian Trustee of the Union with such provisions for the remuneration and the protection of such Custodian Trustee as the Executive may approve and to transfer such investments into the name of such Custodian Trustee.
- (c) The Funds for the time being of the Union held in accordance with the foregoing rules shall be invested as follows:
- (i) in any investments authorised by law for Trustees;
  - (ii) in any of the public stocks or funds or Government securities of the United Kingdom or of any other country, province or place in any part of the world;
  - (iii) in or upon the stocks, funds, shares, debentures, mortgages or securities of any corporation, body or company, municipal, county, local, commercial or of any other description incorporated or registered in the United Kingdom or any other part of the world;
  - (iv) in the purchase of land in England or Wales, being either freehold or held for a term of which not less than fifty years shall be unexpired at the time of purchase. Provided that subject to the requirements of Rule 49(a) and (b), the Executive shall have power to vary from time to time any such investments for any other or others of the kinds prescribed.

## **Auditor**

50. (a) The Accounts of the Union shall be audited by a professional auditor, who shall be appointed by the Executive, and shall be required to make a report annually to the Conference.
- (b) A representative of the Union's auditor shall be entitled to attend the Annual or a Special Conference and to receive all notices of and other communications relating thereto which any member or representative is entitled to receive and shall be entitled to be heard at any session he attends on any part of the business which concerns him as auditor.

## **Examiners of Accounts**

51. At each biennial election:
- (a) Two members of the Union shall be elected to examine the accounts on behalf of members of the Union.
  - (b) Every Constituent Association may nominate two members of the Union as Examiners of Accounts.
  - (c) All members of the Union, other than student members, and those who have retired or otherwise left the profession, shall be eligible for nomination for, or election as Examiners of Accounts. The persons so nominated must have been members of the Union for at least seven years immediately preceding the election.
  - (d) The general conditions contained in Rules 12, 13, 20 and 21 as to nomination election and the filling of vacancies in office shall apply also to Examiners of Accounts.
  - (e) The election of Examiners of Accounts shall be made at the same time as the biennial election of the officers, and the votes shall be recorded on the same voting paper.



## ADMINISTRATION OF LEGAL ASSISTANCE

52. (a) **Scope of Legal Assistance** - A member shall be entitled to assistance and support subject to and in accordance with the provisions of this rule (a) in a matter arising out of or in the course of the members professional life or Union activity; (b) a case considered by the Constituent Association and/or the Executive to affect the rights and interests of teachers generally, or (c) where a member has suffered injury through any legitimate action he may have taken in the defence of professional objects. The funds of the Union shall not be chargeable with the costs of any proceedings undertaken other than in accordance with this rule.
- (b) **Applications for Assistance** - A member seeking legal assistance shall apply to the Local Association and/or Wales/Regional Secretary. The Wales/Regional Secretary shall then administer the application in accordance with directions given by the Executive. Subject to the approval of the Senior Solicitor the Wales/Regional Secretary may:-
1. Authorise the provision of legal assistance.
  2. Decide that legal assistance be not provided in which case the member shall be entitled to appeal against the Wales/Regional Secretary's decision to the Legal and Professional Services Sub-Committee.
  3. Refer the case to the Legal and Professional Services Sub-Committee for decision. The Wales/Regional Secretary shall be responsible for obtaining the opinion of the President and Secretary of the Constituent Association. Upon legal assistance being granted the Senior Solicitor shall decide whether assistance should be provided by the Union's Wales/Regional Solicitor, by local solicitors or by the Senior Solicitor himself, and the Senior Solicitor shall be responsible for making the necessary arrangements.
- (c) (i) **Lapsed Members** - The Executive shall have the discretion to discontinue legal assistance in the event of a member lapsing his/her membership by non-payment of a subscription or other sums imposed upon him/her in accordance with the rules.
- (ii) **Retired and Left Profession Members** - Members who are in receipt of legal assistance and who either leave the Education Service, but do not retire, or who retire from the teaching profession, shall be required to pay the appropriate subscription.
- (d) **Recommendation of Cases** - The Constituent Association may not recommend, nor may the Executive adopt, the case of an applicant for assistance who before the difficulty arises has not paid or has not entered into a commitment to pay his/her full annual subscription for the current year such further contributions as may have been ordered by the Executive under the provision of Rule 42. Compliance with this condition will not be necessary where assistance is applied for by a member in the following categories:
- (i) Student Member.
  - (ii) Newly Qualified Member during the period when no subscription is required.
  - (iii) Member of the Educational Institute of Scotland who having paid the subscription for the current year as a member of the Institute obtains a permanent teaching appointment in England or Wales or the Channel Isles or the Isle of Man.
- (e) **Local Officers and Executive Members** - Legal assistance may be given to officers of Constituent Associations, Divisions and members of the Executive in cases arising out of or in the course of the performance of their duties on behalf of the Union.
- (f) **Non-Professional Cases** - The Constituent Association may not recommend, nor may the Executive adopt, any case which is not of a professional nature or which does not arise out of or in the course of a member's professional life.
- (g) **Cases Not Involving Proceedings** - In cases where proceedings in court are not involved; the Legal and Professional Services Sub-Committee may render assistance, upon the member concerned making direct application to the Legal Department.
- (h) Advice on legal matters of a professional nature may be obtained by any member on the same terms as are set out in Rule 52(d). Such an application may be submitted through the Constituent Association or may be forwarded direct to the Regional Secretary.
- (i) **Local Solicitors** - It shall be the duty of every Local Association to recommend to the Executive for appointment a local solicitor, and in all cases conducted by the Union at the cost of the funds, and in which local solicitors are engaged, the local solicitors shall act under the direction of the Legal and Professional Services Sub-Committee of the Union and all papers, briefs, opinions and other documents connected with such cases shall be and remain the property of the Executive of the Union.
- (j) **Limited Powers of Constituent Associations** - The funds shall not be chargeable with the costs of any proceedings undertaken without the consent of the Executive, except in cases where the time elapsing between the service and the hearing by the Court is too short to allow for the approval of the case by the Executive. In such cases a Local Association may apply to the local solicitor, and instruct him/her to conduct the case until the same can be adopted by the Union, and Central Associations may apply to the Union Solicitor who shall have power to take the necessary action to instruct a solicitor to conduct the case until the same can be adopted by the Union. Under no circumstances may a prosecution be instituted without the previous consent of the Legal and Professional Services Sub-Committee through its officials.

- (k) **Powers of Law Committee** - In all cases adopted by the Union, the Legal and Professional Services Sub-Committee shall have absolute power to withdraw legal assistance and to compromise claims for expenditure in such manner and on such terms as shall appear to it advisable. In all cases of compromise made without the previous sanction of the Legal and Professional Services Sub-Committee, the Executive shall have power to determine what, if any, costs shall be paid out of the funds of the Union, and the balance of any costs incurred by the Executive in relation to the case shall be paid by the applicant to the Treasurer, and shall be recoverable by the Treasurer from the applicant.
- (l) **Costs** - In all cases adopted by the Union the costs shall be paid out of the funds of the Union available for this purpose except that in any case where the applicant for assistance shall, in the opinion of the Executive, suppress evidence or shall knowingly furnish incorrect information, no costs of the other side which the applicant may become liable to pay, and such portion only of the applicant's costs as the Executive may determine, shall be borne by the funds of the Union available for this purpose, and the balance of any costs incurred by the Executive in relation to the case shall be paid by the applicant to the Treasurer of the Union, and shall be recoverable by the Treasurer from the applicant. The Union shall, in all cases, also be entitled to recover from the member all or any part of disbursements incurred by the Union on the member's behalf, in the event that the member recovers such expenditures by settlement or judgement in his or her favour.
- (m) **Fines and Damages** –
  - (i) Damages payable by a member in respect of any claim arising out of or in the course of his/her professional work may be paid out of the funds of the Union in any case approved by the Executive.
  - (ii) No fines inflicted on any member shall be paid out of the funds of the Union except in cases specially sanctioned by the Executive.
- (n) **Members Suffering Injury** - If a member, in the opinion of his/her Constituent Association and of the Executive, suffers any pecuniary loss or damage which arises from any action taken on advice of the Union in a legal case adopted under the provisions of these rules, the Executive may make out of the funds of the Union such grants towards the maintenance and relief of such member as it may deem advisable.
- (o) In the event of a member instructing his/her solicitor in a case within the rules of the Union for legal assistance and subsequently applying to the Union for assistance, it will be for the Executive to decide on the recommendation of the Constituent Association and the Legal and Professional Services Sub-Committee whether the case should be adopted and unless there are special circumstances, the Union will only accept responsibility for the legal costs from the date of the adoption of the case by the Legal and Professional Services Sub-Committee.
- (p) In the event of a member of the Union losing his/her life in any circumstances in which a legal claim could be made, legal assistance will be given to the member's family to pursue such claim. The legal assistance shall be restricted to litigation and incidental probate procedures.

## CONCILIATION

53. In the event of a dispute between two or more members of the Union relating to any matters connected with their professional or Union activities, it shall, at the request of one of the members, be dealt with under the following arrangements:
- (a) A member of the Union who is in dispute with another member or members shall notify the Wales/Regional Secretary for his/her area of the existence of the dispute and request conciliation.
  - (b) Upon receiving a request for conciliation the Wales/Regional Secretary shall commence the conciliation procedure. S/he shall notify the other member or members in dispute of the request for conciliation.
  - (c) The Wales/Regional Secretary in consultation with the Executive member or members for the Electoral District or Districts in which the parties to the dispute are members, shall nominate not more than three members of the Union of not less than ten years standing and acceptable to the parties to hear them with a view to conciliation.
  - (d) The members nominated to hear the dispute shall invite the parties to meet them in order to endeavour to resolve the dispute.
  - (e) That a meeting be arranged as soon as possible and not later than 30 school days from the receipt by the Wales/Regional Secretary of the request for conciliation.
  - (f) That the conciliators send their report to the Wales/Regional Secretary within 10 school days of the conclusion of the conciliation meeting.
  - (g) Should a dispute of a non-legal nature not be resolved under these conciliation arrangements it will be open to any of the parties to exercise such other rights as they may have under the rules i.e. Appendix IA of the rules of the Union relating to Professional Conduct and Appendix III relating to Union Discipline.

## **ARBITRATION**

- 54.** In the event of a dispute between members of a legal nature within the rules of the Union for legal assistance not being resolved by conciliation it may, at the request of one of the parties be referred to arbitration in the following manner:
- (a) The case shall, in the first instance, be considered by the Legal and Professional Services Sub-Committee and if in its opinion the circumstances require action the parties shall be required to refer the dispute to arbitration provided also the nature of the case does not render such reference illegal or void. Should a party to the case being a member of the Union, refuse to submit to arbitration the Executive shall not render him or her any assistance in the case from the funds of the Union.
  - (b) In the event of the parties agreeing to arbitration the Executive shall nominate three arbitrators, two of whom shall be members of the Executive and the third to be legally qualified, provided that the parties shall be entitled to indicate a member of the Executive whom they would accept to be nominated as an arbitrator.
  - (c) The parties shall then be required to sign a submission to arbitration the terms of which and all other arrangements relating to the arbitration, shall be dealt with by the Legal and Professional Services Sub-Committee.
  - (d) The decision of the arbitrators shall be conclusive and final.

## **PROFESSIONAL ASSISTANCE**

- 55.** A member shall be entitled to educational or professional advice or assistance provided that before the difficulty has arisen he/she has paid, or has entered into a commitment to pay, his/her full subscription for the current year and such further contributions as may be ordered by the Executive under the provisions of Rule 43 and the Executive shall at all times have discretion to withhold such advice or assistance for good or urgent cause. Compliance with this condition relating to payment of subscription will not be necessary where assistance is applied for by any member in the following categories:
- (i) Student Member.
  - (ii) Newly Qualified Member during a period when no subscription is required.
  - (iii) Member of the Educational Institute of Scotland who having paid the subscription for the current year as a member of the Institute obtains a permanent teaching appointment in England or Wales or the Channel Isles or the Isle of Man.

## **PROFESSIONAL CONDUCT**

- 56.**
- (a) There shall be a code of Professional Conduct established in accordance with the provisions of Appendix IA of these rules.
  - (b) Any questions as to the professional conduct of any member whether it arises on the personal application of any member or otherwise shall stand referred to the National Disciplinary Committee and be dealt with in accordance with the procedure set out in Appendix III Section 1 of these rules.
  - (c) If a member (including a member who is in membership under a Joint Partnership Scheme) is convicted of a criminal offence, other than one having no material relevance to his/her fitness to be a member of the Union, his or her right to Union membership and all claims and entitlements to Union benefits shall be reviewed by the Professional Conduct (Criminal Convictions) Committee and the Executive, and after proceedings in accordance with the terms of Appendix IB or IC to these rules, if so decided the member shall forfeit such rights, claims and entitlements.

## **DISCIPLINE**

- 57.** All questions relating to the discipline of members and any appeals on the question of eligibility for membership shall be dealt with in accordance with the provisions of Appendix III Section 1 of these rules.

## **ALTERATION OF RULES**

- 58.** No alteration in, or addition to, the rules of the Union may be made except at the Annual Conference on motion in accordance with Rule 30, or at a Special Conference called for this purpose and no alteration in or addition to any rule of the Union relating to the Political Fund may be made save as may be endorsed by ballot of members held in accordance with Appendix VI being the Statutory Rules for the time being in force in relation to Political Fund Ballot.

## **INTERPRETATION OF RULES**

- 59.** In the event of any question arising as to the interpretation of any of the rules of the Union, the question shall be referred to the Executive whose decision shall be conclusive and binding upon members.

# APPENDICES TO RULES

## APPENDIX I - PROFESSIONAL CONDUCT

### ■ IA - CODE OF PROFESSIONAL CONDUCT AND COMMITTEES

The following has been adopted by the Executive and approved by Conference:

- (1) A Professional Conduct (Criminal Convictions) Committee be appointed biennially by the Executive and shall consist of the Senior Vice-President of the Union for the time being, together with ten members of the Executive, of whom five shall be teachers, other than headteachers or deputy headteachers, if possible. Four members of this Committee shall form a quorum, and a Chairperson shall be elected at each meeting.
- (2) Questions arising under Rule 56(b) shall be referred to the National Disciplinary Committee in accordance with that rule and appeals in such cases shall be dealt with by the National Appeals Committee.
- (3) An Appeals Committee of the Executive shall be appointed biennially by the Executive to hear appeals from the Professional Conduct (Criminal Convictions) Committee under Rule 56(c) and shall consist of the President of the Union for the time being, together with one other officer other than the Senior Vice-President and five members of the Executive who shall not be members of the Professional Conduct (Criminal Convictions) Committee and two of whom shall be, if possible, assistant teachers. Three members of this Committee shall form a quorum and a Chairperson shall be elected at each meeting.
- (4) The Executive on the recommendation of the Co-ordinating and Finance Committee shall determine the general principles of the Code of Professional Conduct and shall have power to amend and interpret the Code from time to time.

#### The Code of Professional Conduct

The following is a list of actions already declared to be unprofessional but this list is not exclusive. All actions which are alleged to be injurious to the interests of the profession or the professional honour of any member can be referred to the Committee for adjudication. It is however expressly provided in relation to paragraph (g) below that remarks made or actions taken in the course of debate or participation in the democratic process of the Union or in the advocacy or representation of the interests of Union members shall not be considered to be breach of the Code, unless, following the procedures set out in these Rules, such remarks or actions are shown to constitute an abuse of the privilege otherwise afforded by this proviso.

- (a) For any teacher to take an appointment from which, in the judgement of the NUT Executive a member of the Union has been unjustly dismissed.
- (b) For any teacher to make a report on the work or conduct of another teacher without at the time acquainting the teacher concerned with the nature of it, if it be a verbal report, or without showing it, if it be written and allowing the teacher concerned to take a copy of it, provided however that this requirement shall not apply in circumstances in which the member is required in the course of his or her employment to make a confidential written report in a context in which it is reasonable at the time for the member to believe that the teacher concerned will receive a copy of the report in the course of a formal process. See notes (i), (ii), (iii) and (iv) below.
- (c) In any case of dispute between members of the NUT settled by arbitration under Rule 54 for any member not to abide by the decision.

#### Notes

- (i) *Whilst primarily the word "teacher" in Article (b) of the Professional Conduct Code has been regarded as being applicable to serving teachers and those actively and professionally engaged in education, the Committee reserves the right to examine references to it under the Professional Conduct Code concerning any member of the Union other than those professionally engaged in the service of education.*
- (ii) *When a report is made by a teacher on the work or conduct of another teacher, it should be shown to the teacher concerned before it is submitted, and the teacher allowed to take a copy of it.*
- (iii) *Where a teacher gives the name of another teacher or member as a referee, he/she takes, in accordance with normal practice a risk as to the nature and contents of the reference which the referee may give. Accordingly, any reference so given is not regarded by the Executive as a report within the meaning of the above Article.*
- (iv) *That Article (b) of the Code applies to all references other than those requested by the member of his/her own free choice, i.e. if an appointing Authority or other Body requires a reference from the applicant's present Head, the Head should show a copy of the reference to the applicant before it is submitted.*
- (v) *Subject so far as the final decision is concerned to Appendix III of the Union Rules, cases arising under Article (g) of the Code will be dealt with in complete confidentiality provided that:-*
  - a) *this is the wish of the complainant*
  - b) *that the complainant himself or herself maintains confidentiality.*

- (d) For any teacher to censure other teachers or to criticise their work in the hearing of the pupils and other persons not directly involved in the running of the school.
- (e) For any teacher to seek to compel another teacher to perform outside the ordinary school hours any task which is not essentially connected with the ordinary work and organisation of the school.
- (f) For any teacher to impose upon another teacher, out of the ordinary school hours, an excessive and unreasonable amount of work of any kind.
- (g) For any member to discriminate against, to harass, or to make any discriminatory or offensive remarks against others, including in particular colleagues and pupils, on grounds of race, nationality, colour, ethnic or national origin, disability, gender, marital or civil partnership status, trans-gender status, sexual orientation, or religion, religious belief or similar philosophical belief; and further for any member to harass, discriminate or make discriminatory remarks against others on grounds or age, class, caring responsibilities or other status or personal characteristic in circumstances in which such discrimination may objectively be considered unfair. See note (v) above.

## ■ IB - PROFESSIONAL CONDUCT CASES ARISING UNDER RULE 56(C)

The following procedure in dealing with cases affecting members who have been convicted of a criminal offence has been adopted by the Executive and approved by Conference.

- (1) All cases arising under Rule 56(c) shall stand referred to the Professional Conduct (Criminal Convictions) Committee as established in Appendix I(A).
- (2) The member concerned shall be allowed a personal hearing before the Professional Conduct (Criminal Convictions) Committee if he or she so wishes and is able to attend, or alternatively shall be allowed to submit written observations for the consideration of the Committee. A member appearing before the Professional Conduct (Criminal Convictions) Committee may be accompanied by a friend who may be legally qualified.
- (3) The Professional Conduct (Criminal Convictions) Committee shall hear the statements of the member concerned and shall consider any other information relevant and available, and shall make a recommendation as to the manner in which the case shall be dealt with to the Executive. The recommendation shall be communicated to the member concerned and in the event of an Appeal<sup>1</sup> against the recommendation the case shall stand referred to the Appeals Committee as established in Appendix I(A)
- (4) The member concerned shall be allowed a personal hearing before the Appeals Committee, either on his or her own application or on a reference from the Executive under Clause 6 following, if he or she so wishes and is able to attend, or alternatively, he or she shall be allowed to submit written observations for the consideration of that Committee. A member appearing before the Appeals Committee may be accompanied by a friend who may be legally qualified.
- (5) The decision of the Appeals Committee shall be final and conclusive and upon this decision the Executive shall then act.
- (6) In cases where no right of appeal is exercised by the member from the recommendation of the Professional Conduct (Criminal Convictions) Committee, but where such recommendation is not acceptable to the Executive, the case shall be referred to, and shall be reconsidered by, the Appeals Committee, whose decision shall be final and conclusive, and upon which decision the Executive shall then act.

## ■ IC - PROFESSIONAL CONDUCT CASES CONCERNING MEMBERS IN MEMBERSHIP UNDER THE JOINT PARTNERSHIP SCHEMES AND ARISING UNDER RULE 56(C)

The following procedure has been adopted by the NUT and UCU for dealing with cases affecting joint members who have been convicted of a criminal offence. In such cases the right of membership and all claims and entitlement to benefit shall be reviewed by a Joint Professional Conduct (Criminal Convictions) Committee.

- (1) (a) Joint Professional Conduct (Criminal Convictions) Committee shall be established and the Executive Committees of the NUT and UCU shall appoint a panel of five members to serve on this Committee. In the case of a joint NUT/UCU member, the Joint Professional Conduct (Criminal Convictions) Committee shall be drawn from the panels appointed by those two bodies.

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<sup>1</sup> Appeals:

- (i) *Members will be informed of the findings and recommendations of the Professional Conduct (Criminal Convictions) Committee at least three weeks prior to the meeting of the Executive at which the report of the Professional Conduct (Criminal Convictions) Committee is to be presented.*
- (ii) *If a member wishes to appeal against the findings and recommendations of the Professional Conduct (Criminal Convictions) Committee the appeal must be received at least ten days prior to the meeting of the Executive at which the report is to be submitted.*

- (b) Three members from each of the panels considering a particular case shall form a quorum.
  - (c) The Chairman of the Committee shall be elected at each meeting and shall be appointed from the panel of the body through which the member pays his/her subscription and in the event of equal voting the Chairperson shall have a second casting vote.
- (2) The member concerned shall be allowed a personal hearing before the Joint Professional Conduct (Criminal Convictions) Committee if he/she so wishes and is able to attend, and/or shall be allowed to submit written observations for the consideration of the Committee. A member appearing before the Professional Conduct (Criminal Convictions) Committee may be accompanied by a friend, who may be legally qualified.
  - (3) The Joint Professional Conduct (Criminal Convictions) Committee shall hear the statements of the member concerned and shall consider any other information relevant and available, and shall make a recommendation as to the manner in which the case shall be dealt with to the Executive Committees. The recommendation shall be communicated to the member concerned and in the event of an appeal against the recommendation the case shall stand referred to the Appeals Committee as established in Clause 4 following.
  - (4)
    - (a) A Joint Appeals Committee shall be established, and shall consist of two Officers from each body not having been present at the first hearing before the Joint Professional Conduct (Criminal Convictions) Committee. In the case of a joint NUT/UCU member, the Joint Appeals Committee shall consist of the two Officers from each of the bodies concerned.
    - (b) The Chairman of the Committee shall be elected at each meeting and shall be appointed from the Officers of the body through which the member pays his/her subscription, and in the event of equal voting the Chairperson shall have a second, casting vote.
  - (5) The member concerned shall be allowed a personal hearing before the Joint Appeals Committee, either on his/her own application or on a reference from the Executive Committee of one of the bodies, under Clause 7 following, if he/she so wishes and is able to attend, and/or shall be allowed to submit written observations for the consideration of that Committee. A member appearing before the Joint Appeals Committee may be accompanied by a friend, who may be legally qualified.
  - (6) The decision of the Joint Appeals Committee shall be final and conclusive and upon this decision the Executive Committees of each body shall then act.
  - (7) In such cases where no right of appeal is exercised by the member from the recommendation of the Joint Professional Conduct (Criminal Convictions) Committee, but where such recommendation is not acceptable to the Executive Committee of one or more of the bodies concerned, the case shall stand referred to and shall be considered by the Joint Appeals Committee whose decision shall be final and conclusive and upon which decision the Executive Committee of each body shall then act.

## **APPENDIX II - CONFERENCE BUSINESS COMMITTEE**

### **A - ELECTION**

- (1) Each of the non-Executive members of the Union to be elected to the Conference Business Committee must be a Representative of a Constituent Association or Division appointed under Rule 27 to the Annual Conference at which the elections to the Committee are to take place, or a member of the Conference Business Committee standing for re-election.
- (2) Each Local Association or Division which is also a Local Association shall be entitled to nominate one candidate for non-Executive membership of the Conference Business Committee. Four non-Executive members shall be elected each year and shall serve for a period of two years and be eligible for re-election.
- (3) Nominations on the appropriate form issued by the General Secretary of the Union must be received by him not later than the 31 day of January before the Conference at which the elections are to take place. The list of valid nominations shall be printed in "The Teacher".
- (4) Each candidate shall be required to submit an election statement of no more than 150 words.
- (5) The elections shall be held at the Annual Conference.
- (6) Voting papers for the elections shall be issued to Conference representatives in accordance with Rule 32(b).
- (7) Each Conference Representative shall be entitled to vote for up to four candidates.
- (8) The ballot boxes for the elections shall be opened in the Conference Hall at a time to be fixed by the Executive (and previously announced to the Conference representatives).
- (9) The results of the elections shall be made known to Conference as soon as practicable.
- (10) In the event of the death or resignation of a non-Executive member of the Conference Business Committee his/her place shall be taken by the candidate who achieved the highest number of votes of those who failed to be elected in the same election as the departed member provided that this candidate is not already serving in this capacity in which case the candidate achieving the next highest number of votes be invited to serve.

## **B - PROCEDURE**

### **I - Conference Motions**

- (1) The Committee shall only consider such motions as have been submitted to the General Secretary during the six week period terminating 15 November.
- (2) The Committee shall have power to alter Conference motions as submitted in accordance with Rule 30 to achieve factual accuracy and eliminate ambiguity.
- (3) The Committee shall have the power to amalgamate two or more motions to form composite motions. In such cases, the Committee shall take steps to arrange with the proposers of the motion who shall be responsible for moving and seconding the composite motions at Conference.
- (4) The Committee shall have power to delete repetitive motions.
- (5) **Subject to the above provisions, the Committee shall arrange and classify, the original motions received from the Executive, Constituent Associations and Divisions and original motions received in accordance with Rule 30(c) and shall allocate them to the appropriate section based on the Report of the Committees in the Annual Report of the Executive, or, in the case of motions submitted under Rule 30(c), to a section set aside for the debate of such motions, and then mark with an Asterisk those motions which are already accepted as Union policy and have been debated in the previous two Annual Conferences of the Union, and shall approve the list of motions as submitted to Constituent Associations for voting on the order of the Conference Agenda.**
- (6) **The Committee may place in each of the sections, other than that created for the debate of motions submitted under Rule 30(c), up to ten motions receiving the highest number of votes in each section, provided that the motion receiving the highest number of votes in each section shall be printed in the Agenda for Conference under the appropriate section. All motions submitted under Rule 30(c) shall be printed in the Agenda for Conference, under the section created for their debate, in the order of their priority as voted on by Constituent Associations.**
- (7) The Conference Business Committee shall place any original motions submitted by the Executive in the appropriate section for submission to Constituent Associations for voting on the order of the Conference agenda. Such motions shall not be amalgamated with any other motion(s) to form composite motions.
- (8) The Conference Business Committee under the provisions of this Appendix, shall decide the timing and allocation of sessions or parts of sessions to each of the Conference agenda as specified in paragraphs B I(5) and B I(6).

### **II - Amendments to Conference Motions**

The Committee shall:

- (a) Arrange the order of priority and grouping of amendments;
- (b) Delete repetitive amendments;
- (c) Correct ambiguity and achieve factual accuracy;
- (d) Composite amendments.

### **III - Meetings**

The Committee shall hold meetings before Conference to consider Motions in accordance with B I above and to place amendments in accordance with B II in order for printing of the first amendment paper.

### **IV - Standing Orders**

- (1) The Committee shall conduct its business in accordance with such of the Standing Orders of the Executive as are relevant.
- (2) The quorum for the Conference Business Committee shall be five and shall include at least one member of the Executive as provided under Rule 29.
- (3) The Committee shall report to the Executive for information only.

## APPENDIX III - UNION DISCIPLINE

The following procedure in dealing with cases of discipline of members of the Union has been adopted by the Executive and approved by Conference.

### SECTION ONE - NATIONAL DISCIPLINARY PANEL AND NATIONAL APPEALS COMMITTEE

#### 1 JURISDICTION

The rules and procedures set out in this Appendix shall apply in the following cases of discipline of members, with the exception of cases under Rules 37(c) and 56(c) and those referred to the Data Protection Committee, that is to say:

- (a) a complaint made by the Officers of the Union of breach of Union Rule 8;
- (b) a complaint made by a local Association, a single Association Division or the Officers of the Union that a member has refused to comply with a lawful instruction of the Union;
- (c) a complaint that a member has been guilty of conduct detrimental to the interests of the Union;
- (d) an application for re-admission to membership by a person previously expelled by a decision of a Disciplinary Committee other than the Professional Conduct (Criminal Convictions) Committee;
- (e) a case arising under Rule 37(e) (cases arising from a decision of the TUC Disputes Committee).
- (f) professional conduct cases under Rule 56(b).

It is expressly provided that the following may not be the subject of disciplinary action:

- (i) opinions expressed by members on matters of Union policy and management;
- (ii) statements or actions of members in the course of Union elections or in the context of the conduct of the democratic processes of the Union unless such statements or actions may be seen to bring the Union into disrepute generally.
- (iii) statements or actions of members in the course of representation of members' interests otherwise than upon a complaint endorsed by a local association that the statements or actions of the member complained against have brought the Union into disrepute generally.

#### 2 ELECTION PROCESS

- (1) Elections shall be held, simultaneously, for two separate panels each of ten members of the Union, one member for each panel from each of the regions allocated to Regional Secretaries and one member for each panel from Wales<sup>1</sup>. One Panel shall be known as the National Disciplinary Panel and the other as the National Appeals Committee;
- (2) The members of each Panel shall be elected by the members of the Union in their respective Regions and Wales;

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<sup>1</sup> The Wales/Regional Secretaries' areas are as follows:-

- (i) *City of Sunderland; City of York, Cumbria; Darlington; Durham; Gateshead; Hartlepool; Middlesbrough; Newcastle Upon Tyne; North Tyneside; North Yorks; Northumberland; Redcar & Cleveland; South Tyneside; Stockton.*
- (ii) *Blackburn with Darwen; Blackpool; Bolton; Bury; Cheshire; Halton; Isle of Man; Knowsley; Lancashire; Liverpool; Manchester; Oldham; Rochdale; St Helens; Salford; Sefton; Stockport; Tameside; Trafford; Warrington; Wigan; Wirral.*
- (iii) *Barnsley; Bradford; Calderdale; City of Derby; Derbyshire; Doncaster; East Riding; Grimsby; Hull; Kirklees; Leeds; Lincolnshire; North Lincolnshire; Nottingham; Nottinghamshire; Rotherham; Sheffield; Wakefield.*
- (iv) *Birmingham; Coventry; Dudley; Herefordshire; Leicester; Leicestershire; Rutland; Sandwell; Shropshire; Solihull; Staffordshire; Stoke on Trent; Walsall; Warwickshire; Wolverhampton; Worcestershire; The Wrekin.*
- (v) *Bedfordshire; Buckinghamshire; Cambridgeshire; Essex; Hertfordshire; Luton; Milton Keynes; Norfolk; Northamptonshire; Peterborough; Service Childrens' Education (Worldwide); Southend on Sea; Suffolk; Thurrock.*
- (vi) *Bracknell; Brighton & Hove; East Sussex; Hampshire; Isle of Wight; Kent; Medway; Oxfordshire; Portsmouth; Reading; Slough & Eton; Southampton; Surrey; West Berkshire; West Sussex; Windsor & Maidenhead; Wokingham.*
- (vii) *Bath, Radstock & NE Somerset; Bournemouth; Bristol; Cornwall & Isles of Scilly; Devon; Dorset; Gloucestershire; Guernsey; Jersey; North Somerset; Plymouth; Poole; Somerset; South Gloucestershire; Swindon; Torbay; Wiltshire.*
- (viii) *Barnet; Barking & Dagenham; Bexley; Brent; Bromley; Camden; Croydon; Ealing; East London; Enfield; Greenwich; Hackney; Hammersmith & Fulham; Haringey; Harrow; Havering; Hillingdon; Hounslow; Islington; Kensington & Chelsea; Kingston Upon Thames; Lambeth; Lewisham; Merton; Newham; Redbridge; Richmond Upon Thames; Southwark; Sutton; Waltham Forest; Wandsworth; Westminster*
- (ix) *Wales*



- (3) Candidates for election to each Panel shall be nominated by local Associations and single Association Divisions within each region and Wales. Candidates must have been in membership of the Union for at least seven years continuously prior to the date of closure of nominations;
- (4) The first elections shall be held as soon as possible following the adoption by Conference of this rule for a period of office until 2003 and thereafter at four yearly intervals in accordance with the following timetable:
  - (a) Nominations shall be made on the forms provided for that purpose and despatched to the Secretary of each constituent association by the General Secretary not later than the end of the second full week in September of the year preceding the elections;
  - (b) Members cannot stand for (or serve on) both the National Disciplinary Panel and the National Appeals Committee;
  - (c) The following are ineligible for nomination for election to the National Disciplinary Panel and the National Appeals Panel:-
    - (i) Student members
    - (ii) Left profession members of the Union
    - (iii) Officers of the Union and members of the National Executive
  - (d) Nomination forms shall be returned to the General Secretary not later than the last Friday in November of the year preceding the elections;
  - (e) The consent of a candidate to seek election may be withdrawn within 14 days after the closing date for the receipt of nominations;
  - (f) Candidates will be entitled to submit a combined election address/statement of biographical details not exceeding 150 words for distribution with the voting paper;
  - (g) The voting papers for all members eligible to vote shall be despatched by the General Secretary not later than seven weeks before Annual Conference. The closing date for return of ballot papers to the offices of the appointed Independent Scrutineer shall therefore be midday Friday, three weeks before Annual Conference;
  - (h) The general provisions of Union Rules 13 (a), 20 (a), (b), (c), (d), (e), and (f) shall apply to the elections;
  - (i) In the event of a vacancy on arising between elections on either the National Disciplinary Panel or the National Appeals Committee, but prior to 31 December in the last year of the term, the Executive shall agree a timetable for the filling of the vacancy. The general procedures for the election to fill a vacancy shall otherwise be as set out above.
- (5) The National Disciplinary Panel shall be formed into two disciplinary committees of five members each with a quorum of three. The two committees shall be convened alternately as the occasion arises.

### 3 PROCEDURE

- (1) A complaint or submission calling for a matter to be considered by a Disciplinary Committee shall be made in writing, specifying the charge or issue within the jurisdiction of the Disciplinary Committee with supporting evidence, to the Regional/Wales Secretary for the Region to which the member complained against belongs. The Regional Secretary for that Region or the Wales Secretary in Wales shall act as secretary to the Committee in the case.
- (2) In the case of a complaint formulated by the Officers of the Union that there is a *prima facie* case of a member or members of the Union acting contrary to instructions of the Union or in breach of Rule 8, the Officers shall suspend that member or members from membership of the Union and shall cause the matter to be submitted for consideration by a Disciplinary Committee in accordance with these Rules. The General Secretary shall notify the local Associations of the members concerned of their suspension and shall nominate an Official of the Union other than the Union Solicitor to prepare and present a case on behalf of the Officers to the Disciplinary Committee.
- (3) The Regional or Wales Secretary shall cause a Disciplinary Committee to be convened to consider the case at the earliest opportunity save that upon a complaint being made by one member against another, the Regional or Wales Secretary shall first attempt to resolve the matter by conciliation adopting the procedure set out in Rule 53. Time in accordance with the limits for which provision is made by these rules shall not run during any period during which the Regional Secretary or Wales Secretary considers the procedure set out in Rule 53 to be in operation. The Regional Secretary or Wales Secretary shall notify the parties when such time limits begin to run again following unsuccessful efforts at conciliation under Rule 53.
- (4) Complaints will not be considered unless made within six months of the circumstances giving rise to the complaint unless the Disciplinary Committee finds exceptional reasons for doing so.
- (5) Copies of the charge or reference together with the accompanying evidence and the names of any proposed witness, together with the nature of their testimony shall be forwarded to the member against whom the complaint is made within 10 school days of its submission to the Regional or Wales Secretary together with copies of the supporting evidence.

- (6) Members against whom a charge or complaint is laid will be requested to submit observations to the Regional or Wales Secretary within 10 school days of the notification of the complaint. These observations will then be forwarded to the member who has made the complaint.
- (7) Any request for more information concerning the complaint or the observations shall be made within 10 school days of their receipt and the member to whom the request is directed to be required to submit the information within 10 school days of its being requested to the Regional or Wales Secretary
- (8) The Chair of the Disciplinary Committee in consultation with the Secretary shall have discretion to extend time limits in exceptional cases on application by any of the parties. A failure on the part of the complainant to comply with the time limits may result in the complaint being dismissed by the Committee without further hearing. Any such failure on the part of the person complained against may result in the case being considered on the evidence available as the Committee decides.
- (9) On application by either of the parties or on its own initiative, a Disciplinary Committee may consider the charge and observations with any supporting evidence by way of a pre-hearing assessment. The Disciplinary Committee shall have discretion, which by a decision of at least two thirds of the members of the Committee otherwise than at a hearing convened for the purpose, as to whether such a pre-hearing assessment should be conducted at a hearing attended by the complainant or upon the complainant's written submissions, provided always that the exercise of such discretion shall afford the complainant a reasonable opportunity to present his or her case as to why the complaint should be heard in full. If at the pre-hearing assessment, it appears that the complaint has no reasonable prospect of success or is vexatious or frivolous, the Disciplinary Committee may dismiss the complaint.
- (10) Subject to paragraph 8 above, the Regional or Wales Secretary shall convene the meeting of the Disciplinary Committee to consider the case within 40 school days of the formal making of the complaint or submission and 10 school days' notice of the date of the meeting to be given to the parties. The procedure at the hearing shall be at the discretion of the Committee except that:
  - (i) Each party shall be entitled to attend the hearing by the Committee accompanied by a friend who shall be a member of the Union with the right to call and examine witnesses;
  - (ii) No persons other than the parties, their friends, and their witnesses when required shall be present at the hearing.
- (11) A decision of the Disciplinary Committee without reasons shall normally be given to the Regional/Wales Secretary for notification to the parties within 14 calendar days of the date of the hearing, but shall be followed, within a further 30 school days, by a full written decision setting out the findings of the Disciplinary Committee on the evidence put before it and the reasons for the Committee's decision. The Regional or Wales Secretary shall draw the attention of the parties to their right of appeal, which in a case arising under Rule 56(b) shall be available to either party and which in any other case shall be available to the party complained against.
- (12) In the event that no appeal is entered the decision shall be reported to the Executive for adoption.

#### **4 PENALTIES - POWERS OF A DISCIPLINARY COMMITTEE**

- (1) A Disciplinary Committee may impose any of the following penalties:
  - (a) Reprimand and warning as to future conduct;
  - (b) Severe reprimand and censure;
  - (c) Suspension for fixed period;
  - (d) Expulsion.
- (2) In considering a penalty, a Disciplinary Committee shall have before it the details of any previous decisions of a Disciplinary Committee or National Appeals Panel relating to the member, which remains on the record.
- (3) In the event of a complaint of conduct detrimental to the interests of the Union being upheld, a penalty of (a), (b) or (c) may be accompanied by removal from office and/or exclusion from standing for Union office for a fixed period of time.

#### **5 APPEALS**

- (1) In any other case other than one arising under Rule 56(b) there shall be a right of appeal afforded to the member or members complained against in respect of the decision of the Disciplinary Committee both as to findings and penalty. In a case arising under Rule 56(b) that right of appeal shall be made available to either party. A decision of the National Disciplinary Committee under Paragraph (9) of section 3 of this Appendix (pre-hearing assessment) shall not be considered to be a finding for the purposes of this rule and shall not be appealable.
- (2) Any appeal against a decision of the Disciplinary Committee shall be made in writing to the General Secretary within fifteen school days of the full written decision setting out the findings and reasons of the Disciplinary Committee being communicated to the member or members complained against, specifying the grounds of appeal.

- (3) Upon receipt of an appeal the General Secretary shall convene the National Appeals Committee to hear the case. An appeal shall be by way of re-hearing and the procedure shall be as for a hearing by a Disciplinary Committee. The Quorum for a meeting of the National Appeals Committee shall be six.
- (4) The decision of the National Appeals Panel shall be final.

## **6 CONFIDENTIALITY**

The proceedings of a Disciplinary Committee and of the National Appeals Committee and all matters relating thereto other than the promulgation of the final decision shall be confidential to all parties immediately concerned.

## **7 SUSPENSION PENDING HEARING BY NATIONAL DISCIPLINARY PANEL**

The suspension of a member under paragraph 3(2) (Procedure) of this Appendix pending a meeting of a Disciplinary Committee shall mean that the member or members concerned is/are excluded from the following Union activities:

- (i) attendance at Local Association meetings and involvement in Local Association affairs;
- (ii) representing the Local Association at Division and Regional Meetings;
- (iii) membership of Divisional or Regional meetings on behalf of the Union;
- (iv) representing the member's Association or Division at national meetings or conferences;
- (v) membership of national committees of the Union or other national committees as a representative of the Union;
- (vi) voting in elections at local, divisional, regional and national level.

The member or members so suspended shall, nevertheless, continue to be entitled, notwithstanding Rule 38, to legal aid and assistance in accordance with the provisions of Rule 52 and of professional assistance in accordance with Rule 55, and the benefits of the following Union services:-

- Education Services;
- Salaries, Superannuation and National Insurance Services;
- Insurance for the member or the member's property;
- Trading Facilities – Countdown;
- Travel Service.

## **8 MISCELLANEOUS**

A Disciplinary Panel or National Appeals Committee shall meet at such places as shall be directed by the General Secretary.

## **SECTION TWO - DATA PROTECTION COMMITTEE**

- (1) The Executive shall appoint from its own members a Committee to be known as the Data Protection Committee with responsibility for maintaining oversight of the Union's compliance with the data protection principles and all other obligations relating to and arising from the Union's licence under the Data Protection Acts.
- (2) The Committee shall have the power to receive and examine complaints from members about whom data is maintained by the Union in any form protected by the data protection principles under the Data Protection Acts. The Committee may if it thinks fit impose upon members found guilty of misuse of protected data contrary to the Union's licence, disciplinary penalties similar to those which may be imposed by a Disciplinary Committee of the Union under these rules.
- (3) No members shall be subjected to disciplinary penalty under this rule without his or her having been afforded the right to be heard by the Data Protection Committee with all the privileges to which members appearing before a Disciplinary Committee are entitled. A member upon whom a disciplinary penalty is imposed by the Data Protection Committee shall have a right of appeal to the National Appeals Panel in the same manner as appeal lies from the decision of a Disciplinary Committee.

## **APPENDIX IV - RULES FOR THE ADMINISTRATION OF THE PROFESSIONAL SUSTENTATION FUND AND WITHDRAWALS OF MEMBERS**

### **■ A - THE ADMINISTRATION OF THE PROFESSIONAL SUSTENTATION FUND**

- (1) There shall be a fund known as the Professional Sustentation Fund as provided for in Rule 44(c) of the Rules of the Union.
- (2) The Treasurer shall credit the Sustentation Fund such monies as may be raised by levy under Rule 41 of the Rules of the Union for the purposes of the Fund.
- (3) All sustentation grants shall be paid from the Professional Sustentation Fund.
- (4) The Executive of the Union shall not make any grant or donation from the Professional Sustentation Fund towards the expenses of any actions undertaken under Sustentation Rule A5(a)(i) below without the consent of an Annual or Special Conference or the Executive as the case may be.

- (5) The Professional Sustentation Fund shall be expended only for the purpose of-
  - (a) Grants made in accordance with these Rules to members of the Union who:
    - (i) withdraw their services as teachers or take any industrial action involving loss of salary or superannuation rights under the instructions of the Union who should make the necessary application for sustentation, or
    - (ii) are granted maintenance and relief in accordance with Rule 45(c)(iii) or Rule 52(n) of the Rules of the Union, and
  - (b) Meeting any administrative or other costs or expenses incurred or authorised by an Annual or Special Conference or the Executive of the Union in relation to or arising from action taken under 5(a)(i) above or in relation to any form of industrial dispute in which members of the Union are, or are likely to be, involved and not falling under 5(a)(i) above, or the administrative costs or expenses of activities directed to the safeguarding of the employment and conditions of service of members of the Union.
- (6) The Executive may not adopt the case of an applicant for sustentation who, before the withdrawal of his/her services, had not paid his/her full annual subscription, or entered into a commitment to pay his/her full annual subscription, for the then current year and such further subscription as may have been ordered by the Executive under Rule 43 of the Rules of the Union. Compliance with this condition will not be necessary where assistance is applied for by any member in the following categories:
  - (a) Newly Qualified Member during the period when no subscription is required.
  - (b) Member of the Educational Institute of Scotland who having paid the subscription for the current year as a member of the Institute obtains a permanent teaching appointment in England or Wales or the Channel Isles or the Isle of Man.
- (7) The cases in which sustentation may be paid by way of salary or superannuation benefit, the amount to be paid, and the period for which sustentation grants may be paid, shall be such as the Executive may deem desirable in the exercise of their discretion, and they shall have the power to determine or revoke any grant made from the Professional Sustentation Fund for any reason or reasons, which appear to them to be sufficient. The Executive shall not, however, make any grants exceeding the amount provided for in these Sustentation Rules.
- (8) If a member to whom a sustentation grant is being paid, shall in pursuance of his/her efforts under Sustentation Rule A 10 below, secure another appointment and if that member is as a result forced to incur expenses, he/she may receive such grants as the Executive may determine from the Professional Sustentation Fund.
- (9) Unless it shall be otherwise decided by the Executive the amount of sustentation to be received by any member either by way of salary or superannuation benefit shall be calculated on the basis of the net salary which would be payable from time to time to that member under a contract of service as a full-time teacher in the same capacity had he/she remained in full-time service in his/her former post.
- (10) Unless otherwise instructed by the Executive, all members in receipt of grants from the Professional Sustentation Fund shall be required to make all reasonable efforts to secure new appointments.
- (11) All members in receipt of grants from the Professional Sustentation Fund shall be required to pay their appropriate annual subscription in accordance with the Rules of the Union for the time being in force.
- (12) In all cases of sustentation, if the member is appointed to a post where the salary is equal to or greater than the salary which he/she would have received had he/she remained in full time service in his/her former post, all sustentation grants under these Sustentation Rules shall cease, unless the Executive otherwise determine.
- (13) The payment of sustentation shall be made subject to the deduction of any Social Security Benefits receivable by the member, other than such benefits which would have been received by him/her in weeks of normal employment.
- (14) On the application of any member in receipt of sustentation and subject to the consent of any other members concerned, the Executive shall have the power to make a grant to close that member's case.
- (15) A member in receipt of sustentation under Sustentation Rule A5(b) above shall not accept a new appointment at a lower salary without the consent of the Executive.
- (16) If a member in receipt of sustentation fails to carry out any instructions given by the Executive, or to observe any conditions under which sustentation is granted, the Executive shall have the power to suspend, vary or cancel the sustentation.
- (17) In all cases where sustentation is suspended, varied or cancelled, the member concerned shall have the right of a personal appeal to the appropriate committee of the Executive, and of further appeal in writing, if he/she so desires, to the Executive.

## ■ B - WITHDRAWALS OF MEMBERS

- (1) In the event that the Executive decides that it is appropriate to consider calling upon members to withdraw from their employment or to take industrial action which may result in loss of salary or superannuation rights, no such call shall be made until a vote of those members eligible to vote (as referred to in Rule A6 above) and serving in those areas or school in which, by decision of the Executive, action may be called, has been taken and the following condition satisfied, that is:
- that the number of those voting in favour of the action is greater than 50 per cent
  - of those who vote in the area(s) or school(s) selected;
- In the case of withdrawals or other forms of industrial action the cumulative duration of which is five working days or less, the Executive may decide that such action should be unsustainable’.
- (2) If a dispute as provided in Rule B (1) above be not settled within the first six months a further vote of those members who have acted upon the advice of the Executive with regard to the withdrawal of their services shall be taken as to the continuation or closing of the dispute. If the majority of such members determine in favour of continuing the struggle subsequent votes may be taken at the end of every three months. No such dispute shall be closed until a majority of such members shall have so determined, or unless the Executive deem it advisable to terminate the dispute. The Executive shall, however, have at any time the power to take a vote of these members upon the terms for closing the dispute.

## APPENDIX V - EXECUTIVE ELECTORAL DISTRICTS AND EXECUTIVE REPRESENTATION

### Electoral Districts

### Executive Representation

1.Co Durham; Cumbria; Darlington; Northumberland	1
2.City of Sunderland; Gateshead; Newcastle-upon-Tyne; North Tyneside; South Tyneside	1
3.City of York; Hartlepool; Middlesbrough; North Yorkshire; Redcar & Cleveland; Stockton	1
4.Bradford; Calderdale; Kirklees; Leeds; Wakefield	2
5.Barnsley; Doncaster; Rotherham; Sheffield	1
6.East Riding; Hull; Lincolnshire; North Lincolnshire	1
7.Blackburn with Darwen; Blackpool; Isle of Man; Lancashire	1
8.Bolton; Bury; Manchester; Oldham; Rochdale; Tameside; Trafford; Salford; Stockport; Wigan	2
9.Cheshire; Halton; Knowsley; Liverpool; St Helens; Sefton; Warrington; Wirral	2
10.City of Derby; Derbyshire; Nottingham City; Nottinghamshire	1
11.City of Leicester; Leicestershire; Northamptonshire; Rutland	1
12.Shropshire; Staffordshire; Stoke on Trent; The Wrekin	1
13.Birmingham; Coventry; Dudley; Sandwell; Solihul; Walsall; Wolverhampton	2
14.Gloucestershire; Hereford; Warwickshire; Worcestershire	1
15.Cambridgeshire; Norfolk; Peterborough; Suffolk	1
16.Bedfordshire; Hertfordshire; Luton	1
17.Essex; Service Children's Education (Worldwide); Southend; Thurrock	1
18.Bracknell; Buckinghamshire; Milton Keynes; Oxfordshire; Reading; Slough & Eton; West Berkshire; Windsor & Maidenhead; Wokingham	1
19.Hampshire; Isle of Wight; Portsmouth; Southampton	1
20.Surrey; West Sussex	1
21.Brighton & Hove; East Sussex; Kent; Medway	1
22.Bath; Radstock & NE Somerset; Bristol; North Somerset; South Gloucestershire; Swindon; Wiltshire	1
23.Bournemouth; Dorset; Guernsey; Jersey; Poole; Somerset	1
24.Cornwall & Isles of Scilly; Devon; Plymouth; Torbay	1
25.Wales	3
26.Inner London	2
27.Outer London	4
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## **APPENDIX VI – RULES FOR A BALLOT TO ESTABLISH A POLITICAL FUND**

### **General**

1. The Executive committee shall be responsible to the Union for securing that the ballot which is held to establish a political fund is conducted in accordance with these rules. This responsibility cannot be delegated, even where the responsibility for carrying out a particular duty falls upon a person not subject to the Rules of the Union.
2. A ballot shall not be taken to have been conducted by the Union in accordance with these rules if, in any particular, a requirement imposed by or under any enactment in relation to the ballot has been contravened.

### **Interpretation**

3. In these ballot rules, unless the context otherwise requires:
  - "the Act" means the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended);
  - "the Certification Officer" means the Certification Officer for Trade Unions and Employers' Associations whose address is Brandon House, 180 Borough High Street, London SE1 1LW.
  - "despatch envelope" means the envelope (in the form required by these rules) in which the voting paper and return envelope are despatched to the member;
  - "Executive Committee" means the principal committee of the Union exercising executive functions, by whatever name it is called;
  - "independent person" means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of section 77A of the Act and these Rules;
  - "person" in relation to the position of an independent person or a scrutineer, includes an incorporated and unincorporated body of persons;
  - "proper address" in relation to any member means his/her home address or other address which he/she has requested the Union in writing to treat as his/her postal address under section 24(5) of the Act;
  - "return envelope" means an envelope in the form required by these Rules;
  - "scrutineer" means the independent person appointed by the Union to that position in relation to the ballot under section 75 of the Act and these Rules;
  - "the period specified before disposal" means the end of the period of one year beginning with the day of the announcement by the Union of the result of the ballot or, if within that period an application is made under section 80 or 81 (complaint of failure to comply with the ballot rules) of the Act, until the Certification Officer or the court authorises him/her to dispose of the papers or, as the case may be, records;
  - "voting paper" means a voting paper in the form required by these Rules.

### **Purpose of these Rules**

4. These Rules are adopted for the purposes of a ballot under section 73 of the Act and apply only to such a ballot.

### **Copies of these Rules to be available to Members**

5. The Executive committee shall ensure that a copy of these Rules is supplied, free of charge, to any member of the Union who requests a copy.

### **Appointment of a Scrutineer where the Scrutineer acts as the independent person**

6. The Executive committee shall, before the ballot is held, appoint a scrutineer to carry out the functions in relation to the ballot as are required under the Act, to act as the independent person both (under section 77A of the 1992 Act) in relation to the ballot and to carry out such additional functions as are specified in the appointment.
7. Before making the appointment referred to in political fund ballot rule 6 the Executive committee shall satisfy itself that the person in question:
  - (a) satisfies the conditions which are for the time being specified by the Secretary of State pursuant to section 75(2) of the Act or is a person specified in an order made under that section (the conditions and the persons specified by the Secretary of State were, at the time of the adoption of these Rules, contained in The Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 2002 (SI 2002/2267) – available at [www.hmso.gov.uk](http://www.hmso.gov.uk); and
  - (b) that there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the Union or in relation to the ballot might reasonably be called into question.

### **Terms of the Appointment**

8. The terms of the appointment shall require the scrutineer:
- (a) to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast;
  - (b) to be the person to whom the voting papers are returned by those voting;
  - (c) to inspect the register of names and addresses of members of the Union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with section 75(5A)(a) of the Act whenever it appears to him/her appropriate to do so and in particular where the conditions specified in sub-section 75(3A) of the Act are satisfied;
  - (d) take such steps as appear to be appropriate to the scrutineer for the purpose of enabling him/her to make a report under these Rules;
  - (e) to make that report to the Union as soon as is reasonably practicable after the last date for the return of voting papers;
  - (f) to retain custody of all voting papers returned for the purposes of the ballot, and the relevant copy of the register of names and addresses of members entitled to vote and supplied to him/her by the Union for the period specified before disposal;
  - (g) to carry out such other functions in relation to the ballot as are required of him/her under these Rules or otherwise, as the Executive committee considers appropriate;
  - (h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal;
  - (i) to respect the duty of confidentiality in respect of the register and
  - (j) to carry out these tasks in a manner which minimises the risk of any contravention of requirements imposed by or under any enactment of these Rules or the occurrence of any unfairness or malpractice.

### **Notice of Appointment**

9. Before the scrutineer begins to carry out any of these functions the Executive committee shall either:
- (a) send a notice stating the name of the scrutineer to every member of the Union to whom it is reasonably practicable to send such a notice; or
  - (b) take all such other steps for notifying members of the Union of the name of the scrutineer as it is the practice of the Union to take when matters of general interest to all its members need to be brought to their attention.

### **Union's Duty Towards the Scrutineer**

10. The Executive committee shall ensure that nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) is such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the Union.
11. The Executive committee shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question:
- (a) the scrutineer's independence in relation to the Union; and
  - (b) the integrity of the ballot.
12. The Executive committee shall ensure that all reasonable requests made to the Union by the scrutineer for the purpose of or in connection with the carrying out of the functions of the scrutineer are complied with.
13. The Scrutineer shall be responsible for the safe custody of all voting papers, and envelopes at all times when in his/her possession and shall ensure that voting papers and return envelopes in his/her possession are kept in a secure place.

### **Ballot material**

14. The number of voting papers printed, and the number of despatch and return envelopes produced, shall be sufficient for the holding of the ballot in accordance with these Rules.
15. Save as expressly provided by these Rules, nothing shall be written or printed and no mark shall be made on any part of the voting paper, despatch envelope or return envelope before they are sent to members.

### **Despatch envelopes**

16. The despatch envelope:
- (a) shall be addressed to the member entitled to vote;
  - (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/ her name and address;
  - (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and
  - (d) may have printed on it:
    - (i) the name of the Union;
    - (ii) the logo or emblem of the Union;
    - (iii) the words "Important - contains voting paper".

### **Voting Papers**

17. Every voting paper shall be in or substantially in accordance with the form set out in Addendum 1 to these Rules and:
- (a) shall clearly specify the name of the scrutineer, the address to which, and the date by which, it is to be returned;
  - (b) shall be produced in such a way as to ensure that each voting paper is capable of being authenticated by the scrutineer as a voting paper:
    - (i) produced for the ballot; and
    - (ii) issued to a member;
  - (c) shall be marked with one of a series of consecutive whole numbers, every one of which is used in giving a different number (in that series) to each voting paper printed or otherwise produced for the purposes of the ballot;
  - (d) may have printed on it the logo or emblem of the Union;
  - (e) may have printed on it or attached to it an explanatory statement in the form set out in Addendum 2.

### **Return Envelopes**

18. Every return envelope:
- (a) shall be capable of being sealed;
  - (b) shall be addressed to the scrutineer;
  - (c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
  - (d) may have printed on it:
    - (i) the name of the Union;
    - (ii) the logo or emblem of the Union; and
    - (iii) the words "voting paper".

### **Date of Ballot**

19. The Executive committee shall determine the date:
- (a) by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date on which voting papers may be returned to the scrutineer;
  - (b) of the last date for receipt of completed voting papers by the scrutineer; and
  - (c) on which the counting of votes is to commence.

### **Notice of Ballot**

20. The Executive committee shall secure so far as is reasonably practicable that notice of the ballot is given to its members in such a manner (whether in the Union's journal or report or otherwise) as notices are usually given by the Union to its members. The notice shall state:
- (a) that a ballot will take place on the question whether the furtherance of political objects within the meaning of section 72 of the Act shall be an object of the Union and that the Union will on request supply any member with a copy of these ballot rules free of charge;
  - (b) the date before which the completed voting paper must reach the scrutineer; and
  - (c) the date by which voting papers will be sent to the members.

### **Conduct of the Ballot**

21. Entitlement to vote in the ballot shall be accorded equally to all members. No member shall be entitled to more than one vote.
22. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.



23. So far as is reasonably practicable, every member who is entitled to vote in the ballot shall, in accordance with these rules:
  - (a) be sent a voting paper by post in such time as to be received on or before the opening day of the ballot; and
  - (b) be given a convenient opportunity to vote by post.
24. No voting paper shall be used for voting unless it is capable of being authenticated in the manner required by political fund rule 17 above.
25. Every member who is entitled to vote in the ballot shall:
  - (a) be allowed to vote without interference from, or constraint imposed by the Union or any of its members, officials or employees; and
  - (b) so far as is reasonably practicable be able to do so without incurring any direct cost to the member.
26. Every member who is entitled to vote in the ballot shall have sent to him/her in a sealed despatch envelope, at his/her proper address, by post and (unless political fund ballot Rule 28 below applies) by the date determined under political fund ballot Rule 19(a).
  - (a) a voting paper; and
  - (b) a return envelope addressed to the scrutineer.
27. The voting paper may be accompanied by or (as the case may be) include an explanatory statement in the form set out in Addendum 2. The explanatory note may have printed on it the logo or emblem of the Union.
28. When in particular circumstances relating to a member it is not or is no longer reasonably practicable for him/her to be sent a voting paper and return envelope by the date determined in political fund ballot rule 19(a), a voting paper and return envelope may be sent to him/her as soon as is reasonably practicable after that date (but before the date specified in political fund ballot rule 19(b)), so as to give him/her a convenient opportunity to vote by post.
29. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal.

#### **Manner of Voting**

30. Every member who wishes to vote must return his/her voting paper by post duly marked and in the return envelope provided, to arrive at the address of the scrutineer before the date determined under political fund ballot rule 19(b).
31. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of any voting paper so returned.
32. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and during any period provided for in these Rules when voting papers are required to be retained by him/her and shall at all times take all reasonable steps to secure their safe custody so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or under these Rules or the occurrence of any unfairness or malpractice.

#### **Counting of the Ballot**

33. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this Rule if it is accidental or on a scale which could not affect the results of the ballot.
34. The scrutineer shall before counting begins:
  - (a) place the unused voting papers in a secure place; and
  - (b) keep a record of the number of voting papers so stored and a record of any voting papers issued under political fund ballot Rule 29.
35. No person may be present at the count other than:
  - (a) the scrutineer; and
  - (b) those acting under the supervision of the scrutineer.
36. At the date appointed for the commencement of the counting of the votes, the scrutineer shall undertake the opening of the return envelopes received and the counting of votes.

37. The scrutineer or if more than one of them the majority of them shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".
38. Those voting papers which are not rejected shall be counted.
39. After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal.

#### **Scrutineer's report**

40. As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's report") to the Union in accordance with these Rules. The scrutineer's report shall state:
  - (a) the number of voting papers distributed for the purposes of the ballot;
  - (b) the number of voting papers distributed under political fund ballot Rule 29 and the number of voting papers (if any) so distributed after the date on which counting began but before the last date for receipt of completed voting papers by the scrutineer;
  - (c) the number of voting papers returned to the scrutineer as undelivered;
  - (d) the number of voting papers not used;
  - (e) the number of voting papers returned to the scrutineer by the members;
  - (f) the number of valid votes cast in the ballot for and the number of valid votes cast against the resolution;
  - (g) the number of spoiled or otherwise invalid voting papers returned;
  - (h) the fact that the scrutineer was appointed as the independent person or persons;  
whether the scrutineer is:
    - (i) satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these Rules in relation to the ballot;
    - (ii) satisfied that the arrangements made (whether by him/her or another person) with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any interference or malpractice might occur;
    - (iii) that s/he has been able to carry out his functions without such interference as would make it reasonable for any person to call his/her independence in relation to the union in question.
    - (iv) has inspected the register of names and addresses of members of the Union or has examined a copy of the register supplied to him/her under these Rules.
41. If the scrutineer has inspected the register under rule 40(h)(iv) of these Political Fund rules the report shall state whether:
  - (a) he/she has inspected the said register whether in the case of each inspection or examination he/she was acting on a request by a member of the Union or at his/her own instance, and say whether he/she declined to act on such a request; and
  - (b) any inspection of the register or any examination or copy of the register reveals any matters which he/she considers should be drawn to the attention of the Union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

#### **Copy of the Scrutineer's Report to be sent to the Certification Officer**

42. A copy of the scrutineer's report shall be sent by the Union to the Certification Officer as soon as is reasonably practicable.

#### **Publicising the Result of the Ballot**

43. The result of the ballot shall not be published until the Union has received the scrutineer's report.
44. As soon as a copy of the report is received by the Union it shall be prominently displayed at the head office of the Union in a conspicuous place accessible to members and shall be kept so displayed for at least a month.

45. Within three months from the date on which the Union receives the scrutineer's report the Executive committee shall:
- (a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
  - (b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as is the practice of the Union to take when matters of general interest to all its members need to be brought to their attention.
46. The Executive committee shall ensure that any copy sent or notification given under Rule 45(b) is accompanied by a statement that the Union will on request supply the member with a copy of the report either:
- (a) free of charge; or
  - (b) on payment of such reasonable fee as may be specified in the notification, and to ensure that a member who makes such a request to the Union is supplied with a copy on payment of such a fee (if any) as has been notified to him/her.

## ADDENDUM 1

### VOTING PAPER

Ballot paper number:[ ]

#### NATIONAL UNION OF TEACHERS

THE RESOLUTION is that the political objects set out in section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (reproduced overleaf) be approved as an object of the Union

Do you vote in favour of the Resolution?

YES ☐

NO ☐

You must place a cross on one, and only one, of the boxes provided.

Place the voting paper in the addressed envelope (no stamp required) and return it to the Scrutineer to arrive on or before the..... A voting paper received after this date will not be counted.

**[Please do not sign or make any other mark on the paper [or include anything else with your voting paper]**

Name of Scrutineer .....

Address to which voting paper is to be sent .....

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## ADDENDUM 1 (REVERSE)

Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992:

This section applies to the following political objects:

The expenditure of money -

- (a) on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;
- (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.

In these objects :-

- "candidate" means a candidate for election to a political office and includes a prospective candidate;
- "contribution", in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;
- "electors" means electors at any election to a political office;
- "film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;
- "local authority" means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and
- "political office" means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

## **ADDENDUM 2**

### **NATIONAL UNION OF TEACHERS**

#### **Explanatory statement**

This ballot gives you the opportunity to vote on whether the National Union of Teachers should be able to spend money on political purposes. The law says it must have a political fund to do this. To set up a political fund the Union must ballot all of its members. The National Union of Teachers wishes to set up a political fund and seeks your approval. The political purposes on which money in a political fund may be spent are governed by section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992. This is printed on the back of the voting paper.

This ballot is about setting up the National Union of Teachers political fund. It is not about whether you contribute to the fund. All members have the right to vote and the right not to contribute to the fund.

**If you agree that the union should have a political fund vote 'yes' on the resolution enclosed. If you disagree vote 'no'.**

## NATIONAL UNION OF TEACHERS RULES FOR POLITICAL FUND

1. The objects of the National Union of Teachers shall include the furtherance of the political objects to which section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies, that is to say the expenditure of money –
- (a) on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
  - (b) on the provision of any service or property for use by or on behalf of any political party;
  - (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the Union in connection with any election to a political office;
  - (d) on the maintenance of any holder of a political office;
  - (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
  - (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the Union. In these objects –

- "candidate" means a candidate for election to a political office and includes a prospective candidate;
- "contribution", in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;
- "electors" means electors at any election to a political office;
- "film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;
- "local authority" means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and
- "political office" means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

2. Any payments in the furtherance of such political objects shall be made out of a separate fund of the Union (hereinafter called the political fund).
3. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the Union, the Union's Executive committee shall ensure that a notice in the following form is given to all members of the union in accordance with this rule:-

### Trade Union and Labour Relations (Consolidation) Act 1992

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union but every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from NUT Headquarters, the Union's Regional Offices or the Wales Office or from the Certification Office for Trade Unions and Employers' Associations, Brandon House, 180 Borough High Street, London SE1 1LW.

This form, when filled in, or a written request in a form to the like effect, should be sent to the General Secretary of the Union at NUT Headquarters, Hamilton House, Mabledon Place, London WC1H 9BD.

The notice shall be published to members by such methods as are customarily used by the union to publish notices of importance to members and shall include the following minimum requirements. The notice shall be published in the union's main journal which is circulated to members and will be circulated to the Secretary of each association. A copy of the notice will be supplied to any member on request and will also be available for inspection by any member at the Union's Headquarters and at any of the Union's Regional Office or the Wales Office. .

4. Any member of the union may at any time give notice on the form of exemption notice specified in political fund rule 5, or by a written request in a form to the like effect, that he objects to contributing to the political fund. A form of exemption notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the General Secretary at NUT Headquarters, Hamilton House, Mabledon Place, London WC1H 9BD or from the Union's Regional Offices or Wales Office or from the Certification Office for Trade Unions and Employers' Associations, Brandon House, 180 Borough High Street, London SE1 1LW.
5. The form of exemption notice shall be as follows:-

## NATIONAL UNION OF TEACHERS POLITICAL FUND EXEMPTION NOTICE

I hereby give notice that I object to contributing to the political fund of the union and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund.

Signature:.....

Address: .....

Association: .....

Date: .....

6. Any member may obtain exemption by sending such notice to the General Secretary of the Union. On receiving it, the General Secretary shall send an acknowledgement of its receipt to the member at the address in the notice.
7. On giving such notice, a member shall be exempt, so long as his notice is not withdrawn, from contributing to the political fund of the union as from either: (a) the first day of January next after notice by the member is given, or, (b) in the case of a notice given within one month after the notice given to members under political fund rule 3 or after the date on which a new member admitted to the Union is supplied with a copy of these rules under political fund rule 13, as from the date on which the member's notice is given.
8. The executive committee shall give effect to the exemption of members to contribute to the political fund of the union by making a separate levy of contributions to that fund from subscription paying members of the union who are not exempt, namely, a sum equivalent to one percent of the full annual national contribution payable annually. The Executive may in addition accept for payment into the Fund contributions made voluntarily by members specifically as contributions to the Union's Political Fund. No moneys of the union other than the amount raised by such separate levy or contributions made voluntarily by members specifically as contributions to the Union's Political Fund shall be carried to the political fund. The first levy shall not come into force until the expiration of one month from the publication of the notice to members under political fund rule 3, nor shall any levy come into force as respects a new member until the expiration of one month from his being supplied with a copy of these rules under political fund rule 13 following admission to the union.
9. A member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of his/her being so exempt.
10. Contribution to the political fund of the union shall not be made a condition for admission to the union.
11. If any member alleges that he is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the Act, he may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he thinks fit and after giving the complainant and any representative of the union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the Act, be enforced in the manner provided for in section 82(4) of the Act.
12. Any member may withdraw his/her notice of exemption on notifying his/her desire to that effect to the General Secretary who shall on receiving it send the member an acknowledgement of receipt of the notification.
13. The executive shall ensure that a copy of these rules is available, free of charge, to any member of the union who requests a copy.
14. The executive shall also send to the secretary of each association sufficient copies of these rules for distribution to each member.
15. The secretary of each association shall, so far as possible secure that each member of that association receives a copy of the rules.
16. The secretary of each association shall supply a copy of these rules free of charge to each member who requests a copy.
17. A copy of the rules shall also be supplied by the secretary of each association to every new member on his/her admission to the union.

## **APPENDIX VII - APPROVED AND NON-APPROVED TEACHING QUALIFICATIONS**

### **PART A: APPROVED TEACHING QUALIFICATIONS**

Post Graduate Certificate of Education (Further Education)

City and Guilds 7307

City and Guilds 7407 Stage 3

The Union will accept into membership such persons whose qualifications were confirmed by organisations affiliated to Education International as conferring qualified teacher status in the countries where the qualifications were gained.

### **PART B: NON-APPROVED TEACHING QUALIFICATIONS**

The Union will not accept into membership such persons whose qualifications were confirmed by organisations affiliated to Education International as not conferring qualified teacher status in the countries where the qualifications were gained.

## **APPENDIX VIII - NOMINATION PROCEDURES FOR NATIONAL ELECTIONS**

### **OFFICERS, EXAMINERS OF ACCOUNTS, TREASURER, EXECUTIVE MEMBERS, GENERAL SECRETARY AND DEPUTY GENERAL SECRETARY.**

#### **1. Introduction**

- 1.1 Union Rule 13 (Nominations and Elections - General) governs the requirements in relation to nomination procedures for the above national elections. The following are the procedures which must be followed by Constituent Associations when making nominations in order to ensure compliance with Rule 13(a) which reads:

13(a) "Constituent Associations shall be invited to make nominations for the elections of Senior and Junior Vice-Presidents, Treasurer, Examiners of Accounts and General Secretary and Deputy General Secretary and local Associations (including those which are Divisions) shall be invited to make nominations for the elections of members of the Executive.

The support of the Constituent Association for a candidate shall be the decision either by a ballot of all the members of the Constituent Association (other than student members as defined in Rule 37(f)) or at a General Meeting of the Constituent Association, subject to any provisions contained in the Association's own rules and shall be made in accordance with the nomination procedures (reproduced as Appendix VIII to the Rules) which have been approved by the appointed independent scrutineer.

The Secretary of each Constituent Association shall give to the members (other than student members as defined in Rule 37(f)) at least seven days' notice of the time and place of the General Meeting to decide on the nominations of the Constituent Association.

The failure on the part of an association to follow the nomination procedures set out in Appendix VIII shall invalidate that nomination, which shall not otherwise affect the rights of a member to be a candidate if he or she has otherwise achieved nominations as required by these Rules and in accordance with the procedures set out in Appendix VIII.

Nominations shall not be invalidated by reason only of the failure on the part of a member to whom notice of a general meeting (or ballot paper) has been sent but who has not received that notice (or ballot paper)."

- 1.2 The elections for Officers of the Union, Treasurer, Executive Members and for the post of General Secretary are statutory elections governed by the requirements of the Trade Union and Labour Relations (Consolidation) Act 1992 and the provisions of the relevant Rules of the Union (9, 10, 11, 12, 13, 14 - Vice-Presidents, 15 - Treasurer, 16, 17, 18 - Executive Members, 19, 20, 21, 22(d) - General Secretary as appropriate).
- 1.3 The elections for Examiners of Accounts and for the post of Deputy General Secretary of the Union are governed by the provisions of the Rules of the Union (13, 16 - Examiners of Accounts, 20 and 23 - Deputy General Secretary), and are conducted in accordance with the general requirements of the Trade Union and Labour Relations (Consolidation) Act 1992.

#### **2. Eligibility for Nomination**

##### **2.1 Officers of the Union, Treasurer, Executive Members and Examiners of Accounts:**

Rules 14, 15 and 51 - as appropriate, require that candidates for the elections of Officers of the Union, Treasurer and Examiners of Accounts must have been members of the Union (not including student membership) for the seven years immediately preceding the election and in accordance with Rule 17, candidates in the elections for Executive members must have been members of the Union for the three years immediately preceding the election.

**2.2. General Secretary and Deputy General Secretary:**

Rule 23(d) requires that candidates for the post of General Secretary/Deputy General Secretary shall be either (a) members of the Union (not including student membership) for not less than seven continuous years' immediately preceding the commencement of the ballot, or (b) Officials of the Union whose offices have been sanctioned by Conference. Candidates must have been properly nominated by at least ten or more Constituent Associations.

**3. Nomination Procedures: General**

3.1 In order to comply with the requirements of Rule 13(a), the procedures to be adopted in each constituent association when making nominations will depend initially on whether the association's own rules require any nomination made to be supported by a ballot of its members.

3.2 If a ballot is required, the procedures set out in paragraph 6 below must be followed.

3.3 If the association has no such rule, the nomination will be decided at a General Meeting of the Association, see 4 below (unless that Meeting is inquorate when a ballot will be required) - see also 6.1 below.

**4. Nomination at Quorate General Meeting**

4.1 Where nominations are to be made at a General Meeting:-

- i) at least seven days' notice of the time and place of the meeting must be given;
- ii) the notice/agenda must specify that nominations for "XXXX" election are to be considered (general headings eg, "Elections", "Any other Business" will not suffice.)
- iii) Anticipating that the general meeting may be inquorate and in order to save time in the event of a ballot becoming necessary the Association secretary may consider it appropriate to advise members that any names which are submitted to the local secretary either prior to the general meeting, or by the end of an inquorate meeting, will be the names to appear on any ballot paper. This ballot paper should then be in the form set out in 6.4 below (see 6.3 for further information).

4.2 Assuming the meeting is quorate, members present should first be asked to put forward names for consideration. It must be made clear that any name(s) recommended by the Association's Executive or Management Committee will not prevent the consideration of other name(s) from the floor.

4.3 The nomination of the Association will then be decided by a vote taken at the meeting, either by show of hands or by ballot at the meeting. The vote shall be dealt with in the following stages, as they are relevant in the circumstances:

**Option 1**

Where only one name has been put forward, Q.1 will be:

*Q.1 "Do you wish 'name' to be the nominated candidate of the Association?"*

OR

**Option 2**

Where more than one name has been received:

*"Do you wish to make a nomination from any of the names submitted."*

**YES/NO**

If the meeting votes "Yes" move to Q.2 below.

*Q.2 "Of the names put forward, who would you wish to nominate?"*

**YES/NO**

(The questions will require adjustment where more than one nomination may be submitted [eg, Examiners of Accounts]).

4.4 In the event that the majority of members vote "No" to Option 2 Q.1 (ie, that they do not wish to make a nomination from any of the names listed), the votes to Q.2 will not be counted.

4.5 If there is a majority vote in favour of making a nomination ALL votes in Q.2 will be counted. Consequently, it is important that it is made clear on the ballot paper that even if a member votes "No" to Q.1, they may still - if they so wish - vote in Q.2.

4.6 Voting should be conducted by the simple majority method .

**5. Where a meeting is inquorate, the ballot procedures set out in paragraph 6 below must be followed.**

**6. Nomination by Ballot: Procedures**

6.1 Where the nomination is to be decided by ballot, including a ballot following an inquorate meeting and **all steps** set out in stages 1 and 2 below must be followed (unless the procedure in 4.1.iii has been adopted, when the ballot procedures will commence at stage 6.3.1.)



6.2 **Stage 1 - seeking names to go forward for nomination:**

A circular letter, which gives details of the election in question, should be sent to all Association members, other than student members, seeking names to go forward in the local Association ballot. A return address and closing date must be given. A suggested format is appended as **Addendum A**.

6.3 **Stage 2 - Ballot to determine the Association's nomination**

6.3.1 Once names have been received, the secretary or person appointed to conduct the ballot (returning officer) will need to draw up a ballot paper.

6.3.2 The person or persons appointed as Returning Officer(s) must not be involved as candidates in the election and should in any event adopt an entirely impartial role.

6.4 6.4.1 **Option 1** - Where **only one name has been put forward**, that name should appear on the ballot paper. The question to be asked will be:

Q1 "Do you wish "name" to be the nominated candidate of the "name" Association:- **YES/NO**

6.4.2 It should not be assumed where only one name has been received, that that person is automatically the nomination for the Association. All members must be given the opportunity to vote on whether they wish that person to be the nominee of the Association.

6.4.3 **Option 2** - Where **more than one name is received** two questions are required, together with an explanatory Note:

Q.1 "Do you wish to make a nomination from any of the names listed below in Q.2?"

**YES/NO**

Q.2 "Please mark with an "X" the candidate of your choice:

NAME A

NAME B

NAME C

*Note: In the event that a majority of members vote in favour of making a nomination (Q.1), votes in Q.2 will be counted. If you vote "No" in Q.1, you may therefore still exercise your right to vote in Q.2"*

6.5 In the event that the majority of members vote "No" to Q.1 (ie, that they do not wish to make a nomination from any of the names listed), the votes to Q.2 will not be counted.

6.6 If there is a majority vote in favour of making a nomination ALL votes on Q.2 will be counted. For this reason, it is important that it is made clear on the ballot paper that even if a member votes "No" to Q.1, they may still - if they so wish - vote on Q.2.

6.7 **Addendum B** shows an example of a ballot paper for use in situations where more than one place is available, eg, Examiners of Accounts, or in multi-member constituencies.

6.8 There are no statutory requirements governing local ballots and therefore there is no requirement that local ballots of this nature must be secret. However, local Associations are advised to follow good practice and it is suggested that if an Association does not already have its own method, then to ensure the anonymity of the voter, either a "tear off" slip, to be completed by the member and to be detached prior to votes being counted, or a separate slip should be used.

6.9 Regardless of 6.8 above, ballot papers should be sequentially numbered.

7. **Return of Nomination to Headquarters**

7.1 The nomination of the Association should ideally be forwarded to HQ (on the form provided) as soon as the nomination is made, but in any event the form **must** be received at HQ by the closing date for nominations specified in the timetable published for the election in question.

7.2 The nomination will be considered invalid unless the declaration on the nomination paper, which requires confirmation of the following, has been duly completed and signed:

"a) that not less than seven days' notice of the meeting stating the business to be transacted, was duly given;

b) that the consent for nomination to be made has been obtained of the candidate;

c) that the member named above was regularly nominated by:

i) ballot of members of the ..... Association;

**OR** ii) at a quorate general meeting of the ..... Association on

..... 200?. Number of members attending: ....."

7.3 The President and Secretary must both sign the form. In the event that one or other is unable to sign or was not at the meeting a second signature is required. This should be another Officer of the local Association, eg, Assistant Secretary, Treasurer, Committee Member.

**8. Acknowledgement of Nomination**

- 8.1 The nomination will be acknowledged on receipt at HQ. Secretaries are asked to complete the acknowledgment slip at the foot of the nomination paper before return to HQ.
- 8.2 In the event of any query concerning receipt at HQ, the association will be asked to produce the acknowledgement slip.

**9. Validation of Nominations**

- 9.1 Nominations will be checked and validated on receipt at HQ.
- 9.2 In the event of any doubt arising as to the validity of any nomination, the question shall be referred to the General Secretary, or in the case of General Secretary or Deputy General Secretary elections to the President or other most senior officer not involved in the election as a candidate or person seeking nominations. The General Secretary or Officer as the case may be will make appropriate enquiries concerning the validity of the nomination and then declare its validity or otherwise. This decision shall be final.
- 9.3 Any complaint concerning the validity of a nomination should be addressed in writing to the General Secretary (or President or other senior officer responsible as appropriate).

**10. General Guidance**

- 10.1 Secretaries are advised to prepare a draft timetable for the Association's own nomination procedures. Secretaries may wish to make allowance in this timetable for a ballot following an inquorate meeting, in order to ensure that it will be possible to meet the nomination deadline in that event.
- 10.2 As an estimate it should be possible to hold a ballot in 3-4 weeks, whilst a ballot following an inquorate meeting may take as long as 4-6 weeks, depending on local procedures and circumstances - see advice in 3.1 iii.
- 10.3 Timetables are sent out from HQ well before national elections. However, local secretaries are best placed to know the most appropriate time for nominations to be considered (ie which meetings are likely to be quorate). Since national election timetables are set by Rule, it is not necessary for an Association to await a circular from HQ publishing the timetable before it can consider nominations.

## ADDENDUM A

### FORM OF COVERING LETTER TO LOCAL ASSOCIATION MEMBERS SEEKING NAMES FOR NOMINATION

1. The election for ..... is due to take place ..... and the closing date for receipt of nominations is.....
2. If the ..... Association is to make a nomination for this election, then the first stage is for the Association to invite members (other than students) to put forward any names they would wish to have considered by colleagues as possible nominees.
3. (use para. A or B as appropriate)
  - A Assuming names are forthcoming, these will be considered at the General Meeting of the Association to be held on....., when an item will appear on the agenda (at least 7 days notice to be given). Other names may also be submitted at the meeting by members present. [Although the Executive or Management Committee of the Association may put forward a recommendation, this will not prevent other nominations from being considered.] In the event of the General Meeting being inquorate, the nomination of the Association (if any) will be decided by local ballot. [Any names received in writing by the closing date specified below, together with any names which are put forward by individual members attending the inquorate meeting, will be included on the ballot paper.]

OR

- B In accordance with the local Association's own rules, such nomination(s) are to be decided by local ballot. Assuming names are forthcoming, a local ballot will follow.
4. If you wish to put any name(s) forward as potential nominees please complete and return the attached nomination paper to (name), (address), by (closing date for return).
5. Please note the following requirements concerning eligibility for nomination [quote from appropriate rule]:
  - e.g. (i) retired or left profession members are ineligible;
  - (ii) candidates must have been full members of the Union for at least three/seven/ten years as appropriate (student membership does not count), - [and for GS/DGS election] - an official of the Union whose office has been sanctioned by Conference.

## ADDENDUM B

### FORM OF BALLOT PAPER IN MULTI-MEMBER CONSTITUENCIES (or where more than one nomination may be made)

The Association is entitled to nominate up to ..... persons for this election for .....

Q.1 How many nominations do you wish the association to make?  
0/1/2/3/4 (up to the association's entitlement)

Q.2 Of the following, would you wish the association to nominate:

Mark X

Name A	
Name B	
Name C	-
Name D	
Name E	

The Total number of votes cast for each candidate will determine the order of preference

In Q.1, you may indicate YES to as many candidates as you wish up to the Association's entitlement. The ballot forms will first be counted to determine how many, if any, nominations the majority of those voting wish to make. Should the majority of members vote "0" in Q.1, then the votes to Q.2 will not be counted. The votes in Q.2 will then be counted to determine the order of preferred nominees.

Depending upon the outcome of the first count, those nominated shall be the first 1, 2, 3, 4 persons (as appropriate) in the order of preference.

## JOINT PARTNERSHIPS AND OTHER MEMBERSHIP AGREEMENTS

### ■ JOINT PARTNERSHIP SCHEME BETWEEN THE NATIONAL UNION OF TEACHERS AND THE UNIVERSITY AND COLLEGE LECTURERS' UNION.

#### Preamble

The present agreement between the National Union of Teachers (NUT) and the University and College Union (UCU), builds on the historic relationship between the two organisations, which was first formalised in the NUT/ATTI Partnership Scheme of 1941. Although that scheme has been frequently revised, the present revision is perhaps the most thorough-going, in acknowledging the radical transformation of the education system which has taken place as a result of the Further and Higher Education Act 1992.

#### Introduction

The NUT and UCU, through this document, agree to reaffirm their continued determination to work in closest co-operation, to avoid competitive recruitment and to consolidate that relationship through a joint partnership agreement. Under the terms of this agreement, which replaces the previous NUT/UCU Partnership Scheme, each organisation retains its constitution, administrative machinery and membership, except where modified by mutual agreement.

- I. This agreement is intended to:
  - A. promote partnership between the NUT and UCU;
  - B. provide mutual membership rights within certain limits;
  - C. determine spheres of influence between the two organisations on the basis of the concept of the organising union in each institution.
- II. For the purposes of the agreement:
  - A. UCU shall be regarded as the organising union in universities and higher education corporations and further education (FE) corporations (other than sixth form colleges);
  - B. the NUT shall be regarded as the organising union in schools, establishments principally providing education to school children and those FE corporations which were formerly sixth form colleges;
  - C. "joint membership" shall mean membership of the union to which the individual concerned is a direct subscriber, together with membership of the other union party to this agreement to the extent described in this agreement, and the term "joint member" shall be construed accordingly.
- III. In former tertiary colleges and in merged FE and former sixth form colleges, it is recognised that both may have an interest as organising unions in certain spheres. The NUT should be regarded as the organising union for teachers undertaking work of a school's nature and UCU should be regarded as the organising union for staff involved in work mainly not of a school's nature (the term "a school's nature" may be referred to the liaison committee in any question of interpretation and other questions of spheres of influence will be referred to the liaison committee in the first instance - see paragraph IV below).
- IV. Under the terms of this agreement, applicants for membership shall be recommended to take up membership of the organising union.
- V. Members of one of the unions party to this agreement taking up employment in establishments where the other union is regarded as the organising union, shall be entitled, upon completion of a registration form, to joint membership subject to the organising union being notified. Members of one union transferring to an institution where the other union is the organising union shall have the right to transfer to the organising union and shall be encouraged to do so.
- VI. A register of NUT and UCU members exercising their entitlement to joint membership under this agreement shall be maintained by the two unions, on the basis of registration forms signed by members and copied to both unions. Registered joint members shall have the rights and liabilities as set out in this agreement. The process of registration must ensure that the member knowingly accepts the rights and liabilities of members contained in the organising union's rules, through the signing of the registration form.
- VII. Although student members taking up first appointments shall be formally entitled to retain, within their employing institution, membership of that organisation to which they were admitted as student members, if not that of the organising union, their attention shall be drawn to the provisions of this agreement concerning the organising union in each institution. It will normally be expected by the parties to this agreement that new entrants to teaching will join the appropriate organising union. Any individual not wishing to change his membership under this provision shall be entitled to joint membership as described in paragraph V.
- VIII. Where, because of a change of status of an institution, the role of organising union changes from one union to the other, members, at the time of reorganisation, shall be entitled to continue in membership of their original union and shall be entitled to joint membership as described in paragraph V, but they will be informed of the change in organising union, and advised of the details of the joint partnership scheme.

- IX. NUT members registered as joint members in institutions where UCU is the organising union, shall have the rights and liabilities of ordinary members of UCU, except that they shall not have the right to stand for office in UCU above the local level as defined in the agreement.
- X. UCU members registered as joint members in institutions where the NUT is the organising union shall have the rights and liabilities of ordinary members of the NUT, except that they shall not have the right to stand for office in the NUT above the level of constituent association or division.
- XI. The scheme of joint membership for which this agreement provides, is open only to ordinary members of UCU and ordinary members of the NUT.

#### **Finance**

- XII. A per capita sum of fifty per cent of the subscription union's annual subscription fee shall be paid by the subscription union to the organising union in respect of those members in institutions where that union is not the organising union.
- XIII. Under these arrangements, the NUT shall provide that, where it is the organising union, members of UCU serving in schools or former sixth form colleges will enjoy full membership of the NUT constituent association without payment of local fees. The NUT shall make arrangements, within its constituent associations, for the payment of a nationally determined fee, to constituent associations, in respect of all members under this scheme. These financial arrangements shall be the concern of the NUT and UCU and not the individual member under the joint partnership scheme.

#### **Joint Membership Rights**

- XIV. Members in establishments where their union is not the organising union, shall be entitled to full participation in the work and activities of the organising union at local level. In the scheme, local level means, for UCU, the branch, institution or area committee, and for the NUT, the constituent Association or Division. Registered joint members seeking legal and/or professional support shall apply for such support to the union of which they are direct subscribing members under its standard rules and procedures. The provision of such support shall normally be the responsibility of that union but it may call upon the organising union to provide advice in any case in which directly subscribing members of the organising union share a common interest or the outcome of which may affect directly subscribing members of the organising union in the institution.
- XV. Under the terms of this agreement, joint members shall be entitled to stand as candidates and vote for elected posts at local level and to participate in all the policy making activities of the organising union at local level.
- XVI. In the event of the application of sanctions or industrial action of any kind, all joint members shall be included in any ballots and subsequent action on the part of the union calling such ballots or action.
- XVII. Joint members shall be entitled, in the event of participation in sanctions, to sustenance from the union calling such action and shall be governed by the decisions of that union.

#### **Liaison Committee**

- XVIII. The operation of this scheme shall be under the review of the NUT/UCU Joint Liaison Committee, consisting of five representatives from each organisation, which shall endeavour to secure joint agreement on all matters of mutual concern, including educational policy and the administration of the Joint Partnership Scheme.

#### **Cross Representation**

- XIX. The agreement provides further for:
  - A. four representatives from UCU to attend meetings of the Executive of the NUT as observers, with rights to attend as many standing committees as NUT Executive members are permitted to attend under the standing orders of the Executive of the NUT;
  - B. four representatives from the NUT to attend the National Executive Council of UCU as observers, with the right in the case of each such representative to attend two committees of the UCU NEC and;
  - C. observer status for representatives of either organisation on committees established by the other to deal with matters relating to teacher education or to other matters of mutual interest as agreed.
- XX. The executives of both unions, as parties to the agreement, undertake to take the necessary steps to ensure that the nature of the relationship is reflected throughout the structures of the two unions and in particular, at local level.
- XXI. This agreement supersedes previous agreements and comes into effect on 11 September 1995.

## **■ AGREEMENT BETWEEN THE NATIONAL UNION OF TEACHERS AND THE NATIONAL ASSOCIATION OF YOUTH AND COMMUNITY EDUCATION OFFICERS (REVISED AS FROM NOVEMBER 1993)**

The following revised agreement reached between the National Union of Teachers and the National Association of Youth and Community Education Officers was ratified by the NUT on 4 November 1993 and by NAYCEO on 14 June 1993.

1. The National Union of Teachers (hereinafter referred to as the NUT) and the National Association of Youth and Community Education Officers (hereinafter referred to as NAYCEO) agree to be associated together in accordance with the terms of this agreement.
2. NAYCEO shall have the status of a central association of the NUT but as an autonomous national association will be responsible for:
  - 2.1 The formation of its own policy on all matters pertaining to youth and community education;
  - 2.2 Representation on the existing or any future national negotiating body concerned with the salaries and conditions of service of its members;
  - 2.3 Representation, as it deems appropriate, on bodies especially those of national and international status, concerned with youth and community education services;
  - 2.4 Changes in its own constitution and standing orders.
3. On payment of the annual NAYCEO subscription (or such proportion of it as is acceptable to NAYCEO) and the per capita unit levy to the NUT, as hereinafter agreed, all NAYCEO members so qualified shall:
  - 3.1 Be regarded as full members of the NUT;
  - 3.2 Be entitled to all the rights, benefits and support enjoyed by full members of the NUT as published from time to time;
  - 3.3 Accept the obligations of membership relating to professional conduct.
4. Advice and assistance are given to members in legal cases arising out of or in the course of their professional life and in matters affecting their professional or educational interests. According to the circumstances the NAYCEO executive secretary may advise that conciliation procedures be invoked in accordance with the report of the Soulbury Committee and/or that an approach be made to the NUT regional secretary. Consequent upon these consultations various initiatives may be taken in support of the member including representation by correspondence or deputation to the authority by the NUT, NAYCEO, or both according to the advice of the NAYCEO executive secretary, the obtaining of professional advice from the Legal and Professional Services Department of the NUT, or in extreme cases, litigation by the NUT on behalf of the member. If, in the case of extreme urgency, the executive secretary is not available, an approach may be made to the appropriate NUT regional secretary.
5. For the purposes only of participation either as candidate or elector in elections to the Executive of the NUT, or as officers of the NUT, all members of NAYCEO shall be attached to one of the local associations of the Union covering the area in which the member works. Where this involves a choice, the choice will remain with the member.
6. Any full member of NAYCEO may become a member of a local association of the NUT on payment of the local subscription of that association. Any member of the NUT who is eligible for membership of NAYCEO may become a member on payment of the full NAYCEO subscription less the NUT per capita element applying at that time.
7. NAYCEO shall pay annually to the NUT a lump sum based on a per capita unit levy of 50% of the membership subscription applicable and as varied from year to year effective at 1 January. This sum shall be computed on the basis of the number of full NAYCEO members as at the 30 June following and be paid within one month of that date. The NUT will honour its obligations to all members admitted into NAYCEO membership throughout the year ending 31 December allowing a maximum of three months' grace to 31 March for the renewal of the annual membership subscription.
8. NAYCEO shall serve in an advisory capacity to the NUT on the subject of social education and in all matters pertaining to youth and community education services. For the purposes of the business of the NUT Executive, reports submitted by NAYCEO shall have the standing of advisory committee reports and be received directly by same through the Executive's Education and Equal Opportunities Committee as and when submitted.
9. To facilitate close cooperation, a representative of the National Executive Committee of the NUT shall be appointed at the expense of the NUT to liaise with the National Executive Committee of NAYCEO. This representative shall:
  - 9.1 Receive all agendas and minutes of the NEC of NAYCEO;
  - 9.2 Be invited to meetings of the NEC of NAYCEO;
  - 9.3 Represent NAYCEO advice to the Executive and/or appropriate standing committees of the NUT.
  - 9.4 Identify such matters as may come before standing committees of the NUT as are pertinent to social education and which could reasonably be referred to NAYCEO for advice and/or action.
10. NAYCEO is allowed to have representatives present at meetings of the NUT Executive and its standing committees when issues of direct concern to NAYCEO are being discussed.

11. In the event of any disagreement of policy or in the interpretation of the working of this agreement, between NAYCEO and the NUT, either party may require that a conciliation committee be set up to endeavour to secure agreement.
12. NAYCEO shall be responsible for financing all its meetings when it acts as an advisory committee to the NUT and shall bear the full expenses of the delegation representing the association at annual and special national conferences of the NUT. Expenses of NAYCEO representatives invited to serve on NUT working parties and other advisory committees shall be borne by the NUT. No charge (other than catering expenses) shall be made for the use of accommodation at NUT headquarters made available for official meetings of NAYCEO NEC or its central committees. The NUT will pay the costs of accommodation for NAYCEO NEC and central committee meetings (other than catering expenses) if the NUT cancels a booking made by NAYCEO for a room at NUT headquarters less than six months before the date of the meeting. The alternative venue will be subject to the approval of the NUT.
13. NAYCEO undertakes to encourage its members to support the Teacher Support Network.
14. This agreement may be terminated by either side subject to one years' notice and is subject to mutual amendment from time to time.

## GRANT REGULATIONS 2008/9

### Procedure for Applying for Grant Funding

1. Grant assistance may be obtained for the categories of activities set out in sections i to v below. The regulations have been designed to be as broad and flexible as possible to ensure that any activity which falls within the objectives of the Union will be eligible for grant assistance. Where activities do not fit neatly under any of the sections Associations should not be deterred but make an application under the Special Grant category. For all applications other than those in Section iv (ICT Grants) the following procedures should be followed.
2. Applications should be submitted in good time prior to the proposed activity, wherever possible. They should include as accurate an estimation of the overall costs as possible and a brief outline of the proposed event. Applications can be via mail, email or by telephone followed by postal confirmation,
3. Once the activity has taken place associations should submit an application for payment based on actual expenditure incurred accompanied by copies of receipts and invoices.
4. Applications for Grant will only be considered from associations which have submitted their Annual Financial Returns (Forms 106 and AD8) by the due deadline of 31 March of the previous year.
5. The new regulations will be subject to review by the Union Organisation Working Party after the first year of operation. In the event of any of the associations experiencing financial hardship they should make an application for grant assistance under the Special Grant category
6. Where associations experience cash-flow problems they may seek to arrange to receive some funding prior to an activity and any necessary adjustments can be made after that activity has taken place.
7. To assist with the administration of the grant regulations associations should note the attached dates of MLG's throughout the year in order that they can apply in time to enable the Officers to consider applications for 'in principle' approval. Furthermore this will insure that associations' applications are speedily processed.
8. These meetings form an important part of the regulations as they are designed to enable the Office and the Officers to appraise the current working of the system in order that a mutually beneficial and efficient system of grant assistance can be established.

### NATIONAL EXECUTIVE TIMETABLE 2008/9

<u>Date</u>	<u>Meeting</u>
<b>4 September</b>	<b>CFC/MLGs</b>
<b>16 October</b>	<b>CFC/MLGs</b>
<b>20 November</b>	<b>CFC/MLGs</b>
<b>8 January</b>	<b>CFC/MLGs</b>
<b>5 February</b>	<b>CFC/MLGs</b>
<b>5 March</b>	<b>CFC/MLGs</b>
<b>7 May</b>	<b>CFC/MLGs</b>
<b>4 June</b>	<b>CFC/MLGs</b>
<b>7 July</b>	<b>CFC/MLGs</b>



## **Activities Eligible for Grant Funding**

The following are the areas agreed for funding.

- (i) Recruitment
- (ii) Campaigning
- (iii) Training
- (iv) Information Technology
- (v) Special

### **(i) Recruitment**

The previous system of discretionary grants restricted availability of grants to activities involving new and young members. Grant funding is now also available to activities for the recruitment of in-service members. Recruitment activities which will receive grant funding are not described in these Regulations but the following principles are relevant.

All recruitment activity will involve the following stages.

- Identification of potential members.
- Initial approach, normally by mail although telephone is increasingly used and school visits are possible.
- Follow-up.
- Monitoring.
- Review.
- Retention of existing members, for example, those who enter the leadership group.

Grant funding is also still available for associations/divisions undertaking recruitment activities aimed specifically at students.

### **(ii) Campaigning**

Grant funding is available for local initiatives on campaigns which have been identified by the National Executive, or by Conference, as being priorities for the Union. Certain purely local issues may also qualify for grant funding under this heading.

Campaigning initiatives will include activities which seek to achieve the following objectives.

- Promoting awareness/communicating educational issues to member of the public.
- Promoting Union policies.
- To raise the support of parents and members of the public for Union policies and specific issues.
- To encourage contact between national officers and local Union members and members of the public.
- To foster and strengthen links between the Union and other teacher organisations.

Under the previous Grant Regulations, there was funding available for public meetings, press advertisements, rallies and demonstrations, unity socials and selective mailings. These activities remain eligible for grant funding but the new category is broader than previously.

### **(iii) Training**

Grant funding is available for local training courses. Associations/Divisions may wish to consult the Regional/Wales Offices on the content of proposed courses. In giving approval for grant funding for courses the Organisation and Administration Committee will have regard to the decisions of the Executive in respect of the National Training Programme and associations should seek to ensure that any local courses do not replicate, compete with or conflict with the National Training Programme.

The intention of the funding is to encourage greater involvement of members in the Union and to enhance awareness of particular campaigning issues.

## Allowances

With regard to the categories, other than Information Technology and the Special Grant, the scale of allowances below will be applicable and will operate as follows:

Expenditure will be regarded as either 'approved' or 'non-approved'. For example, the proposed lunch allowance is £5.00. If an association/division wishes to allow £6.00 for lunch, £5.00 will be regarded as 'approved' expenditure, i.e., funded by grant, and the remaining £1.00 will be 'non-approved' expenditure which need to be funded other than by grant.

TASKS INVOLVED IN ACTIVITY	GRANT ALLOWANCE
Printing	50% of printing costs
Photocopying	Up to 5p per copy maximum
Postage	75% second class to home. LA central delivery should be used for schools
Stationery	75% for items other than paper, e.g. envelopes
Telephone	75% for organised campaign. Estimate previously agreed by the O&A Committee/Assistant Secretary
Design/ Preparation of artwork	50% of costs
Advertisements	50% to a maximum of £250
Equipment hire	50% to a maximum of £250
Room hire*	Up to 75% by previous arrangement with the O&A Committee/Assistant Secretary
Care Allowance	Up to £15.00
Access Allowance	Up to £20.00 per hour for sign language interpreter (2 hours maximum)
Travel	Up to 25p per mile, second class rail fare
Coach Hire	50% of hire charge
Subsistence*	Up to £10 per head maximum for up to five staffing a recruitment event Up to £5 per head, per meal, for two meals per day, for training activities
Cost of entry to events	Up to 75% by previous arrangement with the O&A Committee /Assistant Secretary
Promotional materials	Up to £6 per head for a maximum of 50 people
Refreshments	Up to £8 per head for a maximum of 50 people for a recruitment event

**\* Nb. where the day delegate rate is charged, particularly for training events, the full amount will be apportioned as follows: 60% subsistence and 40% room hire**

It is intended that this system will assist associations in planning their activities because the initial application will require an initial estimate of expenditure to be produced. With knowledge of the allowance which will be available, associations will be able to calculate the full cost of the initiative/activity and the breakdown between the amount the association will need to fund and the amount that will attract grant funding.

If an activity involves a number of discrete events, requiring numerous small items of expenditure spread over a period of time, associations should submit one plan of the activity accompanied by an estimated breakdown of the total expenditure for the period. At the end of the period a claim can then be submitted with copies of the various relevant invoices etc.

The form-filling requirement on associations will be kept to a minimum. It will not be necessary to fit all proposed activity into a prescribed box/heading. All associations will need to do is to estimate their expenditure under each separate component, e.g., printing, telephone, refreshments, travel, etc.

#### **(iv) Information Technology**

Grants for ICT equipment were not available under the previous Grant Regulations. These new Grant Regulations recognise that ICT provides an increasingly useful and often necessary method for associations and divisions to disseminate information and keep in touch with members.

For the grants under this heading only, applications for computer equipment which will enable access to the internet, will be considered on a means-tested basis, with consideration being given to the funds available to the association/division.

Currently this is calculated as follows:

Associations with balances:

up to £7,500 can claim 100% of the cost up to £1000 ie £1000,  
between £7,500 and £10,000 can claim 75% of the cost up to £1000 ie £750 and  
between £10,000 and £15,000 can claim 50% of the cost up to £1000 ie £500.

These grants are aimed at those associations/divisions which have either no ICT resources or inadequate ones.

Grant funding will be available for:

- (a) setting up new equipment where there is effectively no existing equipment; and
- (b) an upgrade to existing equipment needed as a consequence of normal wear and tear and obsolescence. In these cases, assistance for equipment upgrades will only be available for equipment which is at least three years old.

The equipment referred to above currently consists of the following:

1. Laptop or Base Unit (computer package). It is advised that the specification for this should include a CD rewriter, a modem and should have a minimum ram (memory) of 512 mb.
2. Microsoft Office if it is not included in 1. This is available at educational rates from most outlets.
3. Scanner/Copier/Printer (up to £100)

Associations will only be able to apply for ICT grants once every three years. The level of funding provided will relate to an assessment of the value for money of the association's proposals, as well as consideration of the level of current association balances. Grant funding will not be provided for ongoing commitments such as rentals or consumables.

#### **(v) Special Grants**

Initiatives which do not come within the above four categories may be eligible for grant funding as Special Grants.

Any application for a special grant must be put in writing in advance of the event/activity with a detailed estimate of anticipated expenditure.

## MULTI-ASSOCIATION DIVISIONS ANNUAL GRANT

### How to Apply

- i. A properly audited Statement of Accounts on **FORM 138** shall be presented, with vouchers, bills, receipts, invoices, travel claims, cash book pages etc. to the Executive on or before **31 MARCH** following the close of the financial year.
- ii. A report of the previous year's work (**ANNUAL REPORT**) shall be sent to the Executive by **31 MARCH** of each year.
- iii. A plan of work for the ensuing 12 months on **FORM 423** shall be submitted to the Executive by **31 MARCH** of each year.
- iv. Application for grant on **FORM 120** shall be submitted to the Executive by **31 MARCH** of each year.

### Expenditure Allowed for Grant

- i. Provided that the Multi-Association Division has complied with the regulations in this section and subject to the other conditions below, an annual grant shall be made to each Multi-Association Division equal to 60 per cent of the approved net expenditure incurred during the previous year **OR**, alternatively, 100 per cent approved travelling expenses plus 45 per cent other approved net expenditure. Whichever calculation produces the greater sum will apply.
- ii. In special cases the Executive will make a Single Association Division eligible for grant. In such cases the grant will be equal to 40% of approved net expenditure.
- iii. The Executive reserves to itself the right to make special arrangements in extraordinary circumstances.
- iv. In the case of any expenditure by a Multi-Association Division to which objection may be taken by the Executive, notice of such objection shall be given to the Division and the Executive shall take such action as may be deemed necessary.
- v. The amount of grant will be made in accordance with the Standard Scale of Allowances.
- vi. The following shall be allowed as **approved** expenditure:-

### Approved Expenditure

#### Honoraria

Honoraria up to £667.00. (Options 'a' or 'b' will apply.)

- a) 60 per cent of Honoraria paid to officers of a Division, or representatives on the county education committee (not exceeding a maximum annual grant from the Executive of £400.)
  - b) Where 100 per cent travel is claimed, 45 per cent of honoraria paid to officers of a Division, or representatives on the county education committee (not exceeding a maximum annual grant from the Executive of £300.)
- The above is dependent on the condition that the Executive shall be entitled in the case of teacher representatives to call for assistance and reports on cases involving that particular education committee.

### Travelling, Subsistence and Care Allowance Expenses

- a) Meetings of the council of the Division and its approved standing committees.
- b) Section meetings convened by the Division.
- c) Meetings of TSN secretaries and/or organisers.
- d) Expenses of members of joint consultative and negotiating committees representing the Division.

### Administration Expenses

- a) The normal expenses of printing, postage, telephone, stationery and hire of room for meetings convened by the Division and in accordance with the Rules of the Union.
- b) Publication and circulation of the Annual Report of the Division to its members (a copy to be submitted with the Balance Sheet and Financial Statement).

- vii. The following items shall **NOT** be included in the expenditure upon which the grant is calculated:-

### **Non-Approved Expenditure**

#### **Meetings and Conferences**

- a) Attendance at Annual or Special Conference of the Union of representatives other than the two delegates provided for in Rule 27(c) of the Union, and those expenses of the secretary and the other approved delegate which are already covered by 100 per cent grant from the Union.
- b) Attendance at any meeting outside the Division area, unless previously approved by the Executive in connection with the 'Plan of Work' (**FORM 423**) submitted by the Division, or otherwise specially approved.
- c) Meetings of the Division or of its Sections in respect of which 100 per cent grant is claimed.
- d) Production of a magazine, newsletter, leaflets, posters, handbooks, information packs etc.
- e) Subscriptions or donations.
- f) Income and expenditure incurred in connection with refresher courses, educational exhibitions and similar activities should be included in the Statement of Accounts (**FORM 138**). When a profit is realised, it will not be deducted from the grant.
- g) The whole of the expenses of official deputations from the Executive to Divisions shall be defrayed from the funds of the Union.

#### **The Plan of Work**

- i. The Plan of Work (**FORM 423**) will be considered and, if approved on behalf of the Organisation and Administration Committee, the grant on the previous year's approved expenditure will be payable.
- ii. The Plan of Work **MUST** include provision, unless the Executive shall make other arrangements, for a meeting of local secretaries and treasurers for the purpose of reviewing membership and non-membership in the Divisional and the planning and co-ordination of recruitment activities. (Where the previous approval of the Organisation and Administration Committee has been obtained in accordance with the grant regulations, this meeting will qualify for 100 per cent grant.)
- iii. It is recommended that the Plan of Work should also provide for the following:-
  - a) meetings of the Multi-Association/metropolitan Division;
  - b) meetings of the local secretaries in the area;
  - c) meetings of teacher representatives in the area;
  - d) press and publicity work with meetings of public relations officers and a report by the PRO to Headquarters at the end of the financial year;
  - e) meetings of sections of teachers;
  - f) meetings of TSN secretaries;
  - g) meetings of equal opportunities officers.

#### **Other Conditions**

- i. The basic unit of the National Union of Teachers shall be the local Association and each constituent Association shall be in direct Union with the National Union of Teachers.
- ii. All local Associations within the area of an administrative county will unite to form a Multi-Association Division.
- iii. No part of the organisation of a Multi-Association Division, nor any of its funds or part of its funds shall be utilised for the purpose of promoting the election of a member or members to the Executive or to the position of officer of the Union or elected official or as a member of a Union advisory committee or as a member of a Union regional disciplinary panel.
- iv. The financial year of the Multi-Association Division shall end on 31st December of each year.
- v. A copy of the division rules or amendments shall be forwarded to the General Secretary of the Union by 31st December of each year.

# MODEL RULES FOR A LOCAL ASSOCIATION

## TITLE

1. This Association shall be called the ..... Teachers' Association.

## AFFILIATION

2. a) This Association shall be an Association of the National Union of Teachers and all Rules of the National Union of Teachers shall be binding upon all members of this Association.  
b) This Association shall also be in affiliation with the ..... Division.

## OBJECTS

3. The objects of the Association shall be:-
  - a) To advance the cause of education;
  - b) To influence by every legitimate means local public opinion on educational topics, to spread accurate information on educational matters and especially to seek the co-operation of the press in the locality;
  - c) To afford opportunities for the discussion of educational and professional topics;
  - d) To protect and promote the professional interests of teachers;
  - e) To secure representation of teachers on Education Committees or Divisional Executives;
  - f) To secure the membership of all teachers in the Association area.
  - g) To purchase, lease, exchange or otherwise acquire any real and personal property, to construct alter and maintain any buildings required for the purpose of the Association, and so to sell, improve, develop, lease, mortgage or otherwise deal with all or part of the property in the Association.

## MEMBERSHIP

4. Any teacher eligible for admission under the Rules of the National Union shall have a right to membership of this Association.

## SUBSCRIPTION

5. a) The annual subscription of every member shall be such subscription as is payable to the National Union of Teachers under its Rules and Membership Regulations for the time being and, in addition, a local subscription of ..... for the Association.  
b) Every member shall pay such further sum as the Association may require for the purpose of meeting any levy made by the Executive under the provisions of Rule 43 of the National Union.  
c) All subscriptions shall be due and payable on 1st January of each year.

## OFFICERS AND COMMITTEE

6. a) The management of the Association shall be vested in the Officers and Committee.  
b) The Officers of the Association shall be the President, Vice-President, Ex-President, Secretary, Treasurer. Insert other Officers as decided by the Association such as, for example Assistant or Minuting Secretary, Assistant Treasurer, Membership Secretary, Public Relations Officer, Equal Opportunities Officer, Student Membership Officer, Health and Safety Adviser, Parliamentary Correspondent, Secretary of the local board of the Teacher Support Network.  
c) All officers except the President and ex-President shall be elected at each Annual General Meeting in accordance with mandatory Model Rule 7.  
d) The Secretary shall be ex-officio a representative on the Division Council and such other representatives/delegates to which the Association is entitled shall be declared elected at each Annual General Meeting in accordance with Model Rule 7.  
e) The Vice-President of one year shall be President in the succeeding year.  
f) The Committee shall consist of ..... members elected in accordance with Model Rule 7, and in addition the following co-opted members - (these are examples)-
  - i) Teacher Representative(s) provided they are members of the Union.
  - ii) The Secretary (or Chairperson) of such Sections as may be formed under Model Rule 10.
  - iii) Any member of the Association who may be a member of the Executive of the Union.
- g) All vacancies in the Officers or Committee occurring during the year shall be filled by the Committee until the next Annual General Meeting.

## ELECTION OF OFFICERS AND COMMITTEES

- 7.\* Nominations for the Officers as listed in Model Rule 6(c) and the Representatives/Delegates to the Division listed in Model Rule 6(d) and the elected Committee Members in Model Rule 6(f) shall be made in writing, signed by the proposer and seconder and endorsed by the nominee and shall reach the Association Secretary not later than (insert date).

Voting papers shall be issued to members not less than fourteen days before the latest date named for the close of the poll. The President for the time being shall act as Returning Officer and the voting papers shall be returned so as to reach him/her at least ..... days before the Annual General Meeting.

\* denotes a mandatory rule or standing order

The votes shall be counted by Scrutineers appointed at the previous Annual General Meeting. The results of the election shall be declared at the Annual General Meeting. An election conducted as above shall not be rendered invalid by the failure of any member to receive or to return a voting paper.

Officers as listed in Model Rule 6(b) and the Representatives/Delegates to the Division listed in Model Rule 6(d) and the elected Committee Members will be subject to annual election.

### **ELECTION OF CONFERENCE REPRESENTATIVES**

- 8.\* Excepting those Officers of the Local Association normally nominated by office as representatives to Conference, all other representatives as per the entitlement listed in accord with Rule 27(a) of the National Union shall be elected in the Local Association in accord with the provisions set out in the preceding Model Rule 7.

### **TRUSTEES**

9. a) Four persons shall be appointed as trustees at a General Meeting of the Association. Each of the persons appointed must have been a member of the Union for at least seven years immediately preceding the date of appointment. No employee of the Union or of the Association may be a trustee. Each person appointed to hold office until such time as his or her trusteeship shall be terminated in accordance with the provisions of this Rule.
- b) When the number of the trustees is reduced to two, it shall be the duty of the Association at a General Meeting to fill the vacancies forthwith provided always that any business involving the appointment of a trustee shall not be transacted unless notice in writing of such business shall have been sent to every member of the Association at least seven days before the Meeting at which this business is to be transacted. A vacancy in the office of trustee may be filled by a majority of those present and voting at such General Meeting.
- c) The trusteeship of any person holding the office shall be ipso facto determined if he/she becomes bankrupt or insolvent or if he/she has allowed his/her membership of the Union to lapse.
- d) It shall be within the power of the Association in General Meeting to determine the trusteeship of any person by a resolution which will not be declared carried unless at least two thirds of the members present vote in its favour. Notice of such motion must be sent in writing to every member of the Association at least seven days before the Meeting in which such motion is to be proposed.
- e) The trustees shall be indemnified against risk and expense which has been lawfully incurred out of the trust property or by the Association.
- f) The title to all real or personal property which may be acquired by or on behalf of the Association shall be vested either in a corporation lawfully entitled to act as custodian trustee or in the trustees for the time being (being not less than two) of the Association appointed under this Rule.

### **SECTIONS**

10. The Committee shall have power to form such sections as a General Meeting may deem desirable, such sections to be within the Aims and Objects of the Union and answerable to the Committee of the Association.

### **MEETINGS**

11. The Annual General Meeting of the Association shall be held in (insert month).
- 12.\* At least three ordinary General Meetings of the Association shall be held during the year and such additional General Meetings as the Committee may deem desirable.
- 13.\* The quorum for all General Meetings and Special Meetings shall be ..... (insert number). If no quorum be present, the Chairperson shall declare the Meeting closed.
14. At least ten days before the date of a General Meeting, information shall be sent by the Secretary to the members of the Association stating the time and place of the Meeting, together with the Agenda of the business as it shall have been arranged by the Committee.
15. All motions received by the Secretary at least fifteen days before a General Meeting is held, shall be included in the Agenda, but the Committee shall have power to determine the order on the Agenda Paper, excepting always that business deferred from a previous Meeting shall take precedence over all other.
16. i) The order of business at the Annual General Meeting shall be:-  
a) Minutes of the last Annual General Meeting  
b) Correspondence  
c) Reports and Statement of Account  
d) Installation of new President  
e) Declaration of the results of the election of Officers and Committee  
f) President's Address  
g) Motions on which proper notice has been given to the Secretary  
h) Discussion of matters declared urgent by the Meeting
- ii) A Special Meeting shall be summoned at any time by the Secretary on the instructions of the Committee or within twenty-one days of the receipt of a written requisition stating the purpose for which the Meeting is summoned and signed by not less than (insert number) members. No business other than that stated by the Committee or in the requisition shall be transacted at a Special Meeting.

\* denotes a mandatory rule or standing order

## **INDUSTRIAL ACTION HARDSHIP FUND**

17. a) The Association may, by a decision made at a quorate general meeting of the Association, establish a fund to be known as the Industrial Action Hardship Fund of the ..... Association.
- b) Any such fund shall be established and maintained by the allocation to the fund of such sum derived from the total of local subscriptions received, as the Officers and Committee of the Association may from time to time decide. The Officers of the Association shall take such steps as may be necessary to inform the members of the Association of the sums allocated to the fund and shall satisfy any requests made by any member of the Association for information relating to sums allocated to the fund as they may arise.
- c) Grants may be made from the Industrial Action Hardship Fund, subject to the following rules, to any member of the Association who has suffered or is considered likely to suffer hardship as a result of his or her participation in industrial action authorized under Rule 8 of the Rules of the National Union which is not sustained by the National Union under Appendix IV to the National Rules.
- d) For the purposes of this rule "hardship" shall mean any adverse financial consequences suffered or likely to be suffered by the member or by any dependent member of his or her family which is significantly greater than that faced by the generality of members as a result of loss of emoluments or other benefits of employment.
- e) Members seeking grants from the Industrial Action Hardship Fund may apply by doing so in writing to the Secretary of the Association setting out the circumstances in which the application is made and the extent of the hardship suffered or likely to be suffered. Forms may be provided for the purpose at the discretion of the Officers and Committee. Applications shall be considered and determined by the Officers and Committee of the Association who may delegate this responsibility to a sub-committee formed for the purpose, made up of at least five members of the Officers and Committee group including the President, the Secretary and the Treasurer.
- f) Grants made from the hardship fund shall not exceed such sum as may be necessary to alleviate the hardship suffered or likely to be suffered up to a maximum equivalent to the loss of emoluments (together with the value of any other benefits) suffered by the member.
- g) Personal information relating to any applicant for grant under these rules and/or to his/her dependents shall remain confidential to those persons responsible for consideration of applications save that they may be required to provide information relating to the circumstances in which a grant has been approved to the Association's Auditors or in response to any enquiry made by the National Union in relation to the Statement of Account of the Association submitted under Model Rule 19.
- h) It shall be the responsibility of the Association to ensure compliance with the requirements of Data Protection legislation for the time being in force. Subject to the provisions as to confidentiality of information relating to individuals set out in paragraph (d) above, the provisions of Model Rules 19 to 22 shall apply to the Industrial Action Hardship Fund of the Association as they apply to the finances of the Association generally.

## **ALTERATION OF RULES**

18. No alteration of or addition to any rule shall be made except at the Annual General Meeting or at a Special Meeting convened for the purpose. Notice of any proposed alteration must be sent to the Secretary at least one month prior to the date of the Annual General or Special Meeting.

## **FINANCE**

- 19.\* The Association's financial year shall end on 31 December and at that date or such other dates as shall be required by the Executive of the Union, the Association shall prepare and submit to the General Secretary a Statement of Account of the Association in the form and manner required by the Executive and in compliance with the requirements of the Certification Officer for Trade Unions and Employers' Associations.
- 20.\* The accounts of the Association shall be audited on behalf of the members of the Association either by two lay Auditors who shall be appointed annually at General Meeting and who shall not be Officers or members of the Committee, or by a Professional Auditor appointed by the Association. The Auditor(s) shall be required to carry out their duties in accordance with the requirement of the Auditors appointed by the Executive of the Union under Rule 50(a) of the National Union.
- 21.\* The statement of Account prepared and audited under Model Rules 19 and 20 shall be presented to the Annual General Meeting of the Association.
- 22.\* All Bank, Building Society and/or other Accounts shall be in the name of the Association and withdrawals from any Account shall require the signatures of at least two of the following three Officers - (insert name and office of relevant Officers).



### **SCHOOL REPRESENTATIVES**

- 23.\* The Association shall take such steps as may be necessary to establish that for each school or unattached unit in its area, there is an accredited Union representative. In particular, these steps shall include those set out in a) to f) below.
- a) The procedure for the election of the Union representative shall be subject to the approval of the Committee of the local Association.
  - b) The Union representative shall be elected annually by all the members in the school.
  - c) The Association shall bear responsibility for granting accreditation and shall issue accreditation documents stating the group of members represented.
  - d) The Association may approve the election of one or more deputy Union representatives for a given school.
  - e) The Association will notify the Local Education Authority and relevant headteacher of the names of its accredited representatives and of their authority and responsibilities.
  - f) The Association will advise its accredited school representatives that their authority and responsibilities include:-
    - i) the direct recruitment of members of staff;
    - ii) the dissemination of both local and national information from the Union to members in the school;
    - iii) calling meetings of Union members within the school as and when required;
    - iv) handling the initial stages of individual grievances of members;
    - v) responsibility for consultation within the school, and negotiation on those issues where the school had discretion regarding implementation of agreements between the division and the Local Education Authority on matters of collective interest to members in that school;
    - vi) responsibility for ensuring that all agreements between the Union and the employers, both local and national, to which the Union is a party, are observed within the school.

### **PRODUCTION OF ANNUAL REPORT**

24. The Association shall produce an Annual Report on the activities of the Association and shall distribute this Report to all members in the Association area and submit it to the Division and to Headquarters.

### **INTERPRETATION OF RULES**

25. In the event of any question arising as to the interpretation of any of the Association Rules, the question shall be referred to the Committee, whose decision shall be conclusive and binding upon members.

## MODEL STANDING ORDERS FOR LOCAL ASSOCIATIONS

1. The proposer of a motion or an amendment shall be allowed ten minutes for his/her speech.
2. Each succeeding speaker shall be allowed five minutes. When an extension of time is allowed to a speaker, such extension shall be for not more than five minutes at a time.
3. All amendments to a motion shall be submitted to the Chairperson in writing, with the name of the mover attached.
4. Whenever an amendment is made upon any motion, no second amendment shall be taken into consideration until the first amendment is disposed of. If that amendment be carried, it shall then be put as a substantive motion, upon which a further amendment may be moved to the original question; but only one amendment shall be submitted for discussion at one time. "The previous Question" is for all purposes of order dealt with as an amendment, except that it shall have precedence over all other amendments.
- 5.\* The decision of the Chairperson on any point shall be final. If any decision be challenged it must be done at the next meeting, due notice having been given at the time the decision of the Chairperson was called to question.
6. The mover of the original motion shall have, in addition to the general privileges of debate, the right of reply upon the original motion or upon one amendment, and the mover of an amendment which has become the substantive motion shall have a similar right of reply. The right of reply shall be exercised only after the closure has been applied and subsequently no further debate shall be allowed on the question. No member shall speak more than once on the same motion or amendment except in the exercise of this right of reply and no new matter shall be introduced by the mover in reply.
7. Any debate may be closed by a motion "That the question now be put" being moved, seconded and carried, such motion to be put to the meeting without debate; but no speech shall be interrupted for the purpose of proposing such a motion. No division shall be taken on such a motion. Where any amendment is under discussion the motion shall apply only to that amendment, and shall not be taken on the main question until all amendments have been disposed of, unless the Chairperson is of the opinion that the time has come when the main question may fairly be put.
8. No resolution passed at a previous meeting may be rescinded unless full notice of the rescinding motion has been given and placed upon Agenda calling the meeting, signed by the member who proposes to rescind and ..... other members. When such a motion has been disposed of it shall not be competent to renew the motion within a period of ..... months.
9. When the Chairperson rises to speak, members shall immediately take their seats.
10. Every motion shall be put to the vote by a show of hands and no division shall be taken unless the vote be challenged and supported by ..... members rising in their places.
11. Members only shall have the right to take part in any division on a question.
12. A motion to suspend Standing Orders shall be given in writing prior to the meeting, signed by at least ..... members. The motion to suspend Standing Orders shall be put to the vote after it has been moved and formally seconded and not more than one speech made in opposition. Should such a motion be defeated, no second motion to suspend Standing Orders for the purpose of discussing the same subject shall be permitted. The Standing Orders may not be suspended unless a two-thirds majority of the members present be obtained.
13. Procedures governing the conduct of a debate shall, unless otherwise specified in the Rules or Standing Orders, be the same as those currently specified in the Standing Orders governing debates at Annual Conference of the Union.

# MODEL RULES FOR A SINGLE ASSOCIATION DIVISION

## TITLE

1. That this Association shall be called the ..... Association.

## AFFILIATION

2. a) This Association shall be an Association of the National Union of Teachers and all Rules of the National Union of Teachers shall be binding upon all members of this Association.

## OBJECTS

3. The objects of the Association will be:-
  - a) To secure direct representation on behalf of all the members of the Union in the Association on all appropriate Committees and bodies of the employing Authority.
  - b) To secure direct representation on behalf of all members of the Union in the Association of those Committees or bodies where negotiations of a collective nature are conducted.
  - c) To secure by way of appropriate procedures with the employing Authority the right whereby the Division shall have the sole responsibility for communicating the general views and representing the collective interests of the Union members in the Association.
  - d) To be solely responsible for negotiating on behalf of the members of the Union in the Association with the employing Authority on all matters affecting the professional work and conditions of service of members.
  - e) To be solely responsible for negotiating on behalf of the members of the Union in the Association with the employing Authority those agreements necessitated as a result of or caused by an Act of Parliament or Statutory Instrument.
  - f) To be solely responsible for negotiating on behalf of the members of the Union in the Association such agreements initiated by or at the behest of the National Executive of the Union.
  - g) To ensure that all members of the Association are kept fully informed of negotiations conducted on their behalf.
  - h) To secure and develop general co-ordination of the Union's work throughout the Association by means of organising and co-ordinating such meetings of members of the Union in the Association when the Executive Committee of the Association deems the calling of such meetings necessary.
  - i) To secure the membership of the Union of all teachers employed by the Authority.
  - j) To organise publicity meetings for the consideration of educational topics, and promoting the policies of the Union.
  - k) To render aid to the Executive of the National Union of Teachers in dealing with cases of difficulty which may arise in connection with the professional work of any member of the Association, provided that no action in any such case shall be taken unless, and until, the special authorization of the Executive has been received by the Committee of the Association.
  - l) To influence by every legitimate means public opinion within the Association area on topics affecting and relating to the work of the education service, to advise on such topics all those bodies which have directly or indirectly the control of educational affairs and to persuade them to such decision as will make for improvement in education. To watch closely the action of public bodies on educational and related questions, particularly the actions of Government Departments, Local Authorities' Education Committees and bodies entrusted with the allocation of funds for such purposes; and after due consideration to advise and be advised by members on points of professional interest.
  - m) To promote the welfare of the charitable funds of the National Union of Teachers.
  - n) To purchase, lease, exchange or otherwise acquire any real and personal property, to construct alter and maintain any buildings required for the purpose of the Association, and to sell, improve, develop, lease, mortgage or otherwise deal with all or any part of the property in the Association.

## MEMBERSHIP

4. Any teacher eligible for admission under the general Rules of the Union shall have a right to membership of this Association.

## SUBSCRIPTION

5. a) The annual subscription of every member shall be such subscription as is payable to the National Union of Teachers under its Rules and Membership Regulations for the time being and, in addition, a local subscription of ..... for the Association.
  - b) Every member shall pay such further sum as the Association may require for the purpose of meeting any levy made by the Executive under the provisions of Rule 43 of the National Union.
  - c) All subscriptions shall be due and payable on 1st January of each year.

## **OFFICERS AND COMMITTEE**

6. a) The management of the Association shall be vested in the Officers and Committee.
- b) The Officers of the Association shall be the President, Vice-President, Ex-President, Secretary, Treasurer. Insert other Officers as decided by the Association such as, for example Assistant or Minuting Secretary, Assistant Treasurer, Membership Secretary, Public Relations Officer, Equal Opportunities Officer, Student Membership Officer, Health and Safety Adviser, Learning Representative, Parliamentary Correspondent, Secretary of the local board of the Teacher Support Network.
- c) All officers except the President and ex-President shall be elected at each Annual General Meeting in accordance with mandatory Model Rule 7.
- d) The Vice-President of one year shall be President in the succeeding year.
- e) The Committee shall consist of ..... members elected in accordance with Model Rule 7, and in addition the following co-opted members - (these are examples)-
- i) Teacher Representative(s) provided they are members of the Union.
  - ii) The Secretary (or Chairperson) of such Sections as may be formed under Model Rule 10.
  - iii) Any member of the Association who may be a member of the Executive of the Union.
- f) All vacancies in the Officers or Committee occurring during the year shall be filled by the Committee until the next Annual General Meeting.

## **ELECTION OF OFFICERS AND COMMITTEES**

- 7\*. Nominations for the Officers as listed in Model Rule 6(c) and the elected Committee Members in Model Rule 6(e) shall be made in writing, signed by the proposer and seconder and endorsed by the nominee and shall reach the Association Secretary not later than (insert date).

Voting papers shall be issued to members not less than fourteen days before the latest date named for the close of the poll. The President for the time being shall act as Returning Officer and the voting papers shall be returned so as to reach him/her at least ..... days before the Annual General Meeting. The votes shall be counted by Scrutineers appointed at the previous Annual General Meeting. The results of the election shall be declared at the Annual General Meeting. An election conducted as above shall not be rendered invalid by the failure of any member to receive or to return a voting paper.

## **ELECTION OF CONFERENCE REPRESENTATIVES**

- 8\*. Excepting those Officers of the Local Association normally nominated by office as representatives to Conference, all other representatives as per the entitlement listed in accord with Rule 27(a) of the National Union shall be elected in the Local Association in accord with the provisions set out in the preceding Model Rule 7.

## **TRUSTEES**

9. a) Four persons shall be appointed as trustees at a General Meeting of the Association. Each of the persons appointed must have been a member of the Union for at least seven years immediately preceding the date of appointment. No employee of the Union or of the Association may be a trustee. Each person appointed to hold office until such time as his or her trusteeship shall be terminated in accordance with the provisions of this Rule.
- b) When the number of the trustees is reduced to two, it shall be the duty of the Association at a General Meeting to fill the vacancies forthwith provided always that any business involving the appointment of a trustee shall not be transacted unless notice in writing of such business shall have been sent to every member of the Association at least seven days before the Meeting at which this business is to be transacted. A vacancy in the office of trustee may be filled by a majority of those present and voting at such General Meeting.
- c) The trusteeship of any person holding the office shall be ipso facto determined if he/she becomes bankrupt or insolvent or if he/she has allowed his/her membership of the Union to lapse.
- d) It shall be within the power of the Association in General Meeting to determine the trusteeship of any person by a resolution which will not be declared carried unless at least two thirds of the members present vote in its favour. Notice of such motion must be sent in writing to every member of the Association at least seven days before the Meeting in which such motion is to be proposed.
- e) The trustees shall be indemnified against risk and expense which has been lawfully incurred out of the trust property or by the Association.
- f) The title to all real or personal property which may be acquired by or on behalf of the Association shall be vested either in a corporation lawfully entitled to act as custodian trustee or in the trustees for the time being (being not less than two) of the Association appointed under this Rule.

## **SECTIONS**

10. The Committee shall have power to form such sections as a General Meeting may deem desirable, such sections to be within the Aims and Objects of the Union and answerable to the Committee of the Association.

## MEETINGS

11. The Annual General Meeting of the Association shall be held in (insert month).
- 12\*. At least three ordinary General Meetings of the Association shall be held during the year and such additional General Meetings as the Committee may deem desirable.
- 13\*. The quorum for all General Meetings and Special Meetings shall be ..... (insert number). If no quorum be present, the Chairperson shall declare the Meeting closed.
14. At least ten days before the date of a General Meeting, information shall be sent by the Secretary to the members of the Association stating the time and place of the Meeting, together with the Agenda of the business as it shall have been arranged by the Committee.
15. All motions received by the Secretary at least fifteen days before a General Meeting is held, shall be included in the Agenda, but the Committee shall have power to determine the order on the Agenda Paper, excepting always that business deferred from a previous Meeting shall take precedence over all other.
16. a) The order of business at the Annual General Meeting shall be:-
  - i) Minutes of the last Annual General Meeting
  - ii) Correspondence
  - iii) Reports and Statement of Account
  - iv) Installation of new President
  - v) Declaration of the results of the election of Officers and Committee
  - vi) President's Address
  - vii) Motions on which proper notice has been given to the Secretary
  - viii) Discussion of matters declared urgent by the Meeting
- b) A Special Meeting shall be summoned at any time by the Secretary on the instructions of the Committee or within twenty-one days of the receipt of a written requisition stating the purpose for which the Meeting is summoned and signed by not less than (insert number) members. No business other than that stated by the Committee or in the requisition shall be transacted at a Special Meeting.

## INDUSTRIAL ACTION HARDSHIP FUND

17. a) The Association may, by a decision made at a quorate general meeting of the Association, establish fund to be known as the Industrial Action Hardship Fund of the ..... Association.
- b) Any such fund shall be established and maintained by the allocation to the fund of such sum derived from the total of local subscriptions received, as the Officers and Committee of the Association may from time to time decide. The Officers of the Association shall take such steps as may be necessary to inform the members of the Association of the sums allocated to the fund and shall satisfy any requests made by any member of the Association for information relating to sums allocated to the fund as they may arise.
- c) Grants may be made from the Industrial Action Hardship Fund, subject to the following rules, to any member of the Association who has suffered or is considered likely to suffer hardship as a result of his or her participation in industrial action authorized under Rule 8 of the Rules of the National Union which is not sustained by the National Union under Appendix IV to the National Rules.
- d) For the purposes of this rule "hardship" shall mean any adverse financial consequences suffered or likely to be suffered by the member or by any dependent member of his or her family which is significantly greater than that faced by the generality of members as a result of loss of emoluments or other benefits of employment.
- e) Members seeking grants from the Industrial Action Hardship Fund may apply by doing so in writing to the Secretary of the Association setting out the circumstances in which the application is made and the extent of the hardship suffered or likely to be suffered. Forms may be provided for the purpose at the discretion of the Officers and Committee. Applications shall be considered and determined by the Officers and Committee of the Association who may delegate this responsibility to a sub-committee formed for the purpose, made up of at least five members of the Officers and Committee group including the President, the Secretary and the Treasurer.
- f) Grants made from the hardship fund shall not exceed such sum as may be necessary to alleviate the hardship suffered or likely to be suffered up to a maximum equivalent to the loss of emoluments (together with the value of any other benefits) suffered by the member.
- g) Personal information relating to any applicant for grant under these rules and/or to his/her dependents shall remain confidential to those persons responsible for consideration of applications save that they may be required to provide information relating to the circumstances in which a grant has been approved to the Association's Auditors or in response to any enquiry made by the National Union in relation to the Statement of Account of the Association submitted under Model Rule 19.
- h) It shall be the responsibility of the Association to ensure compliance with the requirements of Data Protection legislation for the time being in force. Subject to the provisions as to confidentiality of information relating to individuals set out in paragraph (d) above, the provisions of Model Rules 19 to 22 shall apply to the Industrial Action Hardship Fund of the Association as they apply to the finances of the Association generally.

## **ALTERATION OF RULES**

18. No alteration of or addition to any rule shall be made except at the Annual General Meeting or at a Special Meeting convened for the purpose. Notice of any proposed alteration must be sent to the Secretary at least one month prior to the date of the Annual General or Special Meeting.

## **FINANCE**

- 19\*. The Association's financial year shall end on 31 December and at that date or such other dates as shall be required by the Executive of the Union, the Association shall prepare and submit to the General Secretary a Statement of Account of the Association in the form and manner required by the Executive and in compliance with the requirements of the Certification Officer for Trade Unions and Employers' Associations.
- 20\*. The accounts of the Association shall be audited on behalf of the members of the Association either by two lay Auditors who shall be appointed annually at General Meeting and who shall not be Officers or members of the Committee, or by a Professional Auditor appointed by the Association. The Auditor(s) shall be required to carry out their duties in accordance with the requirement of the Auditors appointed by the Executive of the Union under Rule 50(a) of the National Union.
- 21\*. The statement of Account prepared and audited under Model Rules 19 and 20 shall be presented to the Annual General Meeting of the Association.
- 22\*. All Bank, Building Society and/or other Accounts shall be in the name of the Association and withdrawals from any Account shall require the signatures of at least two of the following three Officers - (insert name and office of relevant Officers).

## **SCHOOL REPRESENTATIVES**

- 23\*. The Association shall take such steps as may be necessary to establish that for each school or unattached unit in its area, there is an accredited Union representative. In particular, these steps shall include those set out in a) to f) below.
- a) The procedure for the election of the Union representative shall be subject to the approval of the Committee of the local association.
  - b) The Union representative shall be elected annually by all the members in the school.
  - c) The Association shall bear responsibility for granting accreditation and shall issue accreditation documents stating the group of members represented.
  - d) The Association may approve the election of one or more deputy Union representatives for a given school.
  - e) The Association will notify the Local Education Authority and relevant headteacher of the names of its accredited representatives and of their authority and responsibilities.
  - f) The Association will advise its accredited school representatives that their authority and responsibilities include:-
    - i) the direct recruitment of members of staff;
    - ii) the dissemination of both local and national information from the Union to members in the school;
    - iii) calling meetings of Union members within the school as and when required;
    - iv) handling the initial stages of individual grievances of members;
    - v) responsibility for consultation within the school, and negotiation on those issues where the school had discretion regarding implementation of agreements between the division and the local education authority on matters of collective interest to members in that school;
    - vi) responsibility for ensuring that all agreements between the Union and the employers, both local and national, to which the Union is a party, are observed within the school.

## **PRODUCTION OF ANNUAL REPORT**

24. The Association shall produce an Annual Report on the activities of the Association and shall distribute this Report to all members in the Association area and submit it to Headquarters.

## **INTERPRETATION OF RULES**

25. In the event of any question arising as to the interpretation of any of the Association Rules, the question shall be referred to the Committee, whose decision shall be conclusive and binding upon members.

## MODEL STANDING ORDERS FOR A SINGLE ASSOCIATION DIVISION

1. The proposer of a motion or an amendment shall be allowed ten minutes for his/her speech.
2. Each succeeding speaker shall be allowed five minutes. When an extension of time is allowed to a speaker, such extension shall be for not more than five minutes at a time.
3. All amendments to a motion shall be submitted to the Chairperson in writing, with the name of the mover attached.
4. Whenever an amendment is made upon any motion, no second amendment shall be taken into consideration until the first amendment is disposed of. If that amendment be carried, it shall then be put as a substantive motion, upon which a further amendment may be moved to the original question; but only one amendment shall be submitted for discussion at one time. "The previous Question" is for all purposes of order dealt with as an amendment, except that it shall have precedence over all other amendments.
- 5\*. The decision of the Chairperson on any point shall be final. If any decision be challenged it must be done at the next meeting, due notice having been given at the time the decision of the Chairperson was called to question.
6. The mover of the original motion shall have, in addition to the general privileges of debate, the right of reply upon the original motion or upon one amendment, and the mover of an amendment which has become the substantive motion shall have a similar right of reply. The right of reply shall be exercised only after the closure has been applied and subsequently no further debate shall be allowed on the question. No member shall speak more than once on the same motion or amendment except in the exercise of this right of reply and no new matter shall be introduced by the mover in reply.
7. Any debate may be closed by a motion "That the question now be put" being moved, seconded and carried, such motion to be put to the meeting without debate; but no speech shall be interrupted for the purpose of proposing such a motion. No division shall be taken on such a motion. Where any amendment is under discussion the motion shall apply only to that amendment, and shall not be taken on the main question until all amendments have been disposed of, unless the Chairperson is of the opinion that the time has come when the main question may fairly be put.
8. No resolution passed at a previous meeting may be rescinded unless full notice of the rescinding motion has been given and placed upon Agenda calling the meeting, signed by the member who proposes to rescind and ..... other members. When such a motion has been disposed of it shall not be competent to renew the motion within a period of ..... months.
9. When the Chairperson rises to speak, members shall immediately take their seats.
10. Every motion shall be put to the vote by a show of hands and no division shall be taken unless the vote be challenged and supported by ..... members rising in their places.
11. Members only shall have the right to take part in any division on a question.
12. A motion to suspend Standing Orders shall be given in writing prior to the meeting, signed by at least ..... members. The motion to suspend Standing Orders shall be put to the vote after it has been moved and formally seconded and not more than one speech made in opposition. Should such a motion be defeated, no second motion to suspend Standing Orders for the purpose of discussing the same subject shall be permitted. The Standing Orders may not be suspended unless a two-thirds majority of the members present be obtained.
13. Procedures governing the conduct of a debate shall, unless otherwise specified in the Rules or Standing Orders, be the same as those currently specified in the Standing Orders governing debates at Annual Conference of the Union.

# MODEL RULES FOR A MULTI-ASSOCIATION DIVISION

## TITLE

1. That this Division shall be called the ..... Division of the National Union of Teachers and shall consist of all the Local Associations and Sub-Associations of the Union within the Local Education Authority and shall be coterminous in area with that area served by the same Authority.

## OBJECTS

2. The objects of the Division will be:-
  - a) To secure direct representation on behalf of all the members of the Union in the Division on all appropriate Committees and bodies of the employing Authority.
  - b) To ensure adequate consultation of/by Local Association views in the formation of Division policies.
  - c) To secure direct representation on behalf of all members of the Union in the Division of those Committees or bodies where negotiations of a collective nature are conducted.
  - d) To secure by way of appropriate procedures with the employing Authority the right whereby the Division shall have the sole responsibility for communicating the general views and representing the collective interests of the Union members in the Division.
  - e) To be solely responsible for negotiating on behalf of the members of the Union in the Division with the employing Authority on all matters affecting the professional work and conditions of service of members.
  - f) To be solely responsible for negotiating on behalf of the members of the Union in the Division with the employing Authority those agreements necessitated as a result of or caused by an Act of Parliament or Statutory Instrument.
  - g) To be solely responsible for negotiating on behalf of the members of the Union in the Division such agreements initiated by or at the behest of the National Executive of the Union.
  - h) To ensure that all members of the Union in the Division are kept fully informed of negotiations conducted on their behalf and to provide through the Constituent Associations the means whereby membership opinion and views may be efficiently and expeditiously canvassed.
  - i) To secure and develop general co-ordination of the Union's work throughout the Division by means of organising and co-ordinating such meetings of members of the Union in the Division when the Executive or Council of the Division deems the calling of such meetings necessary.
  - j) To supplement the efforts of Constituent Associations in fulfilling the aims and objects of the National Union of Teachers.
  - k) To assist Constituent Associations in their endeavours to secure the membership of the Union of all teachers in the Division.
  - l) To organise publicity meetings for the consideration of educational topics, and promoting the policies of the Union.
  - m) To render aid to the Executive of the National Union of Teachers in dealing with cases of difficulty which may arise in connection with the professional work of any member of a Constituent Association, provided that no action in any such case shall be taken unless, and until, the special authorization of the Executive has been received by the Council of the Division.
  - n) To influence by every legitimate means of public opinion within the Division area on topics affecting and relating to the work of the education service, to advise on such topics all those bodies which have directly or indirectly the control of educational affairs and to persuade them to such decision as will make for improvement in education. To watch closely the action of public bodies on educational and related questions, particularly the actions of Government Departments, County Councils Education Committees and bodies entrusted with the allocation of funds for such purposes; and after due consideration to advise and be advised by Constituent Associations on points of professional interest.
  - o) To promote the welfare of the charitable funds of the National Union of Teachers.
  - p) To purchase, lease, exchange or otherwise acquire any real and personal property, to construct alter and maintain any buildings required for the purpose of the Division, and to sell, improve, develop, lease, mortgage or otherwise deal with all or any part of the property in the Division.

## ORGANISATION AND MANAGEMENT

3. That the organisation, management and decision-making functions of the Division be vested and in the control of a Council consisting of:-
  - a) Officers of the Division elected accordingly to Model Rule 8.
  - b) Any member(s) or Officers of the National Executive of the National Union of Teachers in the electoral area covered by the Division.
  - c) The elected Teacher Representative(s) on the Local Authority Committee, provided that they are members of the Union.



- d) Representatives elected by Constituent Associations in the Division in accordance with Rule 5(i) of the National Union and upon the following pro-rata scale:-  
One representative per ..... members of the Constituent Association for whom subscription under Rule 9 of the National Union is paid.
- e) Life members of the Council.
- f) Honourary members of the Council.
- g) The Secretary and/or Chairperson of any Section of the Division set up under Model Rule 6(a).
- h) Representative(s) of UCU

#### **MEETINGS OF THE COUNCIL**

- 4. a) That the Council shall meet after ..... days notice has been given on such dates as may be determined by the Council, and at such times as the President and Secretary of the Division may deem necessary. The Secretary shall summon a Special Meeting of the Council on receiving a requisition signed by ..... members of the Council stating in writing the object of such Meeting.
- b)\* The meeting held in the month of ..... shall be the Annual General Meeting of the Council.
- c)\* The quorum for all General Meetings and Special Meetings shall be ..... (insert number). If no quorum be present, the Chairperson shall declare the Meeting closed.
- d) The quorum under Model Rule 4(c) shall not be less than one-third of the Division Council membership.
- e) That the Council shall prepare a code of Standing Orders for the regulation of proceedings at meetings.
- f) That no other business shall be transacted at any meeting of the Council or shall occupy the time of the Meeting until that on the Agenda shall have been disposed of, provided always that this Rule may be suspended upon a motion of urgency for any particular business, if such motion be carried by a two-thirds majority of those present.
- g) Only members of the Council as described in Model Rule 3 may attend meetings of the Council although substitutes may deputise where the Rules of a Constituent Association so provide.

#### **MEETINGS OF MEMBERS IN THE DIVISION**

- 5. In accord with the provisions of Model Rule 2(i) the Council shall organise and co-ordinate meetings of all members of the Union in the Division as and when deemed necessary by the Council of the Division and at least 14 days' notice of such meetings shall be communicated to all members through the Constituent Associations.

#### **EXECUTIVE AND COMMITTEES**

- 6. a) Immediately after the Annual General Meeting the Council shall form an Executive Committee and such other Committees or Sections as may be determined by the Council and are within the Aims and Objects of the Union. Examples are: Finance; Membership; Press and Publicity; Education with Primary, Secondary or Further; Young Teachers; Special Schools, Former Approved Schools and Remand Homes; Home Economics; Salaries; Action; Health and Safety.
- b) That the Executive Committee of the Council shall consist of ..... (insert names by office).  
The duties of the Executive Committee shall be:-
  - (i) To prepare Agenda and otherwise arrange for Council and Public Meetings.
  - (ii) To ensure that effective steps are taken towards the implementation of any resolutions passed by the Executive, Council or other special meetings called by Council.
  - (iii) To prepare the Report of the Division for the Annual Meeting and for the Executive of the National Union of Teachers.
  - (iv) To perform any other duty devolved upon it by the Council.
  - (v) To deal with matters of emergency, and to take action if necessary.

#### **OFFICERS**

- 7. a) That the Officers of this Division shall be the President, Vice-President, Ex-President, Treasurer, Secretary, Equal Opportunities Officer, Learning Representative and (insert names by Office).
- b) That the President and Secretary shall be members ex-officio of all Committees.
- c) That the Vice-President of one year shall be the President for the succeeding year and shall hold office during the next year following, provided membership of the Union through this Division is maintained.

#### **ELECTIONS**

- 8. That the elections of the Officers named in Model Rule 7(a), except the President and Ex-President, shall be conducted in the following manner:-
  - a) Each Constituent Association may nominate one candidate for each of the Officers named, such nominations to reach the Secretary on or before ..... The consent of any candidate may be withdrawn on or before ..... and should no candidate be nominated for any office, the Council shall nominate suitable persons at its next Meeting.

\* denotes a mandatory rule or standing order

- b)\* In the event of more than one candidate being nominated for any office, the Secretary shall prepare a voting paper containing a list of the candidates with clear instructions for voting and shall issue voting papers to Secretaries not less than ..... days before the latest date for the close of the poll.
- c) The President for the time being shall act as Returning Officer and the voting papers shall be returned so as to reach him/her at least ..... days before the Annual General Meeting of the Council.
- d) The votes shall be counted by Scrutineers appointed by the Council at the previous Annual General Meeting and candidates shall be entitled to attend the count. The results of the election shall be declared at the Annual General Meeting.
- e) An election conducted as above shall not be rendered invalid by the failure of any member to receive or to return a voting paper.

## **TRUSTEES**

- 9. a) Four persons shall be appointed as trustees at a general meeting of the Division. Each of the persons appointed must have been a member of the Union for at least seven years immediately preceding the date of appointment. No employee of the Union or of the Division may be a trustee. Each person appointed to hold office until such time as his or her trusteeship shall be terminated in accordance with the provisions of this Rule.
- b) When the number of the trustees is reduced to two, it shall be the duty of the Division at a general meeting to fill the vacancies forthwith provided always that business involving the appointment of a trustee shall not be transacted unless notice in writing of such business shall have been sent to every member of the Division at least seven days before the meeting at which this business is to be transacted. A vacancy in the office of trustee may be filled by a majority of those present and voting at such general meeting.
- c) The trusteeship of any person holding the office shall be ipso facto determined if he/she becomes bankrupt or insolvent or if he/she has allowed his/her membership of the Union to lapse.
- d) It shall be within the power of the Division in general meeting to determine the trusteeship of any person by a resolution which will not be declared carried unless at least two-thirds of the members present vote in its favour. Notice of such motion must be sent in writing to every member of the Division at least seven days before the meeting in which such motion is to be proposed.
- e) The trustees shall be indemnified against risk and expense which has been lawfully incurred out of the trust property or by the Division.
- f) The title to all real or personal property which may be acquired by or on behalf of the Division shall be vested either in a corporation lawfully entitled to act as custodian trustee or in the trustees for the time being (being not less than two) of the Division appointed under this Rule.

## **FINANCE**

### **Subscriptions**

- 10. That the amount to be contributed by every Constituent Association to meet the expenses of the Division shall be at the rate of ..... for each in-service member. Should any difficulty of funds arise, the Council shall have the power to make a Pro Rata levy on each Constituent Association.
- 11. That no part of the organisation or of the funds of the Division or of any of its Sectional Bodies shall be utilised for the purpose of promoting the return of a member or an Officer of the Executive, Advisory Committee or Regional Disciplinary Panels of the National Union of Teachers, other than the Divisions consisting of only one Association.

### **Auditors**

- 12.\* The accounts of the Division shall be audited on behalf of the affiliated Constituent Associations of the Division either by two Lay Auditors who shall be appointed annually at a General Meeting and who shall not be Officers or members of the Council or Committee, or by a Professional Auditor appointed by the Division. The Auditor(s) shall be required to carry out their duties in accordance with the requirements of the Auditors appointed by the Executive of the Union under Rule 50(a).

### **Balance sheet**

- 13.\* The financial year of the Division shall end on 31 December and at that date or such other dates as shall be required by the Executive of the Union, the Division shall prepare and submit to the General Secretary a Statement of Account recording the financial transactions of the Division in the form and manner required by the Executive and in compliance with the requirements of the Certification Officer for Trade Unions and Employers' Associations.
- 14.\* The Statement of Account prepared and audited under Model Rules 12 and 13 shall be presented to the Annual General Meeting and included in the printed Annual Report.

## **Signatures**

- 15.\* All Bank, Building Society and/or other Accounts shall be in the name of the Division and withdrawals from any Account shall require the signatures of at least two of the following three Officers:- (insert name and office of relevant Officers).

## **INFORMATION TO LOCAL ASSOCIATIONS**

- 16.\* The Secretary of the Division shall be responsible for ensuring that Secretaries of Local Associations are informed of the decisions and proceedings of the Division.

## **ALTERATION OF RULES**

17. That no alteration or addition to any of these Rules shall be made except at the Annual General Meeting or a Special General Meeting called for that purpose and only such proposed alteration or addition shall be discussed as shall appear on the Agenda after ..... days' notice has been given in writing.

## **INTERPRETATION OF RULES**

18. In the event of any question arising as to the interpretation of any of the Rules of the Division, the question shall be referred to the Executive Committee of the Division whose decision shall be conclusive and binding upon members.

## **MODEL STANDING ORDERS FOR A MULTI-ASSOCIATION DIVISION**

1. The proposer of a motion or an amendment shall be allowed ten minutes for his/her speech.
2. Each succeeding speaker shall be allowed five minutes. When an extension of time is allowed to a speaker, such extension shall be for not more than five minutes at a time.
3. All amendments to a motion shall be submitted to the Chairperson in writing, with the name of the mover attached.
4. Whenever an amendment is made upon any motion, no second amendment shall be taken into consideration until the first amendment is disposed of. If that amendment be carried, it shall then be put as a substantive motion, upon which a further amendment may be moved to the original question; but only one amendment shall be submitted for discussion at one time. "The previous Question" is for all purposes of order dealt with as an amendment, except that it shall have precedence over all other amendments.
- 5.\* The decision of the Chairperson on any point shall be final. If any decision be challenged it must be done at the next meeting, due notice having been given at the time the decision of the Chairperson was called to question.
6. Motions may be included in the Agenda and discussed at a meeting of the Divisional Council only if they have been submitted by a local association, the Executive Committee or the Officers of the Division.
7. The mover of the original motion shall have, in addition to the general privileges of debate, the right of reply upon the original motion or upon one amendment, and the mover of an amendment which has become the substantive motion shall have a similar right of reply. The right of reply shall be exercised only after the closure has been applied and subsequently no further debate shall be allowed on the question. No member shall speak more than once on the same motion or amendment except in the exercise of this right of reply and no new matter shall be introduced by the mover in reply.
8. Any debate may be closed by a motion "That the question now be put" being moved, seconded and carried, such motion to be put to the meeting without debate; but no speech shall be interrupted for the purpose of proposing such a motion. No division shall be taken on such a motion. Where any amendment is under discussion the motion shall apply only to that amendment, and shall not be taken on the main question until all amendments have been disposed of, unless the Chairperson is of the opinion that the time has come when the main question may fairly be put.
9. No resolution passed at a previous meeting may be rescinded unless full notice of the rescinding motion has been given and placed upon Agenda calling the meeting, signed by the member who proposes to rescind and ..... other members. When such a motion has been disposed of it shall not be competent to renew the motion within a period of ..... months.
10. When the Chairperson rises to speak, members shall immediately take their seats.
11. Every motion shall be put to the vote by a show of hands and no division shall be taken unless the vote be challenged and supported by ..... members rising in their places.
12. Members only shall have the right to take part in any division on a question.
13. A motion to suspend Standing Orders shall be given in writing prior to the meeting, signed by at least ..... members. The motion to suspend Standing Orders shall be put to the vote after it has been moved and formally seconded and not more than one speech made in opposition. Should such a motion be defeated, no second motion to suspend Standing Orders for the purpose of discussing the same subject shall be permitted. The Standing Orders may not be suspended unless a two-thirds majority of the members present be obtained.
14. Procedures governing the conduct of a debate shall, unless otherwise specified in the Rules or Standing Orders, be the same as those currently specified in the Standing Orders governing debates at Annual Conference of the Union.

\* denotes a mandatory rule or standing order

## NOTES

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