

# RULE BOOK



**NCOA**

National Crime **Officers** Association  
The Trade Union of the NCA



PROTECTING THOSE WHO PROTECT THE PUBLIC

May 2024

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## **1.0 Name**

- 1.1 The name of the Union shall be 'National Crime Officers Association' (NCOA). The address shall be 1 Dundonald Avenue, Stockton Heath, Warrington, Cheshire, WA4 6NW.

## **2.0 Aims**

- 2.1 To regulate relations between NCOA members in The National Crime Agency (NCA) and the employer, or the employer's representative.
- 2.2 To represent the interests of its membership and to promote and protect the welfare of its members.
- 2.3 To promote membership of NCOA amongst all staff employed by the NCA.
- 2.4 To do all such lawful things as are incidental or conducive to the attainment of the above objects as the National Executive Committee Council consider to be in the interests of the members or likely, directly or indirectly, to benefit the NCOA or any member of it.
- 2.5 The practice of these aims and objectives without discrimination on grounds of gender, age, race, religion, sexual orientation, or disability.
- 2.6 The aims and objectives shall be practised independently of any political affiliation.

## **3.0 Membership**

- 3.1 Membership shall be restricted to Grade 6 to Grade 1 (inclusive) employees of the National Crime Agency (NCA) or by associate or life membership. All applicants for membership of NCOA will apply in writing to join. Members promoted to SCS grades are entitled to retain NCOA membership - subject to unbroken payment of subscriptions.
- 3.2 The NEC reserves the right to refuse membership to any person on the grounds that they have previously been expelled from the NCOA or any other Trade Union or because of conduct tending to show that the applicant has acted in a manner not in the best interests of the membership.
- 3.3 The NEC reserves the right to refuse membership to any person should the applicant have an active role or position within any other NCA recognised Trade Union, actively promoting recruitment to that other union, or otherwise providing active and overt support to that other union against the best interests of the NCOA.
- 3.4 Whilst NCOA Members are permitted to be members of more than one Trade Union, they are ineligible from holding any NCOA Representative or NEC role whilst a member of another recognised Trade Union.
- 3.5 All members shall abide by the rules of the NCOA during membership and not conduct themselves in any way prejudicial to the interests or objectives of the NCOA.
- 3.6 All members are required to pay all subscriptions as set by the NEC, at the appropriate rate by means of monthly Direct Debit to the NCOA's bankers or collection agents approved by the NEC from time to time.

- 3.7 Members shall be listed regionally to London & South East, Midlands Wales & West, North, Scotland & Northern Ireland.
- 3.8 All members shall use their best endeavours to recruit further members.
- 3.9 The membership of a member shall cease upon:
- i. the expiry of not less than one month's prior written notice given by the member to the General Secretary, or
  - ii. the member failing to pay any subscription within one month of notification in writing by the General Secretary that such subscription has become due, or
  - iii. any subsequent failure to pay subscriptions within 12 months following written notification by the General Secretary in circumstances laid out at ii above.
  - iv. the member no longer being eligible for membership, or
  - v. the member being expelled.
- 3.10 In the event of resignation by a member, all rights, obligations, and duties remain until the expiry of the notice of resignation and subscriptions shall be paid up until the end of the month in which the notice to resign expires.
- 3.11 Similarly, any member representation, whether by the NCOA at representative or organisational level (or by our legal partners and providers), will cease at the expiry of any notice to resign period.
- 3.12 The General Secretary and President have the absolute and sole discretion to appoint associate and life members. Life membership may be granted to members who retire from the NCA (as opposed to resigning) as active NCOA representatives, having demonstrated lengthy and distinguished service to the NCOA and its wider membership.

#### **4.0 NCOA Governance**

- 4.1 The NCOA National Executive Committee shall have the general authority for decision making for the union. However, they are accountable to NCOA members through the General Secretary (or in their absence the President) who may move to overrule or act on behalf of the NEC. This may prove necessary in order to prevent breaches of the rule book, law (incl TULRCA) or when any proposed actions are not considered to be in the best interests of the wider membership. Such instances will be extremely rare in practice and will not take place without prior or immediate notification to the Chair. Such notification will be supported by documented rationale within 48hrs. The NEC shall be responsible for raising issues that are of concern to its members, to the NCA Board.
- 4.2 Membership of the NCOA shall be made of the following:
- The National Executive Committee
  - NCOA Representatives
  - NCOA Members
- 4.3 The principal functions of the NCOA Executive shall be to:

- Create the constitution/rule book and any amendments subject to the approval of the National Executive Committee;
- Hold accountable, members of the National Executive Committee for their work/decisions;
- Raise concerns of its members up to and including the NCA Board;
- Approve reports and work carried out by representatives, sub committees or working parties of the National Executive Committee;
- Approve financial reports of the National Executive Committee;
- Promote membership of NCOA within staff employed by the NCA.

4.4 An Annual Delegates Conference (ADC) shall be called annually at a time and place to be decided by the NEC. The Chair of the ADC shall be the NEC Chair or such deputy as appointed by the NEC.

4.5 The business of the ADC shall be to receive, and if approved, adopt the audited statement of the latest NCOA accounts, and any other matters reserved for the ADC in these rules. The ADC will aim to deal with any matter which the NEC desires to bring before its delegates, and to receive and consider motions from representatives, the NEC or any other matter in respect of which the ADC is competent within the Rules.

4.6 All NCOA representatives are expected to attend the ADC.

4.7 The ADC rules are detailed at Annex F.

## **5.0 National Executive Committee**

5.1 The National Executive Committee shall run the NCOA on a day to day basis in accordance with the terms of this constitution/rule book, its Annexes and relevant legislation from time to time.

5.2 The National Executive Committee shall consist of the following officers elected by members of the NCOA to the NEC:

- Chair
- Vice Chair
- National Case Coordinator
- Union Learning Rep
- 3 Ordinary members
- Co-opted or non-voting members of the NEC which include but are not necessarily limited to, the General Secretary, President, and National Officer.

5.3 Elections to the National Executive Committee shall be held every three years and will take place in July. Each elected Officer will be entitled to serve for a period of three years in accordance with the election rules at Annex B. (The election process and NEC tenure for the General Secretary and President are detailed separately).

5.4 The National Executive Committee shall meet no less than four times a year; additional meetings may be called at the discretion of the Chair.

- 5.5 The Chair will preside over the meetings and may only vote in the event of a tie.
- 5.6 National Executive Committee meetings shall only proceed if at least fifty per cent of the Executive Committee members are present throughout. Attendance, which may include by 'dial in', is explained further at Annex A2.2
- 5.7 Given the frequency of meeting requirements at 5.4, there is an expectation that members of the National Executive Committee will attend each meeting. Any member of the National Executive Committee who fails to attend three meetings in any 12-month rolling period, shall be considered to have resigned - unless there are exceptional circumstances which satisfy the Chair and the voting majority of the NEC.
- 5.8 Members of the NEC have a high-profile position not only within the NCOA but the wider NCA where they are readily identified as NCOA officials. NEC members are entitled to represent members at formal proceedings such as misconduct panels and capability hearings as designated Trade Union Representatives. In order that they can be seen to be acting in the best interests of the NCOA, NEC and wider membership, they cannot act as an NCA Friend to any non NCOA members in any formal proceedings.
- 6.0 Finance Committee**
- 6.1 The Finance Committee are responsible for the financial affairs of the NCOA and shall ensure that any money spent is in accordance with the objectives of the NCOA.
- 6.2 The Finance Committee shall comprise of members of the National Executive Committee.
- 6.3 The role of the members shall be to:
- Ensure that the NCOA finances operate efficiently and effectively.
  - Ensure the preparation of the NCOA financial report and any other information which is required under current legislation.
- 6.4 Finance Committee meetings shall meet not less than four times a year. Additional meetings may be called at the discretion of the Chair.
- 6.5 Finance Committee meetings shall only proceed if a quorum of at least fifty percent of the members is present throughout. (See Annex A 2.2)
- 6.6 Minutes of all meetings shall be kept. Each meeting shall consider the minutes of the previous meeting which, if approved shall be recorded as such by the Chair. The minutes of the Finance Committee shall be open to inspection by NEC members at a time and place which is reasonable.
- 6.7 The NEC shall have the power to co-opt any person to the Finance Committee, who they consider can contribute or advise the Finance Committee. Co-opted persons shall not be entitled to vote.
- 6.8 The NEC shall be expected to carry out work (actions) on behalf of the Finance Committee and report to the Committee in respect of that work.

- 6.9 The NEC and Finance Committee shall, from time to time, be privy to confidential and sensitive information. Committee Members and NEC officers or representatives may not disclose any information to the press or public without the permission of the General Secretary and President and the NEC Chair. NEC business shall not be discussed with any person who is not a member of the NEC without permission of the NEC.
- 6.10 Confidential papers must be stored securely and must not be permitted to be shown or read by any person without the permission of the NEC.
- 6.11 Any member of the Finance Committee who fails to attend three meetings in any rolling 12-month period, shall be considered to have resigned - unless there are exceptional circumstances which satisfy the Chair and the voting majority of the Finance Committee.

## **7.0 Complaints and Discipline Procedure**

- 7.1 Any complaint about a member of the NCOA shall be dealt with in accordance with the procedure in Annex D.
- 7.2 The NEC or a subcommittee of the NEC may discipline a member who is found to be in breach of these Rules or in breach of its equality opportunities statement or to have acted in a manner contrary to the interests or objects of the NCOA and/or its membership, by expulsion from membership, or suspension from office and/or the benefits of membership for a period of up to three years. In the event that the NEC appoints a subcommittee for the purpose of this rule, they may co-opt members of the NCOA to be a member of such a subcommittee.
- 7.3 The NEC may issue guidance as to the process to be followed in disciplining a member.

## **8.0 NCOA Finance**

- 8.1 The NCOA, acting through the Finance Committee, shall be empowered, in pursuit of its Aims and Objectives, to open bank accounts, lend monies, invest monies, borrow monies, and do all other things as are necessary for the prudent conduct of its financial affairs and in the interests of its members. The Finance Committee, in exercising these rights, shall be subject to no other restrictions except those contained within these rules and any operating procedures or standing orders relevant only to the Finance Committee itself.
- 8.2 A copy of the NCOA budget and audited accounts shall be produced annually for inspection. The financial year of the NCOA shall be from January to December.
- 8.3 The NEC shall appoint each year an appropriately qualified person or body to act as Auditor in accordance with statutory requirements. Any auditor so appointed by the NEC may not be removed from office except by resolution consistent with statutory requirements.
- 8.4 The NEC shall appoint each year an appropriately qualified person or body to act as assurer in accordance with statutory requirements. Any assurer so appointed by the NEC may not be removed from office except by resolution consistent with statutory requirements.

## **9.0 Amendments**

- 9.1 The National Executive Committee shall be the only body permitted to amend these rules and its Annexes. All amendments to these rules, or its Annexes, shall require the support of a minimum of two thirds of the members present and who are entitled to vote at the National Executive Committee.
- 9.2 However, at times of National emergency, pandemic, epidemic, war or at other times when the movement and activity of both members and NEC officers are severely restricted by the State, the General Secretary (or President in their absence) may make emergency decisions to ease the function of the NEC and the Trade Union as a whole. This may include (but should not be restricted to):
- Temporary postponement of scheduled elections.
  - Temporary postponement of NEC meetings.
  - Temporary suspension of ADC, or
  - Suspension of any rule which hinders the NEC in acting effectively with limited resources or restrictions in place which limit physical attendance at meetings.
- 9.3 Decisions made in such circumstances must be legally compliant with TULRCA and any other law affecting NCOA activity, including legislation subsequently enacted in the future.
- 9.4 Such decisions may be overturned with the support of a minimum of two thirds of those members entitled to vote at the National Executive Committee.

## **10.0 Indemnity**

- 10.1 Every National Executive Committee member, or person(s) approved to make decisions on behalf of the NCOA, shall be entitled to be indemnified out of the assets of the NCOA against all losses or liability which they may incur in the execution of their office or otherwise in relation thereto. No National Executive Committee member or persons as above shall be liable for any loss, damage, or misfortune which may happen to, or be incurred by, the NCOA in the execution of their duties.
- 10.2 The indemnity in clause 10.1 shall not extend to liability for the consequences of any negligent or unlawful act.

## **11.0 Service Commitments and Objectives**

- 11.1 The National Executive Committee shall draw up a list of Service Commitments and Objectives which shall be approved and amended from time to time by agreement of the National Executive Committee.
- 11.2 All members of the NCOA shall be required to adhere to the Service Commitments and Objectives. A list of the Service Commitments can be found at Annex E.

## **12.0 Interpretation**

- 12.1 In the event of a challenge to the interpretation of any part of these rules, the ruling of the Chair shall be sought.
- 12.2 In the event of a challenge to the Chair's ruling, the decision shall be taken by the National Executive Committee.



12.3 If a member of the NCOA remains unsatisfied with the ruling of the Chair and/or National Executive Committee they may appeal to the General Secretary. The ruling of the General Secretary shall be final.

### **13.0 Dissolution**

13.1 If two thirds of members elect to dissolve the NCOA, then it shall be dissolved.

13.2 If the NCOA ceases to function, and no arrangements are made for the continuation of the Association, the Finance Committee shall cause the NCOA to be terminated from the date of the cessation of its functions.

13.3 In the event of the Committee resolving to dissolve the Finance Committee, the Finance Committee members at the time of the dissolution, shall at their discretion, liquidate the assets of the NCOA for the benefit of its members.

### **14.0 Industrial Action**

14.1 In the event that any issue between the NCOA and the NCA cannot be resolved through the use of the resolution procedures contained within the NCA Employee Relations Policy, authority to hold any consultative or industrial action ballot, or call for industrial action may be held by the NEC.

14.2 The meeting of the NEC to discuss escalation to industrial action balloting shall be recorded. Any subsequent industrial action shall be carried out within the rules laid out in Part V of the Trade Union and Labour Relations (Consolidation) Act 1992 and the Trade Union Act 2016 (and any subsequent revisions).

# Annex A

## National Executive Meetings Rules

### **1.0 National Executive Meetings**

1.1 NCOA National Executive meetings will discuss all relevant issues of interest to members of the NCOA.

### **2.0 Attendees**

2.1 Any member of the National Executive Committee who fails to attend three meetings in any rolling 12-month period, shall be considered to have resigned - unless there are exceptional circumstances which satisfy the Chair and the voting majority of the NEC. Written confirmation of the same will be sent by the Chair of the National Executive Committee or their nominee.

2.2 Dial-in facilities and MS Teams are available to assist NEC members to attend meetings virtually. This will allow for a more flexible attendance to ensure we are operating in line with relevant legislation. Physical attendance is encouraged when possible.

### **3.0 Voting**

3.1 Only elected members of the National Executive Committee who are present at the meeting may exercise their vote. This does not conflict with any exceptional requirement for 'out of committee' decisions which may be necessary from time to time.

3.2 The Chair of the National Executive Committee may not vote unless the vote is tied, in which case the Chair shall have the casting vote.

### **4.0 Conduct of the Meeting**

4.1 The Chair shall be responsible for the agenda and publicising the meeting.

4.2 In the event of any situation arising which is not covered by the meeting regulations, the Chair shall rule on the procedure to be adopted. Such ruling shall be subject to National Executive Committee approval. In the event of the Chair being in conflict or alleged to being in conflict with the item under discussion, the Chair should be resigned for the duration of the item under discussion to the Vice Chair.

### **5.0 Declaration of Personal Interest**

5.1 In the event that any NEC member has a personal interest relating to any matter to be discussed at a meeting of the NCOA NEC, the member concerned must:

5.2 Declare their interest before the meeting or at the meeting before discussion of the matter begins.

5.3 Be absent from the meeting for that item unless expressly invited to remain in order to provide information.

- 5.4 Not be counted in the quorum during that part of the meeting; and
- 5.5 Be absent during the vote and have no vote on the matter; and
- 5.6 Cause a full minute to be taken of the personal interest and the procedure to be adopted in the minutes of the meeting.

**6.0 Rules of Debate**

- 6.1 Each debate shall have a proposer and a seconder who shall be an elected, 'voting' member of the NEC. Recommendations may only be withdrawn with the consent of the proposer.
- 6.2 All recommendations shall require a simple majority in order to be decided.
- 6.3 The Chair shall attempt to balance the speeches for and against any recommendation.
- 6.4 When a balance of speeches has been taken, the recommendation shall be voted on.
- 6.5 Emergency recommendations may only be discussed if they deal with matters that have arisen since the date for submissions set by the Chair and this should be submitted in writing to the Chair before the start of the meeting.

# Annex B

## NEC Election Rules

### **1.0 Procedures**

- 1.1 Annex B outlines the procedures for elections for a position to the NCOA Executive Committee (NEC) and to the roles of General Secretary and President. It also outlines the procedures to follow if a vacancy occurs.

### **2.0 Elections**

- 2.1 The Presiding officer (who shall be the NCOA President, or in their absence the General Secretary, or any other nominated person (when the elections relate to the roles of General Secretary or President), shall be responsible for the good conduct and administration of elections and have the sole interpretation of the election regulations. They shall not be a voting member of the NEC. The Presiding Officer (or nominated person) may appoint assistants OR engage the services of external bodies to deliver an effective and legally compliant election.
- 2.2 The Presiding Officer shall ensure that elections to the National Executive Committee take place before the end of July in the year of the election.
- 2.3 Once elected, the member(s) of the National Executive Committee shall take office immediately following the date of the ADC of that year and shall serve for not more than 36 months before being subject to a further election process.
- 2.4 The dates for elections of National Executive Committee members, a copy of the election timetable and election regulations shall be posted not less than 2 months before the date of the elections.
- 2.5 Election Ballots will run between the 1<sup>st</sup> and 31<sup>st</sup> July in the year of the election.

### **3.0 Standing for Election**

- 3.1 The NEC shall consist of 7 members not including those co-opted. Only trained representatives of the NCOA may stand for election to one of the National Executive Committee positions.
- 3.2 Nomination forms will be available from the Presiding Officer (President). The nomination form shall contain a description of the type of work undertaken by NEC Officers.
- 3.3 Each nomination form shall contain information on facility time afforded to NEC officers under the NCA Employment Relations Policy.
- 3.4 Only NCA officers' grades 1-6 who are trained representatives of the NCOA may stand for election to a statutory NEC position so long as the NCOA union rules allow them to do so. Each candidate must complete the relevant nomination form which must be signed by the candidate and at least one proposer and one seconder who shall also be NCOA members.

- 3.5 Certain people are automatically excluded from standing as candidates in trade union elections. Members have the right not to be unreasonably excluded from standing as a candidate. If any member feels they have been unreasonably excluded, they may consider:
- Do they belong to a group of members, who are all excluded from standing as candidates by the NCOA rules?
  - Does the NCOA have reasonable grounds for excluding them, as an individual, from standing as a candidate?

If any member feels that the above does not apply, then they may have grounds for a complaint.

- 3.6 Nomination forms must reach the Presiding Officer, or other nominated person, no later than 5.00pm, 14 days prior to commencement of the ballot.

#### **4.0 Voting Procedures**

- 4.1 The Presiding Officer shall produce a list of candidates.

- 4.2 The Presiding Officer shall ensure that all members of the NCOA have a reasonable opportunity to vote for any candidate.

- 4.3 Only subscribing members of the NCOA shall be eligible to vote.

- 4.4 Voting papers shall contain the name of each candidate together with any election address and the position being contested.

- 4.5 Voting shall be by secret postal/electronic ballot and shall be conducted in accordance with the rules for the operation of the single transferable voting system as set by the Electoral Reform Services Ltd (or any other independent organisation qualified to conduct a ballot exercise). The Presiding Officer (or any appointed person/company) shall announce the arrangements for voting by the close of nominations.

#### **5.0 Counting and Declaring Votes**

- 5.1 The Presiding Officer (or where applicable, any appointed person/company) will be responsible for the counting of the votes and shall be assisted by a scrutineer(s). The scrutineer(s) shall be an appointed individual(s) who is not a member of the NCOA NEC and not standing for election to the NEC.

- 5.2 The count shall be conducted in accordance with the rules for the operation of the single transferable voting system as set by the Electoral Reform Services Ltd (or any other independent organisation qualified to conduct a ballot exercise). Once the votes have been counted, the ballot papers should be retained for a period of twelve months in the event of an appeal.

- 5.3 The results will become official 48 hours after they have been posted provided that no complaint has been lodged with the Presiding Officer within the preceding 48 hours. In the event of a complaint being received, the results shall be suspended until the complaint has been resolved.

## **6.0 Complaints**

6.1 Any challenge or complaint concerning the good conduct or administration of an election will be heard and determined by the Presiding Officer within 48 hours of the complaint being lodged. The complaint may only be lodged by the candidate, their nominee or any subscribing member of the NCOA.

6.2 In determining a resolution to the complaint, the Presiding Officer after hearing all the appropriate evidence may either;

- Not uphold the complaint
- Suspend the elections for specified posts
- Disqualify specified candidates
- Determine whether a breach in the election regulations has occurred

6.3 The ruling of the Presiding Officer shall be final.

## **7.0 Mid-Term Elections**

7.1 If any post on the National Executive Committee falls vacant mid-term (howsoever arising) an election may be arranged by the Presiding Officer in accordance with the preceding procedure in this Annex B and by agreement of the NEC.

7.2 Within the NEC, there shall be 'Officer Positions'. These positions may or may not attract fixed facility time in accordance with the Employee Relations Policy. The positions shall be NEC Chair, Vice Chair, Union Learning Representative (ULR) and National Case Coordinator.

7.3 The NEC may in addition to the above, identify any other officer positions from time to time as agreed by the NEC. These positions may or may not attract fixed facility time as determined by the NEC Chair. No position shall attract more than 50% facility time.

7.4 All 'Officer roles' shall come from within the NEC.

7.5 It shall be the decision of the NEC to determine which member performs an officer position. All candidates shall stand to be elected to one of the 7 positions. No candidate shall be permitted to stand for a singleton position.

7.6 A description of the roles and responsibilities of NEC officer positions which may vary from time to time, in accordance with 7.3 of this Annex shall be agreed by the NEC and circulated.

## **8.0 Lack of nominees**

8.1 Should any process detailed at either Section 2 (Elections) or Section 7 (Mid-term elections) fail to fill all vacancies, the NEC may, at their discretion, appoint a suitably trained representative to fulfill any vacant NEC position at the conclusion of the election.

8.2 In such circumstances, the individual will have full voting rights but will only be permitted to remain in post until the next scheduled elections.

## **9.0 Elections to General Secretary and President Roles**

9.1 It is a legal requirement that the General Secretary and President are elected roles. To ensure continuity, NCOA elections to these roles will, where possible, take place independently of any scheduled NEC elections.

9.2 Within the NCOA, the maximum term of office for both roles is 5 years. There are exemptions to this when individuals are approaching normal retirement age or a retirement age defined by the NCOA. (See TUCLRA or BEIS Trade Union Elections Guidance document for further details).

9.3 As a single employer Trade Union, it is desirable for the independence of the NCOA that these elected roles are performed by paid employees from within existing membership where possible.

9.4 At the conclusion of any elected term, (subject to any extension afforded by retirement age) any terms of employment shall cease after a suitable handover period which cannot exceed 6 months. Unless,

- The individual secures re-election to either role or
- Secures another un-elected role within the NCOA.

9.5 Like the NEC process, any contested election to these positions must meet the statutory requirements as laid out in the relevant legislation applicable at that time.

9.6 The NCOA is permitted to decide on the eligibility requirements for potential candidates when commencing any election process. The NEC will be responsible for outlining the general, desirable, eligibility criteria for election to General Secretary or President at the time of any election.

9.7 The specific eligibility criteria for election to either of these roles is as follows,

- Current member of the NCOA.
- Holds an NCOA National Executive position or Representative position and has done so for at least three years.

9.8 If following any initial election process it is clear that the NCOA are unable to attract candidates who meet the specific eligibility criteria, the NEC may move to elect individuals with requisite experience from beyond the existing membership.

9.9 Certain people are automatically excluded from standing as candidates in these elections. Members have the right not to be unreasonably excluded from standing as a candidate. If any candidate feels they have been unreasonably excluded, they may consider,

- Do they belong to a group of members, who are excluded from standing as candidates by the NCOA rules?
- Does the NCOA have reasonable grounds for excluding them, as an individual, from standing as a candidate?

If any member feels that the above does not apply, then they may have grounds for a complaint.

9.10 Although elected to perform these roles, the General Secretary and President are currently appointed to the NEC as non-voting members. This may be changed at any time at the will of the voting majority of the NEC.

In all circumstances, any elections carried out by the NCOA will be compliant with legislation applicable at the relevant time. In the event of conflict between the NCOA rule book and legislation, suitable changes to the rule book will be introduced at the point any conflict is identified.



# Annex C

## Guidance: Disciplinary Procedures

1. All members of the NCOA (the term 'member' includes any representatives of the NCOA) shall be expected to abide by the Rules and its Equal Opportunities Statement.
2. The scope of this Disciplinary Procedure may be reviewed/amended from time to time by the National Executive Committee.
3. This Disciplinary Procedure shall not be regarded as a contractual provision of membership of the NCOA.
4. The NEC may resolve, of their own volition or following receipt of a written complaint, at any time to investigate the conduct of any member who appears to be in breach of these Rules or to have acted in a manner contrary to the interests or objects of the NCOA and/or its membership or in breach of its equality opportunities statement.
5. If the NEC so resolve, the conduct shall be considered by a Disciplinary Committee comprising three National Executive Committee members.
6. The member shall be given written notification of the matter(s) being considered by the Disciplinary Committee. In the case of an elected NCOA Representative, the Disciplinary Committee may consider suspension from their position until the conclusion of the process.
7. The Disciplinary Committee may action any enquiries deemed necessary to reasonably investigate any allegation prior to a decision as to whether or not the matter should proceed to a formal disciplinary meeting.
8. The member shall be given not less than 28 days' notice of a formal disciplinary meeting which will include the date, time, place of the meeting and full details of the allegation.
9. Both the member and any complainant may bring witnesses to the disciplinary meeting as is deemed appropriate and proportionate to the matter under consideration and shall be entitled to be accompanied by their NCOA representatives.
10. The Disciplinary Committee (which shall be a panel of three members of the National Executive Committee) shall deliberate on the matter and decide on the appropriate action to be taken. The Disciplinary Committee shall restrict its decision to evidence presented at the disciplinary meeting. Evidence of any previous misconduct shall not be presented or considered during the committee's deliberations, save to the extent that evidence of previous relevant conduct may be considered when deciding on appropriate sanctions.

11. Disciplinary sanctions may include the following:
  - The member be disqualified from holding an elected position
  - The member be suspended from NCOA membership
  - The member is expelled from NCOA membership
12. The Disciplinary Committee shall inform the member in writing, within seven days, of their decision. A record of the decision shall be kept for use in any subsequent appeal. The member shall be informed of their right of appeal against the decision.
13. The member must submit any appeal in writing within seven days of the date of the decision, giving full grounds for the appeal.
14. A Disciplinary Appeal Panel shall consist of the General Secretary and two other National Executive Officers not involved in the Disciplinary Committee which reached the decision under appeal.
15. As far as reasonably practicable, the Appeal shall be heard within 28 days of receipt of the appeal.
16. The Disciplinary Appeal Panel must inform the member in writing, within seven days, of their decision and a record of the decision will be kept. The Appeal decision is final.
17. All notices or other communications to be sent to the member under these procedures shall be sent to the member at the member's address entered for the time being in the register of members.
18. No member of the NEC may be a member of either the Disciplinary Committee or Disciplinary Appeal Panel if they are a witness in the case or having otherwise been previously involved in the disciplinary process.
19. The NEC may co-opt other members of the NCOA to membership of as appropriate the Disciplinary Committee or Disciplinary Appeal Panel from outside of membership of the NEC.
20. In addition to these disciplinary procedures, NCOA reps who have been subject to internal (NCA led) disciplinary procedures regarding any act or omission as an employee of National Crime Agency may, depending on the nature and/or outcome of that process, also see their continued role as an NCOA rep reviewed by the General Secretary and President.
21. Independently of any NCA led procedures, such a review may also be triggered by the General Secretary or President where they become aware of the actions of any person holding rep status, which at the outset are considered to impact on or undermine the wider reputation of the NCOA.
22. Recognising the high standards expected of NCOA reps by our members, a rep status review by the NCOA may lead to,
  - No further action.
  - First Written warning.
  - Final written warning.
  - Words of advice from the NCOA General Secretary or President.
  - Suspension as an NCOA Representative for a period of time determined by the NCOA General Secretary & President.
  - Dismissal as an NCOA Representative when confidence has been lost.
23. The outcome of any representative status review will be communicated in writing to the relevant individual.

# Annex D

## Complaints

1. Any complaint presented by a member of the NCOA against the NCOA or representative of the NCOA shall be addressed to the President. In any circumstances where the complaint involves the President, it shall be addressed to the General Secretary.
2. The President shall give a written response within 14 days.
3. If the complainant is not satisfied with the response, they may appeal to the NCOA General Secretary. The General Secretary shall respond in writing within 14 days.
4. A complainant shall also be referred to the mechanisms contained within Annex C of these Rules.

# Annex E

## Service Commitments

1. The NCOA will respond to calls and e-mails in a prompt, efficient and courteous manner.
2. The NCOA will provide all of our members with a professional and courteous service at all times.
3. The NCOA will communicate regularly with all of our members.
4. The NCOA will endeavour to ensure all of our members are 100% satisfied with the advice and support received by the NCOA.
5. The NCOA will represent and negotiate for all our members in a robust, open, and honest manner to ensure that officers are treated fairly and considerately at all times by the National Crime Agency.
6. The NCOA will provide a professional and caring service to all our members with a view to fostering a relationship which is founded on trust, confidentiality and respect on both sides.
7. The NCOA will review our Service Commitments and Business Plan and amend them where necessary to reflect the ever-changing needs of our members and the National Crime Agency.
8. The NCOA are committed to providing equality of opportunity in terms of all of the NCOA membership.

# Annex F

## Annual Delegates Conference

An NCOA Annual Delegates Conference (ADC) shall be held once every year, no sooner than 1st September and no later than 31st October, at a time and place decided by the NEC. Where practicable, the ADC will be run in conjunction with annual NCOA Reps Continuous Professional Development (CPD) training event.

The organisation of the ADC is the responsibility of the NEC. The NEC may choose to delegate this responsibility to an ADC organising Committee, the Chair of which must be an NEC officer. The Annual Delegates Conference should be a standing agenda item at all NEC meetings.

All representatives will be sent details of the ADC, including the details of motions and the CPD being provided. The ADC and CPD will be attended by all representatives of the NCOA, as well as NCOA Officials and nominated observers/speakers.

The ADC shall have a record of decisions taken and shall be circulated to representatives as soon as practicable after the ADC by the NEC Chair. The ADC shall be governed by the Standing Orders.

The NCOA Chair shall conduct the meeting. In the unlikely event that the NCOA Chair is unavailable to conduct the ADC, then the NCOA Vice Chair will assume responsibility.

Any voting shall be by show of voting cards. Only NCOA Representatives or designated Reps awaiting training who are present when the vote is called are entitled to vote. Elected voting members of the NEC are entitled to vote, as are members of the Standing Orders Committee (SOC) so long as they ordinarily have voting rights.

The Chair of the National Executive Committee may not vote unless the vote is tied, in which case the Chair shall have the casting vote.

### **MOTIONS - Timetable**

12 weeks prior to ADC -

A calling notice will be sent out for Motions to be submitted to NCOA HQ for all Category A Motions (as deemed by the SOC) for consideration at Regional level and by the NEC.

8 Weeks prior to ADC –

All Category A Motions passed at individual Regional level (or by the NEC) will be shared across all the other Regions and the NEC, who will be tasked to establish independently of each other:

- Unanimous National support for motions or
- Notice of intention to challenge any motion presented by another region (or the NEC).

No later than 3 Weeks prior to ADC –

The Standing Orders Committee (SOC) must be notified in writing (or email):

- Where unanimous National support has been secured across all the Regions and the NEC. These motions will not then be subject to further

debate and will instead, automatically form part of the delegated activity of the NCOA for the following year.

- Where a notice of intention is received from any of the Regions or the NEC to challenge a particular motion, then that motion will be debated openly at the ensuing Annual Delegates Conference.

It is expected that Regional meetings will be held to determine whether a Region supports a motion or not. To ensure good governance of the ADC and SOC processes, copies of minutes of Regional mandating meetings and copies of all motions (whether they are successful or not) should be sent to NCOA HQ where they will be available to the SOC for consideration.

### **STANDING ORDERS COMMITTEE**

There shall be a Standing Orders Committee of at least 2 but no more than 3 NCOA workplace representatives. Alternatively, NCOA Officials other than the General Secretary or President can perform the role of the SOC.

If they are not already performing the role of the SOC, the NCOA National Officer and/or NCOA engagement officer will work alongside the committee to provide advice and guidance.

Membership of the SOC affords an opportunity for workplace representatives to gain insight on the NCOA. The maximum period a Rep can serve on the SOC is 2 years.

The Standing Orders Committee is responsible for:

- Categorising all motions.
- Arranging motions into a convenient agenda, and construct 'composite motions', to provide for the efficient dispatch of business.
- Submitting an agenda, timetable, and such other recommendations as it sees fit, to the ADC for consideration.
- Consulting the Chair of Conference on all matters relating to the agenda, timetable, and procedure (including the admission of emergency motions).
- Excluding any motion which the Standing Orders Committee considers (or after taking legal advice) may provide grounds for any legal proceedings against the NCOA or any of its officers. A copy of the written legal advice may be provided to the Regional Officer or NEC Officer submitting the motion.
- Following consultation with the General Secretary and/or President, exclude any motion that if passed, puts the financial viability of the NCOA at risk. i.e., X motions.
- Operate the Traffic Light System at the ADC to ensure that any debate is undertaken in line with ADC Delegates Guide.

Workplace Representatives who are the SOC, remain ADC delegates and so long as the functions of the SOC are maintained, they are entitled to move a motion, speak, and vote in any debate.

### **VISITORS AND OBSERVERS**

At the discretion of the NCOA General Secretary and/or President, NCOA Life Members or any association or bodies who are not members of the NCOA can be invited to attend the ADC. The NCOA can meet appropriate expenses for these attendees. Visitors and observers cannot vote or speak during any debate.

## **ORDER OF BUSINESS**

The order of ADC business shall be decided on the recommendation of the Standing Orders Committee. It may include:

- Report of the Standing Orders Committee and any references back (which may be by written report only).
- Motions.
- Other relevant NEC reports/papers.
- Information on the CPD event so as it ensures the smooth running of the ADC.

## **RULES OF MOTIONS**

- All motions shall be written in the affirmative.
- Motions shall be moved when called and seconded by any attending NCOA workplace representative, of another workplace, immediately after the movers speech, otherwise they shall fall.
- A motion may be withdrawn only by the mover and with the consent of the Chair and the Standing Orders Committee.
- Motions other than those appearing in the booklet of motions shall not be accepted except emergency motions which must be submitted by the date determined by the SOC. A motion to amend shall not directly negate the substantive motion, and if carried shall become part of it.
- A motion once lost may not be moved again at the same ADC.
- A motion may not be debated if it is the same or materially and substantially similar to any motion previously 'lost' following ADC 'open' debate at the preceding year's Annual Delegate Conference.
- If a mover accepts a challenge to have a motion remitted, this motion can return at the following year's ADC as it is not deemed to have been lost.

## **MOTIONS OF ORDER**

At the Chair's decision and discretion, the following motions of order shall have priority and be taken without discussion:

- That the debate be adjourned.
- That the vote be now taken.
- That ADC moves to next item of business.
- That the ADC adjourns.

## **POINTS OF ORDER**

Attendees raising a point of order shall seek to show that either the speaker is using sexist, racist or abusive language (or any other offensive/abusive words or behaviour) or that one of the NCOA Rules is being broken.

## **REFERENCE BACK OF SOC REPORTS**

Regional Representatives or delegated Rep must give the SOC notice of their intention to move reference back of the SOC Report (excluding any supplementary report), with details of proposed alterations and with reasons for it, by a date and time determined by the SOC. The Regional Officer or delegated Rep seeking to reference back a motion shall meet the SOC at a time determined by the SOC to discuss the issue.

The Standing Orders Committee shall inform the Chair of any changes and be responsible for amending the motions and agenda accordingly.

There is no absolute right to move reference back: whether a reference back is heard shall depend on the time allocation acceptable to ADC. The SOC shall be responsible for confirming that the rules have been applied correctly.

### **SUSPENSION OF STANDING ORDERS**

The ADC Chair may propose to suspend Standing Orders or to amend the order of business or to introduce new business, if having consulted with the General Secretary and/or President if it is deemed appropriate.

### **RIGHTS AND DUTIES OF DELEGATES**

When a motion is called by the Chair, the speaker introducing the motion (the mover) shall take a position at the rostrum (or the appointed place to speak). Speakers shall use the rostrum (or appointed place), announce their name and workplace/NEC status, and address themselves to the Chair. After speaking, all movers of motions shall remain in the vicinity until the conclusion of that debate.

If two or more attendees seek to speak at the same time, the Chair shall decide which shall speak first.

Speakers shall confine their remarks to the motion or point of order under discussion.

The length of time of ADC speeches will be determined by the SOC in conjunction with the ADC Chair once the number of ADC Motions for debate, has been defined and the complexity of the issues contained in those motions is known. The length of speeches will be included in the SOC Report. Speeches by movers of motions shall be allocated more time than those representatives choosing to speak in support or opposition of the motion, as well as any speech whereby a delegate exercises a right of reply.

The SOC will operate a Traffic Light System which will be used to assist speakers with their timings. Where the SOC role is being undertaken by NCOA officials, then the Traffic Lights will be operated by 2 representatives who retain the right to speak and vote on any motion.

No one may speak more than once on any motion other than where the mover of a motion may reply to the debate before it is put to the vote if there has been opposition or where a remission of a motion is sought, the mover shall have the right to comment before the vote for remission is put. The mover of a motion, in exercising a right of reply, shall deal solely with points of opposition raised in the debate.

The ADC Chair shall ensure that where opposition to a motion exists, opportunity shall be given for this opposition to be expressed in debate.

One member of the NEC can speak on a motion moved by a Region and should present the NEC position.

Where it is apparent that the content of the debate would benefit from some specific knowledge or advice from the NCOA General Secretary, President or



National Officer, then these persons can address the ADC prior to any vote being taken. The length of these addresses will not be governed by the Traffic Light System.

Where a representative refuses to obey the Chair's instruction, they may be requested to leave the ADC. The Chair shall decide if and when they may return.

During a speech other persons present may rise only to address the Chair only on a point of order.

### **ADC CHAIR**

The Chair's ruling on any question arising under these Standing Orders shall be final.

The ruling of the Chair on a 'point of order' shall be final and not open to discussion. The Chair should consult with the SOC, General Secretary and President on such matters.

ADC will be run to a strict timetable. Where time restricts the ability to hear all the scheduled motions, the Chair may operate the 'Guillotine' at their discretion when the time allotted on any Agenda section expires. Unheard motions will be moved to the 'Guillotine Section' and will only be debated if an opportunity presents itself later during ADC (i.e., the agenda moves so quickly that it creates an unplanned window of opportunity to debate unheard motions).

\* Guillotine - where the time allocated for a specific section has expired without all Motions within that Section having been debated. Motions which have not been debated will then only be heard should available time present itself later during the scheduled Guillotine Section of ADC.

### **SOC PROCEDURES RULES**

The SOC shall separate motions into the following categories:

- Category A Motions for debate, grouped as far as practicable under the main subject headings.
- Category B Motions which confirm an existing NCOA policy/position.
- Category C Motions which seeking to reverse existing NCOA policy/position as determined within the last two years, and so which cannot be debated.
- Category D Motions capable of being dealt with by correspondence to the NEC Chair.
- Category E Motions covered by composite motions in category A.
- Category X Motions which are out of order. (e.g., a motion which seeks to force the NCOA to fundamentally alter its business model, finances, or structure to the detriment of the wider membership or, act in a way which undermines its ethos as an inclusive, non-political trade union operating solely within the law enforcement environment).

Where practicable the SOC should consider and categorise any submitted Emergency Motions (EM). Where the SOC consider that an EM falls within the definition of Category A Motions and where able, the SOC should share these EM's with the Regions/NEC prior to the ADC to ascertain whether the matters are contested or not and therefore suitable for debate.

All motions designed to amend the NCOA Rules shall be written as to leave 'no doubt' as to the objective they are designed to achieve.