

Constitution of Napo Family Court Section

INDEX

1. Name
2. Objects
3. Membership and Subscriptions
4. Organisation of the Section
5. Local Organisation
6. National Organisation
7. Officers and Committees
8. Election of the Chair of the Section
9. Election of Family Court Committee (and editorial board)
10. Election of Section National Officer Posts
and Members of the SEC Sub Committees
11. Election to the CNC
12. National Meetings
13. Local Meetings
14. Voting
15. Finance
16. Amendment and Interpretation

1. Name

This organisation (hereinafter referred to as ‘the Section’) shall be called the Family Court Section of Napo – the trade union and professional association for family court and probation staff – and shall be constituted by warrant of the National Executive Committee (NEC) of Napo.

2. Objects

- (a) The objects of the Section shall be the same as those of Napo as stated in the current constitution and generally shall be:
 - (i) to protect and promote the interests of members;
 - (ii) to combat racism, oppression and discrimination and actively to oppose all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race,

ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic;

- (iii) to promote full equality of opportunity for all including through:
 - collective bargaining, publicity material and campaigning, representation, union organisation and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities;
 - the union's own employment practices;
- (iv) to ensure collective action on matters affecting the interests of members; to improve their salaries, conditions of service and superannuation;
- (v) to formulate and execute policies which improve the work and development of the Children and Family Court Advisory and Support Service (Cafcass) and the Probation Service and which address issues of justice and social welfare;
- (vi) to cooperate with others in pursuit of the objects of the Association ;
- (vii) to collect, maintain and administer funds for all or any of the above purposes.

3. Membership and Subscriptions

- (a) The membership of the Section shall consist of those full members of Napo employed by or seeking work with Cafcass and those professional associate members assigned to the Section by the NEC.
- (b) Subscriptions shall be paid in accordance with the National Constitution of Napo.
- (c) Each full member and associate member on being admitted into membership shall be sent a copy of the Section constitution.

4. Organisation of the Section

The Section Annual General Meeting (SAGM) is the Section's supreme policy making body and elects a Section Executive Committee (SEC) to administer the Section between SAGMs. The SEC will allocate facility time to its officers and representatives in order to perform their Trade Union duties and required activities. The SEC will also monitor and coordinate the work of the Cafcass Negotiating Committee (CNC), which represents the Section at the Cafcass National Partnership Committee, and the Family Court Committee (FCC), which addresses professional campaigning and training issues in the Family Justice System.

5. Local Organisation

The SEC shall appoint Office Contacts and Local Health & Safety Representatives as necessary. These appointments will be ratified annually at the SAGM which may also fill any current vacancies and make further appointments. Office Contacts and Local Health and Safety Representatives will be entitled to receive appropriate training.

6. National Organisation

- (a) The Section AGM shall, in accordance with Section 8 below, elect the Chair of the Section, who shall automatically become the chair of the Section Executive Committee.
- (b) The SAGM shall, in accordance with Section 9 below, elect the following Section National Officers:
 - Vice Chair
 - Treasurer
 - Secretary
 - Membership Secretary
 - Equality and Diversity Officer
 - Anti Racism Officer
 - Education Officer
 - Edridge Secretary;
 - Any other officers that the SAGM may consider necessary (see 7 (a) below);

All these national officers shall automatically become members of the SEC.

- (c) In addition the SEC will include a further seven members:
 - Two National Executive Committee (NEC) Co-Representatives, who shall be elected annually in accordance with Napo's national constitution by a secret ballot of all full members of the Section

- Two Health and Safety Officers (HSOs) (see 7 (d) below);
- The Chair of the Family Court Committee;
- The Napo National Vice-Chair (FCS) *ex officio*;
- The Editor of the Family Court Journal *ex officio*.

7. Officers and Committees

(a) **Additional Officers** - the SAGM or SEC may elect or appoint members to undertake specific duties on behalf of the Section and shall decide in the case of each of these appointments whether or not the appointed person shall by virtue of their appointment be a member of the SEC and whether, if a member of that committee, s/he shall have the right to vote at meetings of that committee. However, professional associate members may not speak or vote on matters relating to a motion on salaries or conditions of service.

(b) **Cafcass Negotiating Committee (CNC)** - the SAGM shall elect 7 full members to the Cafcass Negotiating Committee (CNC) as follows (see section 11 below):

- One place to be reserved for a Service Manager member
- One place to be reserved for a Newly Qualified/Student Social Worker
- One place for an Assistant Service Manager
- One Place for a Consultant Family Court Advisor
- One place to be open for the nomination of any full member of the Section
- One place to be reserved for the Chair of the Section
- One place to be reserved for another member of the SEC.

A member of the Cafcass Negotiating Committee who sits on that committee by virtue of representing a particular grade, may, if they move to a different role within Cafcass, continue to hold their elected position until the next Annual General Meeting of the section.

In accordance with Napo's national objects, at least 50% of the elected committee members should be women.

In addition, the Napo National Vice Chair (FCS) and a designated Napo Official will sit on the CNC in an ex-officio capacity. The CNC will be chaired by the Napo National Vice Chair (FCS).

The CNC will appoint the Napo Trade Union Side of the Cafcass National Partnership Committee.

(c) **HSOs** - the Section AGM shall elect two members, at least one

of whom must be a woman, to represent the Section on the Caucasus National Health and Safety Steering Group (HSSG). These representatives shall automatically become full members of the SEC as the Section's Health & Safety Officers (HSOs).

- (d) **Sub-Committees** - the SAGM and the SEC shall have the power to elect or appoint, from among members of the Section, sub-committees. These shall act within the terms of reference specified to them at the time of their appointment. Such sub-committees may also be given the power to co-opt additional members, but the number of co-opted members on any sub-committee shall not exceed two, and at least two-thirds of the members of the sub-committee, including co-opted members, shall be full members of Napo. Members of such sub-committees who are professional associate members may not speak or vote on matters relating to salaries or conditions of service.
- (e) **Terms of Office** - all national officers of the Section shall be elected for a two-year term of office by a SAGM. After two, two-year terms of office (i.e. four years) the post holder will not be able to be nominated in writing for the position, but may, if no written nominations are received, be proposed and seconded during the AGM, either as a sole candidate or alongside any other nominations from the floor.
- (f) **Job-sharing** - all Section national officer posts shall be open to job-sharing by no more than two people.
- (g) **SEC Chair** - any meeting of the SEC should normally be chaired either by the Section Chair or Vice Chair by agreement between themselves.

8. Election of the Chair of the Section

- a) The election of the Chair of the Section shall take place bi-annually at the SAGM. Invitations for nomination to this post will be issued to all full members of the Section by the Section Secretary not later than 15 working days prior to the Section AGM.
- b) Nominations for the post shall be delivered in writing or by e-mail, proposed and seconded by two full members of the Section, to the Section Secretary not less than five working days before the date of the SAGM. Consent of the nominee must be obtained and s/he shall provide a candidate's statement of not more than 100 words.
- c) If there is to be a contested election for this post, this shall take place by way of a secret ballot of all full members present at the SAGM, the quorum of which shall be 5% of the full membership of

the Section as reported by Napo on 31st December of the preceding year.

- d) In the event of no written nominations being received, nominations may be accepted at the SAGM.
- e) In the event of the post of Chair of the Section becoming vacant during the course of the year, the Section Secretary will invite nominations for the post from full members, giving at least 15 days notice of the deadline for nominations. In the event of a contested election, there will be a secret ballot of the Section Executive Committee.
- f) The Chair of the Section will automatically be an ex-officio member of the Napo Cafcass Negotiating Committee (see 7 (b) above).
- g) The Chair of the Section shall be elected for a two year term of office. After two, two-year terms of office (i.e. four years) the post holder will not be able to be nominated in writing for the position, but may, if no written nominations are received, be proposed and seconded during the AGM, either as a sole candidate or alongside any other nominations from the floor.

9. Election of Family Court Committee (and editorial board)

- a) The annual general meeting shall elect seven members of the family court committee, who shall be elected for a two-year term of office. An additional place on the Family Court Committee shall be reserved for the Chair of the Family Court Section or another member of the Section Executive Committee as may be nominated by that committee.
- b) Nominations for the posts shall be delivered in writing, proposed and seconded by two members of the Section, to the Section Secretary, not less than five working days before the date of the Section AGM. Consent of the nominee must be obtained and s/he shall provide a candidate's statement of not more than 100 words.
- c) In the event of vacancies remaining following the deadline, nominations may be accepted at the SAGM.
- d) If there is to be a contested election then this shall take place by way of a secret ballot of all members present at the SAGM.
- e) In the event of any place on the Committee becoming vacant during the course of the year, the Section Secretary will invite nominations from members, giving at least 15 day's notice of the deadline for nominations. In the event of a contested election, there will be a secret ballot of the SEC.

f) The chair of the Family Court Committee shall be elected by the members of the committee at their first meeting.

g) The SAGM shall elect three members from the membership of the family court committee who along with the chair of the FCC and editor of the journal shall form the editorial board. An additional place on the Editorial board shall be reserved for the Chair of the Family Court Section or another member of the Section Executive Committee as may be nominated by that committee. The editorial board shall have the discretion to invite advisors to attend meetings of the board and assist them in their work.

h) Arrangements for the nomination and election of the editorial board shall follow the same procedures as those relating to membership of the Family Court Committee.

10. Election of Section National Officer Posts and Members of the SEC Sub Committees

- (a) The election of the national officers of the Section (see 6 (b) above), HSOs (see 7 (d) above) and the lay members of the standing sub-committees of the SEC shall take place annually at the SAGM. Invitations for nominations to these positions, which shall be held by full members of the Section, will be issued by the Section Secretary to all full and professional associate members of the Section not later than 15 working days before the SAGM.
- (b) Nominations for these posts shall be delivered in writing or e-mail, proposed and seconded by two full members of the Section, to the Section Secretary not less than five working days before the date of the SAGM. Consent of the nominee must be obtained and s/he shall provide a candidate's statement of not more than 100 words.
- (c) If there is to be a contested election for the national officer posts set out in 6(b), this shall take place by way of a secret ballot of all full members present at the SAGM, the quorum of which shall be 5% of the full membership of the Section as reported by Napo on 31st December of the preceding year.
- (d) In the event of no written nominations being received for any office, nominations may be accepted at the SAGM.
- (e) With the exception of the provisions of clause 10(e) of this constitution, in the event of any retirement from office for any reason of any member of the SEC or one of its sub-committees,

the SEC may at its discretion leave the vacancy unfilled or fill it by the election of another member to the vacant office at the meeting at which the retirement is reported. The method of conducting any election for this purpose shall be decided by the SEC at the meeting at which the election is to take place.

11. Elections to the Cafcass Negotiating Committee (CNC)

- (a) The election of the seven lay members of the Cafcass Negotiating Committee (see 7 (b) above) shall take place at the SAGM. These positions shall be held by full members of the Section. Two places shall be reserved for SEC members (of whom one will be the Section Chair), one place shall be reserved for a Service Manager member, one place for a NQSW, one place for an Assistant Service Manager and one place for a Consultant FCA. Committee members shall be elected to their specific posts by a SAGM for a two-year term of office. After two, two-year terms of office (i.e. four years) the post holder will not be able to be nominated in writing for the position, but may, if no written nominations are received, be proposed and seconded during the AGM, either as a sole candidate or alongside any other nominations from the floor. Invitations for nominations to these posts will be issued to all full members of the Section by the Section Secretary no later than 15 days prior to the Section AGM.
- (b) Nominations for the posts shall be delivered in writing, proposed and seconded by two full members of the Section, to the Section Secretary, not less than five working days before the date of the Section AGM. Consent of the nominee must be obtained and s/he shall provide a candidate's statement of not more than 100 words.
- (c) If there is to be a contested election then this shall take place by way of a secret ballot of all full members present at the Section AGM, the quorum of which shall be 5% of the full membership of the Section as reported by Napo on 31st December of the preceding year.
- (d) In the event of no written nominations being received for the Cafcass Negotiating Committee, nominations may be accepted at the SAGM.
- (e) In the event of any place on the Committee becoming vacant during the course of the year, the Section Secretary will invite nominations from full members, giving at least 15 days notice of the deadline for nominations. In the event of a contested election, there will be a secret ballot of the SEC.

12. National Meetings

- (a) At the SAGM, an annual report of the SEC and a statement of accounts shall be presented, together with the names of the appointed office contacts and local H&S representatives. A copy of the annual report shall be forwarded to the General Secretary of Napo not more than five working days after the meeting.
- (b) Nobody other than full and professional associate members shall attend a meeting of the Section without the permission of the chair of that meeting.
- (c) Notice of matters which any Section member wishes to include in the agenda for any meeting of the Section shall be given to the Section Secretary not less than 10 working days before the date of the meeting. Business not included in the agenda of the meeting, other than formal business, shall be discussed only by permission of a majority of the members present and entitled to vote at the time when such additional business is proposed.
- (d) **Special General Meetings (SGMs)** – SGMs of the Section may be called at any time by the SEC, or on receipt by the Section Secretary of a request for such a meeting signed by at least 5% of the full membership of the Section as reported by Napo on 31st December of the preceding year, and stating fully the issue or issues involved. The meeting shall be held within twenty working days of the request being received. Notice of such special meetings giving the date and place of the meeting and details of the business to be transacted thereat must be sent to every member of the Section entitled to attend that meeting not less than fifteen working days before the date of the meeting. The meeting shall not consider any business other than that specified in the notice of the meeting.
- (e) A quorum at any SGM shall consist of 5% of the total full membership of the Section as notified by Napo at 31st December of the preceding year.
- (f) The SEC shall meet a minimum of four times a year. Additional meetings of the SEC may be called at any time at the request of the Chair or three other members of the committee. A quorum of the SEC shall consist of not less than 50% of the voting members of the SEC.

- (g) All full and professional associate members may attend meetings of the SEC and with the chairs permission can speak and indicate a view on each agenda item under consideration.
- (h) Invitations for agenda items or motions shall be sent to all members of the Section by the Section Secretary not less than 15 working days before a SEC meeting and items must be submitted not less than 5 working days before the SEC meeting is due to take place.
- (i) Motions for consideration by the SEC can be proposed and seconded by any full or professional associate member and the proposers and seconders will have the right to speak to their motion.
- (j) Minutes of the proceedings of Section meetings and of meetings of the SEC shall be kept in accordance with Section 6(a) of Napo's constitution. Approved minutes of SEC meetings will be circulated to all members of the Section not less than 15 working days before the next SEC meeting.
- (k) Standing Orders governing the conduct of meetings are set out as Appendix One to this constitution.

13. Local Meetings

- (a) An Office Contact, Local H&S Rep or 4 Full members of the Section can request in writing or by e-mail the Chair of the Section to arrange a meeting in a specific workplace or nearby venue. This meeting shall normally be arranged within 4 weeks of the request being received.
- (b) Notes of these local meetings shall be submitted to the SEC.

14. Voting

Each full member and professional associate member of the Section shall be entitled to one vote in each division at any meeting of the Section at which she or he is present save for meetings of the section executive, where voting rights will be confined to members of the committee. Members shall be entitled to one vote in each division at any meeting of any committee or sub-committee of which he or she is a member with power to vote and to take part in any ballot held in accordance with this constitution.

15. Finance

- (a) The Section shall bear the expenses of its own administration from the amounts placed on its credit or from grants made to it by the Napo Head Office in accordance with the current constitution of Napo and from other income contributed to Section funds. All income shall be received and acknowledged by the Section Treasurer and all legitimate expenses paid by her or him.
- (b) The Section Treasurer shall prepare and issue an annual statement of Section Accounts up to and including 31st December of each year and shall cause those accounts to be audited and a copy thereof to be forwarded to the General Secretary of Napo by the last day of January immediately following.
- (c) A corporate banking account shall be maintained in the name of the section, and cheques on this account shall be signed by any of the following: the Section Treasurer; the Section Chair; the Section Secretary and the National Vice Chair (FCS), with the signature of any two of the above being required for cheques in excess of £200.
- (d) Members of the SEC or any sub-committee appointed in accordance with this constitution shall be entitled to claim, from the funds of the Section, expenses for their attendance at meetings of those committees or sub-committees in line with national Napo policies.

16. Amendment and Interpretation

- (a) Any question of procedure which is not provided for in the constitution shall be decided by the SEC or, in an emergency, by the chair of the meeting at which the question arises. The ruling may be challenged by any three members of that meeting and the challenge upheld if supported by a two thirds majority of members present and voting at that meeting.
- (b) If the decision so confirmed involves an amendment to this constitution, such amendment(s) shall be made at the SAGM or a Special General Meeting of the Section, but shall be valid only if supported by not less than two-thirds of the qualified voting members of the Section present.

- (c) Other amendments to this constitution shall be made only by the SAGM after not less than 10 working days' notice of such proposed amendment has been delivered to each full or professional associate member of the Section, and shall be valid only if supported by not less than two-thirds of the members of the Section present at the meeting and entitled to vote.
- (d) The provisions of clauses 15 (c) above below shall not apply where amendments to the Section constitution are consequential upon amendments to the national Napo constitution. Such consequential amendments to the Section constitution shall take effect automatically on the same date as implementation of the amendment to the national Napo constitution and shall be reported in writing to full members of the Section by the Section Secretary.

APPENDIX ONE

Standing Orders for the Conduct of Business of Section Meetings

Standing Orders for the Conduct of Business of Section Executive Committee and General Section Meetings

1. Maintenance of Order

- a. Meetings shall be directed by the Chair or, in her / his absence, by the Vice Chair. In the absence of either, another member of the Section Executive Committee (SEC) will chair as decided by the meeting.
- b. The Chair shall decide order of business and where necessary define time limits for those wishing to speak in debate
- c. The Chair is responsible for maintaining order. If the Chair calls a member to order, or for any other reason intervenes in proceedings, no-one shall speak until the Chair permits
- d. If a member refuses to obey the Chair when called to order, the Chair may require her or him to leave the meeting. The members shall not be allowed to take any further part in the meeting until the meeting has been given a satisfactory apology.

- 2. **Speakers** - before speaking, any member must be recognised by the Chair of the meeting. Every member speaking shall give her or his name. When more than one member wishes to speak, the Chair shall decide the order of speakers. Every member shall address the Chair and shall not enter into direct exchanges with other members without the Chair's permission.

3. Motions and Amendments to the SEC

- a. Any full or professional associate member can submit an agenda item or motion for the consideration of the SEC
- b. Any member of the SEC may submit an amendment to a motion by the start of business of the relevant SEC meeting.
- c. The motion on any particular subject is referred to as the original motion. All succeeding motions on that subject are referred to as amendments. If a motion is amended, the resulting motion is known as the substantive motion.
- d. The mover of the original motion will indicate to the Chair whether any amendments are accepted. If the mover of the motion accepts the amendment and the majority of the meeting agrees, the motion shall be amended without debate.
- e. The original or agreed substantive motion will then be proposed.
- f. Any remaining amendments will then be debated and voted upon in turn, as decided by the Chair.
- g. If an amendment is carried the original motion is amended accordingly and any further proposed amendments apply to that new substantive motion.
- h. After all the proposed amendments have been dealt with the resulting substantive motion is open to debate and becomes the resolution of the meeting if it is carried.

4. Motions and Amendments to General Meetings

- a. Any two full or professional associate members of the Section or the Section Executive Committee may submit a motion to the Annual General Meeting in accordance with 12 (c) of the Constitution.
- b. Any two members may submit an amendment to a motion by the start of business.
- c. The motion on any particular subject is referred to as the original motion. All succeeding motions on that subject are referred to as amendments. If a motion is amended, the resulting motion is known as the substantive motion.
- d. The mover of the original motion will indicate to the Chair whether any amendments are accepted. If the mover of the motion accepts the amendment and the majority of the meeting agrees, the motion shall be amended without debate.
- e. The original or agreed substantive motion will then be proposed.
- f. Any remaining amendments will then be debated and voted upon in turn as decided by the Chair.
- g. If an amendment is carried the original motion is amended accordingly and any further proposed amendments apply to that new substantive motion.
- h. After all the proposed amendments have been dealt with the resulting substantive motion is open to debate and becomes the resolution of the meeting if it is carried.

6. Participation in Debate - no member shall be able to speak more than once on any motion, unless the Chair gives permission, or on a point of order or information, except that the mover of the motion shall have the right to reply to the discussion on that motion. All members are entitled to speak to both the motion and any amendment.

7. Points of Order and Requests for Information

- a. Members wishing to raise points of order or seek information must first obtain the permission of the chair.
- b. A member raising a Point of Order should quote the standing order, or the section of the Constitution under which the Point of Order is raised. All other business shall cease until the Point of Order is dealt with.
- c. A member may, with the permission of the Chair, interrupt the debate in order to seek information, but will not be permitted to give information.

8. Right of Reply

- a. The "Right of Reply" entitles the speaker to reply to the debate, but no new matter may be introduced.
- b. If no amendment is passed or an amendment is accepted, the proposer of the original motion shall have the right to reply at the close of debate.
- c. If an amendment is moved, the proposer of the original motion may speak during the debate on the amendment, but may also reply to that debate at the end. The proposer of the amendment shall not have a right of reply.
- d. When an amendment is not accepted by the proposer of the original motion, but is carried, the right of reply to the debate on the substantive motion passes to the proposer of the amendment.

9. Voting - Section Executive Committee Meetings - each member of the SEC, except for ex-officio members, is entitled to one vote on any matter subject to debate. However, professional associate members may not speak or vote on matters relating to a motion on salaries or conditions of service. In the event of any tie, the Chair of the meeting shall have a casting vote.

10. Voting - General Meetings - each member is entitled to one vote on any matter subject to debate in accordance with clause 14 of the Constitution. However, professional associate members may not speak or vote on matters relating to a motion on salaries or conditions of service. In the event of any tie, the Chair of the meeting shall have an additional casting vote.

11. Withdrawal of a Motion - no motion which has been placed before the meeting shall be withdrawn without the consent of a two-thirds majority of the voting members present.

12. Emergency Motions - emergency motions or items of business shall be considered only in exceptional circumstances and must be submitted in writing to the Chair. They must relate to urgent issues which:

- i. Have arisen since the closing date for motions
- ii. Cannot be dealt with in any other way
- iii. Are of such importance as to justify rearrangement of business.

Emergency motions may be taken only if two thirds of the members present agree that they consider them to meet the above conditions.

13. Repetitive Motions - no motion shall be accepted if it is in the same terms or is a direct contradiction of or has the same purpose as any motion which has been discussed and put to the vote at a meeting of the same body within the previous four months of the date of the meeting for which such motion is submitted.

14. Closing the Debate - a call for 'the closure' or for 'next business' may be proposed and seconded only by members who have not spoken at any time in the debate. No speeches are allowed on such calls. If a call for 'the closure' is carried the meeting shall move immediately to the right of reply followed by a vote. If a call for 'next business' is carried the meeting shall move immediately to the next item of business without any further speeches or vote on the original motion or any amendments. Such votes shall be subject to a two-thirds majority.

15. Rescinding a resolution - no resolution shall be rescinded or amended at the same meeting at which it has been passed.

16. Suspension of Standing Orders - any member may propose the suspension of one or more of these Standing Orders, for a time not exceeding thirty minutes, stating concisely the reason for the suspension. If formally seconded, such a motion shall be put to the vote without debate or amendment. It shall be carried only if supported by a two-thirds majority of the voting members present. Such suspension shall take immediate effect.

17. Chair's Ruling - the ruling of the Chair on any question under standing orders, or on any point of explanation, shall be final unless challenged and seconded and defeated by a two-thirds majority of voting members present.