

# THE SOCIAL WORKERS UNION

## RULES

**DRAFT (16/03/2011)**

### **1. Name**

- 1.1 The name of the Association is The Social Workers Union hereinafter called “The Union”.

### **2. Objects**

The Objects are:

- 2.1 To promote the advancement of social work as a profession in all or any of its aspects.
- 2.2 To promote the professional standing, welfare and interests of social workers, and through them the welfare of individuals and the social well-being of the community.
- 2.3 To provide a means of regulating relations between Members and their employers and between Members and the Regulatory Councils.
- 2.4 To provide Members with advice, assistance and representation, legal or otherwise, and other benefits, in relation to matters arising out of or in connection with their work or employment as social workers or the discharge of their functions as such, their registration with a Regulatory Council, and their training for social work.
- 2.5 To do all such things as may be incidental to the above objects.

### **3. Membership**

- 3.1 The following shall be eligible to become Members of the Union:

Category 1: Any person whose name is entered other than as a Student Member in the Register of Members of the British Association of Social Workers (BASW), but excluding those who are Members of BASW under BASW Article 5 (c) (Overseas Members).

Category 2: Any person whose name is entered as a Student Member in the Register of Members of BASW.

Category 3: Honorary Members of BASW.

Category 4: Any other person who is, or who is normally, or who seeks to be, in employment as a qualified social worker in the United Kingdom.

- 3.2 Admission of Members under Category 4 shall be on approval by the Executive Committee.
- 3.3 The Executive Committee shall keep a register of the names and addresses of Members.
- 3.4 An admission fee (if any) shall be payable on admission, and thereafter annual subscription fees (if any) shall be payable by Members at such rates or rate as may be determined from time to time in accordance with the Bye-Laws.
- 3.5 A Member whose admission fee (if any) or annual subscription fee is three months in arrears shall cease to be a Member of the Union (provided he/she has been served with prior notice of the arrears).
- 3.6 The Executive Committee may in its discretion, reinstate the Member on payment of the outstanding amount due and subject to such conditions as may be laid down by the Executive Committee from time to time.

#### **4. Termination of Membership**

- 4.1 A member shall cease to be a Member of the Union if s/he:
  - 4.1.1 fails to pay fees in accordance with rule 3.5 above.
  - 4.1.2 gives written notice of resignation addressed to the General Secretary of the Union.
  - 4.1.3 ceases for any other reason to be eligible under all Categories of membership.
- 4.2 The Executive Committee shall also have the right to terminate or suspend membership if in the opinion of the Executive Committee, the Member has conducted him/herself in a manner prejudicial or detrimental to the best interests of the Union, or contrary to its Objects.
- 4.3 For the avoidance of doubt, a Member will be deemed to have conducted him/herself in a manner prejudicial or detrimental to the best interests of the Union, or contrary to its Objects if s/he has been expelled or suspended from membership of BASW following a finding of professional misconduct under BASW's membership Disciplinary Procedures (provided the conduct in question was not wholly or mainly

excluded or protected under the Trade Union and Labour Relations (Consolidation) Act 1992 (“TULRCA”).

4.4 Prior to termination or suspension of membership under rule 4.2 above, the following procedure will apply:

4.4.1 The Member shall be served with at least 14 days written notice of the conduct or circumstances alleged to be grounds for his/her suspension or expulsion (including where the Member is deemed to have acted in a manner prejudicial or detrimental to the best interests of the Union, or contrary to its Objects under rule 4.3), and of the date, time and place of the meeting at which the matter is to be considered.

4.4.2 The Member shall be entitled to attend the meeting, accompanied by a friend, and to make representations in response to the allegation(s). Alternatively, he may submit written representations to be taken into account at the meeting. Where the Member is deemed to have acted in a manner prejudicial or detrimental to the best interests of the Union, or contrary to its Objects under rule 4.3, his/her representations shall be limited to the question of the appropriate action to be taken.

4.4.3 The decision of the Executive Committee, which shall be final, shall be communicated to the Member in writing as soon as practicable after the meeting.

## **5. Member’s Rights**

Benefits:

5.1 All Members shall be entitled to such benefits of membership as are from time to time determined by the Executive Committee and set out in a Schedule to these Rules, after 3 months continuous membership of the Union (or immediately in the case of an individual becoming a Member of the Union under membership Categories 1, 2 or 3 provided that at the point of admission to Union membership, he/she has at least 3 months continuous membership of BASW, or immediately upon such Member acquiring 3 months continuous membership of BASW).

5.2 Where a Member has been suspended from membership under rule 4.2, s/he shall not be entitled to any benefits under rule 5.1 above during the period of suspension or relating to any matter occurring during the period of suspension.

Other membership rights:

5.3 Members shall be entitled to vote in Union elections as provided for in, and in accordance with, the procedures set out in the Byelaws.

- 5.4 Members shall be entitled to stand as a candidate for an elected position as provided for in, and in accordance with, the procedures set out in the Byelaws.

## **6. Management**

Executive Committee:

- 6.1 There shall be an Executive Committee which shall consist of eleven members, comprising two representatives from each National Region (England, Northern Ireland, Scotland and Wales) (“the National Representatives”) and three others (“the UK Representatives”).
- 6.2 Upon formation of the Union, the members of the Executive Committee shall be those individuals who are for the time being the eight National Standing Committee members of the BASW Council (as the National Representatives) together with the BASW Chair, Vice-Chair and Chair of the Human Resources Committee (as the UK Representatives).
- 6.3 The first Members of the Executive Committee in accordance with Rule 6.2 above, shall hold such office until the conclusion of the first AGM after the formation of the Union.
- 6.4 Thereafter, the Members of the Executive Committee shall be elected in accordance with the procedures set out in the Bye-Laws.
- 6.5 Any conflict of interest arising by reason only of a member of the Executive Committee also being a member of the BASW Council is hereby authorised by these Rules.

Powers of the Executive Committee:

- 6.6 The Union shall be managed by the Executive Committee.
- 6.7 The Executive Committee may appoint such sub-committees as it sees fit in order to further the interests of the Union.
- 6.8 A sub-committee appointed under rule 6.7 above shall consist of such member or members of the Executive Committee together with such other person(s) as the Executive Committee shall see fit.
- 6.9 The Executive Committee may invite any person who is not a member of the Executive Committee (whether as a member of a sub-committee or otherwise), to attend and speak at a meeting of the Executive Committee for the purpose of providing the Executive Committee with factual information, or with technical or

professional advice with respect to matters to be taken into account by the Executive Committee in carrying out its functions. A person so invited shall not be entitled to vote on any Executive Committee matter and shall not be a member of the executive.

#### 6.10 Removal of members of the Executive Committee:

6.10.1 A member of the Executive Committee shall be removed and his/her office vacated:

- (i) if he/she is adjudged bankrupt or a receiving order is made against him/her, or he/she makes any arrangement or composition with his/her creditors;
- (ii) if he/she ceases to be a Member of the Union;
- (iii) if he/she gives written notice of his/her resignation from such office;
- (iv) if he/she is absent from the whole of two successive Executive Committee meetings without good reason.

6.10.2 Any member of the Executive Committee who acts in a manner considered by the Executive Committee to be detrimental or contrary to the interests of the Union may be removed by the Executive Committee.

6.10.3 Before any decision is taken to remove an Executive Committee member under rule 6.10.2 above, the procedure set out in rules 6.10.5 to 6.10.8 below shall be followed.

6.10.4 If the Executive Committee member who is removed is also the President, Vice-President or Honorary Treasurer of the Union, he/she shall thereupon cease to hold such position.

6.10.5 A resolution proposing the removal of an Executive Committee member shall be valid if:

- (a) It is in writing
- (b) It is signed by at least four other Executive Committee members; and
- (c) It contains the grounds on which it is alleged that the Executive Committee member has acted in a manner detrimental or contrary to the interests of the Union.

6.10.6 The resolution shall be sent to the General Secretary who shall refer it to the next meeting of the Executive Committee unless such meeting is due to be held within 21 days from receipt of the resolution, in which case it shall be referred to the following meeting.

6.10.7 At least 14 days written notice of the date, time and place of the meeting shall be served on the member of the Executive Committee whose removal is proposed, who shall at the same time be supplied with a copy of the resolution. The member shall be entitled to be accompanied at the meeting by a friend.

6.10.8 The decision of the Executive Committee shall be final and shall be communicated in writing to the member of the Executive Committee as soon as practicable after the meeting.

## **7. Meetings of the Executive Committee**

7.1 The Executive Committee must hold at least two meetings each calendar year, and must in any event hold a meeting within 28 days (or as soon as possible thereafter) following the formation of the Union and following an AGM after an election under Bye-Law 1.

7.2 The Executive Committee shall also hold an additional meeting if required by the President, or on the written request of at least four members of the Executive Committee.

7.3 The Executive Committee may adjourn and otherwise regulate their meetings as they see fit, and determine the quorum necessary for the transaction of the business. Unless otherwise determined, one half of the members for the time being of the Executive Committee shall be a quorum.

7.4 A meeting of the Executive Committee may be held either in person or by suitable electronic means agreed by the Executive Committee in which all participants may communicate with all other participants.

7.5 The Executive Committee shall appoint one of their number to take the chair for the first meeting of the Executive Committee following the formation of the Union or following an AGM after an election under Bye-Law 1. Thereafter, the President shall preside as chair at each meeting of the Executive Committee. If he/she is not present within five minutes after the time appointed for holding the meeting, or is otherwise unable or unwilling to preside, then the Vice-President, if so present and willing, shall preside as chair. If the Vice-President is not present or willing to preside, then some other member of the Executive Committee chosen by the other members present, shall take the chair.

7.6 Every issue may be determined by a simple majority of the votes cast at a meeting of the Executive Committee but a resolution which is in writing and signed by all the members of the Executive Committee is as valid as a resolution passed at a meeting and for this purpose the resolution may be contained in more than one document and will be treated as passed on the date of the last signature.

7.7 Except for the chair of the meeting, who has a second or casting vote (other than on the appointment of the honorary officers under rule 8 below), every member of the Executive Committee has one vote on each issue.

7.8 A procedural defect of which the Executive Committee is unaware at the time does not invalidate decisions taken at a meeting of the Executive Committee.

## **8. Honorary Officers**

- 8.1 At the first meeting of the Executive Committee following the formation of the Union or following an AGM after an election under Bye-Law 1, the Executive Committee shall appoint from among them:
- 8.1.1 As President, one of the UK Representatives provided that person has been a Member of BASW for a minimum of 3 years continuously immediately prior to his/her appointment (unless there is no such person among the UK Representatives or no such person is willing to be appointed as President).
- 8.1.2 As Vice-President and Honorary Treasurer respectively, two other elected Executive Committee members.
- 8.2 A person so appointed under Rule 8.1 above shall, subject to rule 6.10.4 above, hold office as President, Vice-President or Honorary Treasurer as applicable until the end of his/her term as a member of the Executive Committee. If re-elected to the Executive Committee for a second term, he/she shall be eligible for reappointment as an honorary officer for the second term.
- 8.3 In the event of casual vacancy arising, the Executive Committee shall, if it deems it necessary to do so, appoint a replacement from among them. An Executive Committee member so appointed shall hold the relevant office for the balance of the term of the person replaced. On ceasing to hold that honorary office, he/she shall be eligible for reappointment as an honorary officer if re-elected to the Executive Committee for a second term.

## **9. General Secretary**

- 9.1 There shall be a General Secretary of the Union who shall act as Chief Executive Officer to the Executive Committee.
- 9.2 Upon formation of the Union, the position of General Secretary shall be held by the individual who is for the time being the Chief Executive of BASW who shall hold office as General Secretary until the conclusion of the first AGM after the formation of the Union.
- 9.3 Thereafter, the General Secretary shall be elected in accordance with the Procedures set out in the Bye-Laws.
- 9.4 The office of General Secretary shall be vacated if he/she gives written notice of his/her resignation from such office, or if such notice is given on his/her behalf and with his authorisation.
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- 9.5 The Executive Committee shall from time to time specify in detail the duties of the General Secretary and shall keep these under review in the light of the current business of the Union. Subject to this, the duties of the General Secretary shall include the following:

- (a) The General Secretary shall act as the Chief Executive Officer to the Executive Committee. He/she shall be responsible for drafting the agenda for all meetings in consultation with the President or other chair of an Executive Committee meeting, and for recording all business of the Union.
- (b) The General Secretary shall conduct the correspondence of the Union and shall report to the Executive Committee all that relates to the business of the Union.
- (c) The General Secretary shall be responsible for the collection of monies due to the Union and for the payment of monies and for the collection of fees payable under rule 3.4.
- (d) The General Secretary shall cause to be kept proper accounting records with respect to the transactions of the Union and its assets and liabilities
- (e) The General Secretary shall establish and maintain a satisfactory system of control of the Union's accounting records, its cash holdings and all its receipts and remittances
- (f) The General Secretary shall ensure that an annual audit is undertaken by auditors appointed by the AGM in accordance with the TULRCA
- (g) The General Secretary shall be responsible for the appointment, management and termination of employment of all staff, and for the appointment of officials to represent Members of the union whether such officials are employed or otherwise engaged or appointed by the Union. The general terms and conditions shall be as determined by the Executive Committee from time to time.

## **10. Assets**

- 10.1 The property and assets of the Union are held on trust by the Union's trustees on behalf of its Members
- 10.2 The trustees are those persons who are the President, the Vice-President and the Honorary Treasurer for the time being , and the Executive Committee shall pass a resolution appointing them as such.
- 10.3 The trustees shall act in all respects on the instruction of, and with the consent of, the Executive Committee.
- 10.4 The property of the Union, including all its income, shall be paid or solely applied for the aforesaid objects of the Union, and no part thereof shall be distributed to any category of Member of the Union by way of profit, provided that, subject to paragraph 10.3, nothing in this clause shall prevent the remuneration or other payment of any person or persons for any services rendered or work done to or for the Union whether or not such person or persons is in any category of membership of the Union.
- 10.5 Further, and subject to paragraph 10.3:
  - 10.5.1 The property or funds of the Union may be applied or invested by the trustees in the purchase of such stocks, shares, securities or other investments or

property of whatsoever nature and wheresoever situated and whether involving liabilities or not.

10.5.2 The trustees may borrow monies or hold, purchase or take lease on any land and may sell, exchange, mortgage, lease, surrender or build upon such lands, or do such other things in relation thereto as the Executive Committee may decide.

10.5.3 The trustees may execute any indemnity that may be required by the banks receiving direct debits originated by the Union.

10.6 Every trustee, member of the Executive Committee and every agent or employee of the Union shall, so far as may be allowed by law, be indemnified by the Union against, and there shall be paid out of the funds of the Union, all costs, losses, expenses of whatsoever nature such trustee, member of the Executive Committee, agent or employee shall or may incur or become liable to, by reason of any contract entered into or act or thing properly done by him/her in the course of or in the discharge of his/her duties to or for and on behalf of the Union.

10.7 The trustees shall undertake such further duties as the Executive Committee may from time to time decide.

## **11. General Meetings**

Frequency:

11.1 Except for the first Annual General Meeting (“AGM”), an AGM must be held in every calendar year at such time and place as may be determined by the Executive Committee. The first AGM may be held at any time within 18 months after the formation of the Union.

Business:

11.2 The business of an AGM shall include:

- (1) the accounts of the Union for the previous financial year;
- (2) the annual report of the Executive Committee;
- (3) the report of the auditors;
- (4) the appointment of an auditor in accordance with rule 12 below;
- (5) declaration of the election of the members of the Executive Committee and the General Secretary;

- (6) amendments to the rules and Bye-Laws of the Union put forward in accordance with the procedures laid down in these rules;
- (7) resolutions put forward in due form;
- (8) such other business as the President shall determine in consultation with the General Secretary and which is duly notified in writing to the General Secretary.

Type of General Meeting:

- 11.3 Any general meeting which is not an AGM is an Extraordinary General Meeting (“EGM”).

Notice:

- 11.4** An EGM may be called at any time by the Executive Committee, and must be called after a written request to the Executive Committee from at least five per cent of the Members.
- 11.5 General meetings are called on at least 21 days’ written notice (or at least 14 days in the case of an EGM) to the Members specifying the business to be transacted, and including the terms of any motion submitted under rule 11.8 below.
- 11.6 In addition to the written notice of an AGM under rule 11.5 above, the Executive Committee shall give Members not less than four months notice of the date and place of an AGM.
- 11.7 The accidental omission to give notice of a meeting to, or the non-receipt of such notice by, any person entitled to receive notice thereof shall not invalidate any resolution passed, or proceeding transacted, at any meeting.

Motions:

- 11.8 Any motion submitted by the Executive Committee, or signed by 20 Members and submitted to the Executive Committee not less than 8 weeks before the date of the AGM shall be placed on the Agenda of that meeting and the terms of such motion shall be given in the Notice of the meeting under rule 11.5 above.
- 11.9 Any notice of a proposed amendment to a motion, submitted by the Executive Committee or signed by 20 Members and submitted to the Executive Committee not less than 7 days before the date of the meeting, shall be placed before the meeting, and the Executive Committee shall make available copies of such proposed amendments to those Members attending the meeting.

11.10 Before placing on the Agenda of any AGM, or giving notice or making available copies of any proposed motion or amendment of any proposed motion as required under rules 11.8 and 11.9 above, the Executive Committee shall have power:

- (i) to treat any motion on a particular subject as an amendment to any other motion on the same subject, and to rephrase it accordingly;
- (ii) to treat any amendment to any motion as a separate motion and to rephrase it accordingly;
- (iii) to group together into one composite motion any two or more motions and/or amendments which have a similar object and, in so doing, to use the phraseology which in the opinion of the Executive Committee best expresses the object of such motions and/or amendments;
- (iv) to arrange the order of motions and amendments;
- (v) to require that two or more motions and/or amendments be debated together, but that votes be taken on them sequentially;
- (vi) when rephrasing or compositing motions or amendments, to consult with the signatories thereof insofar as it seems to the Executive Committee expedient.

Proceedings at General Meeting:

Quorum:

11.11 There is a quorum at a General Meeting if the number of Members personally present is at least 50, or one percent of the Members, whichever is the fewer.

11.12 If within half an hour from the time appointed for the meeting, a quorum is not present, the meeting shall if it was convened on the requisition of Members, be dissolved. In any other case, it shall stand adjourned to the same day in the next week, at the same time and place, or such other place as the Executive Committee may determine. If at such adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the Members present shall be a quorum.

Chair:

11.13 The President shall preside as chair at every General Meeting. If he/she is not present within five minutes after the time appointed for holding the meeting, or is otherwise unable or unwilling to preside, then the Vice-President, if so present and willing, shall preside as chair. If the Vice-President is not present or willing to preside, then some other member of the Executive Committee chosen by the Members present, shall take the chair.

Adjournment:

11.14 The President may, with the consent of the meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business which might have been transacted at the meeting from which the adjournment took place. Whenever a meeting is adjourned for 30 days or more, notice

of the adjourned meeting shall be given in the same way as the original meeting. Otherwise, the Members shall not be entitled to any notice of an adjournment, or of the business to be transacted at an adjourned meeting.

Voting:

- 11.15 Except where otherwise provided by these rules, every issue at a General Meeting is determined by a simple majority of votes cast by the Members present in person.
- 11.16 Except for the chair of the meeting, who has a second or casting vote, every Member present in person is entitled to one vote on every issue.

## **12. Appointment and Removal of Auditors**

- 12.1 Upon formation of the Union, an auditor shall be appointed by the Executive Committee, to hold office until the conclusion of the first AGM.
- 12.2 Thereafter the Union shall at each AGM appoint an auditor to hold office from the conclusion of that meeting until the conclusion of the next AGM.
- 12.3 At each AGM the retiring auditor for the preceding financial year shall be re-appointed auditor for the current financial year without any resolution being passed unless:
  - (a) a resolution has been passed at a general meeting of the Union appointing somebody instead of him or providing expressly that he shall not be re-appointed, or
  - (b) he has given notice to the Union in writing of his unwillingness to be re-appointed, or
  - (c) he is ineligible for re-appointment, or
  - (d) he has ceased to act as auditor by reason of incapacity.

Provided that where notice has been given of an intended resolution to appoint somebody in place of a retiring auditor but the resolution cannot be proceeded with at the meeting because of the death or incapacity of that person, or because he is ineligible for appointment, the retiring auditor need not be reappointed.

- 12.4 If a motion is submitted under rule 11.8 above, proposing a resolution at the AGM to appoint as auditor a person other than a retiring auditor or providing expressly that a retiring auditor shall not be re-appointed:
  - (i) The General Secretary shall send a copy of such motion forthwith to the retiring auditor;

- (ii) If the retiring auditor makes representations in writing to the Union with respect to the intended resolution, and requests their notification to Members, then unless the representations are received too late to be included in the Notice sent to Members under rule 11.5 above:
  - (a) The Notice sent to Members under rule 11.5 shall state the fact that representations have been made; and
  - (b) Include a copy of the representations with the Notice.
- (iii) If a copy of the representations is not sent to the Members because they are received too late or because of the default of the Union, the auditor may, without prejudice to his/her rights to be heard orally, require that the representations shall be read out at the meeting.

### **13. Bye-laws**

- 13.1 The Union may, in General Meeting, make Bye-Laws relating to the election of the Executive Committee members and the General Secretary, and such other matters as the Union in General Meeting thinks fit, provided that:
- (a) no Bye-Law may be made or shall be valid if it shall contravene or be inconsistent with these rules,
  - (b) no Bye-Law shall be laid before a General Meeting unless it shall first have been considered by the Executive Committee, and
  - (c) no Bye-Law may be added, amended or deleted other than by resolution of a simple majority of those present and voting at the General Meeting.

### **14. Amendments to rules**

- 14.1 The Union may, in General Meeting, amend these rules provided that:
- (a) no proposed amendment shall be laid before a General Meeting unless it shall first have been considered by the Executive Committee,
  - (b) Notice of any proposed amendment(s) shall be given to Members in writing not less than 21 days before the meeting, and
  - (c) no rule may be added, amended or deleted other than by resolution of a two thirds majority of those present and voting at the General Meeting.

### **15. Dissolution**

- 15.1 The Union shall not be dissolved except at a Special Meeting called for that purpose. One month's notice of the meeting shall be given to all Members, and the resolution shall require a majority of two thirds of the Members present and voting.
- 15.2 Any property if the Union whatsoever which remains after satisfaction of all debts and liabilities shall be sold as directed by the Executive Committee and the monies raised thereby transferred to such charities connected with social work as the Special Meeting shall decide.

## **16. Notices**

- 16.1 A notice may be served by the Union upon any Member personally or by sending it through the post in a prepaid envelope addressed to the Member at his/her address appearing in the register of Members.
- 16.2 Any notice, if served by post, shall be deemed to have been served on the third day following that on which it was posted, and in proving such service it shall be sufficient to prove that the envelope containing the notice was properly addressed and posted as a pre-paid envelope.

## **Bye-laws**

### **Bye-Law 1 - Election of Executive Committee members**

Election procedure:

- 1.1 Elections are to be carried out in accordance with the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 (“TULRCA”). Provided it is consistent with any amendments or subsequent legislation, the following procedure shall apply:
- 1.2 Save as provided for at Byelaw 1.3 below:
  - 1.2.1 all Members of the Union shall be entitled to vote for the UK Representatives; and
  - 1.2.2 All Members within the relevant National Region (according to their address in the Register of Members) shall be entitled to vote for the two Executive Committee members who are the representatives of that National Region (“the National Representatives”).
- 1.3 The entitlement to vote as set out at Byelaw 1.2 above shall not apply to any Member who, at the date of distribution of voting papers has less than 3 months’ continuous membership of the Union and/or is in arrears in respect of any admission fee and/or membership subscription fees payable to the Union.
- 1.4 All candidates for election must be a Member of the Union and have been a Member of the Union (or BASW) for a minimum of 3 years continuously immediately prior to nomination.
- 1.5 A candidate for election must be nominated by another Member of the Union. In the case of the National Representatives, nomination must be by a Member within the relevant National Region.
- 1.6 Voting in all cases shall be by marking of a voting paper by postal ballot.
- 1.7 Upon receipt of nominations, the Union shall appoint a qualified independent person to act as the Returning Officer and scrutineer for the election.
- 1.8 In the event of only one nomination being received, the person so nominated shall take up the relevant office without any requirement for a ballot to be held.
- 1.9 The declaration of the results of all elections shall be made in accordance with the relevant provisions of the TULRCA.

Term of office:

- 1.10 Each Executive Committee member shall take office from the conclusion of the AGM following the ballot, and shall hold such office until the conclusion of the second AGM following the one at which he/she was elected.
- 1.11 An Executive Committee member shall be eligible for re-election for a second term of two years whether as a UK Representative or a National Representative.

Casual Vacancy:

- 1.12 If a casual vacancy occurs in any Executive Committee UK Representative or National Representative position, the Executive Committee shall, if it deems it necessary to do so, arrange for an election to be held in accordance with these Bye-Laws to elect a replacement. A person so elected shall take office in place of the person originally elected for the balance of the term of the person replaced, and shall on ceasing to hold that office be eligible to stand for the same office as if not so elected.

## **Bye-Law 2 - Election of General Secretary**

Election procedure:

- 2.1 The election is to be carried out in accordance with the provisions of the TULRCA. Provided it is consistent with any amendments or subsequent legislation, the following procedure shall apply:
- 2.2 Save as provided for at Byelaw 2.3 below, all Members of the Union shall be entitled to vote for the General Secretary.
- 2.3 The entitlement to vote as set out at Byelaw 2.2 above shall not apply to any Member who, at the date of distribution of voting papers, has less than 3 months' continuous membership of the Union and/or is in arrears in respect of any admission fee and/or membership subscription fees payable to the Union.
- 2.4 Except where the candidate is, for the time being, the Chief Executive of BASW, all candidates for election as General Secretary must be a Member of the Union under Categories 1, 2 or 3, and have been a Member of the Union (or BASW) for a minimum of 3 years continuously immediately prior to nomination.
- 2.5 A candidate for election as General Secretary must be nominated by a Member of the Union under Categories 1, 2 or 3 (other than him/herself).
- 2.6 Voting in all cases shall be by marking of a voting paper by postal ballot.

- 2.7 The Union shall appoint a qualified independent person to act as the Returning Officer and scrutineer for the election.
- 2.8 In the event of only one nomination being received, the person so nominated shall take up the position of General Secretary without any requirement for a ballot to be held.
- 2.9 The declaration of the results of the election shall be made in accordance with the relevant provisions of the TULRCA.

Term of office:

- 2.10 The General Secretary shall hold office for no more than five years, but shall be eligible for re-election for a second (or subsequent) term.

Casual vacancy:

2.11 If a casual vacancy occurs in the position of General Secretary, the Executive Committee may arrange for an election to be held under these Bye-Laws to elect a replacement, or may appoint an Acting General Secretary provided that a person so appointed as Acting General Secretary is not in respect of that position either a voting member of the Executive Committee or an employee of the Union; s/he may not hold that position for more than 13 months after s/he took it up; and s/he has not held the position of President or General Secretary in the period of 12 months ending with the day before s/he took up that position.

### **Bye-Law 3 – Membership admission and subscription fees**

- 3.1 There shall be no admission fee payable by Members in Categories 1, 2 or 3. There shall be an admission fee payable by Members in Category 4 upon admission to membership of the Union at an amount which shall be determined from time to time by the Executive Committee.
- 3.2 An annual subscription fee shall be paid by all Members at an amount which shall be fixed annually by the Executive Committee and payable on 1 October, or such other date or dates as the Executive Committee shall see fit.
- 3.3 The Executive Committee shall in any event maintain in force at all times a scheme of abated subscriptions which reflect differing levels of income among the Members of the Union. Such scheme will apply at least to Members who are not in full-time or remunerative employment or who are qualified for less than five years, in all cases to the extent and on such terms as the Executive Committee shall in its absolute discretion determine.

- 3.4** The Executive Committee shall have power to make rules providing for the payments of subscriptions by instalments or to reduce or remit the whole or any part of the admission fee (if any) and/or subscriptions payable by any Member where there are special reasons for doing so.