

2013

Psychiatric Nurses Association of
Ireland

Rules of the Association

Rules of The Psychiatric Nurses Association of Ireland

1. TITLE

1.1 The Association shall be known as the Psychiatric Nurses Association of Ireland Union.

Its registered office shall be at Station House, The Waterways, Sallins, Co. Kildare or such other place as may from time to time be determined by the National Executive and notified to the Registry of Friendly Societies.

2. OBJECTS OF THE ASSOCIATION

2.1. To regulate the relationship between members of the Association and their employers.

2.2. To improve the conditions of and to protect the interests of its members.

2.3. To provide benefits, such as legal assistance, financial aid, sponsorship and strike pay to members in accordance with the rules, as determined from time to time by the Officer Board/ National Executive Committee.

2.4. To educate members in professional, social and industrial affairs.

2.5. To protect its members from discrimination in any form.

2.6. The Association may provide legal or financial assistance to any of its members in connection with any or all of the above objectives. For the purpose of promoting these objectives or of making these methods effective, the Association may co-operate with other unions or associations or federations or societies or with any other body or person.

2.7. The Association shall be empowered to do all things and take all steps as may be necessary to enable the Association to be responsible for the creation of or the continuance in operation of and the administration of any group pension schemes or insurance schemes or any other scheme of such a nature which may from time to time appear to the Association to be desirable in the interest of its members. To this end the Association shall be entitled to employ such Advisers and insurance brokers as are normally involved in such schemes and to set up and administer such procedures in relation to the collection of contributions from members of such schemes as may be advisable from time to time. In addition the Association may contribute out of its general funds any sums as it may from time to time decide as are desirable or necessary to facilitate the administration of any such scheme or schemes or to enhance the benefit available to the members of the Association who are members of such schemes.

3. MEMBERSHIP

3.1 Membership of the Association shall be open to nurses and students in the nursing service and Firefighters and Ambulance Paramedics who accept the rules and objects of the association and whose application for membership on a prescribed form is approved by the Officer Board.

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Although subscription may commence the applicant cannot consider themselves members until approved by the Officer Board. A membership card will be forwarded to the member.

- a) Only Nurse Members can vote on Nursing matters
 - b) Only Fire-fighters can vote on Fire-fighting matters
 - c) Only Ambulance Paramedics can vote on Ambulance Paramedic matters.
- 3.2** Associated membership is open to members who have honorably left or retired from the service. Retired members who return to the workforce will be liable for full membership.
- 3.3** The Association reserves the right to refuse membership to any individual; and the Officer Board/National Executive shall have power to direct a Branch to refuse admission to or cancel the membership of any Individual.
- 3.4** Nothing in these rules shall prevent the continuation in membership of a member who becomes unemployed or retired by the payment of the appropriate membership fee.
- 3.5** All practicing members of the Association, except those suspended from membership or those who are eight weeks in arrears in their subscriptions, have the right to vote in general ballots of members.
- 3.6** A decision to affiliate/amalgamate with other unions or societies or federations of unions or societies in Ireland shall be taken only with the approval of two-thirds of the membership entitled to vote by secret ballot.
- 3.7** Any member found to be engaged in conduct likely to bring the Association into disrepute may be sanctioned or expelled from membership by the National Executive Committee, should it be proved to their satisfaction that the member has been guilty of such conduct. Any such member shall have a right of appeal to the next Delegate Conference (*Appendix 1 Disciplinary action against members*).
- 3.8** The Association is non political and non sectarian and no member shall use the name of the Association to further his or her cause in any sphere wheresoever. Breach of this rule shall, when proved to the National Executive Committee, result in expulsion from the membership. Any such member shall have a right of appeal to the next delegate conference. (*Appendix 1 Disciplinary action against members*).
- 3.9** Members who fail to pay their contribution or levies for a period of eight weeks or more may have their membership suspended and shall forfeit all claims of benefit, nor shall they be eligible for election to any post at national or local level until a period of four weeks has elapsed following the payment of all arrears plus any sanction the local branch may impose.
- 3.10** Members in Management positions if so directed by the General Secretary will not interfere with any Official Industrial Action at Branch Level.
- 3.11** Any member who fails to carry out the written instructions issued by the National Executive Committee, or any branch having sought approval from the General Secretary, shall be suspended from membership and shall forfeit all claims to benefit.
(*Appendix 1 Disciplinary action against members*).

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- 3.12 Any member suspended by his/her branch shall be informed in writing of such action and shall have the right to appeal to the Officer Board/National Executive Committee and the next Delegate Conference.
(Appendix 1 Disciplinary action against members).
- 3.13 Each member must be notified in writing four weeks before the investigation of any complaint made against him/her is heard by the Officer Board or any committee set up by the Officer Board and may offer evidence on his or her behalf.
(Appendix 1 Disciplinary action against members).
- 3.14 Any application for re-admission to membership from a person who has been expelled shall be submitted to the National Executive Committee, If the National Executive Committee decide to re-admit it shall have the power to determine the conditions upon which such person may be re-admitted to membership.
(Appendix 1 Disciplinary action against members).
- 3.15 A copy of the Union Rules must be made available to any member on demand.

4. BRANCHES

- 4.1 The Annual returns of each branch shall include the branch register of members for the year ending 31st December, of the previous calendar year (Refer to Appendix 2 Financial Regulations).
- 4.2 The members of the Association shall be divided into braches in accordance with the decision of the National Executive Committee.
Each branch shall have for its management a chairperson, secretary, treasurer and a committee of four ordinary members or more, to a maximum to be decided at the Annual General meeting.
- 4.3 The business of the branch shall consist of the recruitment of new members, monitoring of contributions from members and all such other business within the objects of the Association as the branch decides, or as it may be instructed by the National Executive/Officer Board to undertake.
- 4.4 The branch chairperson, in his/her absence, the vice chairperson, shall preside at all branch meetings and see that the business is conducted with propriety and order in accordance with the rules and standing orders.
- 4.5 The branch secretary shall attend and keep minutes of branch meetings. He/she shall retain all records and files of the branch. He/she shall keep a register of all members of the branch and notify the General Secretary of any change. He/she shall notify the General Secretary of any claims or disputes between the branch and the administration.
- 4.6 The branch treasurer shall be responsible for ensuring that all members are paying the appropriate subscriptions. He/she shall ensure adherence to the financial regulations. (Appendix 2)
- 4.7 Each Branch must meet at least once a year, which meeting shall be the Annual General Meeting of the branch. At this meeting the officers and committee of the branch shall be elected and the finances of the branch shall be examined.

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- 4.8 The national delegate conference of the association shall be entitled to adopt from time to time, or as occasion may require, standing orders or regulations pertaining to the administration of meetings of the association.
- 4.9 The National Executive may, at the request of a branch, or on their initiative:
- a) Dissolve a branch and transfer the members to another branch.
 - b) Amalgamate two or more branches into one branch
 - c) Divide a branch into two or more branches.
 - d) Suspend a branch.
- 4.10 A decision to take industrial action shall in the first instance be approved by the Officer Board and in accordance with rule 13.
- 4.11 Each branch shall appoint a delegate, or delegates to represent the branch at any special delegate conference of the association and the agenda therefore shall be delivered to each branch secretary and to each member of the officer board not less than seven days prior to the date of such conference.
- 4.12 The members of a branch have the right to ask for a general meeting of the branch if such a request is signed by one-fifth of the members of the branch committee, or such number of ordinary members as may be decided in local standing orders. In the absence of local standing orders, the rules of the association permit that 10% of the general membership of the branch have the right to request in writing a general meeting of the branch.

5. ANNUAL/SPECIAL DELEGATE CONFERENCES

- 5.1 The Annual Delegate Conference of the Association shall be held in the twelve months following the previous one.
- 5.2 The General Secretary shall give three months notice in writing to all branches and officers of the date and venue of the conference and the latest date for receipt of nominations and motions for such an Annual Conference.
- 5.3 The Annual Delegate Conference shall consist of the Officer Board of the association and delegates elected by the branches in the manner prescribed by rules and by the standing orders. The delegates shall be members of the branches they represent.
- 5.4 Representation at Annual Delegate Conference shall be in accordance with the paid up membership of each branch or section of a branch at 31st December, or preceding the conference as ascertained from branch annual returns, such returns to be submitted to the Associations Treasurer at a time to be decided by the Officer Board.
- 5.5 Each branch, regardless of its size, shall have two votes for the election of officers and for voting on motions at Annual Conference, provided always however that any branch consisting of more than fifty members shall be entitled to one extra vote in respect of each group of twenty five members in excess of fifty, up to two hundred members, and one additional vote for each group of fifty members in excess of two hundred members.

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- 5.6 A branch may elect to be represented at Annual Delegate Conference by a lesser number of delegates than it is entitled to under this rule. The principle delegate is entitled to vote on behalf of the difference between the delegates actually nominated and the full delegation in accordance with the rule.
- 5.7 At the Annual Delegate Conference there shall be elected by secret ballot, from among the candidates nominated in accordance with the rules, a National Chairperson, a National Secretary and National Treasurer, and these shall be termed the "Honorary Officers" of the Association. Each of whom will serve a tenure of 2 years.
- 5.8 Annual Conference will also elect a number of Ordinary Members to the Officer Board i.e. members who are not Officers or Trustees to represent the regions and specialist sections as Annual Conference from time to time decides. Candidates contesting Regional/Specialist positions must be practicing at that time in the region or in the specialist area where he/she is seeking election. Each of whom will serve a tenure of two years.
- 5.9 The position of Vice Chairperson shall be elected by secret ballot for a 1 year term. This position is open to elected ordinary members of the Board. A record of votes cast shall be retained by the General Secretary.
- 5.10 The Conference shall also elect, in the manner prescribed by these rules, three trustees, each of whom will serve a term of three years. For continuity purposes one trustee position shall be filled each year. A record of votes cast shall be retained by the General Secretary.
- 5.11 All amendments to rules, resolutions, motions, and all nominations for the offices of Chairperson, Honorary Secretary, Honorary Treasurer, Trustee, or for membership of the Officer Board, intended for consideration at the Annual Delegate Conference, must reach the General Secretary at the registered office of the association no later than a date to be decided by the Officer Board.
Any amendment to rules, resolutions or nominations sent to the General Secretary by any branch must be submitted by the chairperson and/or secretary of the branch.
- 5.12 Representation at a Special Delegate Conference of the Association shall consist of the Officer Board of the association, each branch, regardless of its size, shall have two delegates, provided always however that any branch consisting of more than fifty members shall be entitled to one extra vote in respect of each group of twenty five members in excess of fifty, up to two hundred members, and one additional vote for each group of fifty members in excess of two hundred members.
- 5.13 It shall be the duty of the Branch Secretary to notify in writing to the General Secretary of the Association the name or names of the branch delegate or delegates appointed to attend a Special Delegate Conference summoned under these rules, such notification to be delivered to the General Secretary not later than the time appointed for the commencement of the Conference.

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- 5.14 Branches suspended or out of benefit under the rules of the Association shall not be entitled to function or participate in any respect of Annual or Special Delegate Conference of the Association.
- 5.15 A Special Delegate Conference of the Association shall have complete authority, subject to these rules, to deal with the matters or business in respect of which it is summoned, including the authority to remove or suspend an officer, branch or committee of the Association, providing notice of intention to do so shall have been given in the summons convening same.
- 5.16 The expenses of a Special Delegate Conference of the Association shall be borne in like manner and under the like conditions applying to the payment of expenses of any Annual Delegate Conference. (Refer to Appendix 2 Financial Regulations)
- 5.17 All members who are not under any financial liabilities to the Association shall be entitled to be present at an Annual or Special Delegate Conference as observers, but shall not be entitled to take part in discussions or business or to vote thereat.

6. NATIONAL OFFICERS

6.1 .0 NATIONAL HONORARY CHAIRPERSON

- 6.1.1 The Honorary Chairperson shall have the right to preside at Annual and Special Delegate Conferences and at meetings of the Officer Board and National Executive Committee and shall have a casting vote
- 6.1.2 In his/her absence the Vice-Chairperson shall preside and exercise these rights.
- 6.1.3 In the absence of both Chairperson and Vice-Chairperson, a Chairperson shall be elected from among the members present.
- 6.1.4 The Chairperson shall be entitled to supervise the General Secretary and the Association's Head Office, subject to the rights and obligations conferred upon the General Secretary by the rules of the Association.
- 6.1.5 The Honorary Chairperson has the right to attend and speak at all meetings of the Association.

6.2 .0 NATIONAL HONORARY TREASURER

- 6.2.1 The Honorary Treasurer shall have the duty and responsibility of overseeing and regulating, on behalf of the Trustees and with their authority of the Annual Delegate Conference of the Association, all of the financial affairs of the Association and shall have authority to inspect at all reasonable times all financial records, books and documents of the Association and of the branches thereof and shall advise the Trustees and the Officer Board of the financial position. He/ she shall at all times, in consultation with the Trustees and the Auditors of the Association, ensure that all proper books and records are maintained in respect of all of the income and expenditure of the Association and that same

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are maintained up to date and that they reflect all transactions conducted by or on behalf of the Association and shall keep the Trustees informed from time to time in relation to all matters relating to the assets and funds and liabilities of the Association.

6.2.2 The Honorary Treasurer shall present an audited account of the Association accounts for adoption at the Annual Delegate Conference.

6.2.3 The Honorary Treasurer shall propose the adoption of the Auditors of the Association for the next 12 months at the Annual Delegate Conference.

6.3.0 NATIONAL HONORARY SECRETARY

6.3.1 The Honorary National Secretary shall liaise with head office and National Officers and liaise closely with regional officers.

6.3.2 The National Secretary shall ensure minutes are recorded and maintained at all national meetings of the Association.

6.3.3 The National Secretary shall have the right to examine and advise on the general work of the Head Office.

7. OFFICER BOARD

7.1 The Honorary Officers, together with the ordinary members (*members who are not Officers or Trustees*) elected in accordance with Rule 5.7,5.8 shall be known as the Officer Board and shall be vested with the management of the Association between Annual Conferences. Trustees may be present, act and speak at Officer Board meetings and are entitled to vote. The Officer Board shall direct and supervise the business of the Association and shall have power subject to these rules to deal with all matters between the Annual Conferences. Its interpretation of the rule shall be final, subject to the right of appeal by a branch or by a member of the National Executive Committee or the next Annual Delegate Conference.

7.2 The Officer Board of the Association shall consist of those members duly elected at Annual Delegate Conference and, ex officio, any immediate past Chairperson of the Association (for a period of one year).

7.3 No branch of the Association shall be entitled to have more than two ordinary members of the Officer Board at any time.

7.4 The duties and powers of the Officer Board shall be to manage and direct the affairs of the Association under the direction of the National Executive Committee, in accordance with the provisions of these rules and in compliance with the directions and policies laid down from time to time by Annual or Special Delegate Conferences of the Association.

7.5 The Officer Board shall be responsible for the enforcement and observance of the rules of the Association and the direction of the actions of the trustees. It shall also be responsible for the administration of the funds dealt with at the registered office, to suspend, expel or impose any penalty on any member (without prejudice

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- to any other provisions of these rules) for conduct or actions that are detrimental to the interests of the Association, for such reasons and on such terms as the Officer Board shall deem expedient, subject to the right of any aggrieved member to appeal to the National Executive Committee or to the next Delegate Conference.
- 7.6** Any member of the Officer Board shall be entitled to attend and speak at all meetings of the Association.
- 7.7** In the event of the removal of any officer, or the expulsion of any member of a branch, or the suspension of any branch, the trustees, acting on behalf of the Board, shall have full power to claim or sue for the recovery of any monies, books, securities, papers or other effects, the property of the Association, in the possession or keeping of such officer, member or branch.
- 7.8** The Officer Board shall have full power to make all necessary arrangements in connection with its own meetings.
- 7.9** The Officer Board shall be responsible for convening the Annual Delegate Conference and for making all arrangements regarding same in conjunction with hosting branch/branches.
- 7.10** Meetings of the Officer Board shall take place regularly not less than 6 per year or as deemed necessary by the National Chairperson in consultation with the Officers
- 7.11** A meeting of the Officer Board may be requested by 5 or more Officer Board members and shall take place within 2 weeks of such a request.
- 7.12** A quorum for an Officer Board meeting is deemed to be 50% plus one providing at least one Officer is present.
- 7.13** An Officer Board member who fails to attend a minimum of 50% of Officer Board meetings will be replaced at the next Annual Delegate Conference unless there are extenuating circumstances.
- 7.14** Any matter not provided for in the rules of the Association shall be dealt with as the Officer Board may determine, subject to the rights of any aggrieved member to appeal to the National Executive Committee or to the next Delegate Conference.
- 7.15** The Officer Board shall be empowered to constitute committees or sub-committees for particular purposes in accordance with such terms of reference or conditions which the Board may decide.
- 7.16** The Officer Board may make arrangements for the publication of such newsletters / websites/ social media or other periodicals as they may consider advisable in the interest of members.
- 7.17** A vacancy on the Officer Board shall be filled at the next Annual Delegate Conference. In the event that the vacancy is that of Officer/Trustee this shall be filled from within the elected Officer Board until the next Annual Delegate Conference.
- 7.18** The Officer Board may pay out of the Central Fund any reasonable expenses incurred by members or representatives attending meetings held in connection with the business of the Association. (Refer to Appendix 2 Financial Regulations)

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8. NATIONAL EXECUTIVE COMMITTEE

- 8.1 The Association shall have a National Executive Committee which shall consist of two representatives from each branch, selected at the branch Annual General meeting. One of the representatives shall be the branch chairperson or secretary. A quorum for a National Executive Committee shall be 25% of branches. The Officer Board shall be entitled to be present, act and speak but not vote at National Executive Committee.
- 8.2 The Executive Committee shall be responsible for setting the subscription rates and enacting policy for the Association and shall decide the purpose to which the funds of the Association shall be transacted having regard to the advice of the Finance Committee.
- 8.3 The Executive Committee shall meet on such occasions as the Officer Board may decide from time to time, but in any event on at least 2/3 occasions between Annual Conference.
- 8.4 Any vacancy occurring in the membership of the National Executive Committee shall be filled by the election of a member of the branch committee. A vacancy shall be deemed to have been created if the branch satisfies the National Executive Committee of the branch concerned that there is adequate reason for removal from office of any member representing such branch.
- 8.5 A meeting of the Committee shall also be called on receipt of a request in writing to the General Secretary from five branches and it shall be the duty of the General Secretary to summon such a meeting as soon as possible but no later than 7 days.
- 8.6 No branch shall be entitled to more than two votes at National Executive meetings.
- 8.7 Majority decision will prevail at all National Executive meetings.
- 8.8 Observers may attend meetings of the National Executive Committee, subject to the approval of the chairperson, upon receipt of written application from any branch. The number at any meeting shall not exceed five and a rotation system will operate to ensure each branch gets representation.

9. GENERAL SECRETARY

- 9.1. There shall be a General Secretary who shall be responsible to the Officer Board, National Executive Committee and the Annual Delegate Conference for organizing the work of the Association and for conducting all business carried out at the registered office.
In general the function of the General Secretary shall be, as an Executive, to ensure the implementation of the policies of the Officer Board, National Executive Committee and the Annual Delegate Conference.
- 9.2. He/ She shall, in consultation with the chairperson, ensure that the agenda is prepared for the Annual Delegate Conference, Special Delegate Conference, National Executive Committee and Officer Board meetings and ensure that minutes are recorded and maintained.

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- (a) On behalf of all Trustees, and under the supervision of the Treasurer, he shall be responsible to and shall receive, for the use of the Association, all sums of money due or payable to the funds of the Association and make disbursements only on the order of the Officer Board.
 - (b) He/she shall ensure that proper accounts of all the Association's receipts and payments are kept and shall make a full and clear account on the occasion of each auditing of the Association's books.
 - (c) The receipt of the General Secretary shall be a good discharge for all monies payable to the Association.
 - (d) On behalf of the Trustees and subject to the supervision of the Treasurer he/she shall carry out all such functions as are assigned to him in relation to maintaining of Bank Accounts and the making of lodgments to same and shall make available to the Treasurer all such financial statements and books and vouchers and documents as may be required by the Treasurer in the submitting of financial statements to the Annual Delegate Conference and to the meetings of the Officer Board.
 - (e) He/she shall be eligible for the appointment as a union representative or delegate to any Conference or Congress of Unions to which the Association may for the time being be affiliated or in connection with any scheme of conciliation or arbitration recognised by the Association, with full power to speak and vote in his capacity as representative or delegate, as the case may be.
 - (f) He/she shall be empowered to negotiate on behalf of the Association in pursuance of its objects, in his capacity as General Secretary, including negotiations with any public body or association of public bodies lawfully entitled to negotiate, provided that such negotiations have been authorised by the Officer Board and the National Executive Committee and are conducted consonant with known policy or in accordance with specific instructions.
 - (g) The General Secretary shall not be entitled, in any negotiations conducted by him/her under the preceding paragraph, to enter into any final or binding agreement on behalf of the Association (unless where specific authorization be given to him by the Officer Board), but, subject thereto, he shall be free to speak and shall have the same authority and status as would any accredited deputation or negotiating team possess in respect of the matter or matters the subject of negotiation.
 - (h) The General Secretary shall be entitled, to sit, act and speak, but not vote, at any Committee or other meeting of the Association. He shall also be Public Relations Officer of the Association and shall liaise with all media outlets.
- 9.3.** The General Secretary shall summon a Special Delegate Conference of the Association when, in the opinion of the Officer Board, such a course is necessary, or is authorised by a specially convened meeting of not less than five branches,

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signed by the Chairperson and honorary secretary of each branch, stating the business to be transacted thereat.

- 9.4. The Officer Board shall arrange for the guarantee of the General Secretary and such other officers and employees of the Association in such sum as it may consider advisable.
- 9.5. The General Secretary shall be responsible for the Management of Head Office and all employees of the Association who, subject to the Terms and Conditions of employment, shall perform such duties and work from such locations as the General Secretary may direct.
- 9.6. The General Secretary may delegate to any employee of the Association such of the General Secretary's powers as the General Secretary may consider appropriate.

10. FINANCE AND FUNDS OF THE UNION

- 10.1. Matters with financial implications shall be examined by the Finance Committee who will make recommendations to the Officer Board. The Financial Committee consists of the 3 Honorary Officers, 3 Trustees assisted by General /Designate.
- 10.2. In relation to the ordinary running expenses of the union, the National Honorary Treasurer shall be responsible for the financial administration of the Association in accordance with the rules and subject to the decision of the Annual Conference.
- 10.3. The funds of the Association shall be used for whatever purposes the Officer Board/National Executive Committee decide in carrying out the union objects and shall be lodged in the name of the Association.
- 10.4. Cheques drawn on the Association's account shall be signed by the Treasurer and at least one Trustee.
- 10.5. The accounts of the Association shall be audited annually by a duly qualified Auditor, who shall be appointed annually by the Annual Delegate Conference and these shall be presented and approved by the Annual Delegate Conference. He/she shall carry out such occasional audits as may be required by the Officer Board.
- 10.6. The Trustees shall, in accordance with a decision of the Annual Delegate Conference, appoint an Auditor and the Association's Annual Returns must be submitted to the Registry of Friendly Societies before the first of June each year. Each paid up member of the Association shall have a right to inspect the financial records of the union following national audit.
- 10.7. All deeds, documents of title and securities shall be the responsibility of the Trustees to retain in safe keeping and produce when required.
- 10.8. The Officer Board is empowered to make any payments or purchase any equipment they think advisable from the funds of the Association.
- 10.9. The Officer Board may, subject to guidelines determined from time to time, give approval to any branch to involve themselves in local fund-raising activities for the benefit of their members.
- 10.10. All money received by the Association shall be paid into the Central Fund.

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- 10.11. Subscription rates for members and associate members will be as determined from time to time by the National Executive Committee having regard to the advice of the Finance Committee.
- 10.12. The Association may at any time be dissolved its funds divided among charitable organisations to be determined by the National Executive Committee and with the sanction of 5/6 of its members entitled to vote.

11. TRUSTEES

- 11.1 There shall be elected or caused to be elected at an Annual Delegate Conference, three Trustees, who shall jointly and as joint tenants, hold and be seized and possessed of all assets and monies and properties of the Association as Trustees on behalf of and for the benefit of members of the Association. The said Trustees, when elected, shall hold office for a period of not less than three years each. For continuity purposes one Trustee position shall be filled each year. The said Trustees shall control all and every Bank Account of the Association and shall, in consultation with and on the advice of the Officer Board, nominate such persons as shall from time to time have the right to draw and endorse cheques on behalf of the Association.
- 11.2 The Trustees shall be entitled to receive all information from the General Secretary and the National Honorary Treasurer of the Association in relation to the finances and properties of the Association and shall have the right, in consultation with the Auditors to the Association, to determine the form of all accounting and reporting procedures in relation to the funds and properties and assets of the Association.
- 11.3 The headquarters and premises of the Association shall be vested in the Trustees who shall at all times ensure that the property of the Association is adequately insured against fire and theft and public liability and all of the usual and normal insurable perils and the cost of implementing all such insurances shall be borne by the Association.
- 11.4 The Trustees shall have the right to sue and institute proceedings and comprise actions in the name of and on behalf of members of the Association and shall in general be indemnified out of the assets of the Association, and by way of a first charge or call on the said assets in respect of all actions, proceedings, costs, claims and demands whatsoever against them, or any of them jointly or severally arising from their office of Trustee and notwithstanding the same, may arise from negligence or otherwise but provided always that the Trustees and each of them shall be fully responsible for all losses sustained by the funds and properties and assets of the Association due to the willful default or dishonesty of the Trustees or any of them.
- 11.5 The Trustees shall in accordance with the decisions of the Officer Board invest all surplus funds on behalf of the Association.

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12. AMENDMENT OF RULES

- 12.1** Amendments to the rules may be passed by majority vote at Annual/ Special Delegate Conference and such rule changes shall be notified to the Registry of Friendly Societies.
- 12.2** To reverse an existing rule and have passed a change which was previously rejected within the previous 2 years of Annual Delegate Conference a two-thirds majority shall be necessary.

13. STRIKES AND INDUSTRIAL ACTION

- 13.1** The provisions of this rule shall apply notwithstanding any other provision contained in these rules.
- 13.2** In this rule the terms “*strike*” and “*industrial action*” shall have the same meaning as in the Industrial Relations Act 1990.
- 13.3** In this rule the term “*member*” shall have the same meaning as in rule 3.1.
- 13.4** The provisions of this rule shall apply in the Republic of Ireland.
- 13.5** The union shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall be accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.
- 13.6** The union shall take reasonable steps to ensure that every member entitled to vote in the ballot vote without interference from, or constraint imposed by, the union or any of its members, officials or employees and, so far as is reasonably possible, that such members shall be given a fair opportunity of voting.
- 13.7** The National Executive Committee shall have full discretion in relation to organizing, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot including an aggregate ballot referred to in 13.8 of this rule favours such strike or other industrial action.
- 13.8** The National Executive Committee shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a majority of the unions members voting in a secret ballot, except where, in the case of a ballot by more than one trade union, an aggregate majority of all the votes cast favours such strike or other industrial action.
- 13.9** As soon as practicable after the conduct of a secret ballot the union shall take reasonable steps to make known to the members of the union entitled to vote in the ballot:
 - I.** The number of ballot papers issued.
 - II.** The number of votes cast.
 - III.** The number of votes in favour of the proposal.
 - IV.** The number of votes against the proposal, and
 - V.** The number of spoiled votes.
- 13.10** Nothing in this rule shall constitute an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the union party to the trade

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dispute, and any decision taken in accordance with this rule to organise, participate in, sanction or support a strike or industrial action may be rescinded or amended without the necessity of a further ballot of the members concerned.

14. PROCEDURE FOR HANDLING OF COMPLAINTS AGAINST PNA REP'S/EMPLOYEES.

14.1 General

14.1.1 The PNA recognises the importance of promoting a sense of identity with, and loyalty to the organisation and to promoting a feeling among the membership of being valued and being an important part of the PNA. The PNA has and continues to create a culture and climate within the organisation that encourages the commitment and motivation of all those in a representative role from the full time officials and staff at Head Office, the Officer Board and elected Branch Officials. The PNA has and continues to strive for the highest professional standards in the delivery of services to members.

14.1.2 It is however the case that the PNA like all other organisations will be required from time to time, to deal with complaints against individuals who work for the PNA in either a paid or honorary capacity. It is important therefore to have a procedure in place that facilitates any member to make a complaint while at the same time recognising the right of the accused to defend themselves.

14.1.3 The PNA wishes to provide a fair and equitable procedure of dealing with members complaints against PNA representatives / employees as speedily as possible in accordance with Fair Procedure and Natural Justice.

14.1.4 A complaint can be defined as follows:

“anything done or omitted to be done by a Representative of the PNA whether paid or honorary in connection with the provision of services to members that does not accord with fair or sound Trade Union or administrative practices that has resulted in an adverse impact on a member, a group of members or the Trade Union as a whole”.

14.2 HANDLING A COMPLAINT

14.2.1 The PNA would wish to emphasise the need to resolve complaints as near as possible to the point of origin i.e. directly between the member making the complaint and the PNA representative / employee concerned or by mediation.

14.2.2 The PNA in this policy promotes the use of mediation to resolve complaints where both parties jointly agree to participate in a mediation process.

(Mediation Process attached as appendix 3)

14.2.3 If the complaint cannot be resolved informally between the parties the complaint should be put in writing and sent to the National Chairperson.

14.2.4 On receipt of the complaint the National Chairperson will carry out a preliminary screening to establish the facts pertaining to the complaint and will talk to both parties informing them that she/he is carrying out a preliminary screening exercise. Under no circumstances should the preliminary screening attempt to establish guilt.

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- 14.2.5** If the Preliminary Screening indicates that there is at least a basis for the complaint then the Chairperson will advise the Officer Board and the Representative / Employee. The Officer Board having examined the facts and are of the view that if the complaint is upheld it could amount to serious misconduct they can order a formal inquiry to be held. If on the other hand the representative / employee concerned accept that they are guilty of wrongdoing then a Disciplinary Hearing will be held.
- 14.2.6** The Chairperson and the General Secretary will conduct this hearing (unless either are the subject of the complaint).

14.3 PROTECTIVE MEASURES

- 14.3.1** If it is decided to hold an inquiry and pending the outcome of the investigation the Officer Board may take whatever protective measures are necessary to ensure that the Organisation is not exposed to unacceptable risk.
- These protective measures are neither disciplinary measures nor an indication of guilt and may include:**

- Reassigning the Official / Employee to other duties.
- Providing an appropriate level of supervision.
- Putting the Employee off duty with pay.

The views of the Official /Employee will be taken into consideration when determining the appropriate protective measures to take in the circumstances but the final decision rests with the Officer Board.

Putting the Official / Employee off duty pending the outcome of the investigation will be reserved for only the most exceptional of circumstances. The employee concerned will be advised that the decision to put him/her off duty is a precautionary measure and not a disciplinary sanction or an indication of guilt.

14.4 INVESTIGATION

- 14.4.1** The investigation will be conducted in accordance with the principals of Fair Procedures and Natural Justice. The PNA detailed procedure for dealing with disciplinary matters is set out in three main parts.
- General Principals
 - Steps in conducting the Investigation
 - A Disciplinary Hearing.
- This procedure is attached at **Appendix 4.**

- 14.4.2** Both Parties will be informed of the outcome of the investigation.

APPENDIX 1

Disciplinary Action Against Members

Every so often conflict arises between Members and Officials. This is more likely to arise at branch level. This occasionally leads to a situation where the Branch moves to advise, admonish, suspend or expel the member. It is possible on occasions that conflict develops because of personality differences between individuals rather than because of any alleged breach of Union or Branch Rules and in such circumstances there is a great onus on the Officers of the Branch, by the exercise of forbearance and tact, to diffuse such situations.

All such situations are extremely serious with potential legal implications, arising from which the Officers should act with caution.

Please note Rules 3.7 – 3.14 (Inclusive) under membership.

A number of principals must govern the actions of Officers in these matters.

Procedures must:

1. Reflect the presumption of innocence.
2. Facilitate the eliciting of all the facts before action is taken.
3. Include the opportunity for the accused member to be made aware of the complaint against him/her.
4. Allow the accused member the opportunity to defend himself / herself
5. Provide for a Right of Appeal.

Extreme caution must be exercised to ensure the member is treated fairly and justly, the procedures are governed by the principals of natural justice and that the member is at all stages made aware of his/her rights in writing. In any dispute involving an alleged breach of local rules or branch policy prior clearance should be obtained by the Branch from the Officer Board before even considering any action against a member in such circumstances.

The following procedure is recommended:-

The Accused should be

- i. Given a written statement of the charges and the reasons they are being brought (including reference to Rules(s) under which action is being taken.
- ii. Allowed an opportunity to have his/her case heard in a fair manner by a Committee which does not include any accusers and with an opportunity to appear in person or with another of his/her choice.
- iii. Given adequate time to prepare a defence.
- iv. Enabled to hear all evidence placed against him/her and to challenge same.
- v. Advised of and facilitated in relation to any line of appeal. As per rules 3.7, 3.8, 3.11, 3.12, 3.13 & 3.14.

APPENDIX 2

Financial Regulations

1. Subscription Collection.

- a. The following organisations payroll departments offer a collection of subscriptions at source option for PNA members:
 - i. All HSE facilities
 - ii. St Patricks Hospital Dublin
 - iii. All St John of God facilities
 - iv. Brothers of Charity Galway
 - v. Robin Hill Waterford
 - vi. St Michael's Hospital Dunlaoighaire
- b. Where available this option should be availed of. Branch Secretaries should get members to complete the PNA application form ensuring Personnel Number and a signature is included. Forms are to be returned to PNA HQ for processing with a copy retained by the Branch for local records.
- c. Computer sheets are available at least quarterly from PNA HQ, Branch Officers should ensure new members are commenced by checking off computer sheet.
- d. For staff working in organisations that do not offer a subscription collection service a standing order bank mandate option is available.

2. Branch Expenses.

- a. Branch officers are entitled to have all reasonable expenses covered by the association. Up to 10% of branch subscriptions can be used to cover Officer expenses, sums in excess of this amount must be approved by the Finance Committee of the Officer Board. All expenses must be accounted for and receipted where appropriate.
- b. The Association does not provide nor will approve the purchase of I.T. equipment for branches but various associated expenses, within reason, are allowable such as printer ink, paper etc provided they are receipted.
- c. The Associations account year corresponds with the calendar year. Expenses should be claimed as soon as possible but at least quarterly. All expenses for a given year should be claimed by the end of January of the following year. All receipts and expense claim forms associated with that year's expenditure have to be returned to HQ no later than the 31st January of the following year. No further retrospection of expenses will be considered beyond that date.
- d. Failure to comply with this regulation will result in removal of branch account facility from the relevant branch.
- e. All travel claims must be made on official claim form, signed by the claimant and co signed by a fellow Branch Officer. A meal allowance is payable if the claimant is attending a meeting lasting longer than 5 hours.

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- f. Branch communication expenses are based on branch size. Claims can be made by any Branch Officer once approved by their branch committee but must be receipted, copies of either landline or mobile bills are acceptable. Receipts for sums up to the maximum allowance can be approved for payment on a monthly or bi monthly basis. Receipts exceeding the maximum allowance can only be approved to the maximum of the allowance. Sharing of allowances is acceptable. The following criteria of membership applies for Communication Allowance:
- i. Branch Membership up to 100 members
 - ii. Branch Membership 100 to 200 members
 - iii. Branch Membership 200 to 300 members
 - iv. Branch Membership in excess of 300 members
 - v. All claims must be accompanied by a landline, mobile or top up receipt to at least the amount of the claim but only to the maximum of the allowance.
- Current values of Allowances are available from Head Quarters.
- g. For Branches that currently have a local branch current account the Branch Treasurer must ensure that claims are allowable within the Association's financial regulations. Signatures on the account must be changed as Branch Officer's change. All claims must be signed by the claimant and counter signed by a fellow Branch Officer. Receipts and copies of bills where appropriate must accompany claims. Cheques cannot be made payable to 'Cash'. The National Treasurer should be notified in advance of issuing cheques in order to ensure sufficient funds are available in the account to cover cheques written. Failure to comply with the regulations will result in closure of the account by the Officer Boards Finance Committee and processing of all future claims through Head Office.
- h. No further branch accounts will be established, new branches will process claims through Head Office and will have expenses paid by electronic funds transfer only.
- i. Claim forms and financial regulations are available from PNA HQ. The National Treasurer is available to advise on any of the Financial issues.

3. Honorariums:

- a. Honorariums are paid by the National Treasurer to each Branch Secretary on the following basis: Membership at the end of November of the current year.
- b. Students do not constitute "Members" for the purpose of calculation of Honorariums. The following criteria of membership applies for Honorarium Payments:

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- i. 20-100 Members
- ii. 100-200 Members
- iii. 200-300 Members
- iv. 300+ Members
- v. O.B Members
- vi. National Chair/Sec/Treasurer

Current value of Honorarium's are available from Head Quarters.

4 Annual Delegate Conference

The PNA will cover the accommodation and lunch expenses of all approved delegates at Annual Delegate Conference for the two nights of conference.

The nights before and after conference is the responsibility of the delegate and must be booked directly with the hosting hotel. A meal allowance can be claimed by delegates staying the night of the Gala Dinner and travelling home the following day.

Where possible delegates are requested to travel together.

5. Officer Board Expenses

- i. All OB expenses are paid by EFT only.
- ii. Expenses are claimed on a monthly basis.
- iii. A mobile phone is available to each OB member. Calls to Irish landlines and other Irish mobiles regardless of network are covered by the Association. The Association will also cover text messaging to other Irish mobiles. The OB member is responsible for any roaming charges, premium rate calls, lo call rates, directory enquiries and internet charges incurred. OB members cannot claim branch telephone allowances in addition to this facility.

6 National Executive Meetings

NEC as per rules of the Association consists of two delegates per Branch the Branch Chairperson and Secretary or their deputies. Additional observers are welcome once HQ has been notified in advance and they travel with branch delegates. (See Rule 8.8)

No overnight stays are approved except in exceptional circumstances for N.E.C. meetings

APPENDIX 3

Mediation

Mediation is the preferred method for resolving complaints. The objective of mediation is to resolve the matter speedily and confidentially without recourse to a formal investigation and with the minimum of conflict and stress for the individuals involved. Mediation requires the voluntary participation and co-operation of both parties in order to work effectively.

Both parties will be requested to consider the use of mediation and every effort will be made to secure their agreement. An appropriate person who is experienced or well versed in mediation will meet with each of the parties separately to explain the mediation process and its benefits. This person will be if at all possible a PNA member or employee. There may be exceptional circumstances where an outside person would be required.

An assigned mediator will meet with both parties, usually separately to begin with, to discuss the complaint. The mediator will then bring both parties together to reach a common understanding and agreement on how to resolve the issue. A mediation agreement seeks to reach an accommodation between the parties and thereby restore harmonious working relations.

A mediated solution will not result in the issues being dealt with under the disciplinary policy. Minimal paperwork and / or records will be generated by this process.

If the mediation process does not produce a satisfactory outcome, the complainant may seek to have the matter resolved through formal investigation. Any new information that emerges during the course of the mediation process remains strictly confidential and cannot be disclosed as part of the formal investigation.

If the matter remains unresolved at this stage, a formal investigation will be carried out.

Note: Mediation may be attempted at any/ all points in the procedure to try to resolve the matter. Mediation may be attempted again during the formal investigation or following the outcome of the investigation.

APPENDIX 4

Disciplinary Procedure

General Principles:

- All disciplinary action should be fair and reasonable having regard to the seriousness of the infringement.
- There should be substantial reasons for taking action which should be backed up by adequate evidence.
- The principal of Natural Justice should be observed by:
 - Every effort will be made by the General Secretary to address shortcomings in work standards, conduct or attendance through informal counselling without invoking the disciplinary procedure.
 - While the disciplinary procedure will normally be operated on a progressive basis, including oral or written warnings, however in cases of serious misconduct the Officer Board may bypass any oral or written warning stages to the serious misconduct stage.
 - No decision regarding disciplinary action will be made until a formal disciplinary hearing has been convened and the representative /employee has been afforded an opportunity to respond.
 - The representative / employee will be advised of his or her right to be accompanied by a work colleague or Trade Union representative at any meeting under the disciplinary procedure.
 - The representative /employee will be advised in advance of the disciplinary hearing of the precise nature of the complaint against him or her and will be given copies of any relevant documentation.
 - The representative / employee will be afforded the opportunity to state his or her case and challenge any evidence that may be relied upon in reaching a decision.
 - The representative / employee may appeal the outcome of the disciplinary hearing to the Officer Board /NEC/ Annual Conference.

Acts or Omissions giving Rise to Complaints:

The following list of acts or omissions is not exhaustive and consideration as to the degree or seriousness of any of the items listed may vary with the nature of the representative / employee's duties and responsibilities: negligence, carelessness, poor attendance, abuse of sick leave, assault, absence without leave, fraud, theft , embezzlement, substance abuse, falsification of records, misconduct, sexual harassment, bullying or harassment, poor work performance, breach of confidentiality, abuse of electronic communication e.g. downloading of inappropriate material from the internet, circulation of offensive, obscene or indecent emails or texts.

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Disciplinary Sanction:

May be either one or a combination of the following:

Oral warning, written warning, suspension, demotion, and other appropriate action, i.e. forfeiture of salary/wages, final written warning, and dismissal.

Steps in Conducting the Investigation

- The investigation will be conducted by the designated person(s) agreed between the parties
- The investigation will be governed by clear terms of reference based on the written complaint and any other matters relevant to the complaint and with due respect, for the right of the representative / employee who is the subject of the allegation to be treated in accordance with the principles of Natural Justice including a presumption of innocence. The terms of reference shall specify the following:
 - The timescale within which the investigation will be completed;
 - The investigation team may set time limits for completion of various stages of the procedure to ensure the overall timescale is adhered to;
 - Scope of the investigation i.e. the investigation team will determine whether or not the complaint has been upheld and may make recommendations (other than disciplinary sanction) where appropriate;
 - The representative / employee against whom the complaint is made will be advised of the right to representation and given copies of all relevant documentation prior to and during the investigation process, i.e.
 - Complaint
 - Witness statements (if any)
 - Minutes of any interviews held with witness.
 - Any other evidence of relevance.
- The investigation team will interview any witnesses and other relevant persons. Confidentiality will be maintained as far as practicable.
- Persons may be required to attend further meetings to respond to new evidence or provide clarification on any of the issues raised.
- A written record will be kept of all meetings and treated in the strictest confidence.
- The investigation team will form preliminary conclusions based on the evidence gathered in the course of the investigation and invite any person adversely affected by these conclusions to provide additional information or challenge any aspect of the evidence.
- On completion of the investigation, the investigation team will form its final conclusions based on the balance of probabilities and submit a written report of its findings and recommendations to the National Chairperson.
- The representative / employee against whom the complaint is made will be given a copy of the investigation report.

If the findings of the investigation uphold the allegation of serious misconduct a disciplinary hearing will be held.

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Disciplinary Hearing:

The representative /employee will be informed of the following in writing in advance of the disciplinary hearing.

- The status of the meeting i.e. that it is a formal disciplinary hearing.
- The purpose of the hearing i.e. to consider representations by the representative / employee or on their behalf and to decide if disciplinary action is appropriate in all the circumstances and the nature of the sanction if any.
- Copy of the investigation team's report and all relevant documentation and that if the investigation teams report upholds the complaint of serious misconduct the possibility of a decision to terminate his/her employment.
- Informed of their right to be accompanied by a Union Representative or work colleague.

The Disciplinary Hearing will be Conducted as Follows:

- The decision makers will be the Chairperson and General Secretary unless otherwise decided by the Officer Board.
- The representative / employee will be informed of the purpose of the disciplinary hearing, the nature of the allegation and the findings of the investigation.
- The representative / employee and his/her representative will have the opportunity to present his/her case in response to the findings of the investigation.
- The disciplinary hearing is not intended to repeat the investigation but the employee will be able to raise any concerns regarding the investigation process if she/ he feels that these concerns were not given due consideration by the investigation team.
- The hearing will be adjourned to allow the Chairperson and General Secretary to carefully consider the representations made on the representative / employee's behalf.
- The hearing will be reconvened and the representative / employee will be advised of the decision which may include:
 - Decision to dismiss.
 - Disciplinary action short of dismissal (e.g. final written warning, suspension without pay, etc,)
 - No further action on the grounds that there were strong mitigating circumstances.
 - Non-disciplinary action (e.g. where there were strong mitigating circumstances but the representative / employee's continued employment is conditional on him/her agreeing to seek specialist treatment or other appropriate course of action.

The employee / representative will be advised of his/her right to appeal the decision to the Officer Board / NEC/ Annual Conference.

Where the individual is a paid employee, they will have the right to appeal any decision to dismiss through the Machinery of the State, up to and including the Employment Appeals Tribunal.

APPENDIX 5

RULES OF DEBATE

- The meeting shall be called to order by the chairperson, who shall ensure that sufficient numbers are present, in accordance with local rules, before starting the meeting. In the case of the National Executive Committee / 25% of Branches, Officer Board meetings require 50% plus 1 to start the meeting.
- The Secretary shall read the minutes of the previous meeting. After the reading of the minutes they must be approved by the membership.
- Only questions of the completeness of corrections of the minutes may be raised when minutes are to be approved.
- A member of the Association when speaking shall address the chairperson and shall direct his speech strictly to the motion or amendment under discussion or to the question of order.
- A member shall not speak more than once on any motion amendment, save with the permission of the chairperson. The mover of a proposal may reply before amendment or a vote is taken. In reply he/she shall confine himself/herself to answering previous speakers and not introduce new matters.
- With the permission of the chairperson a member may speak on a point of order, or in explanation of some part of speech made by him, which he believes to have been misunderstood.
- Every motion or amendment shall be made to the secretary, written down and read to the members present.
- A motion or amendment once made and seconded shall not be withdrawn save with the consent of the meeting.
- Whenever an amendment or an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of; but notice of any number of amendments may be given.
- Every amendment shall be relevant to the motion on which it is moved and shall be either;-
 - a. To leave out words and insert or add words.
 - b. To leave out words.
 - c. To insert or add words.
 - d. To refer back for further consideration.

All questions shall, on being put from the chairperson, be determined by a show of hands.