

National Rules of the National Education Union effective from 1 January 2019

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 Local District 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 negotiating 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 employer is attached to or for those not attached to an employer 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 in writing to 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 has 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 in writing 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 January 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 December 31 next following, provided that the teacher has undertaken to become a 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 payment 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 Profession assistance/admin of 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, 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.
- 6.3 If any applicant for Union membership requires representation or assistance (including legal advice), with problems that arose before they joined the prospective member should declare any such problems in a letter with their application form. 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 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 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 an 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 normally 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 of 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 and 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 January 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 Association as the Executive shall from time to time decide and annually at December 31 or at such other dates as shall be required by the Executive, shall prepare and submit to the General Secretary, a Statement of Account in the form and manner required by the Executive, and in compliance with the requirements of the Certification Officer for Trade Unions and Employers' Associations. 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.

- 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 ex-officio voting members of their own Local District Committee and an ex-officio non-voting member of any other constituent Local District Committee of their branch. Executive members shall be ex-officio non-voting members of the Local District Committees included in their electoral districts.

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 Model 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 properly constituted meetings according to the Model Rules.
- 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 Industrial Action

- 9.1 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.
- 9.2 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.
- 9.3 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.

10 Independent Schools, Post 16 Establishments and Support Staff Sections

- 10.1 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.
- 10.2 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.
- 10.3 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 the Executive.
- 10.4 Each section can only be disbanded by a majority vote by ballot of members of that section.

11 Officers and Executive Members

- 11.1 The election of the Officers of the Union and 70 members of the Executive shall take place biennially. In the year of an election the Officers shall consist of the President, the Senior Vice-President and Junior Vice-President, the Past-President, the Membership and Equality Officer and the Treasurer of the Union elected in accordance with these rules. In the year 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. 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.
- 11.2 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.
- 11.3 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.
- 11.4 All members of the Executive except the President and the Senior Vice-President shall retire biennially but shall be eligible for re-election.
- 11.5 No paid official of the Union may be a member of the Executive. The Joint General Secretaries (until 31st August 2023) and General Secretary (from 1st September 2023) shall have the right to attend and speak at all Executive and Committee meetings.
- 11.6 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.
- 11.7 All members of the Union with at least three year's 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..

11.8 Nominations and Elections (General)

- 11.8.1 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 Deputy General Secretary (Policy) and to make nominations for the elections of members of the Executive.
- 11.8.2 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 and shall be made in accordance with the nomination guidelines which have been approved by the appointed independent scrutineer.
- 11.8.3 The Secretary of each Local District shall give to the members (other than retired, 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.
- 11.8.4 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.
- 11.8.5 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).
- 11.8.6 The election of the Officers of the Union shall be held prior to the election of the other members of the Executive.
- 11.8.7 Members who have retired or who have left the education profession shall be disqualified from election.
- 11.8.8 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.
- 11.8.9 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. The election address must be received no later than seven days after the closing date for receipt of nominations by the General Secretary.

11.9 Nomination and Election of Vice-Presidents

- 11.9.1 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.
- 11.9.2 The member so nominated must have been a member of the Union for the five years immediately preceding the election.

11.10 Nomination and Election of Membership and Equalities Officer and Treasurer

11.10.1 Every Local District may nominate one member of the Union for the as Membership and Equalities Officer and one member of the Union for the Office of Treasurer.

11.10.2 The members so nominated must have been members of the Union for the five years immediately preceding the election.

11.10.3 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.

11.11 Timetable - Election of Officers

11.11.1 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 associations 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 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.

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

11.12.1 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.

11.12.2 For four and three-seat Electoral Districts the two female candidates with the most vote 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.

11.12.3 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.

11.12.4 The member so nominated must have been a member of the Union for the three years immediately preceding the election .

11.12.5 A candidate for the Executive may only be nominated by a Local District within the Electoral District she or he seeks to represent.

11.12.6 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.

11.12.7 A candidate may only accept a nomination for an electoral district of which they are a member.

11.13 Timetable - Election of Executive Members other than the Officers

11.13.1 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 associations no later than 21 January in the year prior to which the election is to take place;
- (b) Nominations made in accordance with the provisions of the relevant rules shall be made on the form provided for the purpose and must reach the General Secretary not later than 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 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 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.

11.14 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 prior to which the election is to take place.
- (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 statement of biographical details of up to 100 words. Any such election address and statement of biographical details must be received by the General Secretary no later than seven days after the closing date for the receipt of nominations.
- (g) Eligibility to vote shall be restricted to those members whose names appear on the register established and maintained in accordance with 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.

11.15 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 are 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 prior to which the election is to take place.
- (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 statement of biographical details of up to 100 words. Any such election address and statement of biographical details must be received by the General Secretary no later than seven days after the closing date for the receipt of nominations.
- (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.

11.16 Conduct of Elections:

11.16.1 Officers, Executive, General Secretary & Deputy General Secretary (Policy)

(a) Eligibility to Vote.

All those, other than associate, retired and students 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 associations 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 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.

11.17 Vacancies

11.17.1 Any vacancy arising between elections in the office of President, Senior Vice-President or Executive 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.

11.17.2 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 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.

11.17.3 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 remaining 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.

11.18 Electoral Systems

Unless expressly stated elsewhere within these Rules, all 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".

11.19 Election of Officers and Executive to take up office from 1 January 2019

11.19.1 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.

11.19.2 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.

12 Meetings of the Executive

- 12.1 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.
- 12.2 The meetings shall be held in London or such other place as may be agreed upon by the Executive.
- 12.3 In any meeting of the Executive duly summoned, 40% of members shall form a quorum.
- 12.4 The expenses of the members of the Executive for approved business shall be defrayed out of the funds of the Union.
- 12.5 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.

13 Professional Staff

- 13.1 The professional staff shall include the General Secretary, Deputy General Secretaries and all other paid employees of the union.
- 13.2 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 new union will be overseen by the Joint General Secretaries or General Secretary following the agreed appointment process.
- 13.3 No member of the professional staff of the Union may be a member of the Executive, a representative of an Association at Conference, or a Trustee of the Union.
- 13.4 The General Secretary and Deputy General Secretary (Policy) shall be salaried officials of the Union elected by a postal ballot of those members eligible under these rules.
- 13.5 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 31st December 2022 the relevant section will elect a new Joint General Secretary to hold office until 31st August 2023.
- 13.6 The General Secretary Designate shall assume the post of General Secretary of the New Union with effect from 1st August 2023.
- 13.7 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 full time officers and staff and such other duties as may be determined by the Executive.
- 13.8 From 1st 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 full time officers and staff and such other duties as may be determined by the Executive.

- 13.9 Candidates for the posts of General Secretary and Deputy General Secretary (Policy) 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.
- 13.10 Candidates must be nominated by fifteen or more Local Districts.
- 13.11 Elections for the posts of General Secretary and Deputy General Secretary (Policy) 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 Deputy General Secretary (Policy) 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:
- 13.12 The Executive shall by notice given to the Secretaries of Local Districts declare the timetable for the elections of the General Secretary and the Deputy General Secretary (Policy) within two months of the end of the fourth year following the previous election held under Paragraph 6 of this rule.
- 13.13 The nominations shall be made on the form provided for the purpose and must reach the Returning Officer not less than eight weeks before the closing date of an election.
- 13.14 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.
- 13.15 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.
- 13.16 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.
- 13.17 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.
- 13.18 The voting papers shall be returned by post to the offices of the appointed independent scrutineer in accordance with the published timetable.

- 13.19 The General Secretary and the Deputy General Secretary, once elected, shall be immediately appointed to the salaried service of the Union upon terms appropriate to the holders of such office. The contracts of service of any outgoing General Secretary or Deputy General Secretary (Policy) 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.
- 13.20 Suspension or commencement of disciplinary action against either of the Joint General Secretaries can only take place following a majority vote of 3/4 of the Executive. From September 2023 suspension or commencement of disciplinary action against the General Secretary can only take place following a majority vote of 2/3 of the Executive.

14 CONFERENCE

14.1 Time and Place

- 14.1.1 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.
- 14.1.2 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.
- 14.1.3 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 Annual Report.

14.2 Members

- 14.2.1 Conference shall consist of the Executive, the former Presidents who are still members of the Union, the General Secretary, the Deputy General Secretary(Policy)`, the Trustees, the Honorary Members of the Union, members of the Conference Business Committee and the Representative elected according to these rules.
- 14.2.2 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.
- 14.2.3 The Disabled, LGBT+ and Black member Sections will each be allowed to appoint six representatives to conference. Such representatives shall carry one vote each.
- 14.2.4 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 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)

14.2.5 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.

14.2.6 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 (ATL/NUT) each 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)

14.3 Quorum

14.3.1 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.

14.4 Scrutineers

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

14.5 Conference Business Committee

14.5.1. There shall be a Conference Standing Orders/Business 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.

14.5.2 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.

14.6 Annual Conference arrangements

14.6.1 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.

15 Finance, funds and trustees

15.1 The Executive shall have overall responsibility for the management, control and expenditure of the Union's financial, investment, property and all other resources.

15.2 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.

16 Funds

16.1 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) Benevolent Fund
- (f) International Fund

16.2 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"

16.3 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.

16.4 General Fund

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

16.5 General Fund Reserve

16.5.1 There shall be transferred into the General Fund Reserve on 31 December of each year the amount by which the income of the General Fund exceeds the expenditure of the Fund for that year; and in case the expenditure from the General Fund exceeds the income of the Fund for that year, the amount of the deficit shall be made good from the General Fund Reserve.

16.6 Professional Sustentation Fund-

16.6.1 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.

16.6.2 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.

16.6.3 If any member suffers pecuniary loss or damage from any cause which in the opinion of the Executive, after consultation with the Constituent Association, arises from any action taken on the advice of the Union in the defence of professional rights or from any cause which in the opinion of the Executive renders the member worthy of support the Executive may make out of the Sustentation Fund such grants towards the maintenance and relief of such member as it deems advisable.

16.7 The Benevolent Fund

16.7.1 The Funds are irrevocably earmarked to The Benevolent Fund for the purpose of paying provident benefits, being for the financial assistance of members. Payments shall only be made in accordance with provisions of the Benevolent Fund Rules as set out in Appendix F of these rules.

16.7.2 There shall be transferred to the Benevolent Fund such sums as shall be allocated from the General Fund, or from donations from members or non-members, associations or divisions 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.

16.8 Other Funds

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

16.9 Financial Statements and Annual Report

- 16.9.1 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.
- 16.9.2 The Financial Statements and the Report of the Executive as approved by Conference shall be published in the Annual Report.
- 16.9.3 The Annual Report shall be issued as early after the Conference as practicable.
- 16.9.4 The Joint General Secretaries/General Secretary shall examine and summarise all Statements of Account forwarded by each Local District at 31 December annually these rules and shall make a return to the Certification Officer for Trade Unions and Employers' Associations in the manner required.
- 16.10 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.

17 Trustees

- 17.1 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.
- 17.2 The Joint General Secretaries/General Secretary will be entitled to attend and speak at all meetings of the Trustees.
- 17.3 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.
- 17.4 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.
- 17.5 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.

18 Investment of Funds

- 18.1 The funds and properties invested in the names of the Trustees or the Custodian Trustee 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.

- 18.2 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.

19 Auditor

- 19.1 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.
- 19.2 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 he attends on any part of the business which concerns him as auditor.

20 Professional conduct and discipline

- 20.1 There shall be a code of Professional Conduct established by the Joint Executive Council and included as Appendix G to these rules.
- 20.2 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.
- 20.3 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, other than one having 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, and after proceedings in accordance with the terms of Appendix A to these rules, if so decided the member shall forfeit such rights, claims and entitlements.
- 20.4 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.

21 Alteration and interpretation of the rules

- 21.1 Except where provided for below, no alteration in, or addition to, the rules of the Union may be made except at the Annual Conference on 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 2/3 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.

- 21.2 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 Ballot.
- 21.3 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.
- 21.4 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.
- 21.5 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 .
- 21.6 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 Association.
- 21.7 All such interpretations and rulings shall be reported to the next Conference for approval.