

# NATIONAL STANDING ORDERS COMMITTEE NEWSLETTER

## Guidance on Submitting Motions to National Delegate Conference 2024

### Introduction

This newsletter contains the advice of the National Standing Orders Committee for National Delegate Conference 2024.

If you are interested in submitting motions to National Delegate Conference, submitting bodies are urged to follow the advice contained in this newsletter.

The SOC is not able to vet or approve motions prior to their being submitted, however the following guidance is detailed.

If you want further advice on motions you are planning on submitting then this is available in your region from regional council officers and your region's standing orders committee representative.

### Standing Orders Committee 2024

Committee consists of 15 elected lay members of the union as specified by the rule book. Each region elects one member annually and the National Executive Council elects three.

The contact details for the SOC are listed below:

SOC office - [soc@unison.co.uk](mailto:soc@unison.co.uk)

Eastern - Liz Davidson: [liz.davidson@ntlworld.com](mailto:liz.davidson@ntlworld.com)

East Midlands - Bill Hassan: [bh138@le.ac.uk](mailto:bh138@le.ac.uk)

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Northern Ireland - Deborah Yapicioz: [deborah.yapicioz@southerntrust.hscni.net](mailto:deborah.yapicioz@southerntrust.hscni.net)

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Scotland - Alison Mitchell: [Alison.Mitchell@southlanarkshire.gov.uk](mailto:Alison.Mitchell@southlanarkshire.gov.uk)

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Yorks & Humberside - Wendy Nichols: [w.nichols@unison.co.uk](mailto:w.nichols@unison.co.uk)

NEC - Becky Brookman: [b.brookman@unison.co.uk](mailto:b.brookman@unison.co.uk)

NEC - Abiola Kusoro: [a.kusoro@unison.co.uk](mailto:a.kusoro@unison.co.uk)

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## **Submitting Motions and Rule Amendments to NDC 2024**

### **Best practice on writing motions and rule amendments**

Submitters are encouraged to write clear, succinct motions that include specific proposals for action. **Wording should avoid language which may cause offence and be in line with the union's aims and values to avoid being ruled out of order.**

Any quotations from other source documents must be identified with quotation marks. Links to websites are not appropriate in motion text.

The wording of **rule amendments** must be precise, unambiguous and be able to be written into the Rule Book.

General advice is available from SOC members on:

- drafting motions and rule amendments, prior to deadlines;
- guidance and assistance on procedures and standing orders.

However, receiving advice from individual committee members does not guarantee acceptance on to the agenda.

Each motion, rule amendment and amendment to motions is considered by the 15 members of the whole committee and decisions are made collectively.

### **Things to Consider When Writing Motions**

#### **Subject Matter**

All motions and amendments for National Delegate Conference must be relevant to the union as a whole, rather than a Service Group (Rule D 1.10.2).

#### **Citizenship**

A motion deals with a citizenship (union-wide) issue if it is beyond the remit of a service group/self-organised group conference and/ or it is of relevance to the whole union and/or the outcomes can only be achieved by the whole union, and/or it calls for action that only the whole union can act on. However, due to devolution, proposals in some motions may not apply across the UK, because of devolved governmental structures.

The Standing Orders Committee would encourage branches to consider all parts of the UK in drafting motions, but rather than stipulate exact language, we will presume that, if carried, the National Executive Council will act on the motions as best it can, based on the devolved governmental structures.

## **The Government**

Motions can be submitted on the policy or actions of the government and/or previous governments. When using the phrase 'Labour', motions must be clear if they are referring to past or future Labour governments or the Labour Party (see below).

## **Affiliated Political Fund/Labour Link**

Issues that are internal to the functioning of matters affecting the Labour party, both in relation to internal issues and in respect of matters to be pursued at Labour party conference are dealt with by the Affiliated Political Fund (Labour Link), not National Delegate Conference.

The SOC's approach is that motions which seek to give instruction or direction in relation to Labour party matters are ruled out of order, while motions which ask, urge or call on are not. The term 'UNISON sponsored MP' is inaccurate as it is illegal to 'sponsor' MPs to undertake advocacy. A motion or amendment which uses this term will be ruled out of order.

Submitters of motions and amendments may refer to UNISON's parliamentary group of MPs or the relevant group in the devolved institutions.

## **How the SOC Works**

The SOC takes legal advice on the content of motions, particularly where there appears to be libel, or the content is or would lead to breaches of the law and/or rules. Motions are considered on a case-by-case basis.

## **Industrial Action/ Unlawful Action**

Rule O gives the National Executive Council exclusive powers to authorise industrial action. To be lawful, the industrial action must be taken in contemplation or furtherance of a trade dispute which relates wholly (or mainly) to one or more matters listed under s.244 of the Trade Union Labour Relations (Consolidation) Act 1992.

Before any call for industrial action, the union must have the majority support of a properly organised ballot and the union must comply with a number of procedural requirements.

Motions calling for industrial action over privatisation or cuts to services do not fall within the legal definition of a trade dispute and so must not be debated as this would put the union in legal jeopardy.

Motions relating to industrial action must not contravene Rule O on industrial action or Rule B 4.5, which requires the union to act lawfully.

Motions or amendments must not describe previous or current trade disputes as being 'against privatisation' or similar such words, as this could leave the union open to legal challenge.

### **Legal Proceedings**

The principle applied by the SOC is that the National Delegate Conference cannot compromise existing or potential legal proceedings for either party in a case. Proceedings include potential, past or current disciplinary issues.

If there is a possibility that a motion may prejudice proceedings, the SOC will seek legal advice. If the advice is that a motion either directly or indirectly refers or could lead to reference to a particular case either expressly or by implication, or if a decision at Conference could be used in a case by any party, the SOC will rule the motion out of order.

On some very limited occasions it may be necessary to rule a motion out of order, not because of its content, but because it would be impossible to debate the motion without the details of a particular legal case arising.

Motions that call on the union to break the law are not competent.

### **Lawful Undertakings**

Submitters are reminded that motions can only call for actions or activities that the union can lawfully undertake.

### **Calls versus Instructs**

Submitters should be aware that the SOC does see a distinction between motions that call on another body or part of the union to do something and one which instructs them. When using 'instruct' submitters of motions should be clear that National Delegate Conference does indeed have the power to instruct this body and in addition that the body being instructed has the power to undertake or ensure the action. Even when using 'call' or 'seek to ensure' submitters should still check Conference has the power to call on this body and the body has the power to undertake or ensure the action.

### **Pension Schemes**

Individual occupational pension schemes are normally debated as bargaining issues at Service Group Conferences but there are circumstances where National Delegate Conference can debate general public sector pension policy and the finance and administration of the schemes without straying into individual bargaining issues.

Submitters are reminded, if doing so, that the Local Government Pension Scheme has membership across more than one UNISON service group.

## **Trade Union Act 2016**

Submitters are requested to take the matters raised in the Act into consideration when considering submissions to Conference. It is quite possible that depending on the regulations that further guidance on submissions of motions and amendments will need to be issued by the SOC to ensure that the union meets its obligations. This will be kept under review by the SOC between now and Conference.

## **Staffing**

**Motions should avoid making reference to staff and are not a matter for Conference debate.**

Motions which deal directly or indirectly with staffing matters will need to bear in mind that the National Executive Council and the General Secretary have responsibility for the employment and terms and conditions of UNISON staff, including legal obligations under employment law (Rules D 2.12.1 and D 2.12.2).

## **Advice on Submitting Amendments**

### **Amendments to the Rules**

If a rule change or a new rule is required to fulfil the aims of your proposal, you must submit this as an amendment to rule using the Online Conference System (OCS).

Remember to check whether your proposal impacts on existing rules, and if so, take this into account and amend all related rules.

If you are submitting several linked amendments to rule, please indicate this. This aids the SOC considerably in making decisions and placement on the agenda.

To aid transparency the SOC asks all union bodies to propose rule amendments directly rather than submitting motions asking the National Executive Council to do so on their behalf.

### **Amendments to the Political Fund Rules**

Rule J 2.2 delegates exclusive control of the administration of each section of the political fund to a committee of the National Executive Council. This means that the Labour Link committee is the only body that can make decisions affecting any aspect of the internal running of Labour Link, and that the Campaign Fund Committee is the only body that can make decisions affecting any aspect of the internal running of the Campaign Fund.

The union could find itself in legal jeopardy if the rules governing the political fund were to be changed at National Delegate Conference without the prior agreement of the relevant part of the political fund.

In the case of the Labour Link or the Campaign Fund, members of the relevant part of the fund should take any proposed changes to the fund rules through either part of the Fund as relevant, and then onwards to the National Executive Council, which, at its discretion, may submit rule amendments to Conference.

Along with the above restrictions, no amendments may be made without the approval of the Certification Officer or the union could find itself in legal jeopardy.

### **Amendments to Branch Funding**

Amendments to the branch funding formula need to be internally consistent. **They need to be clear if they are changing the proportion of UNISON's income allocated to Branches or not.** The document is available from the Finance department.

### **Amendments to Motions**

These should not be used to promote essentially alternative motions, or as a substitute for voting against the motion.

### **Amendments are likely to be ruled out of order if they:**

- **introduce a direct negative;**
- **reduce the motion to a mere restatement of existing policy;**
- **seek to change fundamentally the purposes of the motion;**
- **are considered superfluous and unnecessary, such as grammar changes etc.**

### **Submitting Emergency Motions**

Only branches or the National Executive Council can submit emergency motions.

Only matters of a real emergency affecting the members of the union will be admitted on to the agenda as emergency motions.

The same requirements apply to emergency motions as for motions, even when referring to events which take place after the deadline for emergency motions.

The motion must be considered by a meeting of the National Executive Council, branch or branch committee.

The SOC will not consider delegated powers within branches. Branches that submit emergency motions during Conference will need to provide details of branch rules concerning advance notice for convening meetings, and branch quorums.

The SOC applies the following criteria to emergency motions:

- the facts giving rise to the subject matter have occurred since the closing date for motions and amendments. (It is not sufficient that the National Executive Council or branch was not aware of the facts until after the closing date.);
- the matter could not be raised in debate on the agenda;
- the action called for is not covered by another motion, amendment or composite;
- the action must refer to the new information in the motion;
- the subject cannot be dealt with through normal channels other than National Delegate Conference.

The Emergency motion procedure asks for an explanation of the reasons for the item not being submitted in accordance with the normal procedures and deadlines. If the SOC approves an emergency motion for debate, it will propose where to place it on the order of business.

### **Emergency motions amendments**

Amendments to emergency motions can be considered for admission to the agenda by the SOC. However, the same criteria that applies to the submission of emergency motions must be adhered to. Also, any amendments must meet the same criteria as other amendments submitted to the agenda.

### **Challenges to SOC decisions**

If the SOC rules a motion or amendment out of order, a letter will be sent by the SOC with the reasons why, via the Online Conference System (OCS).

If a submitting body is not happy with the decision and wants the SOC to reconsider, it must contact SOC via the OCS.

**Appeals cannot be started at Conference or from the Conference floor, a written appeal must be made in advance of the Conference by the following deadlines:**

- To appeal against motions and amendments to rule ruled out of order the deadline is 12.00 noon Tuesday, 23 April 2024.
- To appeal against amendments ruled out of order the deadline 12 noon Tuesday, 28 May 2024.

Please note that appeals concerning rule amendments cannot be dealt with after the Final Agenda has been published in accordance with Rule N 3. This rule requires that all amendments to rule must be published in the Final Agenda.

Amendments to rule will not be readmitted to the agenda once the Final Agenda has been published.

### **Online Conference System**

Branches, regions and national bodies must submit their motion/amendments to rule electronically using the Online Conference system (OCS). This allows greater transparency and accuracy in all submissions.

Using the OCS, motions/rule amendments can only be authorised at branch level by either the branch secretary or chair. The other will receive email copies of the item as soon as it is submitted.

At regional level, the regional secretary will be authorised to submit the item, with the regional convenor receiving an e-mail copy. The process is replicated at national level for national bodies and their relevant secretaries and chairs.

Submissions will not be able to take place without supplying key data and all items will be time and date stamped.

All correspondence between the Standing Orders Committee and submitting bodies will be via OCS and you will be advised of procedures at the appropriate time.

Submitting bodies will receive a confirmation email via the OCS.

The SOC encourages all submitting bodies to check they have received this and if not to raise it prior to the deadline with their regional Conference Administration contacts.

### **Key Dates for 2024**

**Deadline for Motions and Amendments to Rule** 12.00 noon Tuesday 27 February

**Publication of Preliminary Agenda** Week commencing Monday 18 March

**Deadline for Amendments** 12.00 noon Tuesday 23 April

**Deadline for Priorities** from NEC, regions, self organised groups, young members, retired members and the private contractors national forum. (Branches should contact their region about this process). 12.00 noon Friday 3 May

**Publication of Final Agenda** Week commencing Monday 13 May

**Priorities published** Friday 17 May



**Draft Composites circulated** to relevant branches Friday 17 May

**Deadline for agreement on Composites** Friday 24 May 2024

**Composites published** Friday 31 May 2024

**Order of Business published** Friday 31 May 2024

**Deadline for Emergency Motions** 9.00 a.m. Tuesday 11 June 2024

**National Delegate Conference** Tuesday 18 June – Friday 21 June 2024