



# **National Union of Professional Foster Carers (NUPFC) Constitution and Rules 07/2021**

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## **ARTICLE 1: NAME**

The name of the Union shall be called the NATIONAL UNION OF PROFESSIONAL FOSTER CARERS (NUPFC) (hereinafter called the Union).

## **ARTICLE 2: REGISTERED OFFICE**

The Registered Office of the Union shall be at:

Ryder House, Ryder Court, Corby, Northamptonshire, NN189NX

or at such other place as the Union, may, from time to time, decide. The Certification Office and Members shall be notified of any change of address of the Registered Office of the Union and details shall be publicly available on the website <https://nupfc.com/index.php> as shall the constitution.

## **ARTICLE 3: OBJECTS**

The principal aims and objects of the Union shall be to:

- a) Preserve, protect and promote the independence of the Union and its members; settle disputes between the members and their employers; regulate the relations between the members and their employers through collective bargaining, mediation, or otherwise; conduct negotiations;
- b) Improve and protect the working terms and conditions of the members;
- c) Improve maintain and protect members' social standing;
- d) Promote the primacy of members' own decision making in all matters covered by the Rules of the Union, and in the development of its policies;
- e) Initiate movements for increased rates of pay, or improved conditions of employment, on behalf of the members; promote opportunities for social association discussion and recreation for the members;
- f) Assist in and co-operate with the advancement of the independent representation of members generally;
- g) Cooperate, directly or indirectly, with the work of any organisation, local, national or international, who hold objects or policies which are similar to those of the Union;
- h) Engage in communications and publishing, for the purposes of furthering the policy of the Union or its members;
- i) Work for the relief of poverty;
- j) Provide advocacy and translation to all workers.

## **ARTICLE 4: APPLICATION OF FUNDS**

All money received on account of membership subscriptions, contributions or interest in investments, shall be properly applied in carrying out the objects of the Union, and in meeting the costs and expenses of managing the Union including salaries, according to these rules.

All funds and assets will be held by Trustees as the 1992 Act requires

## **ARTICLE 5: APPOINTMENT / REMOVAL & RETIREMENT OF TRUSTEES**

- a) Two Trustees, and one substitute shall be elected annually at the Annual Conference. Following election they shall continue in office but may be removed from office by decision of an Annual or Special Conference on a decision of a two-thirds majority voting on a formal motion. If, for any cause, a Trustee is incapable or unwilling to act as such, or has resigned or retired, the Substitute elected at the previous Annual Conference shall be appointed by the Executive Committee to fill the vacant post. The Trustees shall be responsible for ensuring that a financial statement is formally presented to the Executive Committee bi- monthly.
- b) A member shall be disqualified from being or becoming a Trustee if she/he shall, is convicted of committing a criminal offence with a prison term; or become legally incapable of carrying out her/ his duties as Trustee; or cease to be an ordinary member of the Union. This can be appealed to the Executive Committee.
- c) A Trustee who refuses or neglects to carry out any lawful direction of the National Executive in accordance with the provisions of the Union Rules within 14 days of being requested in writing to do so shall be disqualified from being a Trustee.
- d) First Trustees: So soon as may be possible on or after the Vesting Day the National Executive shall appoint persons to be the first Trustees of the Union ("the first Trustees") by an instrument in writing, and upon such appointment the relevant property of the union shall vest in the first Trustees. The first Trustees shall hold office until a new Trustee or Trustees shall be appointed in accordance with the provisions of this Rule.
- e) If a Trustee is to step down, or be removed from the position in between annual conferences, the Executive Committee shall appoint replacements, whose term shall last until the following Annual Conference.

## **ARTICLE 6: ACCOUNTS & AUDITORS**

The appointment of Auditors and the fixing of their fees shall be confirmed by formal motion at the Annual Conference of the Union, tabled in the name of the Executive Committee each year. The General Secretary shall, every year, submit the accounts, together with a general statement and balance sheet for the year, for audit to an auditing firm selected by the Trustees.

### **Appointment and Removal of Auditors**

1. An auditor will be appointed or removed from office by a resolution passed at a general meeting of the union members or of delegates of its members.
2. An auditor duly appointed to audit the accounts of the union shall be re-appointed

as auditor for the following accounting period unless:

- a) A resolution has been passed at a general meeting of the union appointing an alternative or providing expressly that the auditor shall not be re-appointed.
- b) The auditor has given written notice to the union that they are unwilling to be re-appointed.
- c) The auditor is ineligible for re-appointment.
- d) The auditor has ceased to act by reason of incapacity

## **ARTICLE 7: MEMBERSHIP**

- a) The Union shall consist of, and membership of the Union shall be open to, all employees, workers and any other persons who accept the principles, objective and Rules of the Union, Applications for membership can be accepted only via the official application form on the website to enable the union to keep an accurate register of members and contributions.
- b) The union will mainly represent and mediate for Foster Care workers who have or have had, a working agreement with a Foster Care provider, be that a Local Authority or private agency or another kind of provider. In addition the Union will represent and mediate for other members such as prospective Foster carer's, retired carers and interested parties and as described in (a) above.
- c) An applicant for membership whose application has been rejected may appeal to the Executive Committee which may grant admission to membership, or refuse the application, at its discretion.
- d) The Union conference may, at its discretion, admit any Person as an Honorary Member of the Union.
- e) A person must have been a member of the union for at least one calendar month before they can be assisted in any way.

## **ARTICLE 8: MEMBERSHIP FEES, CONTRIBUTIONS & SUBSCRIPTIONS**

- a) The Executive Committee shall establish a General Account into which all membership fees, all contributions and/or subscriptions will be paid, administered and then directed, as appropriate.
- b) Membership fees shall be fixed by the Executive Committee across all branches and there may be different rates set for members currently between placements and retired members or other circumstances which may not immediately be apparent .
- c) 50% of a branch's membership fees shall be returned to the branch each month, one month in arrears.

## **ARTICLE 9: LEVIES, LOCAL FUNDS**

- a) The Executive Committee may should occasion arise, recommend a levy on the members.
- b) The Executive Committee shall consider applications from branches for the

establishment and operation of 'local', special, issue or category specific levy funds, from time to time. The Executive Committee shall produce a 'Constitution & Standing Orders' for the operation of such funds. All such funds shall be operated within such regulations as the Executive Committee may set.

## **ARTICLE 10: ADMINISTRATION & ORGANISATION**

- a) The Executive Committee, President and General Secretary, who shall be elected annually, shall be responsible for the organisation and administration of the Union.
- b) The Union shall be organised into branches. The appropriate number of Branches, will be determined by region and locality by the Executive Committee.
- c) The constitution of the branches will be the same as the main union constitution.
- d) The Union shall maintain a register of members which, together with the accounts of the Union, shall be open for inspection at all reasonable times by any member of the Union.
- e) The Executive Committee will have a meeting at least once every three months, either in person or via secure electronic media.
- f) Meeting dates and meeting decisions will be notified to members via the Union website
- g) The Executive Committee and Roles:
  1. The Executive Committee shall consist of Central Union Officials and Branch Officials.
  2. The role of the Executive Committee is to control and run the union between annual conferences.
  3. The core Executive Committee will comprise of four Central Union Officials: General Secretary, President, Vice-President and Treasurer.
  4. The Executive Committee shall accept submissions for President Vice-President and treasurer, from among its Union members which will be voted on at the AGM.
  4. Branch Chair's shall be *ex-officio* members of the Executive Committee. Further Branch Officials may be *ex-officio* members of the Executive Committee on a proportional representation basis. The precise composition of Branch Officials shall be decided each year in advance by the Executive Committee, with input from any *Sub-Committees* required.
  5. The President shall have responsibility for deciding the agenda and running meetings.

6. When the President is absent, the Vice-President shall take their place. If both are absent, the duty falls to the General Secretary.
7. The Executive Committee may make policy in any area in order to control and run the union between annual conferences.
8. All motions must be submitted at least one week in advance of the meeting in writing and any proposed amendments brought to the meeting in writing.
9. Agendas for meetings shall be distributed to Executive Committee members and the general membership five days in advance of the meeting. The President (or in their absence, the Vice President) of the Executive Committee shall have the power, on an exceptional basis, to redact (as they see fit) the version sent out to the membership on confidentiality grounds. The President must inform the Executive Committee whenever this is the case.
10. Minutes of meetings shall be distributed to Executive Committee members in advance of the following meeting. Following this, the President (or in their absence, the Vice President or General Secretary) of the Executive Committee shall have the power, on an exceptional basis, to redact the minutes (as they see fit) on confidentiality grounds, if they are requested by a member. The President must inform the Executive Committee whenever this is the case.
11. Decisions on motions, including records of how Executive Committee members voted, shall be distributed to the general membership. The President of the Executive Committee shall have the power, on an exceptional basis, to redact this (as they see fit) for confidentiality reasons. The President must inform the Executive Committee whenever this is the case.

### 13. **General Roles of Officers**

#### **i. President**

1. The President shall be elected by delegates at the AGM (if uncontested) or by a ballot of the entire membership (if contested).
2. The President shall be an ex-officio member of the Executive Committee.
3. The President shall be an ex-officio member of the Legal Department Sub-Committee.
4. The President shall assist the General Secretary in their duties and shall stand in for the General Secretary in their absence.
5. The President shall support organising initiatives and campaigns across the Union.

#### **ii. Vice president**

1. The Vice-President shall be elected by delegates at the AGM (if uncontested) or by a ballot of the entire membership (if contested).

2. The Vice-President shall be an ex-officio member of the Executive Committee.
3. The Vice-President shall assist the General Secretary and the President in their duties and shall stand in for the President in their absence.

**iii. General Secretary**

1. The General Secretary shall be elected at the AGM (if uncontested) or by a ballot of the entire membership (if contested).
2. The General Secretary shall be an ex-officio member of the Executive Committee, the Human Resources Sub-Committee, and the Legal Department Sub-Committee.
3. The General Secretary shall be responsible for Central Union staffing and salary decisions and all unelected paid staff shall feed into a reporting line which ultimately ends with the General Secretary.
4. The General Secretary shall be responsible for ensuring the Union implements decisions and strategies of the AGM, Executive Committee, and relevant Sub-Committees.
5. The General Secretary shall work with the Treasurer to formulate, present, and implement budgets.
6. The General Secretary shall have authority to enter into legal agreements and sign contracts on behalf of the Union. The General Secretary shall also have the ability to authorise other senior Officials or staff members to enter into legal agreements and sign contracts on behalf of the Union.
7. The General Secretary shall have authority to decide which legal cases are brought, defended, or supported by the Union. The General Secretary may also delegate this authority to suitably qualified Officials or staff.
8. The General Secretary will be responsible for the day to day running and decision making of the Union and shall report to the Executive Committee.

**iv. Treasurer**

1. The Treasurer shall be elected by delegates at the AGM (if uncontested) or by a ballot of the entire membership (if contested).
2. The Treasurer shall be an ex-officio member of the Executive Committee.
3. The Treasurer shall be responsible for administering the funds of the Union.
4. The Treasurer shall be responsible for submitting the Union's annual return as well as for any other financial regulatory requirement.



5. The Treasurer shall work with the General Secretary to formulate, present, and implement budgets.
6. The Treasurer shall work with and assist Branch Treasurers with their duties.
7. The Treasurer shall report regularly to the Executive Committee on the Union's finances.
8. The Treasurer shall report on the Union's finances to the AGM.
9. The Treasurer shall receive all monies, and be responsible for the safe custody of them and shall be responsible for all authorised disbursements from the funds of the Union.
10. The Treasurer shall, at the Annual Conference of the Union, produce a balance sheet showing the income and expenditure of the Union during the previous twelve months, and give a correct financial statement of the affairs of the Union. The balance sheet shall be previously audited and vouched for by the Trustees of the Union.

**v. Media**

1. The Media officer will be responsible for making contact and networking with all forms of media, including but not limited to television, newspapers, social.
2. The Media officer will be responsible for composing and generating press releases for the general public and members.
3. The Media officer will work closely with the General Secretary.
4. The Media officer will ensure they stay well informed of newsworthy matters which may affect the union positively or negatively.

**vi. Legal**

1. The Legal Officer will work closely with the General Secretary and will advise and deal with legal matters on behalf of the Union in a timely manner

**vii. HR**

1. The Human Resource officer will work closely with the General Secretary and will advise and stay informed of matters which may affect members and staff of the Union.

**viii. Compliance**

1. The Compliance officer will work closely with the General Secretary and will ensure that the Union stays compliant.

**ix. Trustee (full detail in Article 5)**

1. The Trustees will act as scrutineers and hold the funds and assets and shall work closely with the General Secretary.

## **ARTICLE 11: VOTING & BENEFIT RIGHTS**

- a) Cognisant of the objects of the Union, and subject generally to the other provisions, any branch member shall be entitled to vote in respect of branch matters, or on matters which require a vote of the whole membership or some section of it (e.g. election of general secretary, of the executive committee or on amalgamation or in a referendum under rule 10).
  
- b) A member shall not be entitled to vote in any of the affairs of the Union nor to avail of any benefits if the member's arrears exceed two months. Payments to the union must be made on the first day of each calendar month. After one missed payment the Union Treasurer will contact the member for an explanation and to offer advice. After two missed payments the member's membership of the union shall automatically be terminated. Such person shall hereinafter be described as "out of benefit" and shall not be entitled to be nominated to hold union office, propose or be appointed to or elected to any office within the union.
  
- c) An ex member may reapply to join the union. This application will be decided by the Executive Committee.

## **ARTICLE 12: BALLOTS**

- a) Without derogating from the powers vested in the Annual Conference of the Union or those of the Executive Committee by virtue of these Rules, the Executive Committee shall have power, from time to time, to submit any matter, issue or question to the ballot vote of the members of the Union, as a whole, in a Branch or number of Branches, as the executive Committee shall determine. The Executive Committee shall issue regulations, as agreed by the Union conferences.
  
- b) The Regulations on Balloting, shall have regard to the members' right to have sufficient time to consider the proposition, the requirement to have clarity of the question being put, a ballot paper presented on which the question is clear and intelligible, adequate notice of the time(s) and place(s) of the conduct of the ballot, the absolute right to vote in secret free from any interference or pressure whatsoever, that the ballot be securely organised and conducted, the appointment by the Executive Committee of at least two scrutineers to properly count the ballot vote, and an appropriate declaration and publication of the result of the ballot.
  
- c) The ballot votes will be counted by an independent qualified scrutineer appointed by the Executive Committee.

## **ARTICLE 13: DISCIPLINE OF MEMBERS**

- a) The Executive Committee, or a sub committee appointed from among its members specifically for the purpose, shall have power to investigate the conduct or any member in order to determine if that member has been guilty of any breach of these rules or of conduct injurious to the interests of the Union or its members or of conduct unbecoming a member.

- b) Such members shall be immediately suspended and afforded details in writing of any charge contained in such complaint or report and the source not less than one week before the meeting of the Executive Committee, or a sub committee appointed from among its members specifically for the purpose, at which such charge shall be heard and determined. Such person shall be entitled to hear all the charges made and to respond, either in writing or personally before the Executive Committee.
- c) The disciplinary meeting will be held within 28 days of the member first being notified of the misconduct or breach.
- d) A member who is deemed guilty of the charges may be subject to one or more of the following penalties as the Executive Committee may decide:
  - d.1. Be cautioned as to future conduct;
  - d.2. Be debarred from attending Union meetings for a period as decided;
  - d.3. Be debarred from holding office or participating in any way in branch or Union administration for a period as decided;
  - d.4. Be suspended from membership for a period as decided;
  - d.5. Be expelled from membership.
- e) A person suspended from membership shall be deemed a non-member for the duration of the suspension. A person expelled from membership may be re-admitted only with the consent of the Executive Committee and on such special terms as the conference may decide.

#### **ARTICLE 14: APPEALS**

- a) A member who has been the subject of an investigation under Article 11 and who is dissatisfied with the decision of the Executive Committee may appeal against such decision to the Annual Conference of the Union. Any such appeal shall be submitted in writing to the General Secretary within four weeks of the date on which the decision of the Executive Committee is conveyed to that member.
- b) The Annual Conference shall consider the written appeal submitted together with the report from the Executive Committee on its Investigation of the case.
- c) The Annual Conference may affirm or reverse the decision of the Executive Committee and may substitute one or more of the penalties prescribed in Article 11 for all or any of the penalties imposed by the Executive Committee.
- d) A decision of the Annual Conference on such appeal shall be final and conclusive.

#### **ARTICLE 15 - FORMATION OF BRANCHES**

- a) The Union shall be divided into Branches as authorised by the Executive Committee who shall determine the size, location and distribution of Branches, from time to time.
- b) In order for a new branch to be formed there must be a minimum of 10 members of the branch.

- c) A member may not belong to more than one Branch of the Union except, and on terms and conditions as expressly determined by the Executive Committee.
- d) The Executive Committee may, with the authority of the Annual conference:
  - d.1. dissolve a Branch or transfer members to another Branch, or Branches;
  - d.2. amalgamate two or more Branches; divide a Branch into two or more Branches;
  - d.3. establish a Branch for any particular trade, industry, location, occupation,
  - d.4. or otherwise; abolish a Branch.
- e) Each Branch shall be required to conduct an Annual General Meeting of the members of the Branch each year.
- f) In accordance with Branch Constitutions, each Branch shall make arrangements to elect/appoint Officers (including but not limited to: President, Vice President, Secretary, Treasurer and Trustees), and representatives to conduct the business of the Branch within the Rules of the Union.
- g) The duties of Branch Officers shall be determined by the branches' constitutions but shall broadly follow the duties shown for officers within this constitution.

## **ARTICLE 16: GOVERNMENT OF THE UNION**

### **ANNUAL CONFERENCE:**

- a) The supreme government of the Union shall be vested in the Annual Conference which shall meet in May on the date and at a time and venue to be determined by the Executive Committee. The Executive Committee shall raise points to be voted on by the Conference delegates. The Annual conference shall be open to all members of the Union to attend, however only conference delegates will have the right to vote.
- b) Conference delegates shall consist of:
  - 1. All members of the Executive Committee;
  - 2. In addition to Executive Committee members, each branch shall choose its delegates with the total number for each branch determined by membership as follows:
    - 0-100 paying members: 2 delegates
    - 101-500 paying members: 4 delegates
    - 501-1000 paying members: 6 delegates
    - 1001-5000 paying members: 8 delegates
    - 5001- 10000 paying members: 10 delegates
    - 10,001 and above paying members: 15 delegates
- c) The Union shall have the following officers; a President, Vice-President, Treasurer, a General Secretary, Two Trustees and an Executive Committee.

- d) All the Officers and Executive Committee members shall be elected by membership ballot, for the ensuing year. No ballot is required if an election is uncontested because there is only one candidate or only enough candidates to fill the number of positions. Arrangements for elections and nominations will be the responsibility of the Executive Committee.
- e) In the event the President, Vice-President, General Secretary or any other Executive Committee member shall die, resign, be removed or become unfit or incapable to act, the Executive Committee may, at any time appoint a person to fill such vacancy until the next annual elections of the Union.
- f) Executive Committee: The Executive Committee shall consist of the President, the Vice President, the General Secretary, Treasurer, Branch Presidents and Branch Secretaries.

#### **ARTICLE 17: UNION STAFF & STAFF SALARIES**

The General Secretary shall be responsible for the appointment of staff, discipline and for the fixing of appropriate salaries for all staff employed by or on behalf of the Union, as appropriate from time to time.

#### **ARTICLE 18: LEGAL ASSISTANCE**

The Executive Committee may, at its discretion, institute or defend any legal proceedings and pay all or part of the costs thereof in any matter affecting the welfare of the Union or on behalf of any member in any matter arising out of that member's authorised activities on behalf of the Union.

#### **ARTICLE 19: DISPUTES**

Action taken during disputes will be authorised by the executive Committee and controlled by the Branch concerned in co-operation with the Executive Committee.

#### **ARTICLE 20: HARDSHIP/DISPUTE GRANTS**

During the period of any industrial action, Branches or the Executive Committee may organise a hardship fund for members involved.

#### **ARTICLE 21: MEMBERS' EXPENSES**

Members who, as a result of their being engaged on the business of the Union lose their employment or otherwise, may make application to be paid such sum as the Executive Committee may decide, from time to time, for such purpose.

#### **ARTICLE 22: AFFILIATIONS**

The Union may only affiliate to such other bodies as may be decided by the annual conference of the Union or by the Executive Committee.

### **ARTICLE 23: INTERPRETATION**

Should any question arise on which the rules are silent, the Executive Committee shall have power to decide thereon and their decision shall be binding and conclusive.

### **ARTICLE 24: ALTERATION OF RULES**

These rules shall remain in force until such further notice, and no new rule shall be made, nor shall any of the rules herein contained or hereafter to be made, be amended, altered rescinded unless with the consent of a majority of two thirds of the delegates present at a Special or Annual Conference of the Union or by a two thirds majority of Executive Committee members.

### **ARTICLE 25: DISSOLUTION**

The Union may at any time, be dissolved by the consent of two-thirds of the members voles cast at a Special General) Meeting called for the purpose of considering the dissolution of the Union or by a ballot of all members of the Union resulting in a two-thirds majority of those voting, such majority to represent more than 50% of the membership. Notice of dissolution shall be given forthwith to the Certification Office on the prescribed form.

### **ARTICLE 26: CODE OF CONDUCT**

Branch members will at all times seek to uphold the values and constitution of the union. As befits an organisation which seeks to promote and enhance the lives of its members and society in general, we expect the highest possible standards of ethical practice to be applied and demonstrated. The union neither tolerates nor condones discriminatory or abusive behaviour among its members or to and from its members to those who are not members. The union reserves the right to discipline under rule any member whose conduct falls below those standards in a way that brings the reputation of the union into disrepute. The union reserves the right to suspend or expel from or refuse admittance to membership any person whose conduct fails to uphold the aims and constitution of the union. Members are subject to the rules of the union as they are adopted from time to time by the National Executive Committee.