

# National Education Union- Rule book

Effective from 3 October 2020





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# National rules of the National Education Union

effective from 3 October 2020

## 1 Name/Title

1.1 The Union shall be called the National Education Union.

## 2 Objects

2.1 The objects of the Union shall, so far as may be lawful, be to educate, organise, influence and negotiate, as follows:

- Promote the power of education as a critical and creative process which enables learners to understand and contribute to wider society and the world in which they live and to change it for the better; to influence education policy through lobbying and the promotion of research; to be the campaigning voice of teachers, lecturers, support staff and leaders across the sector
- Protect and improve the status and to further the legitimate professional interests of members involved in the delivery of education, by retaining or seeking recognition in work places at all levels and nationally, and through effective collective bargaining within the jurisdiction of the organisation
- Promote equality and fair treatment for education professionals and seek recognition for the importance of education as a vehicle for achieving equality within society, whether for those with protected characteristics or suffering poverty or social disadvantage
- Seek to organise the entire education profession through engagement at local level by recruiting and developing workplace representatives in order to strengthen collective workplace organisation
- Ensure that all members have the same opportunity to be represented, participate, be heard and to contribute towards the policies of the organisation
- Promote individual entitlement to employer funded continuing professional development (CPD) for education professionals and to provide a range of CPD opportunities to support members in developing their careers
- Seek to influence the political agenda whilst maintaining independence from any political party
- Participate in the wider trade union movement and promote the nature of education globally including through Education International.

### 3 Membership

- 3.1 Membership of the Union is open to any person who is employed or self-employed, or was previously employed or self-employed, or who is an accredited student in the education sector in the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man or any other locations where the Union is organising members. Membership is available on an annually renewed basis. The type and categories of membership available shall be as defined by Conference.
- 3.2 Members shall be allocated on joining the Union to one of the following categories within the Union: Standard, Associate and Student. The benefits of membership offered to any category of members can be altered, amended or cancelled subject to review or decision of the Executive at any time.
- 3.3 Standard membership is open to any teacher, lecturer or other person employed or self-employed in education in any capacity which the Executive considers to be appropriate. Standard members should:
- hold a current teaching, lecturing contract; or
  - hold a support staff contract in an educational establishment; or
  - hold a current head teacher/principal's contract; or
  - be employed as a self-employed teacher or lecturer, so long as they have been engaged as such within the preceding six months; or
  - be currently undertaking supply or casual teaching employment so long as they have been so engaged within the last six months; or
  - hold current registration with a teaching or lecturing employment agency, school, college or local authority accepted by the Executive; or
  - be employed or work within the education sector in any other professional or support capacity or any other role as defined and agreed by the Executive for which working cover is agreed.
- 3.4 The Executive may require from members and applicants for Standard membership proof of their status in order to guarantee members and applicants for membership the benefits under these rules of standard membership.
- 3.5 Standard Members shall be eligible to stand for election as Officers of the Union, members of the Executive or members of the annual and special conferences of the Union. Standard Members shall be eligible to hold both Local District and Branch office.
- 3.6 Existing Standard Members who are on maternity or carers leave may apply to have their subscription suspended for a period of time as determined by the Union on completion of an application submitted to the Union's registered office. They will remain full members with access to normal benefits during this period. The Union will not accept applications that are retrospective of the member's current subscription year.
- 3.7 Subject to the discretion of the Executive, any member or applicant for membership who otherwise satisfies the requirements of Standard Membership while engaged by a UK education service provider outside the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man shall be eligible to be a member of the overseas District. Terms and benefits of such members shall be determined by the Executive. Members of the overseas District (other than those working in Ministry of Defence educational establishments) shall not be eligible to stand as officers of the Union, members of the Executive, or delegates to the annual conference.
- 3.8 Associate Membership is available for those who are no longer eligible for standard membership because they have left employment in education but are not yet in receipt



of their occupational pension or for individuals employed within Education who do not qualify for other Membership categories. Associate members shall not hold elected office as Officers of the Union, members of the Executive or members of the annual conference.

- 3.9 Student membership of the Union is open to any student in full or part-time education and who is studying to qualify as a teacher, lecturer or gain any other qualification within the education sector accepted by the Executive. Student Members may convert to Standard Membership following the successful completion of their studies. Terms and benefits of Student membership shall be determined by the Executive
- 3.10 Retired Membership is only available for those members who are no longer eligible for standard membership because they have left employment in education and that they are also in receipt of their occupational pension. Retired members shall not hold elected office as Officers of the Union or membership of the Executive. They may attend the annual conference as Local District representatives but from the third annual conference will not be allowed to carry the votes of members of the Local District. They may hold Local District office within the Union but excluding the position of secretary. Only existing members of the Union are eligible to transfer to retired membership, this rate is not available for those who wish to join the Union. Terms and benefits of Retired membership shall be determined by the Executive.
- 3.11 The Union shall consist of two Sections; the ATL Section and the NUT Section. Each section will be governed by these rules only. Membership of the ATL Section will comprise of those members of the ATL section as at 1 January 2019 and membership of the NUT Section will comprise of those members of the NUT Section as at 1 January 2019. All new members from 1 January 2019 will be members of both sections. Members who belong to both sections will carry the same voting entitlement as members who belong to only one section. Should a Joint General Secretary vacancy occur only members of the section in which the vacancy exists would be eligible to vote. The ATL and NUT Sections will cease to exist from 1 September 2023.

## **4 Joining the Union**

- 4.1 Every person wishing to become a member of the Union shall complete an application by a prescribed method of joining and ensure their details are submitted to the Union's registered office. An applicant shall become a member after their application has been accepted and their name and address entered on the Union's central register of members.
- 4.2 Upon the application for membership being accepted, the Executive shall allocate the member to the appropriate Local District. Members may only belong to one local district. The Local District a member is allocated to will be the one to which their workplace is attached, or for those not attached to a workplace to the one in which they live as defined by the Union. The Union retains the right to transfer a member to a different Local District if it is found the details they have provided are different to those held. Retired members may opt to remain members of the local district that they were members of at the time of their retirement.
- 4.3 Members must notify the Union's registered office of any change in the member's name, home address, employer, workplace, workplace address, category of employment or of their wish to transfer into a different category of membership or any other relevant change which could affect their membership of the Union.
- 4.4 The Executive may reject any application for membership if in its opinion the activities of the applicant are or have been either incompatible with the Union's declared aims and objects as set out in these rules, or such activities could bring the Union into disrepute. Where, in the opinion of the Executive, the activities of an existing member are incompatible with the Union's declared aims and objects as set out in these rules, or such

activities could bring the Union into disrepute, they will be dealt with in accordance with the disciplinary procedures outlined in appendix A.

- 4.5 Any member may resign her/his membership and cease to be a member and to be eligible for any benefits of membership by sending her/his resignation in writing to the Membership Department of the Union. Unless the member specifically requests an earlier date, the resignation will take effect from the end of the current subscription year. The full subscription for the year of resignation will still be payable and the member will not be entitled to the refund of any part of such subscription.
- 4.6 A member may only transfer to another appropriate category of membership by giving notice to the Membership Department of the registered office of the Union. The transfer shall normally become effective at the end of the subscription year in which the notice is given unless the member requires a higher level of cover than they already hold. However, members in their last year of employment before retirement may transfer to the retired category at the date of their retirement.
- 4.7 Any member who ceases to be eligible for her/his existing category of membership shall terminate on the last day of the subscription year in which s/he ceases to be eligible, unless s/he transfers to another appropriate category of membership.

## **5 Subscriptions**

- 5.1 Membership of the Union renews on an annual basis and is subject to the payment of an annual subscription. The Executive shall be responsible for setting the subscription rates, the role undertaken to determine the membership type and the differences between each category of the Union's membership.
- 5.2 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 Local Districts shall be reimbursed from the Head Office of the Union the local subscription determined by the Local District on a per capita basis.
- 5.3 The additional local subscription will be determined by each Local District and will be between 5% and 15% of the annual subscription until September 2021 and thenceforward no greater than 20%.
- 5.4 The amount allocated to the Professional Sustentation Fund in respect of each member shall be as Conference shall decide.
- 5.5 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 Northern Ireland 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 August 31 next following, provided that the teacher has undertaken to become an standard member of the Union.
- 5.6 Members who have left employment in education, but who have not retired shall be entitled to Associate Membership on payment of an annual subscription.
- 5.7 Members who have retired from the profession shall be entitled to Retired Membership upon payments of an annual subscription.
- 5.8 Associate and Retired Members shall 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. They will be eligible for representation and legal support in relation to issues arising from their employment that occurred whilst they were standard members.

- 5.9 The Executive Committee will determine the date on which subscriptions should be paid or renewed. All subscriptions are due and payable by the renewal date. Every member must pay the subscription for the year unless notice of intention to terminate membership has been given to the membership department, in writing, by the last day of the previous membership year. Subscriptions may be paid by annual or monthly direct debit.
- 5.10 It is a member's responsibility to ensure that their subscription is paid for at the correct type, category and level. Members who do not pay the correct subscription type, category and level may forfeit the right to representation or assistance including legal advice.
- 5.11 Any member whose arrears of subscriptions exceed 13 weeks shall be deemed to have lapsed their membership, shall no longer be a member of the Union, will no longer be entitled to the benefits of membership and will not be entitled to hold office within the Union.
- 5.12 Any member whose membership is deemed to have lapsed may re-join the Union at its discretion. The Executive will decide what level of payment may be due and the right if any to representation or assistance (including legal advice).
- 5.13 The National Office shall issue membership cards and shall notify local districts of each card issued.
- 5.14 The Treasurer of the Union together with an 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 Union for Payment Clearing Services.

## **6 Professional assistance/legal assistance**

- 6.1 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, her/his full subscription for the current year. The Executive shall at all times have discretion to withhold such advice or assistance for good or urgent cause.
- 6.2 Compliance with this condition relating to payment of subscription will not be necessary where assistance is applied for by a Student Member, or a 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.
- 6.3 The Union will not assist applicants with pre-existing issues.
- 6.4 A member shall be entitled to assistance and support subject to and in accordance with the provisions of this rule in a matter arising out of or in the course of the member's professional life or Union activity; a case considered by the Executive to affect the rights and interests of teachers generally; or where a member has suffered injury through any legitimate action she/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.
- 6.5 The detailed arrangements for professional and legal assistance are included in appendix B to these Rules.

## **7 Constitution**

### **7.1 Conference Authority**

7.1.1 Conference is the supreme authority of the Union.

### **7.2 Executive**

7.2.1 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 70 other members elected in accordance with these Rules.

7.2.2 The Executive is responsible for the governance, management and control of the Union in accordance with these rules. In seeking to promote the interests of the Union or any of its members, the Executive may do such things that are consistent with the rules, objects and policy of the Union agreed by Conference.

7.2.3 The functions of governance undertaken by the Executive should be:

- Agreeing the mission and values
- Setting the strategic vision and overall direction of strategy and policy
- Stewardship – ensuring that statutory obligations are undertaken (such as returns/ annual accounts) and overseeing that resources are appropriately deployed
- Scrutiny
- Ensuring that the strategic plan is implemented
- Target setting and appraisal of the General Secretary
- Providing advice for the General Secretary and staff
- Continual self-review

7.2.4 The management responsibilities undertaken by the professional staff include:

- Implementing the strategic vision agreed by the Executive
- Identifying the strategic issues and proposing options to the Executive
- Developing and implementing the strategic and operational plans based on the strategic options chosen by the Executive, subject to its regular oversight
- Operational management of the organisation including resource management
- Subject to the oversight of the Executive, developing specific policies in line with the strategic vision

7.2.5 The initial Executive and Committee structure to operate from 1 January 2019 will be as agreed by the Executive Committees of the ATL Section and the NUT Section and approved by the Joint Executive Council under the Schedule General (Transitional) Rules. The agreed structure will remain in place during the first Executive cycle (until 1 September 2021).

## **8 Local Structures**

### **8.1 General**

8.1.1 The Executive shall establish and maintain such local structures of member organisation as it may consider necessary to further the objects of the Union, including local bargaining structures based on employer or groups of employer (hereinafter called "Branches"), workplace representation and, subject to ratification by Conference, shall make provision for local democratic structures based on geographical units (hereinafter called "Local Districts").

8.1.2 In order to ensure local structures – on a local, regional, national, sectoral or any other basis – best serve the Union's capacity to represent and engage its members, the Executive

shall have the power to create, define and amend the employer group definitions of such Branches as it sees fit, and, subject to ratification by Conference, shall have the power to create, define and amend the geographical area of such Local Districts, except that:

- i. on the date that these rules take effect those Local Districts and Branches shall be as agreed by the Joint Executive Council during the transition period and shall, as a minimum, include branches for:
  - a. each education authority community of schools
  - b. chains of education establishments – academy or otherwise – and stand-alone FE colleges for which formal structures and recognition were in place in either ATL or NUT at the date of amalgamation;
- ii. no Local District or Branch may be opened, merged or closed without all members affected being informed and consultation procedures being adopted that allow the Executive to give information on any such proposal;
- iii. Each member will be a member of only one Local District.

8.1.3 The Executive shall determine the criteria and process by which workplace representatives and officers of Local Districts and Branches are annually accredited to undertake their statutory trade union duties and activities. Accreditation to undertake the role of Branch Secretary shall only be open to in-service members, unless the Executive deems otherwise. For officers of Local Districts and Branches the Executive shall have the power to confirm appointments made at inquorate AGMs.

8.1.4 The rules governing Local Districts (set out in Appendix C) and Branches (set out in Appendix G) shall be determined by the Executive and are hereafter called “model rules”.

8.1.5 Local Districts and Branches will meet in accordance with these model rules and their own standing orders. Any Local District or Branch may, at its annual general meeting, seek the permission of the Executive to adopt its own rules. Acting under these provisions, the Executive shall ensure that the rules of the Local Districts shall make provision for the election by ballot of the Officers and Members of its Committee, Conference Representatives other than ex-officio Representatives, and further, that each Local District shall have standing orders which contain provisions whereby any challenge to the decision of the Chairperson of the general meeting shall be considered at its next general meeting.

8.1.6 No Local District or Branch may employ new staff nor purchase real property without the express approval of the Executive.

8.1.7 Limits will be placed on amounts that Local Districts can spend supporting nominated candidates in national elections including what such funds can be spent on. All candidates seeking nomination will be invited to General meetings that are making decisions on nominations and all candidates in elections will be invited to attend hustings meetings arranged by Local Districts. The union nationally will provide a facility for all candidates to be able to send out a limited amount of election material.

8.1.8 No other part of the union as an entity other than the Local District would be able to either nominate or give support to any candidate in a national election.

## **8.2 Local Districts**

8.2.1 Membership of Local Districts shall consist of all those members working or living within its jurisdiction, irrespective of their employer or bargaining unit, including Associate, Retired and Student members. Unless the executive decides otherwise:

- i. Standard members will be allocated to the Local District in which they work;
- ii. Associate and Retired members will normally be allocated to the Local District in which they live but may opt to remain a member of the last Local District of which they were

a member prior to becoming an Associate or Retired member;

- iii. Work-based Student members will normally be allocated to the Local District where their host education establishment is based, or otherwise to the Local District where their training institution is based.

8.2.2 Every Local District, within its jurisdiction, shall:

- i. Promote the objects of the union and represent members' interests both internally and externally
- ii. Recruit new members and encourage all members to get involved in the life of the union
- iii. Foster members' professional development;
- iv. Identify and support teams of workplace reps in every education workplace;
- v. Establish and maintain local networks for equality strands, trainees and newly qualified teachers, young members, leadership, union learning, health and safety and national sections (post-16, independent and support staff)
- vi. At a properly constituted and quorate general meeting:
  - a. nominate representatives to the Union's Executive;
  - b. nominate candidates for elected roles as national officers and/or general secretary and/or deputy general secretary within the Union;
  - c. elect Local District members of and submit motions, amendments and list of priority motions to annual conference;
- vii. At a properly constituted and quorate Annual General Meeting that shall take place no later than 31 May:
  - a. elect a President, Secretary, Treasurer, Committee, appoint either two Lay Auditors or a Professional Auditor
  - b. subject to provisions set out by Executive in relevant model rules (see Appendix C), nominate and elect officers of any branch with members within its jurisdiction, so long as those officers are elected by and from such branch members only
  - c. may increase the local subscription fee above 5% but until September 2021 [2 years post-transition] no greater than 15% of national subscription and thenceforward no greater than 20% of national subscriptions;
- viii. Keep records, documents and books of accounts relating to the financial transactions of the district as the Executive shall from time to time decide and annually at August 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. The Auditors of every Local District shall carry out their duties in accordance with the requirements of the Auditors appointed by the Executive of the Union.
- ix. If they see fit, establish sub-District networks to more effectively engage and involve members and may seek Executive approval to establish such constituent bodies as stand-alone Local Districts
- x. Perform other such duties on behalf of the members as shall be laid down by the Executive.

8.2.3 Duly elected branch secretaries (see following section) shall be an ex-officio voting member of their own Local District Committee and an ex-officio non-voting member of any other constituent Local District Committee of their branches. Executive members shall be ex-officio non-voting members of the Local District Committees included in their electoral districts.

8.2.4 A list of Districts as agreed by the Executive is at Appendix F.

### **8.3 Branches**

- 8.3.1 Membership of Branches shall consist of all those Standard and salaried work-based Student members working within its bargaining unit.
- 8.3.2 Every branch, within its jurisdiction shall:
- i. Promote the objects of the union;
  - ii. Individually and collectively, subject to accreditation requirements set down by the Executive, conduct representative casework and negotiating duties with relevant employers on behalf of their members and shall have the responsibility for communicating the general views and collective interests of the members of their relevant employer;
  - iii. Recruit new members and encourage all members to get involved in the life of their Branch, their Local District and the wider union;
  - iv. Identify, accredit and support teams of workplace reps in every education workplace;
  - v. As determined by the relevant model rules shall annual elect a Secretary, Committee and other officers
  - vi. Via their secretary, submit regular reports to the Local District(s) within their jurisdiction
  - vii. Where necessary, seek grant funding on a per member basis from the Local District(s) within its jurisdiction or seek grant funding directly via the Executive
  - viii. Keep records, documents and books of accounts relating to the financial transactions of the Branch as the Local District or Executive shall from time to time decide is required for their own audit purposes
  - ix. Perform other such duties on behalf of the members as shall be laid down by their Local District(s) or the Executive.

### **8.4 Workplace**

- 8.4.1 In every workplace where the Union provides accredited representation, the members employed there, shall appoint, elect or confirm annually from among themselves a team of one or more of the following representatives in accordance with the Rules.
- i. School, College or other educational establishment Representative
  - ii. Health and Safety Representative
  - iii. Learning Representative
  - iv. Other Representative types approved by the Executive Committee
- 8.4.2 All such representatives must be Standard Members of the Association.
- 8.4.3 An accredited School or College or other workplace representative, in conjunction with appropriate District/Branch Officers, shall within their workplace:
- i. recruit new members and maintain the organised position of the union in the workplace;
  - ii. regularly bring members together to discuss and take forward employment, policy and professional matters of common concern;
  - iii. represent, advise and support members collectively or individually;
  - iv. establish and maintain information links with Local District and Branch Officers.
- 8.4.4 A Health and Safety Representative shall represent the interests of members in each educational establishment on any matters that may arise relating to Health and Safety.
- 8.4.5 A Learning Representative shall represent the interests of members in each educational establishment on any matters that may arise relating to their continuing professional development opportunities.

- 8.4.6 All such representatives must notify the Union to be accredited as a Union representative in any of the categories outlined above.
- 8.4.7 All such representatives may apply to their Local District or Branch for funds to support the activities set out above.
- 8.4.8 Any representative elected or confirmed under this rule shall convene meetings of the members of the Union when they think it necessary or at the request of two members or 20 per cent of the members they represent, whichever is the larger.
- 8.4.9 Each Representative elected or confirmed under this rule can be removed from office by a majority vote of the members in that workplace at a properly constituted meeting.
- 8.4.10 Each Representative elected or confirmed under this rule need not be accredited by the Employer: rather, they must comply with the rules, policy and objectives of the Union.

## **9 Regional and Wales Councils**

- 9.1 In accordance with rule 8.1.2 the Executive shall establish Councils in each of the English regions and Wales to engage and mobilise members across the regions and Wales. The Executive will agree a constitution for these bodies which will include the provision for a levy on all local districts to fund their activities.

## **10 Industrial Action**

- 10.1 The Executive's powers shall include authorisation to conduct a ballot for industrial action but only following an indicative survey of members showing that such a ballot is likely to be successful and meet the legislative requirements. The Executive can delegate authorisation to a sub-committee in respect of local industrial action.
- 10.2 No local district of the Union, or members or member thereof, shall organise or engage in a strike or industrial action without prior approval of the Executive.
- 10.3 The Union recognises the right of individual members not to be compelled to take part in industrial action following a ballot or suffer any detriment as a result.

## **11 Independent Schools, Post 16 Establishments and Support Staff Sections**

- 11.1 In addition to being members of Local Districts, members employed in the Independent schools and Post 16 establishments, and those employed as support staff, will be organised in sector specific sections.
- 11.2 Each section will have a Committee reporting to the Executive and an annual conference, chaired by an executive member, allowing for discussion of particular policy areas relevant to that section and also include organising and professional development elements.
- 11.3 Each section will elect 6 delegates to annual conference. Each section conference will be able to submit a motion to annual conference, on particular policy areas relevant to that section, in addition to those submitted via local districts, and equality conferences and the Executive.
- 11.4 Each section can only be disbanded by a majority vote by ballot of members of that section.

## **12 Equalities Sections (Black, LGBT+ and Disabled)**

- 12.1 In addition to being members of Local Districts, members with the relevant characteristics will be organised in equality sections.



- 12.2 Each section will have a Committee reporting to the Executive and an annual conference, chaired by an executive member, allowing for discussion of particular policy areas relevant to that section and also include organising and professional development elements.
- 12.3 Each section conference will be able to submit a motion to annual conference, on particular policy areas relevant to that section, in addition to those submitted via local districts and the Executive.
- 12.4 The LGBT+ and Disabled section conferences will each elect 6 delegates to annual conference.
- 12.5 Each section can only be disbanded by a majority vote by ballot of members of that section.

## **13 Officers and Executive Members**

- 13.1 The election of the Officers of the Union and 70 members of the Executive shall take place biennially. In the year of an officers' election, the Officers shall consist of the President, the Senior Vice President and Junior Vice President, the Past President, the Membership and Equality Officer 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 Past Presidents, the Membership and Equality Officer and the Treasurer of the Union elected in accordance with these rules. In both years there shall be, in addition, 70 other members of the Executive elected. In that year this shall include one member for each of the Independent, Post 16 and Support Staff sections and one member each for the Black, LGBT+ and Disabled members' sections.
- 13.2 The Senior Vice President elected shall be the President in the year following his or her election and shall hold office as Past President during the two years next following provided membership of the Union be retained.
- 13.3 The Junior Vice President elected shall be the Senior Vice President in the year following his or her election and shall hold office as President and Past President respectively during the two succeeding years provided membership of the Union be retained.
- 13.4 All members of the Executive except the President and the Senior Vice President shall retire biennially but shall be eligible for re election.
- 13.5 No paid official of the Union may be a member of the Executive. The Joint General Secretaries (until 31 August 2023) and General Secretary (from 1 September 2023) shall have the right to attend and speak at all Executive and Committee meetings.
- 13.6 In the event of a member of the Executive applying for a paid post in the union the 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, she or he 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, she or he shall be deemed to have resigned his or her membership of the Executive with effect from the date on which the appointment is made.
- 13.7 All members of the Union with at least three years' continuous membership at the start of the election process and other than associate and 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 has commenced their term of office and then retires from active paid employment in the Education sector shall be entitled to complete their term of office.

## **13.8 National Elections**

- 13.8.1 Local Districts shall be invited to make nominations for the elections of Senior and Junior Vice-Presidents, Membership and Equalities Officer, Treasurer, General Secretary and the elected Deputy General Secretary and to make nominations for the elections of members of the Executive.
- 13.8.2 The support of the Local District for a candidate shall be the decision either by a ballot of all the members of the Local District (other than associate and student members) or at a quorate General Meeting of the Local District, subject to any provisions contained in the Local District's own rules.
- 13.8.3 The Secretary of each Local District shall give to the members (other than associate and student members) at least fourteen days' notice of the time and place of the General Meeting to decide on the nominations of the Local District.
- 13.8.4 The failure on the part of a Local District to follow the nomination procedures shall invalidate that nomination, which shall not otherwise affect the rights of a member to be a candidate if she or he has otherwise achieved nominations as required by these rules and in accordance with the procedures.
- 13.8.5 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).
- 13.8.6 The election of the Officers of the Union shall be held prior to the election of the other members of the Executive.
- 13.8.7 Members who have who have retired or who have left the education profession shall be disqualified from election.
- 13.8.8 The election of the Officers of the Union, the other members of the Executive, General Secretary and Deputy General Secretary shall be conducted under the system of the single transferable vote except where there are only two candidates.
- 13.8.9 Each candidate in the elections for Senior and Junior Vice President, Membership and Equalities Officer, Treasurer 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 together with a factual statement of biographical details of up to 100 words. The election address must be received no later than seven days after the closing date for receipt of nominations by the General Secretary.
- 13.8.10 The role-sharing of an Executive seat (geographical, sector or section) will be accepted when requested if one or both of the proposed role- share partners is a disabled member and meets the requirements under the Equality Act to request a reasonable adjustment for the role and whose name appears on the register at the date of notification of the timetable for the election under rule 13.14. Potential role-share partners will stand as joint candidates and nomination by districts/workplaces will be for both partners. Two women standing as role-share partners in geographical seats will be treated as women candidates for the purposes of the 'guarded' seat arrangements. If one partner in a role-share resigns, there will be a by-election.

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

- 13.9.1 Every Local District 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 these rules. The votes shall be recorded on the same voting paper.

- 13.9.2 The member so nominated must have been a member of the Union for the five years immediately preceding the election.
- 13.9.3 The Senior Vice President would be the first candidate to reach the quota in the Union's Vice-Presidents' election. If the two elected candidates reach the quota at the same stage of the count, the Senior Vice-President will be the candidate with the most votes at the end of that stage of the count.

### **13.10 Nomination and Election of Membership and Equalities Officer and Treasurer**

- 13.10.1 Every Local District may nominate one member of the Union for the Membership and Equalities Officer and one member of the Union for the Office of Treasurer.
- 13.10.2 The members so nominated must have been members of the Union for the five years immediately preceding the election.
- 13.10.3 The election of the Membership and Equalities Officer and 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.

### **13.11 Timetable - Election of Officers**

- 13.11.1 The biennial election of the Officers (Senior and Junior-Vice Presidents, Membership and Equalities Officer and the Treasurer) shall be held as follows:
- (a) Notification of the timetable for the election will be circulated to districts no later than 1 September in the year prior to which the election is to take place;
  - (b) Nominations will open on 1 November and shall be made in accordance with the provisions of the relevant rules on the form provided for the purpose and must reach the General Secretary not later than 15 December in the year prior to 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 factual 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 1 March 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.

### **13.12 Nomination for Election of Executive Members other than Officers and those elected under Sections and Equalities provisions**

- 13.12.1 Executive Electoral Districts: England and Wales shall be divided into multi-seat Electoral Districts and Northern Ireland and Scotland shall be one whole Electoral District. The Electoral Districts and the Executive Representation for each Electoral District shall be as set out in appendix D to these rules.

- 13.12.2 For four and three-seat Electoral Districts the two female candidates with the most votes will be elected and until 1 September 2021 the candidate from each of the ATL section and the NUT section with the most votes will be elected.
- 13.12.3 Local Districts may nominate as candidates for the Executive as many members of the Union as there are members to be elected for the Electoral District.
- 13.12.4 The member so nominated must have been a member of the Union for the three years immediately preceding the election .
- 13.12.5 A candidate for the Executive may only be nominated by a Local District within the Electoral District she or he seeks to represent.
- 13.12.6 Alternatively, a member may be nominated for elections as a member of the Executive by 35 standard members from within the Electoral District that the member is being nominated for and from at least three workplaces. Any such nomination should be made on the relevant form.
- 13.12.7 A candidate may only accept a nomination for an electoral district of which they are a member.

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

- 13.13.1 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 districts no later than 21 January 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 7 March 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 factual statement of biographical details of up to 100 words. Role-share candidates shall submit a joint election statement up to the limit by Rule and individual biographies up to the 100-word limit. 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 29 April 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.

### **13.14 Conduct of Elections: Equality Sections (Black, LGBT+ and Disabled) Executive Members**

- (a) Following the identification by Conference, acting under these rules, 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. At the dates these rules become effective this will apply to sections for Black, LGBT+ and Disabled members.

- (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 these rules. 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 21 January in the year in which the election is to take place. For the first elections (conducted in 2018 for seats on the Executive from 2019), notification of the timetable shall take place no later than 20 July 2018.
- (d) Nominations for election under this rule may be made by Local Districts from amongst those members whose names appear on the aforementioned register at the date of notification under these rules and must reach the General Secretary no later than 7 March 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 factual statement of biographical details of up to 100 words. Role-share candidates shall submit a joint election statement up to the limit by Rule and individual biographies up to the 100-word limit. 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 these rules 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 29 April 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.

**13.15 Conduct of Elections: Independent Schools, Post 16 Establishments and Support Staff Sections Executive Members**

- (a) One seat on the Executive shall be allocated each for members employed in the Independent Schools and Post 16 Establishments and one seat for support staff members, an election of such representative or representatives shall be held concurrently with the next ensuing election of Executive Members.
- (b) For the purposes of an election under this rule, the Executive shall have established a register of those members employed in the relevant section. Eligibility for enrolment on such a register shall be on the basis of being employed in that sector or employment category.
- (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 21 January in the year in which the election is to take place. For the first elections (conducted in 2018 for seats on the Executive from 2019), notification of the timetable shall take place no later than 20 July 2018.
- (d) Nominations for election under this rule may be made by Local Districts from amongst those members whose names appear on the aforementioned register at the date of

notification under these rules and must reach the General Secretary no later than 7 March in the year in which the election is to take place.

- (e) Alternatively, a member may be nominated for election under this rule by 35 standard members from at least three different workplaces and whose names appear on the aforementioned register at the date of notification under these rules. Any such nomination should be made on the relevant form.
- (f) The consent of any candidate to seek election may be withdrawn up to seven days following the close of nominations.
- (g) 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 factual statement of biographical details of up to 100 words. Role-share candidates shall submit a joint election statement up to the limit by Rule and individual biographies up to the 100-word limit. 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.
- (h) Eligibility to vote shall be restricted to those members whose names appear on the register established and maintained in accordance with these rules at the closing date for the receipt of nominations.
- (i) 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.
- (j) The closing date for the receipt of voting papers at the offices of the independent scrutineer shall be midday on 29 April in the year in which the election is to take place.
- (k) 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.

### **13.16 Conduct of National Elections**

#### **13.16.1 Officers, Executive, General Secretary & the Elected Deputy General Secretary**

##### **(a) Eligibility to Vote**

All those, other than associate and student members, who are in membership of the Union at the date voting commences shall be entitled to vote in the election.

##### **(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 districts at the time of circulation of the timetable for the election.

##### **(c) Declaration and Publication of Results**

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.

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 Northern Ireland and Wales Offices.

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 these rules members of the Executive shall hold office from 1 September of the year of their election for two years until 31 August.

(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 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 and the Treasurer. 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 or sector or section constituencies 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.

### **13.17 Vacancies**

- 13.17.1 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 or Membership and Equalities Officer arising through the operation of these rules 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 or Membership and Equalities Officer. Any vacancy for Treasurer or Membership and Equalities Officer for any other reason than determined by these rules 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.
- 13.17.2 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 in these rules. 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 these rules.
- 13.17.3 In the event of any vacancy being declared in the Executive within six months of the end of the term of office, such vacancy shall not be filled until the holding of the biennial election. In the event of a vacancy being declared with more than six months before the end of the term of office 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.

### **13.18 Electoral Systems**

Unless expressly stated elsewhere within these Rules, all national elections for which there are more than two candidates will use the single transferable vote preferential system and will be conducted and counted in accordance with the Electoral Reform Society 1997 publication "How to conduct an election by the Single Transferable Vote".

### **13.19 Election of Officers and Executive to take up office from 1 January 2019**

13.19.1 The election of Officers and Executive members for the inaugural Executive will be conducted under the auspices of the Joint Executive Council as provided for in the Schedule General Rules. The period of office for the inaugural Executive will be extended to run from 1 January 2019 until 31 August 2021. The term of office for Officers will be determined by the Joint Executive Council. With the exception of dates for notice of elections, nominations and voting, the election of the inaugural Officers and Executive Committee members will be in accordance with these rules except that nominations will be invited from NUT local association and ATL districts rather than NEU local districts.

13.19.2 For the period from 1 January 2019 until 31 August 2019 there will be Joint Presidents who were previously elected by the sections of the Union to be Presidents of the sections during 2018. The Joint Presidents will serve a further year as Joint Past Presidents from 1 September 2019 until 31 August 2020.

## **14 Meetings of the Executive**

14.1 The Executive shall meet:

- (i) eight times each year, with half the meetings taking place on a Saturday and half of the meetings taking place on a weekday;
- (ii) at such other times as the President and the General Secretary or the Executive may deem fit;
- (iii) when a requisition supported by 40% of the membership of the Executive stating in writing the object of the meeting has been received by the General Secretary.

14.2 The meetings shall be held in London or such other place as may be agreed upon by the Executive.

14.3 In any meeting of the Executive duly summoned, 40% of members shall form a quorum.

14.4 The expenses of the members of the Executive for approved business shall be defrayed from funds of the Union.

14.5 If any member of the Executive shall be absent from the meetings of the Executive for three successive meetings 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.

## **15 Professional Staff**

15.1 The professional staff shall include the General Secretary, Deputy General Secretaries (elected and appointed) and all other paid employees of the union.

15.2 The power to appoint or dismiss any member of the professional staff of the Union shall be vested in the Executive. All appointments to employed posts in the Union will be overseen by the Joint General Secretaries or General Secretary following the agreed appointment process.

15.3 No member of the professional staff of the Union may be a member of the Executive, a representative of a district at Conference, or a Trustee of the Union.



- 15.4 The General Secretary and the elected Deputy General Secretary shall be salaried officials of the Union elected by a postal ballot of those members eligible under these rules.
- 15.5 The General Secretary of ATL and the General Secretary of the NUT at the time of the registration of the Instrument of Amalgamation shall both serve as Joint General Secretaries of the New Union. In the event of either Joint General Secretary vacating their post for whatever reason prior to 31 December 2022 the relevant section will elect a new Joint General Secretary to hold office until 31 August 2023.
- 15.6 The General Secretary Designate shall assume the post of General Secretary of the Union with effect from 1 August 2023.
- 15.7 Until 31 August 2023 the Joint General Secretaries of the Union shall be responsible for the administration of the affairs of the Union; including convening meetings and implementing the decisions of the Executive and its committees, conducting correspondence on behalf of the Union, maintaining the accounts and records of the Union, managing the Union's staff and such other duties as may be determined by the Executive.
- 15.8 From 1 September 2023 the General Secretary shall be responsible for the administration of the affairs of the Union; including convening meetings and implementing the decisions of the Executive and its committees, conducting correspondence on behalf of the Union, maintaining the accounts and records of the Union, managing the Union's staff and such other duties as may be determined by the Executive.
- 15.9 Candidates for the posts of General Secretary and the elected Deputy General Secretary shall be either:
- (a) Members of a TUC affiliate union for not less than five continuous years immediately preceding the commencement of the ballot; or
  - (b) Officials of a TUC affiliate union.
- 15.10 Candidates must be nominated by at least fifteen or more Local Districts.
- 15.11 Elections for the posts of General Secretary and the elected 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 or Executive Members other than the Officers;
  - (ii) that voting in the election for the post of the elected 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:
- 15.12 The Executive shall by notice given to the Secretaries of Local Districts declare the timetable for the elections of the General Secretary and the elected Deputy General Secretary within two months of the end of the fourth year following the previous election held under Paragraph 6 of this rule.
- 15.13 The nominations shall be made on the form provided for the purpose and must reach the Returning Officer who will be the President not less than eight weeks before the closing date of an election.
- 15.14 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. 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.

- 15.15 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.
- 15.16 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.
- 15.17 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.
- 15.18 The voting papers shall be returned by post to the offices of the appointed independent scrutineer in accordance with the published timetable.
- 15.19 The General Secretary and the elected 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 the elected 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 post holder as the Executive may decide.
- 15.20 Suspension of, or commencement of disciplinary action against, either of the Joint General Secretaries can only take place following a majority vote 3/4th of the Executive. From September 2023 suspension of, or commencement of disciplinary action against, the General Secretary can only take place following a majority vote 2/3rd of the Executive.

## **16 Conference**

### **16.1 Time and Place**

- 16.1.1 The Annual Conference shall normally be held over the Easter period unless the Executive considers it expedient, for good reason and following consultation with Local Districts, to hold Annual Conference at another time, and provided always that no period longer than fifteen months shall elapse between Annual Conferences.
- 16.1.2 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 Local Districts.
- 16.1.3 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 Executive Report.

### **16.2 Members**

- 16.2.1 Conference shall consist of the Executive, the former Presidents who are still members of the Union, the General Secretary, the elected Deputy General Secretary, the Trustees, the Honorary Members of the Union, members of the Conference Committee and the Representatives elected according to these rules.
- 16.2.2 The Independent Schools, Post-16 Establishments and Support Staff Sections will each be allowed to appoint six representatives to Conference. Such representatives shall carry one vote each. Delegations from local districts should include at least one representative from any sector that has more than 250 members within that District.

- 16.2.3 The Disabled and LGBT+ member Sections will each be allowed to appoint six representatives to conference. Such representatives shall carry one vote each.
- 16.2.4 Each Local District 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 Local District in the previous year and each such representative shall carry the votes of an equal share of such members:

1	to	350	Two Representatives
351	to	650	Three Representatives
651	to	950	Four Representatives
951	to	1,250	Five Representatives
1,251	to	1,550	Six Representatives
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

(there shall be no maximum and thereafter one Representative for every extra 300 members)

- 16.2.5 For the first annual conference in 2019 the representatives will be appointed by the ATL Districts and NUT Constituent Associations in accordance with the above scale.
- 16.2.6 For the 2020 and 2021 conference the following additional requirement will apply:

Two Representatives	(at least 1 from each (ATL/NUT) section)
Three Representatives	(at least 1 from each (ATL/NUT) section)
Four Representatives	(at least 1 from each (ATL/NUT) section)
Five Representatives	(at least 1 from each (ATL/NUT) section)
Six Representatives	(at least 2 from each (ATL/NUT) section)
Seven Representatives	(at least 2 from each (ATL/NUT) section)
Eight Representatives	(at least 2 from each (ATL/NUT) section)
Nine Representatives	(at least 3 from each (ATL/NUT) section)
Ten Representatives	(at least 3 from each (ATL/NUT) section)
Eleven Representatives	(at least 3 from each (ATL/NUT) section)
Twelve Representatives	(at least 3 from each (ATL/NUT) section)

### 16.3 Quorum

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

## **16.4 Conference Committee**

- 16.4.1 There shall be a Conference Committee consisting of an Officer of the Union [to be agreed], 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 by the Joint Executive Council and thereafter the Executive.
- 16.4.2 Original motions for discussion for Annual Conference may be submitted by the Executive, Sector or Equalities Sections or Local Districts. For the first annual conference in 2019 motions may be submitted by the Joint Executive Council established under the Schedule General (Transitional) Rules, the ATL Districts and NUT Constituent Associations.

## **16.5 Annual Conference arrangements**

- 16.5.1 The arrangements for the Annual Conference including the appointment of conference representatives, submission of motions and amendments, prioritisation of motions and conference standing orders will be agreed by the conferences of the two sections in 2017.

## **17 Finance, funds and trustees**

- 17.1 The Executive shall have overall responsibility for the management, control and expenditure of the Union's financial, investment, property and all other resources.
- 17.2 The Executive may devolve its powers in total or part to its General Purposes Committee, made up of a number of National Officers and Executive members to be determined by the Executive. The General Purposes Committee will be responsible for keeping all the Union's financial papers, preparing budgets, producing financial statements for the Executive, the Conference and statutory bodies including the Certification Officer and the Inland Revenue.

## **18 Funds**

- 18.1 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) NEU Trust Fund
  - (f) International Fund
- 18.2 The Political Fund shall only be used:
- "on the production, publication or distribution of any literature, documents, film, sound recording or advertisement, or any event, festival or campaign, the main purpose of which is to persuade people not to vote for political parties and their candidates who promote racist, fascist or similar views" or
  - "to encourage our members or identified groups within our membership, or to encourage people generally or specific groups of people, to register to vote"
  - or "on the provision of expenses incurred by officials or officers of the NEU at the annual conferences or other meetings of political parties"
- 18.3 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.

## **18.4 General Fund**

- 18.4.1 All annual subscriptions to the Union, other than the sums allocated to the Professional Sustentation Fund, shall be paid into the General Fund.

## **18.5 General Fund Reserve**

- 18.5.1 There shall be transferred into the General Fund Reserve on 31 August 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.

## **18.6 Professional Sustentation Fund**

- 18.6.1 Such part of the subscription to the Union as shall be allocated from time to time 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.
- 18.6.2 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 E of these rules.
- 18.6.3 If any member suffers pecuniary loss or damage from any cause which in the opinion of the Executive, after consultation with the Branch, 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.

## **18.7 The NEU Trust Fund**

- 18.7.1 The Union will support the NEU Trust Fund (a registered charity with the Charity Commission) following its change of name from the ATL Trust Fund for as long as it is registered as a charity. The Union will appoint Trustees to the Trust Fund in accordance with the NEU Trust Fund Memorandum and Articles of Association. An annual voluntary £1 donation will be requested from members of the Union to be collected along with membership subscription. The Union will make an annual capital grant of at least £50,000 to the Trust Fund.
- 18.7.2 The Union shall transfer to the NEU Trust Fund such other sums as shall be allocated from the General Fund, or from donations from members or non-members, local districts and branches or from gains on the disposal of assets, or from other non-trading income or gains, or from such other sums as shall be established by the Executive.

## **18.8 Other Funds**

- 18.8.1 Expenditure from such other funds as the Executive shall establish shall be restricted to the objects of such funds.

## **18.9 Financial Statements and Annual Report**

- 18.9.1 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 Local District three weeks before the start of Conference.
- 18.9.2 The Financial Statements and the Report of the Executive as approved by Conference shall be published in the Annual Report.

- 18.9.3 The Annual Report shall be issued as early after the Conference as practicable.
- 18.9.4 The Joint General Secretaries/General Secretary shall examine and summarise all Statements of Account forwarded by each Local District at 31 August annually and shall make a return to the Certification Officer for Trade Unions and Employers' Associations in the manner required.

### **18.10 Recovery of Moneys**

- 16.10.1 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.

## **19 Trustees**

- 19.1 Four persons elected as Trustees by the Executive shall be Trustees. Each of the elected persons must have been a member of the Union or its predecessors for at least the seven years immediately preceding the date of election. Appointments to the Union's Board of Trustees shall be made for an initial term, to be renewable after a period of five years.
- 19.2 The Joint General Secretaries/General Secretary will be entitled to attend and speak all meetings of the Trustees.
- 19.3 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.
- 19.4 The Trusteeship of any person holding the office shall be ipso facto determined if she/he becomes bankrupt or insolvent or if she/he has allowed her/his membership of the Union to lapse.
- 19.5 It shall be within the power of the Executive to terminate 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.

## **20 Investment of Funds**

- 20.1 The funds and properties invested in the names of the Trustees or the Custodian Trustee in mentioned hereinafter 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.
- 20.2 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 any other Custodian Trustee as aforesaid and for this purpose to appoint 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.

## **21 Auditor**

- 21.1 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.
- 21.2 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 she or he attends on any part of the business which concerns him or her as auditor.

## **22 Professional conduct and discipline**

- 22.1 There shall be a code of Professional Conduct established by the Joint Executive Council and included as Appendix I to these rules.
- 22.2 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 A of these rules.
- 22.3 If a member (including a member who is in membership under a Joint Partnership Scheme) is convicted of a criminal offence or consents to a caution, or the relevant regulatory body prohibits the member from teaching or makes a finding of unacceptable professional conduct or is barred from working with children and/or vulnerable adults by the Disclosure and Barring Service, except where there is no material relevance to her/his fitness to be a member of the Union, her or his 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, if so decided the member shall forfeit such rights, claims and entitlements.
- 22.4 If the relevant regulatory body imposes an Interim Prohibition Order on a member the Professional Conduct (Criminal Convictions) Committee, the Executive may suspend the member from membership pending the outcome of the relevant regulatory body proceedings.
- 22.5 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 A of these rules.

## **23 Alteration and interpretation of the rules**

- 23.1 Except where provided for below, no alteration in, or addition to, the rules of the Union may be made except at the Annual Conference by a motion in accordance with these rules, or at a Special Conference called for this purpose. Any alteration or addition to the rules shall require a 2/3rd majority vote until 1 January 2022 or three years from the end of the transitional period, whichever is the sooner and a simple majority thereafter.
- 23.2 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 H being the Statutory Rules for the time being in force in relation to Political Fund Ballots.
- 23.3 The Executive shall have power to make amendments to the rules of the Union to the extent necessary (but no further) so as to ensure that the rules are correct in their references to matters of fact e.g. in references to other organisations the names of which have been changed or to statutory provisions which have been amended or updated. Any such amendment must be reported to the following annual conference for ratification.

- 23.4 Any notice, if sent by post, shall be deemed to have been sent at the time when the envelope containing the notice would have been delivered in the ordinary course of the postal service. It will be deemed sufficient to prove this if the envelope containing the notice was properly addressed and put into the post as a pre-paid letter. Similarly, if such communications are distributed electronically by email, they shall be deemed to have been sent according to the dates recorded thereon.
- 23.5 When voting papers sent to the home address of a member 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) are subsequently returned unopened they may be forwarded to the workplace last notified by that member to the union.
- 23.6 In the event of any dispute concerning issues in which these rules appear silent or unclear, the Executive shall interpret them and their ruling shall be conclusive and binding on all members of the Union.
- 23.7 All such interpretations and rulings shall be reported to the next Conference for approval.





# Appendix A

## National Disciplinary Committee and National Appeals Committee

### 1 Disciplinary Offences

- 1.1 A member of the Union commits a disciplinary offence if that member :
- (a) acts contrary to the Code of Professional Conduct of the Union;
  - (b) acts contrary to the Rules of the Union;
  - (c) refuses to comply with a lawful instruction of the Union;
  - (d) is knowingly involved in any fraud on the Union or misappropriation of Union funds or property;
  - (e) misuses protected data contrary to the Data Protection Act Licence of the Union ;
  - (f) frustrates any decision or penalty of the National Disciplinary Committee or National Appeals Committee; or
  - (g) in any other way engages in conduct which brings injury or discredit to the Union.

### 2 Elections for National Disciplinary Committee and National Appeals Committee

- 2.1 The members of the Union in each of the seventeen Executive Districts of the Union shall elect a member to form the Panel of seventeen members who shall be eligible to serve on either a National Disciplinary Committee or a National Appeals Committee.
- 2.2 Elections to the Panel for the National Disciplinary Committee and National Appeals Committee shall be for a term which shall not exceed four years.
- 2.3 Candidates for election to the Panel must have been in standard membership of the Union within the last 10 years and in membership of the Union for at least five years continuously prior to the date of closure of nominations. A member wishing to stand must be nominated by their Local District. A standard member elected to the Panel who becomes a retired member during their term is entitled to continue their term of office until its expiry but shall not be entitled to stand again for the Panel. Officers of the Union and members of the Executive at the date of closure of nominations are ineligible to stand for the Panel for the National Disciplinary Committee and the National Appeals Committee.

### 3 National Disciplinary Committee

- 3.1 A complaint made by a member of the Union against a member of the Union, which may consist of one or more alleged disciplinary offences, will be heard by a National Disciplinary Committee consisting of five members drawn from the Panel for the National Disciplinary Committee and the National Appeals Committee.
- 3.2 A National Disciplinary Committee shall choose its own Chairperson.
- 3.3 A complaint under these proceedings may be made by a member of the Union or by an Officer of the Union acting on behalf of the Officers of the Union. If the complaint is formulated by an Officer of the Union then the Officers of the Union may suspend

that member or members from membership of the Union pending the hearing of the disciplinary proceedings. The General Secretary of the Union shall notify the relevant Local District and Branch of any such suspension.

- 3.4 The conduct of National Disciplinary Committee proceedings shall be in accordance with the rules of natural justice. The member making the complaint and the member being complained about have the right to a fair hearing, without bias, conducted with reasonable promptness consistent with fair opportunity to present their respective cases. Before a National Disciplinary Committee, the parties may call witnesses of relevance to the matters in dispute.
- 3.5 The decisions of a National Disciplinary Committee or a National Disciplinary Committee Chairperson acting on behalf of the Committee are final subject only to the right of appeal to the National Appeals Committee.
- 3.6 A complaint made by a member of the Union calling for a matter to be considered by a National Disciplinary Committee must be made in writing to the General Secretary specifying matters which come within one or more of the disciplinary offences referred to above at (a) to (g) . The complaint will not be considered unless made within six months of the circumstances giving rise to the complaint unless the National Disciplinary Committee find exceptional reasons for doing so. The complaint will be dealt with in accordance with the written procedures made under these Rules.
- 3.7 Following consideration of the complaint a National Disciplinary Committee may either dismiss the complaint or find the complaint justified. If the National Disciplinary Committee find the complaint justified they may impose one or more of the following penalties:
- (a) reprimand and warning as to future conduct;
  - (b) severe reprimand and censure;
  - (c) suspension from the Union for a fixed period;
  - (d) removal from office or accreditation held by the member either indefinitely or for a specified period;
  - (e) disqualification from holding office or role in the Union either indefinitely or for a specified period;
  - (f) exclusion from the Union.
- 3.8 When it comes to deliberate on the penalty the National Disciplinary Committee will have before it and will take into account any previous decisions of a National Disciplinary Committee or National Appeals Committee relating to the member who has been complained about.
- 3.9 The decision of the National Disciplinary Committee with reasons shall be sent to the parties to the dispute. The decision will inform the parties of the rights of appeal to the National Appeals Committee.

## **4 National Appeals Committee**

- 4.1 An appeal from a decision of a National Disciplinary Committee will be heard by a National Appeals Committee consisting of five members drawn from the Panel for the National Disciplinary Committee and the National Appeals Committee. The Panel members who form the National Appeals Committee shall not in any way have been involved in the decision made by the National Disciplinary Committee.
- 4.2 A National Appeals Committee shall choose its own Chairperson.

- 4.3 When a National Disciplinary Committee complaint has been found to be justified the member complained about, now called the appellant, has a right of appeal in respect of the finding and the penalty provided that the appeal is submitted to the General Secretary within the time limit and in the manner set out in written procedures. The appeal must be in writing and set out the grounds for the appeal.
- 4.4 When a National Disciplinary Committee complaint has been found not to be justified the member who has made the complaint, now called the appellant, has a right of appeal limited to the process or procedures by which the decision was made and not relating to the substance or merit of the decision provided that the appeal is submitted to the General Secretary within the time limit and in the manner set out in written procedures. The appeal must be in writing and set out the grounds for the appeal.
- 4.5 Operation of the penalty of the National Disciplinary Committee shall remain suspended pending the decision of the National Appeals Committee which shall be final.
- 4.6 The conduct of National Appeals Committee proceedings shall be in accordance with the rules of natural justice. The parties involved in the appeal have the right to a fair hearing, without bias, conducted with reasonable promptness consistent with fair opportunity to present their respective cases.
- 4.7 The appeal will be dealt with in accordance with the written procedures made under these Rules.
- 4.8 The National Appeals Committee has full powers to remove any penalty imposed by the National Disciplinary Committee or to replace any penalty imposed by the National Disciplinary Committee with an alternative penalty or penalties as allowed by these Rules save that the National Appeals Committee may not impose a more severe penalty than the penalty imposed by the National Disciplinary Committee.

## **5 Confidentiality**

- 5.1 The proceedings of the National Disciplinary Committee and of the National Appeals Committee shall be confidential save that the outcomes of each Committee shall be communicated to the Executive and to the parties to the dispute.

## **6. Procedures**

- 6.1 The Executive, taking into account advice from the National Disciplinary Committee and the National Appeals Committee, shall produce procedures for the election of members to the Panels for the National Disciplinary Committee and the National Appeals Committee and for the administration of their cases and the conduct of their hearings including all time limits.

# Appendix B

## Professional and Legal Advice and Assistance

- 1 A member shall be entitled to educational or professional advice or assistance or legal assistance provided that before the difficulty has arisen she or he has paid, or has entered into a commitment to pay, her or his full appropriate subscription for the current year. The Union will not assist applicants with pre-existing issues. The Executive shall at all times have discretion to withhold such advice or assistance for good or urgent cause.
- 2 The above rule relating to subscription payments will not apply where assistance is requested by a Student Member, a Newly Qualified Member during a period when no subscription is required or a 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.
- 3 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 member's professional life or Union activity; (b) a case considered by the Executive to affect the rights and interests of teachers or other education staff generally; or (c) where a member has suffered injury through any legitimate action she or 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.
- 4 With the exception of cases considered by the Executive to affect the rights and interests of teachers or other education staff generally, the test which is used to decide whether the Union acts for a member in court or tribunal proceedings is whether there are reasonable prospects of success in those proceedings.
- 5 The manner by which educational or professional advice or assistance or legal assistance is provided shall be entirely at the discretion of the Union.
- 6 In the event of dishonesty or breach of the written procedures relating to professional advice and assistance or legal assistance the Union shall be entitled to recover any loss by court proceedings against the member.
- 7 The Union may enter into such arrangements with firms of solicitors for the provision of legal assistance as the Executive may approve.
- 8 The Executive shall produce written procedures which will further set out the entitlements of members and the conditions upon which educational or professional advice or assistance or legal assistance are provided.

# Appendix C

## Model rules for Local Districts

### 1. Membership

- 1.1 Membership of Local Districts shall consist of all those members of the Union working or living within its jurisdiction, irrespective of their employer or bargaining unit, including Associate, Retired and Student members. Unless the executive decides otherwise:
- i. Standard members will be allocated to the Local District in which they work;
  - ii. Associate and Retired members will normally be allocated to the Local District in which they live but may opt to remain a member of the last Local District of which they were a member prior to becoming an Associate or Retired member;
  - iii. Work-based Student members will normally be allocated to the Local District where their host education establishment is based, or otherwise to the Local District where their training institution is based.
- 1.2 Membership of the Local District shall be in accordance with the Main Rules of the Union in respect of local district areas, set out in Appendix F.
- 1.4 Any members suspended or removed from membership of the Union shall automatically be suspended or removed from membership of the Local District.
- 1.5 Any member of the Executive or Branch Secretary who is suspended or removed from such office shall cease to hold any post within the Local District or on its Committee which is ex-officio as a result of holding such office.

### 2. Objects

- 2.1 Every Local District, within its jurisdiction, shall:
- a. Promote the objects of the union and represent members' interests both internally and externally
  - b. Recruit new members and encourage all members to get involved in the life of the union
  - c. Foster members' professional development;
  - d. Identify and support teams of workplace reps in every education workplace;
  - e. Establish and maintain local networks for equality strands, trainees and newly qualified teachers, young members, leadership, union learning, health and safety and national sections

### 3. Powers and duties

- 3.1 The powers of the Local District shall be as laid down in this document and in the Main Rules and Standing Orders of the union, and any other protocols and regulations approved by the Executive.
- 3.2 The Local District, its Officers, its Committee and persons representing the Local District shall take all due care to avoid any action or omission that may expose the Local District or the union or their respective Officers, Committees or members to liability for any legal, financial or reputational detriment

- 3.3 The Local District, at a properly constituted and quorate general meeting, shall:
- 3.3.1 nominate representatives to the Union's Executive;
  - 3.3.2 nominate candidates for elected roles as national officers and/or general secretary and/or deputy general secretary within the Union;
  - 3.3.3 elect Local District members of and submit motions, amendments and prioritisation thereof to annual conference;
    - 3.3.3i if the relevant general meeting is not quorate the election of the local district members of annual conference shall be undertaken by a membership ballot.
  - 3.3.4 the local district, its officers and committee shall ensure that all members of the district eligible to be a member of conference are notified of the nomination process.
- 3.4 The Local District, at a properly constituted and quorate Annual General Meeting that shall take place no later in the academic year than 31 May, shall:
- 3.4.1 elect Officers and a Committee, elect either two Lay Auditors or appoint a Professional Auditor
  - 3.4.2 subject to provisions set out by Executive in relevant model rules (see Appendix G), nominate and elect officers of any branch with members within its jurisdiction, so long as those officers are elected by and from such branch members only
- 3.5 The Local District shall keep records, documents and books of accounts relating to the financial transactions of the Local District as the Executive shall from time to time decide and annually at August 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. The Auditor(s) of every Local District shall carry out their duties in accordance with the requirements of the Auditors appointed by the Executive of the Union.
- 3.6 If they see fit, this Local District may establish sub-District networks to more effectively engage and involve members and may seek Executive approval to establish such constituent bodies as stand-alone Local Districts
- 3.7 As per National Rule 8.1.6 no Local District may employ new staff nor purchase real property without the express approval of the Executive.
- 3.8 Subject to the provisions of National Rule 8.2.viii(c) the Local District may set a local subscription fee from all members, between 5% and 15% [5% and 20% from January 2021] of the national subscription as set under the National Rules of the Union.
- 3.9 The Local District may perform other such duties on behalf of the members within the parameters of the objects and policies of the union.

## **4. Officers and Committee**

- 4.1 The management of the Local District shall be vested in the Officers and Committee.
- 4.2 The elected Officers of the Local District shall be Secretary, President, Vice President, Past President, Treasurer and other roles as agreed by the Local District. There must be at least one equality officer and one for each independent, post-16 and support staff section. Any of these roles may be undertaken as a role share.

- 4.3 The Local District Committee shall consist of the Officers of the Local District, plus [insert number which shall be a minimum of 6] Committee members elected by and from the members of the Local District in accordance with Model Rule 5. There may be a variety of lead officer roles, e.g. for, and from, the workplace or equality sections, new professionals, organising, leadership, campaigns plus committee members not elected to a specific responsibility.
- 4.4 Branch Secretaries shall be ex-officio voting members of the Committee unless they are not members of the Local District in which case they shall be ex-officio non-voting members of the Committee, so long as their branch has members within such Local District.
- 4.5 All casual vacancies in the Officers or Committee occurring during the year shall be filled by the Committee until the next Annual General Meeting.
- 4.6 At least 75% of the Local District Officers and Committee shall be standard members. Upon request, the Executive may waive this requirement.

## **5. Elections**

- 5.1 Nominations for the Secretary, Vice President and Treasurer, and Committee members set out in Model Rule 4 shall be made in writing or email, signed or otherwise confirmed via email by the proposer and seconder and endorsed by the nominee, and shall reach the Local District Secretary at least 28 days before the date of the Annual General Meeting.
- 5.2 Voting forms shall be issued to all members not less than 14 days before the date of the AGM.
- 5.3 Voting forms shall be submitted to the President or other nominated Returning Officer (not standing for election) so as to reach her/him no less than 3 days before the AGM.
- 5.4 The counting of votes shall be overseen by Scrutineers elected at the previous AGM (who may not be candidates in the elections). The results of the elections shall be declared at the AGM. An election conducted as above shall not be rendered invalid by the failure of any member to receive or to return a voting form.
- 5.5 Officers and Committee as listed in Model Rule 4 shall be subject to annual election, except that the person elected as Vice President each year shall serve a three-year term, becoming President and then Past-President in the two subsequent years.

## **6. Meetings**

- 6.1 The Annual General Meeting of the Local District shall be held no later in the academic year than 31 May. Notice confirming the date of the AGM and including associated notice of nominations for elected Officers and at-large Committee shall be sent to all members at least two months before the date of the AGM.
- 6.2 At least three ordinary general meetings of the Local District shall be held during the year and such additional general meetings as the Committee may deem necessary. Wherever possible, dates of all such ordinary meetings and the AGM shall be published and circulated to members at the start of the academic year.
- 6.3 The schedule of Committee meetings shall be determined by the Officers, except that it shall meet at least as frequently as ordinary general meetings are held.
- 6.4 The agenda of business for all general and committee meetings shall be determined by the Committee, subject to the Standing Orders set out in Model Rule 7. The Branch Secretary/ Delegate shall submit items of Branch-specific business on such agenda.



- 6.5 The order of business at the AGM must include:
- i. Minutes of the last AGM
  - ii. Reports and Statement of Account
  - iii. Declaration of the results of the election of the Officers and Committee
- 6.6 At least 7 days before the date of any general meeting final notice stating the time and place of the meeting shall be sent to all members of the Local District, together with the Agenda of the business as agreed by the Committee, including any proposed alterations to these Model Rules or the local subscription fee.
- 6.7 Notice of all general meetings must be sent to all members and all workplaces by the most effective means.
- 6.8 The quorum for all general meetings shall be ..... [insert number which shall be at least 10] members from no fewer than 3 education establishments. The quorum for Committee meetings shall be 40% of Committee members [and no less than 5].
- 6.9 A Special General Meeting may be called 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 called and signed by not less than (insert number no less than the quorum in 6.8 above) members. No business other than that stated by the Committee, or in the requisition, shall be transacted at a Special General Meeting.

## **7. Standing Orders**

- 7.1 Meetings shall normally be chaired by the President, and in their absence by the Vice President or Past President. In the absence of all three the meeting shall elect a member to chair the meeting.
- 7.2 Questions arising at meetings shall be decided by a simple majority.
- 7.3 Votes shall be decided by a show of hands, unless at least 25% present request a secret ballot.
- 7.4 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 was called into question.
- 7.5 If a meeting is inquorate then no decision can be made.
- 7.6 All motions for consideration at a meeting must be received by the Secretary at least 10 days before the meeting, with the names of a mover and seconder attached, so that they can be included in the final notice of the meeting. The order of business shall be as determined by the Committee, except that business deferred from a previous meeting shall take precedence over all other.
- 7.7 Procedures governing the conduct of a debate, unless otherwise stated in these Model Rules, shall be the same as those currently specified in the Standing Orders governing debates at the annual conference of the Union.
- 7.8 Standing orders may be suspended subject to agreement of at least two thirds of those present.

## **8. Finance**

- 8.1 The financial affairs of the Local District shall be conducted in accordance with the Finance Regulations within the Treasurer's handbook.
- 8.2 Changes to the Finance Regulations are to be approved by the Executive.
- 8.3 The Local District's financial year shall end on 31 August and at that date or such other dates as shall be required by the Executive of the Union, the Local District shall prepare and submit to the General Secretary a Statement of Account of the Local District 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.
- 8.4 The accounts of the Local District shall be audited on behalf of the members of the Local District 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 Local District. 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 National Rule 21.
- 8.5 The statement of Account prepared and audited under Model Rules 8.3 and 8.4 shall be presented to the Annual General Meeting of the Local District.
- 8.6 All banks, building societies and/ or other accounts should be in the name of the Local District and withdrawals from the account shall require the signatures of or authorisation of an electronic payment by at least two Officers of the Local District. The district should have three signatories. A signatory should not sign their own cheque or authorise their own electronic payment unless a second who is not connected (as a spouse or civil partner; a relative, or relative of a spouse or civil partner) to the first signatory also signs or authorises the payment.

## **9. Workplace representatives**

- 9.1 The Local District working with relevant Branch Secretaries/Delegates shall take such steps as may be necessary to establish that for each education establishment or unattached unit in its jurisdiction, there is at least one accredited Union representative elected annually by members in their establishment and ideally a team of accredited Union representatives including union learning reps and health and safety reps.

## **10. Rule amendments**

- 10.1 Amendments to these Model Rules shall only be agreed at the Annual General Meeting.
- 10.2 Details of proposed amendments must be submitted to the Secretary at least 28 days ahead of the AGM and must subsequently be included in the final notice provided to members as per Model Rule 6.6.
- 10.3 Proposed amendments must be agreed by a simple majority of members present and voting at the AGM and must subsequently be approved by the Executive before taking effect.

# Appendix D

## NEU: Executive Districts

**4 members per English district, 3 in Wales and 1 in Scotland/Northern Ireland**  
**Appendix D to National Rules**

### District 1

City of Sunderland  
 City of York  
 Co Durham  
 Cumbria  
 Darlington  
 Gateshead  
 Hartlepool  
 Middlesbrough  
 Newcastle upon Tyne  
 Northumberland  
 North Tyneside  
 North Yorkshire  
 Redcar & Cleveland  
 South Tyneside  
 Stockton

### District 2

Barnsley  
 Bradford  
 Calderdale  
 Doncaster  
 Kirklees  
 Leeds  
 Rotherham  
 Sheffield  
 Wakefield

### District 3

City of Derby  
 City of Leicester  
 East Riding  
 Hull  
 Leicestershire  
 Lincolnshire  
 North East Lincolnshire  
 North Lincolnshire  
 Northern Derbyshire  
 Nottingham  
 Nottinghamshire  
 Rutland  
 Southern Derbyshire

### District 4

Blackburn with Darwen  
 Blackpool  
 City of Preston  
 East Lancashire  
 Fylde and Wyre  
 Halton  
 Isle of Man  
 Knowsley  
 Lancaster and  
 Morecambe  
 Liverpool  
 North Yorkshire  
 South West  
 Lancashire  
 St Helens  
 Warrington  
 Wirral

### District 5

Bolton  
 Bury  
 Cheshire East  
 Cheshire West &  
 Chester  
 Manchester  
 Oldham  
 Rochdale  
 Salford  
 Stockport  
 Tameside  
 Trafford  
 Wigan

### District 6

Bedford  
 Cambridgeshire  
 Central Bedfordshire  
 East Northants  
 Ipswich and South  
 Suffolk  
 Luton  
 Norfolk  
 North East Suffolk  
 North Northants  
 Northampton  
 Peterborough  
 South West Northants  
 West Suffolk

### District 7

Birmingham  
 Coventry  
 Dudley  
 Sandwell  
 Shropshire  
 Solihull  
 Staffordshire  
 Stoke on Trent  
 Telford and Wrekin  
 Walsall  
 Wolverhampton

### District 8

Gloucestershire  
 Herefordshire  
 Oxfordshire  
 South Gloucestershire  
 Swindon  
 Warwickshire  
 Wiltshire  
 Worcestershire

### District 9

Buckinghamshire  
 Central Essex  
 East Essex  
 Hertfordshire  
 Milton Keynes  
 North East Essex  
 North West Essex  
 Overseas  
 Service Children's  
 Education (Germany  
 & Cyprus)  
 South Essex  
 Southend  
 Thurrock  
 West Essex

### District 10

Brighton & Hove  
 East Kent  
 East Sussex  
 Hastings  
 Lewes, Eastbourne  
 and Wealden  
 Medway  
 North Kent  
 West Kent  
 West Sussex

# Appendix D

## NEU: Executive Districts

4 members per English district, 3 in Wales and 1 in Scotland/Northern Ireland

### District 11

Bracknell Forest  
Isle of Wight  
North East Hampshire  
Portsmouth  
Reading  
Slough  
South East Hampshire  
Southampton  
Surrey  
West Berkshire  
West Hampshire  
Windsor & Maidenhead  
Wokingham

### District 12

Bath & NE Somerset  
Bournemouth,  
Christchurch and Poole  
Bristol  
Cornwall & Isles of  
Scilly  
Devon  
Dorset  
Guernsey  
Jersey  
North Somerset  
Plymouth  
Somerset  
Torbay

### District 13

Blaenau Gwent  
Brecon  
Bridgend  
Caerphilly  
Cardiff  
Carmarthenshire  
Ceredigion  
Conwy  
Denbighshire  
Flintshire  
Gwynedd  
Merthyr Tydfil  
Monmouthshire  
Montgomery  
Newport  
Pembrokeshire  
Radnor  
Rhondda Cynon Taf  
Swansea  
Tawe Afan Nedd  
Torfaen  
Vale of Glamorgan  
Wrexham  
Ynys Mon

### District 14

Camden  
Greenwich  
Hackney  
Hammersmith &  
Fulham  
Islington  
Kensington & Chelsea  
Lambeth  
Lewisham  
Southwark  
Tower Hamlets and  
the City  
Wandsworth  
Westminster

### District 15

Barnet  
Brent  
Ealing  
Enfield  
Harrow  
Hillingdon  
Hounslow  
Kingston Upon Thames  
Merton  
Richmond on Thames  
Sutton

### District 16

Barking & Dagenham  
Bexley  
Bromley  
Croydon  
Haringey  
Havering  
Newham  
Redbridge  
Waltham Forest

### District 17

Northern Ireland  
Scotland

# Appendix E

## Professional Sustentation Fund

### Sustentation payments

1. Sustentation payments are designed to reimburse members for any deduction in their salary as a result of them taking part in authorised strike action.
2. Sustentation payments do not reimburse 100% of the strike pay deduction as strike pay deduction is from **gross pay**. Therefore, the amount deducted is higher than the amount which a member would have taken home. As members do not pay income tax or national insurance payments on sustentation payments, a 100 per cent reimbursement would be too high. Reimbursement is therefore at a level to reimburse the actual net loss.
3. The decision on sustentation is with the Action Committee but in normal circumstances action authorised in a dispute in a single workplace will be sustained.
4. Where action is authorised in all the workplaces in an authority or academy chain action is not normally sustained. The Action Committee has discretion on sustentation where a number of workplaces in a chain seek authorisation for action. In these cases, the decision on sustentation will be made clear to the members concerned before any final decision to ballot is made.
5. National action decisions are the responsibility of the National Executive and are not sustained.
6. Where approved, sustained strike action has taken place the Relevant member will be sent a sustentation claim form and instructions on how to complete this form.
7. Each member is required to complete the form and return it to HQ with a photocopy of their payslip showing the deduction and a photocopy of their payslip from the previous month. If the previous month is not in the same tax year or is not a normal month's salary a photocopy of the following month's payslip should be provided.
8. Once received, a payment of the net difference between the payslips will be made to members.

# Appendix F

## List of districts

Barking & Dagenham	D1605	Dorset	D1209
Barnet	D1502	Dudley	D0707
Barnsley	D0206	Ealing	D1504
Bath and North East Somerset	D1205	East Essex	D0913
Bedford	D0607	East Kent	D1010
Bexley	D1603	East Lancashire	D0414
Birmingham	D0705	East Northants	D0610
Blackburn with Darwen	D0401	East Riding	D0301
Blackpool	D0402	Enfield	D1501
Blaenau Gwent	D1320	Flintshire	D1301
Bolton	D0501	Fylde and Wyre	D0416
Bournemouth Christchurch and Poole	D1214	Gateshead	D0106
Bracknell Forest	D1106	Gloucestershire	D0801
Bradford	D0201	Greenwich	D1404
Brecon	D1323	Guernsey	D1210
Brent	D1503	Gwynedd	D1306
Bridgend	D1313	Hackney	D1402
Brighton & Hove	D1001	Halton	D0405
Bristol	D1207	Hammersmith and Fulham	D1409
Bromley	D1602	Haringey	D1609
Buckinghamshire	D0906	Harrow	D1505
Bury	D0502	Hartlepool	D0111
Caerphilly	D1314	Hastings	D1008
Calderdale	D0202	Havering	D1606
Cambridgeshire	D0601	Herefordshire	D0802
Camden	D1412	Hertfordshire	D0905
Cardiff	D1317	Hillingdon	D1506
Carmarthenshire	D1309	Hounslow	D1507
Central Bedfordshire	D0606	Hull	D0302
Central Essex	D0910	Ipswich and South Suffolk	D0615
Ceredigion	D1308	Isle of Man	D0403
Cheshire East	D0512	Isle of Wight	D1102
Cheshire West & Chester	D0511	Islington	D1401
City of Derby	D0306	Jersey	D1211
City of Leicester	D0310	Kensington & Chelsea	D1410
City of Preston	D0413	Kingston upon Thames	D1509
City of Sunderland	D0105	Kirklees	D0203
City of York	D0110	Knowsley	D0406
Conwy	D1304	Lambeth	D1407
Cornwall & Isles of Scilly	D1201	Lancaster and Morecambe	D0412
County Durham	D0101	Leeds	D0204
Coventry	D0706	Leicestershire	D0311
Croydon	D1601	Lewes Eastbourne and Wealden	D1007
Cumbria	D0102	Lewisham	D1405
Darlington	D0103	Lincolnshire	D0303
Denbighshire	D1302	Liverpool	D0407
Devon	D1202	Luton	D0608
Doncaster	D0207	Manchester	D0503

Medway	D1004	Somerset	D1213
Merthyr Tydfil	D1316	South East Hampshire	D1114
Merton	D1510	South Essex	D0908
Middlesbrough	D0112	South Gloucestershire	D0806
Milton Keynes	D0907	South Kent	D1011
Monmouthshire	D1319	South Tyneside	D0109
Montgomery	D1325	South West Lancashire	D0415
Newcastle upon Tyne	D0107	South West Northants	D0609
Newham	D1604	Southampton	D1104
Newport	D1321	Southend	D0903
Norfolk	D0602	Southern Derbyshire	D0314
North East Essex	D0911	Southwark	D1406
North East Hampshire	D1113	St Helens	D0408
North East Lincolnshire	D0305	Staffordshire	D0702
North Kent	D1009	Stockport	D0509
North Lincolnshire	D0304	Stockton	D0115
North Northants	D0611	Stoke on Trent	D0703
North Somerset	D1206	Surrey	D1105
North Tyneside	D0108	Sutton	D1511
North West Essex	D0909	Swansea	D1312
North Yorkshire	D0113	Swindon	D0808
Northampton	D0612	Tameside	D0506
North-East Suffolk	D0614	Tawe Afan Nedd	D1311
Northern Derbyshire	D0313	Telford and Wrekin	D0704
Northern Ireland	D1702	Thurrock	D0904
Northumberland	D0104	Torbay	D1204
Nottingham	D0308	Torfaen	D1322
Nottinghamshire	D0309	Tower Hamlets and The City	D1403
Oldham	D0504	Trafford	D0507
Overseas	D2000	Vale of Glamorgan	D1318
Oxfordshire	D0805	Wakefield	D0205
Pembrokeshire	D1310	Walsall	D0710
Peterborough	D0603	Waltham Forest	D1608
Plymouth	D1203	Wandsworth	D1408
Portsmouth	D1103	Warrington	D0410
Radnor	D1324	Warwickshire	D0803
Reading	D1110	West Berkshire	D1109
Redbridge	D1607	West Essex	D0912
Redcar & Cleveland	D0114	West Hampshire	D1112
Rhondda Cynon Taf	D1315	West Kent	D1012
Richmond upon Thames	D1508	West Suffolk	D0613
Rochdale	D0505	West Sussex	D1005
Rotherham	D0208	Westminster	D1411
Rutland	D0312	Wigan	D0510
Salford	D0508	Wiltshire	D0807
Sandwell	D0708	Windsor & Maidenhead	D1108
Scotland	D1701	Wirral	D0411
Sefton	D0409	Wokingham	D1107
Service Children's Education	D0902	Wolverhampton	D0711
Sheffield	D0209	Worcestershire	D0804
Shropshire	D0701	Wrexham	D1303
Slough	D1111	Ynys Mon	D1305
Solihull	D0709		

# Appendix G

## Model rules of Branches (Chain and Multi-Workplace Employer)

### 1. Title

The branch shall be called the ..... branch of the National Education Union.

### 2. Membership

Membership of the branch shall consist of all those standard and salaried work-based student members working in the <<bargaining unit>>.

### 3. Objects

The branch shall, within its jurisdiction:

3.1 Promote the objects of the union.

3.2 Individually and collectively, subject to accreditation requirements set down by the executive, conduct representative casework and negotiating duties with the employer on behalf of members and have the responsibility for communicating the general views and collective interests of members to the employer.

3.3 Make agreements with the employer in line with the views of the majority of members.

3.4 Recruit new members and encourage all members to become involved in the life of the branch, local district(s) and wider union.

3.5 Identify and support teams of workplace reps in every workplace.

3.6 Annually elect a secretary and committee as determined by the relevant rules (see 4.1).

3.7 Submit regular reports to the local district(s).

3.8 When necessary, seek grant funding on a per member basis from the local district(s) or seek grant funding directly from the executive.

3.9 Keep records, documents and books of accounts relating to the financial transactions of the branch as the local district or executive shall from time to time require for their auditing purposes.

3.10 Perform other such duties on behalf of the members as shall be laid down by their local district(s) or the executive.

3.11 Secure direct representation on behalf of all the members of the union in the branch on all appropriate committees and bodies of the employer.

3.12 Secure direct representation on behalf of all members in the branch of those committees or bodies where negotiations of a collective nature are conducted.

3.13 Secure by way of appropriate procedures with the employer the right whereby the branch shall have the sole responsibility for communicating the general views and representing the collective interests of the union members in the branch.



- 3.14 Have responsibility for negotiating on behalf of the members with the employer on all matters affecting the professional work and conditions of service of members.
- 3.15 Have responsibility for negotiating with the employer those agreements necessitated as a result of or caused by an Act of Parliament or Statutory Instrument.
- 3.16 Have responsibility for negotiating on behalf of the members such agreements initiated by or at the behest of the national executive of the union.
- 3.17 Ensure that all members of the branch and officers of local district(s) are kept informed of negotiations conducted on their behalf.

#### **4. Officers/Lead Rep and committee**

- 4.1 The branch secretary/lead rep shall be elected each year by the members of the branch. The vice-chairperson shall be elected annually and shall become the chairperson the following year. Other officers may be elected as necessary on an annual basis.
- 4.2 The branch committee shall consist of the secretary/lead rep and other officers and (insert number) members of the branch and workplace reps (ex officio).
- 4.3 The secretary/lead rep shall be an ex-officio member of the all local district committees where there are branch members. They will be an ex-officio voting member in the district in which they are a member and where they are not a member of the local district they shall be an ex-officio non-voting member of the committee.

#### **5. Elections**

- 5.1 Elections shall take place annually in the spring term and those elected shall take up office at the start of the academic year.
- 5.2 All branch members shall be given the opportunity to stand for election as Secretary/lead rep, vice-chairperson and any other officer and committee posts agreed by the branch.
- 5.3 Nominations shall be made in writing or by email and shall be proposed and seconded and endorsed by the nominee, and shall reach the chairperson by the start of the spring term meeting, which shall take place at least 14 calendar days before the Easter break.
- 5.4 Voting forms shall be issued to all members immediately after the spring term meeting if an election is required with a closing date of not more than 14 calendar days.
- 5.5 The counting of votes shall be overseen by the chairperson who will not be standing for election.

#### **6. Meetings**

- 6.1 The branch will hold meetings at least every term and as and when required. The agenda of business for all general and committee meetings shall be determined by the committee but will include pay, conditions, collective agreements and other matters under discussion with the employer(s).
- 6.2 Notice of all committee and general meetings shall be sent to members by email, unless a member has indicated otherwise.
- 6.3 The quorum for all general meetings shall be at least \_\_\_\_ (insert number which shall be at least 10 covering at least 2/3rds of the workplaces) members of the branch. The quorum for committee meetings shall be 40% of committee members.

## **7. Standing Orders**

- 7.1 Meetings shall normally be chaired by the chairperson or another member elected by the meeting if the chairperson is absent.
- 7.2 The decision of the chair on any point shall be final.
- 7.3 Questions arising at meetings shall be decided by a majority of votes, the member chairing the meeting having an additional casting vote.
- 7.4 Votes shall be decided by a show of hands, unless at least 25% present request a secret ballot.
- 7.5 The order of business shall be as determined by the committee.
- 7.6 Procedures governing the conduct of a debate shall be the same as those currently specified in the standing orders governing debates at the annual conference.

## **8. Finance**

- 8.1 The financial affairs of the branch shall be conducted in accordance with the finance regulations in the treasurers handbook.
- 8.2 The Branch Secretary/lead rep shall provide Local District Treasurer(s) with a record of expenditure related to any grant or levy received from Local District(s)

## **9. Workplace representatives**

- 9.1 The branch working with relevant local district(s) shall take all necessary steps to establish that there is at least one representative or preferably a team of representatives for each workplace in its jurisdiction.
- 9.2 The procedure for the election or confirmation of the workplace representative shall be in line with national advice.
- 9.3 The representative(s) shall be elected annually by all the members in the workplace at the first meeting of the academic year.
- 9.4 The local district or branch secretary/lead rep will notify the employer of the names of its accredited representatives in each workplace.

## **10. Rule amendments**

- 10.1 Proposed amendments must be agreed by a simple majority of members present and voting at the first meeting of the academic year or a meeting specially convened for the purpose.
- 10.2 Rules initially adopted and any subsequent amendments must be approved by the Executive before taking effect.

# Appendix G

## Model rules for Multi-Employer (publicly funded) Branches

### 1. Title

The branch shall be called the << insert name >> branch of the National Education Union.

### 2. Membership

Membership of the branch shall consist of all those standard and salaried work-based student members working within << insert name >> community of publicly funded education establishments excepting FE colleges and any institution in an employer based branch.

### 3. Objects

The branch shall, within its jurisdiction:

- 3.1 Promote the objects of the union.
- 3.2 Individually and collectively, subject to accreditation requirements set down by the executive, conduct representative casework and negotiating duties with the employing authority on behalf of members and have the responsibility for communicating the general views and collective interests of members to the employer.
- 3.3 Make agreements with the employer in line with the views of the majority of members affected by the agreement.
- 3.4 Recruit new members and encourage all members to become involved in the life of the branch, local district and wider union.
- 3.5 Identify and support teams of workplace reps in every workplace.
- 3.6 Annually elect a secretary who shall be an officer of the Local District. The positions of Branch Secretary and District Secretary may be held by the same person as long as they meet the membership criteria set out in these rules.
- 3.7 Submit regular reports to the local district.
- 3.8 When necessary, seek grant funding on a per member basis from the local district or seek grant funding directly from the executive.
- 3.9 Keep records, documents and books of accounts relating to the financial transactions of the branch as the local district or executive shall from time to time require for their auditing purposes.
- 3.10 Perform other such duties on behalf of the members as shall be laid down by their local district or the executive.
- 3.11 Secure direct representation on behalf of all the members of the union in the branch on all appropriate committees and bodies of the employers within the branch.

- 3.12 Secure direct representation on behalf of all members in the branch of those committees or bodies where negotiations of a collective nature are conducted.
- 3.13 Secure by way of appropriate procedures with the employers within the branch the right whereby the branch shall have the sole responsibility for communicating the general views and representing the collective interests of the union members in the branch unless this is better done by NEU workplace reps.
- 3.14 Have responsibility for negotiating on behalf of the members with the employers within the branch on all matters affecting the professional work and conditions of service of members in conjunction with workplace reps.
- 3.15 Have responsibility for negotiating with the employers within the branch those agreements necessitated as a result of or caused by an Act of Parliament or Statutory Instrument.
- 3.16 Have responsibility for negotiating on behalf of the members such agreements initiated by or at the behest of the national executive of the union.
- 3.17 Ensure that all members of the branch and officers of local district are kept informed of negotiations conducted on their behalf.

#### **4. Officer and committee**

- 4.1 The branch secretary shall be elected each year by the members of the branch. Other officers may be elected as necessary on an annual basis. The vice chairperson will be elected annually and will become chairperson the following year.
- 4.2 The secretary shall be an ex-officio voting member of the local district committee if they are not also the local district secretary.

#### **5. Elections**

- 5.1 Elections shall take place annually in the spring term and those elected shall take up office at the start of the academic year.
- 5.2 All branch members shall be given the opportunity to stand for election as Secretary, Vice Chairperson and any other officer and committee posts agreed by the branch.
- 5.3 Nominations shall be made in writing or by email and shall be proposed and seconded and endorsed by the nominee, and shall reach the Chairperson by the start of the spring term meeting which take place at least 14 calendar days before the Easter break.
- 5.4 Voting forms shall be issued to all members immediately after the spring term meeting if an election is required with a closing date of not more than 14 calendar days.
- 5.5 The counting of votes shall be overseen by the chairperson who will not be standing for election.

#### **6. Meetings**

- 6.1 The branch will hold meetings at least every term and as and when required. The agenda of business for all general and committee meetings shall be determined by the committee but will include pay, conditions, collective agreements and other matters under discussion with the employer(s).
- 6.2 Notice of all committee and general meetings shall be sent to members by email, unless a member has indicated otherwise.

- 6.3 The quorum for all general meetings shall be \_\_\_\_\_ ( insert number which shall be at least 10 but should reflect the size of the branch) members of the branch from at least three educational establishments. The quorum for committee meetings shall be 40% of committee members.
- 6.4 General meetings may be concurrent with meetings of the Local District. In this case only those members of the branch present can speak and vote on matters relating specifically to the branch.

## **7. Standing Orders**

- 7.1 Meetings shall normally be chaired by the chairperson or another member elected by the meeting if the chairperson is absent.
- 7.2 The decision of the chair on any point shall be final.
- 7.3 Questions arising at meetings shall be decided by a majority of votes, the member chairing the meeting having an additional casting vote.
- 7.4 Votes shall be decided by a show of hands, unless at least 25% present request a secret ballot.
- 7.5 The order of business shall be as determined by the committee.
- 7.6 Procedures governing the conduct of a debate shall be the same as those currently specified in the standing orders governing debates at the annual conference.

## **8. Finance**

- 8.1 The financial affairs of the branch shall be conducted in accordance with the finance regulations in the treasurers handbook.
- 8.2 The Branch Secretary shall provide the Local District Treasurer with a record of expenditure related to any grant or levy received from the Local District.

## **9. Workplace representatives**

- 9.1 The branch working with the local district shall take all necessary steps to establish that there is at least one representative or preferably a team of representatives for each education establishment in its jurisdiction.
- 9.2 The procedure for the election of the workplace representative shall be in line with national advice.
- 9.3 The representative(s) shall be elected annually by all the members in the workplace at the first meeting of the academic year.
- 9.4 The branch secretary will notify the employer(s) of the names of its accredited representatives in each workplace.

## **10. Rule amendments**

- 10.1 Proposed amendments must be agreed by a simple majority of members present and voting, at the first meeting of the academic year or a meeting specially convened for the purpose.
- 10.2 Rules initially adopted and any subsequent amendments must be approved by the Executive before taking effect.

# Appendix G

## Model rules for Multi-Employer Independent Branches

### 1. Title

The branch shall be called the << insert name >> Independent Sector Branch of the National Education Union.

### 2. Membership

Membership of the branch shall consist of all those standard and salaried work-based student members working in the independent sector within the geographical area of << insert name >> local authority.

### 3. Objects

The branch shall, within its jurisdiction:

- 3.1 Promote the objects of the union.
- 3.2 Individually and collectively, subject to accreditation requirements set down by the executive, conduct representative casework and negotiating duties with the employing authority on behalf of members and have the responsibility for communicating the general views and collective interests of members to the employer.
- 3.3 Make agreements with the employer in line with the views of the majority of members affected by the agreement.
- 3.4 Recruit new members and encourage all members to become involved in the life of the branch, local district and wider union.
- 3.5 Identify and support teams of workplace reps in every workplace.
- 3.6 Annually elect a secretary who shall be an officer of the Local District. The positions of Branch Secretary and District Secretary may be held by the same person as long as they meet the membership criteria set out in these rules.
- 3.7 Submit regular reports to the local district.
- 3.8 When necessary, seek grant funding on a per member basis from the local district or seek grant funding directly from the executive.
- 3.9 Keep records, documents and books of accounts relating to the financial transactions of the branch as the local district or executive shall from time to time require for their auditing purposes.
- 3.10 Perform other such duties on behalf of the members as shall be laid down by their local district or the executive.
- 3.11 Secure direct representation on behalf of all the members of the union in the branch on all appropriate committees and bodies of the employers within the branch.

- 3.12 Secure direct representation on behalf of all members in the branch of those committees or bodies where negotiations of a collective nature are conducted.
- 3.13 Secure by way of appropriate procedures with the employers within the branch the right whereby the branch shall have the sole responsibility for communicating the general views and representing the collective interests of the union members in the branch unless this is better done by NEU workplace reps.
- 3.14 Have responsibility for negotiating on behalf of the members with the employers within the branch on all matters affecting the professional work and conditions of service of members in conjunction with workplace reps.
- 3.15 Have responsibility for negotiating with the employers within the branch those agreements necessitated as a result of or caused by an Act of Parliament or Statutory Instrument.
- 3.16 Have responsibility for negotiating on behalf of the members such agreements initiated by or at the behest of the national executive of the union.
- 3.17 Ensure that all members of the branch and officers of local district are kept informed of negotiations conducted on their behalf.

#### **4. Officer and committee**

- 4.1 The branch secretary shall be elected each year by the members of the branch. Other officers may be elected as necessary on an annual basis. The vice chairperson will be elected annually and will become chairperson the following year.
- 4.2 The branch committee shall consist of all the Local District Officers and Committee who meet the membership criteria set out in these rules.
- 4.3 The secretary shall be an ex-officio voting member of the local district committee if they are not also the local district secretary.

#### **5. Elections**

- 5.1 Elections shall take place annually in the spring term and those elected will take up office at the start of the academic year.
- 5.2 All branch members shall be given the opportunity to stand for election as Secretary, Vice Chairperson and any other officer and committee posts agreed by the branch.
- 5.3 Nominations shall be made in writing or by email and shall be proposed and seconded and endorsed by the nominee, and shall reach the Chairperson by the start of the spring term meeting which shall take place at least 14 calendar days before the Easter break.
- 5.4 Voting forms shall be issued to all members immediately after the spring term meeting if an election is required with a closing date of not more than 14 calendar days.
- 5.5 The counting of votes shall be overseen by the chairperson who will not be standing for election.

#### **6. Meetings**

- 6.1 The branch will hold meetings at least every term and as and when required. The agenda of business for all general and committee meetings shall be determined by the committee but will include pay, conditions, collective agreements and other matters under discussion with the employer(s).

- 6.2 Notice of all committee and general meetings shall be sent to members by email, unless a member has indicated otherwise.
- 6.3 The quorum for all general meetings shall be \_\_\_\_ ( insert number which shall be at least 10 but should reflect the size of the branch) members of the branch from at least three educational establishments. The quorum for committee meetings shall be 40% of committee members.
- 6.4 General meetings may be concurrent with meetings of the Local District. In this case only those members of the branch present can speak and vote on matters relating specifically to the branch.

## **7. Standing Orders**

- 7.1 Meetings shall normally be chaired by the chairperson or another member elected by the meeting if the chairperson is absent.
- 7.2 The decision of the chair on any point shall be final.
- 7.3 Questions arising at meetings shall be decided by a majority of votes, the member chairing the meeting having an additional casting vote.
- 7.4 Votes shall be decided by a show of hands, unless at least 25% present request a secret ballot.
- 7.5 The order of business shall be as determined by the committee.
- 7.6 Procedures governing the conduct of a debate shall be the same as those currently specified in the standing orders governing debates at the annual conference.

## **8. Finance**

- 8.1 The financial affairs of the branch shall be conducted in accordance with the finance regulations in the treasurers handbook.
- 8.2 The Branch Secretary shall provide the Local District Treasurer with a record of expenditure related to any grant or levy received from the Local District.

## **9. Workplace representatives**

- 9.1 The branch working with the local district shall take all necessary steps to establish that there is at least one representative or preferably a team of representatives for each education establishment in its jurisdiction.
- 9.2 The procedure for the election of the workplace representative shall be in line with national advice.
- 9.3 The representative(s) shall be elected annually by all the members in the workplace at the first meeting of the academic year.
- 9.4 The branch secretary will notify the employer of the names of its accredited representatives in each workplace.

## **10. Rule amendments**

- 10.1 Proposed amendments must be agreed by a simple majority of members present and voting at the first meeting of the academic year or a meeting specially convened for the purpose.
- 10.2 Rules initially adopted and any subsequent amendments must be approved by the Executive before taking effect.



# Appendix G

## Model rules of Branches (Single Workplaces)

### 1. Title

The branch shall be called the ..... branch of the National Education Union.

### 2. Membership

Membership of the branch shall consist of all those standard and salaried work-based student members working in the <<bargaining unit>>.

### 3. Objects

The branch shall, within its jurisdiction:

- 3.1 Promote the objects of the union.
- 3.2 Individually and collectively, subject to accreditation requirements set down by the executive, conduct representative casework and negotiating duties with the employer on behalf of members and have the responsibility for communicating the general views and collective interests of members to the employer.
- 3.3 Make agreements with the employer in line with the views of the majority of members.
- 3.4 Recruit new members and encourage all members to become involved in the life of the branch, local district and wider union.
- 3.5 Annually elect a workplace rep/secretary and other reps as appropriate as determined by the relevant rules (see 4.1).
- 3.6 Submit regular reports to the local district.
- 3.7 When necessary, seek grant funding on a per member basis from the local district or seek grant funding directly from the executive.
- 3.8 Keep records, documents and books of accounts relating to the financial transactions of the branch as the local district(s) or executive shall from time to time require for their auditing purposes.
- 3.9 Perform other such duties on behalf of the members as shall be laid down by their local district or the executive.
- 3.10 Secure direct representation on behalf of all the members of the union in the branch on all appropriate committees and bodies of the employer.
- 3.11 Secure direct representation on behalf of all members in the branch of those committees or bodies where negotiations of a collective nature are conducted.
- 3.12 Secure by way of appropriate procedures with the employer the right whereby the branch shall have the sole responsibility for communicating the general views and representing the collective interests of the union members in the branch.

- 3.13 Have responsibility for negotiating on behalf of the members with the employer on all matters affecting the professional work and conditions of service of members.
- 3.14 Have responsibility for negotiating with the employer those agreements necessitated as a result of or caused by an Act of Parliament or Statutory Instrument.
- 3.15 Have responsibility for negotiating on behalf of the members such agreements initiated by or at the behest of the national executive of the union.
- 3.16 Ensure that all members of the branch and officers of local district(s) are kept informed of negotiations conducted on their behalf.

#### **4. Rep Team/committee**

- 4.1 The lead rep/branch secretary and a supporting rep team shall be elected each year by the members of the branch.
- 4.2 The branch committee shall consist of the lead rep/secretary, other reps and members as appropriate to the size of the branch.
- 4.3 The branch secretary/lead rep will notify the employer of the names of all accredited representatives in the workplace.
- 4.4 The secretary/lead rep shall be an ex-officio voting member of the local district committee.

#### **5. Elections**

- 5.1 Elections shall take place annually in the spring term and those elected shall take up office at the start of the academic year.
- 5.2 All branch members shall be given the opportunity to stand for election as lead rep/secretary and any other officer and committee posts agreed by the branch.
- 5.3 Nominations shall be made in writing or by email and shall be proposed and seconded and endorsed by the nominee, and shall reach the secretary/lead rep by the start of the spring term meeting which shall take place at least 14 calendar days before the Easter break.
- 5.4 If an election is necessary and providing the meeting is quorate a secret vote should be carried out at the meeting. If the meeting is not quorate voting forms shall be issued to all members immediately after the spring term meeting with a closing date of not more than 14 calendar days.
- 5.5 The counting of votes shall be overseen by an agreed member not standing for election.

#### **6. Meetings**

- 6.1 The branch will hold meetings at least every term and as and when required. The agenda of business for all general and reps meetings shall be determined by the rep/secretary but will include pay, conditions, collective agreements and other matters under discussion with the employer(s).
- 6.2 Notice of all meetings shall be sent to members by email, unless a member has indicated otherwise.
- 6.3 The quorum for all general meetings shall be at least 50% plus 1 of the membership of the branch. The quorum for rep/committee meetings shall be 40% of rep team/committee members.

## **7. Standing Orders**

- 7.1 Meetings shall normally be chaired by the secretary/lead rep or another member elected by the meeting if the secretary/lead rep is absent.
- 7.2 The decision of the chair on any point shall be final.
- 7.3 Questions arising at meetings shall be decided by a majority of votes, the member chairing the meeting having an additional casting vote.
- 7.4 Votes shall be decided by a show of hands, unless at least 25% present request a secret ballot.
- 7.5 The order of business shall be as determined by the reps/committee.
- 7.6 Procedures governing the conduct of a debate shall be the same as those currently specified in the standing orders governing debates at the annual conference.

## **8. Finance**

- 8.1 The financial affairs of the branch shall be conducted in accordance with the finance regulations in the treasurers handbook.
- 8.2 The Branch Secretary shall provide Local District Treasurer with a record of expenditure related to any grant or levy received from Local District.

## **9. Rule amendments**

- 9.1 Proposed amendments must be agreed by a simple majority of members present and voting at the first meeting of the academic year, or at a meeting specially convened for the purpose

Rules initially adopted and any subsequent amendments must be approved by the Executive before taking effect.

# Appendix H

## Rules for Political Fund

1. The objects of the National Education Union shall include the furtherance of the political objects to which section 72 of the amended Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies. These objects are: -
  - 1.1. The expenditure of money -
    - (a) on any contribution to the funds of, or on the payment of 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.
  - 1.2. 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.
  - 1.3. 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.
  - 1.4. 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. The particular rules which apply to those people that joined the Union before 1 March 2018 (and to political funds set up before 1 March 2018) are set out in Schedule 1 to these rules.
4. The particular rules which apply to those people that joined the Union after 28 February 2018 (and to political funds set up after 28 February 2018) are set out in Schedule 2 to these rules.
5. For the purpose of enabling each member of the union who may pay a political contribution to know in respect of any such contribution, what portion, if any, of the sum payable by him is a contribution to the political fund of the union, it is hereby provided that £1.79 of each annual contribution in 2018 and 1% of each annual contribution before any local level is applied in subsequent years is a contribution to the political fund, and that any member who is exempt shall be relieved from the payment of the sum of £1.79 in 2018 and 1% of each annual contribution before any local level is applied in subsequent years, and shall pay the remainder of such contribution only.
6. 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 being so exempt.
7. 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 1992 Act, they may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he thinks fit and after giving the complainant and 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 1992 Act, be enforced in the manner provided for in section 82(4) of the 1992 Act.
8. Contribution to the political fund of the union shall not be made a condition for admission to the union.
9. The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by section 32ZB of the 1992 Act.
10. The union shall ensure that a copy of the political fund rules is available, free of charge, to any member of the union who requests a copy.

# Appendix H

## Schedules 1 & 2 Political Fund Rules

### Schedule 1

Rules that apply to members that joined the National Education Union before 1 March 2018 (and political funds set up before 1 March 2018).

#### Notice to members

1. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union, it shall ensure that a notice in the following form is given to all members of the union.

#### Notice to Members

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

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.

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, the head office or any branch office of the union or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX

This form, when filled in, or a written request to the like effect, should be handed or sent to the General Secretary or, until August 2023, to either of the Joint General Secretaries.

2. This notice shall be published to members by such methods as are used by the union to publish notices of importance to members. It is the union's current practice to publish such notices on its web-site (and also both section web-sites until 31 December 2018).

#### Request for exemption

Any member of the union may at any time give notice a) on the form of exemption notice specified in rule 5, or b) written request in a form to the like effect, that he objects to contribute 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 head office or any branch office of the union, or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

3. The form of an exemption notice shall be as follows: -

<b>National Education Union</b>	
<b>POLITICAL FUND EXEMPTION NOTICE</b>	
I 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.	
Print Name:.....	Signature:.....
Address:.....	
.....	
Date:.....	

4. Any member may obtain exemption from contributing to the political fund by sending a Notice of Exemption to the General Secretary or such other person as is identified in the Notice to Members in rule 1. On receiving the Notice of Exemption the union shall send an acknowledgement of its receipt to the member at the address in the notice, and shall process the exemption as soon as reasonably practicable.

**Manner of giving effect to exemption**

5. On giving an exemption notice, a member shall become exempt from contributing to the union's political fund, where the notice is given: -
- (a) Within one month of the giving of Notice to Members in rule 1 following the passing of a political resolution on a ballot held at a time when no such resolution is in force, as from the date on which the exemption notice is given; or
  - (b) In any other case, as from 1 January next after the exemption notice is given [or any earlier date as decided by the union].
6. The union shall give effect to the exemption of members from contributing to the political fund of the union by relieving members who are exempt from the payment of the whole or part of any periodical contributions required from members towards the expenses of the union.

**Schedule 2**

Rules that apply to people that joined the Union after 28 February 2018 (and to political funds set up after 28 February 2018)

**Opting in by union members to contribute to political funds**

- 1. A member cannot be required to make a contribution to the political fund of the union unless they have given notice of their willingness to contribute to that fund (an "opt-in notice").
- 2. A member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a "withdrawal notice").

3. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.
4. A member of a trade union may give an opt-in notice or a withdrawal notice: -
  - (a) by delivering the notice (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
  - (b) by sending it by e-mail to the following email address: politicalfund@neu.org.uk;
  - (c) by completing an electronic form provided by the union which sets out the notice and sending it to the union by electronic means with instructions by the union;
  - (d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act)

### **Information to members about opting in to the political fund**

5. The union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice.
6. Such notification may be given: -
  - (a) by sending individual copies of it to members; or
  - (b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.
7. The notification may be included with the statement required to be given by section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992. Overseas members of the union will not be sent the notification.
8. A trade union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.
9. Where the same form of notification is not provided to all the members of the union, the union shall send to the Certification Officer a copy of each form of notification provided to any of them.
10. If any member alleges that he is aggrieved by a breach of any of these rules for giving information to members about opting into the political fund, being a rule or rules made pursuant to section 84A of the 1992 Act, they may complain to the Certification Officer. Where the Certification Officer is satisfied that the union has failed to comply with a requirement of section 84A of the 1992 Act the Officer may make such order for remedying the failure as he thinks just under the circumstances. Before deciding the matter the Certification Officer: -
  - (a) may make such enquiries as the Officer thinks fit;
  - (b) must give the union, and any member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and
  - (c) may give the union, and any such member as is mentioned in clause (b), an opportunity to make oral representations.



### **Manner of giving effect to decision not to contribute to political fund**

11. The union shall give effect to the member's decision not to contribute to the political fund of the union by relieving members who are not contributors from the payment of the appropriate portion of any periodical contribution required from members towards the expenses of the union.
12. Any form (including an electronic form) that a person has to complete in order to become a member of the union shall include: -
  - (a) a statement to the effect that the person may opt to be a contributor to the fund; and
  - (b) a statement setting to the effect that a person who chooses not to contribute to the political fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members of the union (except in relation to control of the political fund).

# Appendix I

## NEU Code of Professional Conduct

As a membership organisation that represents the interests, and reflects the views, of those employed in education, the NEU expects members to act professionally and in accordance with these Rules both as an individual member and in the capacity of a representative of the Union. Members will conduct themselves professionally and ethically, with respect for others, maintaining an environment in which the Union's objections can be pursued productively and creatively. Discrimination and discriminatory behaviour will not be tolerated, including discrimination on ground of race, ethnicity, nationality, religion, sex, gender identity, disability, social class, family status, pregnancy and maternity.

Members will be liable to disciplinary action and sanction according to the provisions of Appendix A in relation to behaviour which amounts to:

- (a) conduct which is contrary to these Rules either as an individual member or in the capacity of representative of the Union;
- (b) fraud on the Union or any misappropriation of its funds or property;
- (c) discrimination and discriminatory behaviour in contravention of the Objects of the NEU and this Code; or
- (d) other professional conduct which brings injury or discredit to the Union.

Unprofessional conduct includes actions which are injurious to the professional honour of another member, including but not limited to the following:

- (i) Taking an appointment from which, in the judgement of the NEU Executive a member of the Union has been unjustly dismissed.
- (ii) Making a report which contains criticism of the work or conduct of another member without at the time acquainting the member concerned with the nature of the report, either verbally or in writing. This does not however apply to issues which relate to child protection issues or other legal duties or responsibilities of a member and which it is reasonable at the time for the member to believe that the member concerned will receive a copy of the report in the course of a formal process.
- (iii) Censuring or criticising other members in the hearing of pupils and other persons not directly involved in the running of the school.
- (iv) For any member to seek to compel another member to perform outside the ordinary workplace hours any task which is not essentially connected with the ordinary work and organisation of the institution;
- (v) For any member to impose upon another member, out of the ordinary workplace hours, an excessive and unreasonable amount of work of any kind.

The right of any member to Union membership and all claims and entitlements to Union benefits shall be reviewed by the Professional Conduct (Criminal Convictions) Committee and the Executive in accordance with Rule 22 where the member is convicted in a Court of Law of any offence which may bring the Association into disrepute.

# Notes

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