

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

THIS INSTRUMENT OF AMALGAMATION

made between **the Association of Teachers and Lecturers (ATL)** and the **National Union of Teachers ("NUT")** (together "the amalgamating unions") shall, if duly approved by a resolution of the members of each of the amalgamating unions take effect upon the date of registration of this instrument ("the effective date")

IT IS HEREBY AGREED AS FOLLOWS:-

1. Upon the effective date the members of each of the amalgamating unions shall become members of the New Union and shall become subject to that Union's rules.
2. The name of the amalgamated union shall be the "National Education Union".
3. The rules of the New Union shall consist of:
 - 3.1 The general (transitional) rules which are set out in the Schedule hereto.
 - 3.2 The rules of the ATL Section which shall consist of the rules of ATL in force immediately before the effective date insofar as they are consistent with the general rules. The ATL Section rules shall apply to all members of the New Union who were members of ATL immediately before the effective date or who, having joined the New Union since the effective date, have been allocated to the ATL Section.
 - 3.3 The rules of the NUT Section shall consist of the rules of NUT in force immediately before the effective date insofar as they are consistent with the general rules. The NUT Section rules shall apply to all members of the New Union who were members of NUT immediately before the effective date or who, having joined the New Union since the effective date, have been allocated to the NUT Section.
 - 3.4 The general (transitional) rules provide that a new set of rules, as attached in the schedule hereto, to supersede the general rules and the sectional rules shall come into effect on 1st January 2019 or such earlier date as may be agreed by the Executive Committees of both the ATL and NUT sections. Prior to the 1st January 2019 (or such earlier date as may be agreed by the Executive Committees of both the ATL and NUT sections) the new rules can only be amended with the agreement of the Executive Committees of both sections.
4. The assets, funds and property of the amalgamating unions shall, upon the effective date, continue to be held by the corporate trustees or individuals who were the trustees of the amalgamating unions prior to the effective date in trust and for the benefit of and in accordance with the rules of the New Union.
5. Upon the effective date the members of ATL shall become members of the ATL Section and the members of NUT shall become members of the NUT Section of the New Union. Members joining after the effective date shall be members of both sections and will be allocated to the appropriate section in accordance with the provisions of the general rules for individual representation purposes.
6. As from the effective date the members of the ATL and NUT Sections of the New Union shall pay contributions to the appropriate Sections at the same rate as is payable to their respective amalgamating unions immediately before the effective date. Members joining after the effective date shall pay a subscription

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

rate set by the Joint Executive Council.

7. As from the effective date the members of the NUT Section of the New Union who before the effective date paid contributions towards the political fund of the NUT shall continue to pay contributions towards the political fund of the New Union until such time as notice is given by a member requesting an exemption from doing so, subject to any change in legislation.
8. Upon the effective date the employees of the amalgamating unions shall become employees of the New Union upon terms and conditions of employment no less favorable than those in force immediately before the effective date. No employee of either of the amalgamating unions shall be declared redundant as a direct result of the amalgamation of those unions without that employee's consent.
9. Upon the effective date:
 - 9.1 The Joint Executive Council of the New Union shall consist of 30 members being 12 members from the ATL section and 18 members from the NUT Section.
 - 9.2 The members from the ATL Section shall be elected by and from the Executive Committee of the ATL Section. If a member of the ATL Section who is a member of the Joint Executive Council shall cease to hold that office for any reason the vacant position shall be filled by such member of the Executive Committee of the ATL Section as that Executive Committee shall determine.
 - 9.3 The members from the NUT Section shall be elected by and from the Executive Committee of the NUT Section. If a member of the NUT Section who is a member of the Joint Executive Council shall cease to hold that office for any reason the vacant position shall be filled by such member of the Executive Committee of the NUT Section as that Executive Committee shall determine.
10. The period of membership of every member of the New Union who was a member of either of the amalgamating unions immediately prior to the effective date shall be treated, for all purposes, as a continuous period of membership of the New Union from the date of the member's last entry into membership of either of the amalgamating unions.

Signed on behalf of ATL

Signed on behalf of NUT

SCHEDULE GENERAL (TRANSITIONAL) RULES

1. NAME AND OBJECTS

1.1. The Union formed under these rules shall be called the "National Education Union".

1.2. **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.

2. SECTIONS AND MEMBERSHIP

2.1 The Union shall consist of two Sections; the ATL Section and the NUT Section. The rules of the Union shall consist of these general rules and the rules of each Section. The affairs of each Section shall be conducted in accordance with the general rules and the rules of that Section. Complaints against members that a Section member has breached the

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

Sectional Rules shall be dealt with under the Rules of that Section. Where a member is accused of a breach of the general rules, that member shall be dealt with by the Joint Executive Council, or any person or persons to whom the Joint Executive Council delegates the power of investigation and discipline. The Joint Executive Council shall provide for a fair disciplinary process and an appeal against any disciplinary decision to be determined by a person or persons who was/were not involved in the disciplinary proceedings.

- 2.2 The rules of each Section shall, to the extent only that they are consistent with the general rules, consist of in the case of the ATL Section the ATL's rules, and in the case of the NUT Section the NUT's rules. In both cases the Sectional rules will be those rules as in force in the respective predecessor union immediately before the date on which the amalgamation of those unions took effect ("the amalgamation date").

Subject to the provisions of these general rules:

- (a) references in the rules of the ATL Section and in any trust deed or any rules of any pension scheme established by ATL or by any union which had transferred its engagements to it or by any of its predecessors and in the articles of association of any corporate trustee of ATL to any body or officer of ATL shall be construed as references to the equivalent body or officer in the ATL Section;
- (b) references in the rules of the NUT Section and in any trust deed or any rules of any pension scheme established by NUT or by any union which had transferred its engagements to it or by any of its predecessors and in the articles of association of any corporate trustee of the NUT to any body, officer or official of NUT shall be construed as references to the equivalent body or officer in the NUT Section;

- 2.3 Where the Union organises or represents persons engaged in an occupation or seeks to do so, any person engaged in that occupation shall be eligible for membership of the Union. Every member of the Union shall be a member of at least one of the Sections. New members will be members of both sections but will be allocated to the most appropriate section for representational purposes taking into account the jurisdictions of each section prior to the amalgamation. New members will pay the subscription rate agreed by the Joint Executive Council.

- 2.4 Members who are members of both sections will be entitled to vote in ballots in both sections as defined by the rules of that section except where a ballot is being conducted in both sections simultaneously and on the same issue, in which case they will only be entitled to a single vote.

- 2.4 The period from the effective date of the Instrument of Amalgamation until the implementation of the new rules in accordance with general rule 6.3i, shall be referred to as "the transitional period".

3. THE JOINT EXECUTIVE COUNCIL

- 3.1 The government, management and control of the Union shall be vested in the Joint Executive Council except that each Section shall, subject to the provision of these general rules, have autonomy in respect of all matters which relate solely to the internal affairs of that Section and which do not affect the interests of the other Section or any of the members of that

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

other Section.

- 3.2 The Joint Executive Council shall make its decisions on the basis of a simple majority of those present, with each member being entitled to one vote, except in matters relating to these general rules, the new rules referred to in section 6.3i or when either or both of the Joint General Secretaries believe that an issue is so fundamental as to impact on the objects of the union that a majority of not less than seventy-five per cent of those voting shall be required.
- 3.3 The Joint Executive Council may do such things and authorise such acts consistent with the rules and objects of the Union as it may deem expedient to promote the interests of the Union or any of its members. The Joint Executive Council'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 Joint Executive Council can delegate authorisation to a sub-committee in respect of local industrial action.
- 3.4 The Joint Executive Council shall consist of thirty members, being twelve members from the ATL section and eighteen members from the NUT Section, each of whom shall have a vote. The original members of the Joint Executive Council shall be determined in accordance with the Instrument of Amalgamation pursuant to which the Union came into being and if a member of the Joint Executive Council shall cease to hold that office for any reason the vacant position shall be filled in accordance with the provisions of the said Instrument of Amalgamation. The Joint General Secretaries will be entitled to attend and speak at all meetings of the Joint Executive Council.
- 3.5 The Joint Executive Council shall meet at least six times a year. The Joint Executive Council meetings will be chaired by the Chair of each Section's Executive on an alternating meetings basis. The Chairs will bear in mind their fiduciary duty to the Union as a whole. The Chair shall have a vote of the same weight as other Joint Executive Council members and will not have any additional vote even in the event of an otherwise tied vote. The agenda for each Joint Executive Council meeting will be agreed by the Joint General Secretaries in advance of the meeting.
- 3.6 No individual or group from either section shall hold themselves out as representing the whole of the Union in any financial matter, or place a binding financial commitment on the other section or fully amalgamated Union, unless that approach/transaction has been agreed by the Joint Executive Council or in writing by both Joint General Secretaries.
- 3.7 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; each additionally being responsible for the section representing their respective predecessor union.
 - 3.7.1 In order to provide continuity from the transitional period into the New Union and to oversee the election of the General Secretary Designate of the New Union, an election for both Joint General Secretary positions shall take place with the successful candidates being elected for a term of office starting on 1st August 2018 and ending on 31st July 2023.

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

- 3.7.2 An election will be held for a General Secretary Designate of the New Union, elected by all members of the New Union, and shall take place in sufficient time that the successful candidate can commence their term of office from 1st August 2023.
- 3.7.3 In the event of either Joint General Secretary vacating their post for whatever reason between 1st August 2018 and 31st July 2023 the relevant section will elect a new Joint General Secretary to hold office until 31st July 2023.
- 3.7.4 In the event of either Joint General Secretary vacating their post for whatever reason prior to 1st August 2018 the relevant section will elect a new Joint General Secretary to hold office until 1st August 2018.
- 3.7.5 The General Secretary Designate shall assume the post of General Secretary of the New Union with effect from 1st August 2023.
- 3.7.6 All subsequent elections for the General Secretary shall be on the basis of a ballot of the whole membership of the New Union.
- 3.7.7 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 Joint Executive Council, conducting correspondence on behalf of the Union, maintaining the accounts and records of the Union, managing the Union's professional staff and such other duties as may be determined by the Joint Executive Council. Until 1st January 2019 (or such earlier date as may be agreed by the Executive Committees of both the ATL and NUT sections) each Joint General Secretary will have sole authority for their section in respect of these responsibilities. Each Joint General Secretary may delegate to a member of the professional staff of the Union, such of his/her responsibilities as he/she may deem appropriate.
- 3.8 The Joint General Secretaries shall be under the control of and act in accordance with the directions of the Joint Executive Council. Between Joint Executive Council meetings each Joint General Secretary shall exercise the Joint Executive Council's powers provided that he/she shall not act inconsistently with an existing Joint Executive Council decision.
- 3.9 All professional staff employed by the Union shall be appointed on the basis of competence and merit for the job. The Joint Executive Council's approval shall be required before changing their terms and conditions of employment or superannuation arrangements. During the transitional period all appointments to employed posts in the new union, whether from staff employed by either the ATL or NUT sections, or newly appointed employees, will be made by, or under the direction of, the Joint General Secretaries following the agreed appointment process.
- 3.10 Each section shall keep management accounts and shall report those accounts to the Joint Executive Council. Each section shall report newly incurred liabilities to the Joint Executive Council, and between Joint Executive Council meetings will report to the Joint General Secretary of the other section new liabilities, including ET/CO/Court claims issued against that section or against the union as a whole in relation to alleged acts or omissions by that section.
- 3.11 Where a section wishes to enter into a new contract for any service,

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

property or facility it will endeavour to work with the other section to obtain the best overall value for the Union for agreements lasting beyond the term of the transitional period. In the event of disagreement proposed agreements will be escalated to both the Joint General Secretaries, and in the event of disagreement thereafter the agreement will be escalated to the Joint Executive Council.

- 3.12 No employee of either of the amalgamating unions shall be declared redundant as a direct result of the amalgamation of those unions without that employee's consent.

4. LOCAL STRUCTURES

- 4.1 During the transitional period (as defined by general rule 2.4) the local structures of the ATL and NUT sections shall operate as they did prior to the amalgamation date governed by the respective ATL and NUT Section's local rules as in force immediately prior to the amalgamation date. At the end of the transitional period, Joint Executive Council may permit ATL and NUT local officers to jointly complete their terms of office.
- 4.2 To the extent that they are consistent with the general rules, the local structures of each Section shall have autonomy in respect of all matters which relate solely to the internal affairs of that Section and which do not affect the interests of the other Section or any of the members of that other Section.
- 4.3 Membership and officers of each Section's local structures shall be determined by their Sectional rules. Duly elected officers of each Section's structures shall maintain facility allocations, wherever possible to the same extent, and in every case in the same ratio, as existed at the amalgamation date.
- 4.4 Local officer discussions will seek to build strong working relationships leading to the new union structures coming into force after the transition. During the transitional period, in every jurisdiction where both Sections had members prior to the amalgamation date, parallel to each Section's local structures, there will be regular meetings between relevant local officers. Each section will decide, from amongst its elected local officers, who should attend such meetings. The geographical basis of such meetings shall be one for every education authority.
- 4.5 Local joint officer meetings will co-ordinate all matters that affect the interests of members of both Sections, including:
- i.) Negotiations with employers which at the amalgamation date recognised both ATL and NUT
 - ii.) Member support and representation
 - iii.) External relations
 - iv.) Allocation of facility time
 - v.) Member engagement
 - vi.) Preparing proposals for post-transition local structures that will be subject to the terms of the new rules that will be implemented in accordance with general rule 6.3i and also subject to ratification by the Joint Executive Council prior to the end of the transition period

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

- vii.) Any other matters they so determine themselves and consistent with both the general and the Sectional rules;
 - viii.) Any other matters referred to them by the Joint Executive Council during the transition period.
- 4.6 Local joint officer meetings shall not have any authority over matters which relate solely to the internal affairs of either Section or which relate solely to the interests of the members of either Section. All expenses incurred by joint local councils shall be met by each Section's local structures.
- 4.7 Local officers shall jointly determine the frequency and schedule of their meetings save that they meet at least once every term. The agenda for local joint officer meetings shall be determined by the matters set out in 4.6 above.
- 4.8 Local officers shall be responsible for reporting to their respective sections on such discussions and referring any relevant matters to the Joint Executive Council upon request.
- 4.9 Workplace reps, duly elected and accredited according to their Sectional rules will continue to represent their Section's members in their workplace. Where ATL and NUT workplace reps receive paid release the terms of 4.3 above shall apply. Team-working amongst reps in a workplace, sharing representational duties, shall be fostered, encouraged and facilitated (e.g. union learning, health and safety, support staff, leadership).
- i.) ATL and NUT reps in the same workplace should meet regularly to co-ordinate recruitment, communication, negotiation and representational matters. Where only one union was recognised at the date of amalgamation, the duly elected and accredited rep of that union shall act as the lead rep for formal representation matters.
 - ii.) In workplaces where there is either only an ATL or only an NUT rep, the members in the Section without a rep shall be given the opportunity to elect a rep in accordance with their Sectional rules. In the absence of such a rep being elected then members of that section may seek guidance, support and representation from the other Section's rep.
 - iii.) In workplaces where there is neither an ATL or an NUT rep the members of both Sections shall be given the opportunity to elect either a rep for each Section, subject to Sectional rules, or to elect a joint ATL-NUT rep to act on behalf of both Section's members.
- 4.10 Should any disputes arise, that cannot be resolved with the assistance of professional staff, the matter will be referred to the Joint Executive Council for decision.

5. FUNDS

- 5.1 All funds and assets of the Union shall be held by the trustees in trust for the Union in accordance with the provisions of these general rules and the sectional rules. The trustees shall be the corporate trustees or individuals who were the trustees of the amalgamating Unions prior to the effective date of the Instrument of Amalgamation.
- 5.2 Accounts shall be maintained recording separately each Section's income

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

and expenditure in each calendar year. The income credited to each Section shall consist of the contributions paid by members of that Section and the income derived in that year from assets and affinity agreements referable to that Section. The assets referable to each Section shall consist of the initial assets of that Section, assets purchased from that Section's income and the proceeds of such assets. Income from assets referable to both Sections shall be credited to each Section in proportion to that Section's contribution to the purchase of those assets.

- 5.3 The initial assets of the ATL Section shall be the assets which were previously the property of ATL and the initial assets of the NUT Section shall be the assets which were previously the property of NUT, including those held locally. The initial assets of each Section shall continue to be held by the trustees which held those assets immediately prior to the general rules coming into effect.
- 5.4 All sectional expenditure shall be debited to the appropriate Section. Where expenditure is incurred on the provision of a service or facility shared by both Sections, the expenditure shall be debited to each Section in proportion to the use made of that service or facility by that Section. Where the Union incurs expenditure which is not sectional expenditure it shall be debited to each Section in equal parts unless otherwise agreed by the Joint Executive Council. Expenditure relating to employment of the professional staff shall be treated in the same way as other forms of expenditure.
- 5.5 The Joint Executive Council as advised by the Joint General Secretaries shall determine which categories of expenditure shall be deemed sectional expenditure and any dispute concerning the expenditure to be borne by or the income to be credited to each Section shall be referred to the Joint Executive Council whose decision shall be final and binding upon the Section.
- 5.6 Subject to the provisions of these general rules, the ATL Section Executive Committee and the NUT Section Executive Committee shall control the expenditure of their respective Sections provided that a Section shall not incur expenditure in excess of its income for that year, borrow or obtain an overdraft without the consent of the Joint Executive Council of the Union, as advised by the Joint General Secretaries, which may take such measures as it shall deem appropriate to reduce that Section's expenditure to a level which does not exceed its income for that year. The requirement for consent of the Joint Executive Council does not apply to local funds. However, local funds cannot be used to make spending commitments beyond the end of the transitional period, without the agreement of both sections.
- 5.7 A firm of chartered accountants shall be appointed by the Joint Executive Council to act as the auditors for the whole of the Union. They shall endeavour to ensure that so far as is reasonably practicable the income, expenditure, assets and liabilities of each Section is recorded in each Section's accounts in a similar fashion and using consistent criteria.
- 5.8 The Joint Executive Council as advised by the Joint General Secretaries shall direct the trustees on the disposition of the funds and other assets of the Union and on their investment in any way that it considers conducive or incidental to the objects of the Union. No assets may be disposed of without the consent of the Joint Executive Council.
- 5.9 The political fund of the Union is comprised of the political funds of each

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

section. The Political Fund Rules are contained in the relevant Section Rules.

6. **CONTENT, INTERPRETATION AND AMENDMENT OF FULL RULES OF THE NEW UNION**

6.1 In the event of a question arising about the meaning or interpretation of the general rules, of conflict between the general and the sectional rules or about any matter not provided for by those rules the Joint Executive Council shall have jurisdiction to determine that question and its decision shall be binding upon all members of the Union.

6.2

- i) The general rules may be amended by a resolution of the Joint Executive Council supported by not less than seventy-five per cent of its members provided that any such amendment shall cease to have effect on the anniversary of the date in which it took effect if it has not been ratified in the meantime by a majority of the annual conferences of both sections.
- ii) Notwithstanding the provision of these rules, the Joint Executive Council shall have power by a resolution supported by not less than seventy-five per cent of its members to amend any of the general or sectional rules to:
 - a) Ensure that the general and sectional rules do not conflict with any requirement of law, whether imposed by statute or otherwise.
 - b) Give effect to the terms of the Instrument of Amalgamation pursuant to which the Union came into being.

6.3

- i) The general rules include as an appendix a new set of rules to supersede the general rules and the sectional rules, and these shall come into effect on 1st January 2019 or such earlier date as may be agreed by the Executive Committees of both the ATL and NUT sections. Prior to the 1st January 2019 (or such earlier date as may be agreed by the Executive Committees of both the ATL and NUT sections) the new rules can only be amended with the agreement of the Executive Committees of both sections.
- ii) The first Executive Council of the New Union shall be elected to take office on 1st January 2019 (or such earlier date as may be agreed by the Executive Committees of both the ATL and NUT sections) and shall be elected by the membership on the basis of the new rules and not on a predecessor union sectional basis.
- iii) The Joint Executive Council will ensure that the First Executive Council for the whole New Union will be elected in time to take up office immediately upon the Joint Executive Council's term coming to an end.
- iv) As provided for in the new rules, the election of Officers and Executive members for the inaugural Executive will be conducted under the auspices of the Joint Executive Council. The period of office for the inaugural Executive will be extended to run from 1

INSTRUMENT OF AMALGAMATION AND TRANSITIONAL RULES

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 the new rules.

- v) In respect of both the NUT and the ATL Sections of the New Union, the number of members of the Joint Executive Council cited above shall include the President and Vice President of each section.

This is a copy of the proposed general rules of the amalgamated Union.

**General Secretary
ATL**

**General Secretary
NUT**