

Constitution of the Association of Scottish Police Superintendents

1. General

- 1.1 The Association shall be called The Association of Scottish Police Superintendents (hereinafter referred to as 'the Association').

2 Objectives/Functions

The Association exists to:

- 2.1
- (i) Consider, and where appropriate bring to the notice of the Chief Constable, the Scottish Police Authority, Scottish Ministers, the Police Negotiating Board and the public, matters affecting the welfare and efficiency of the service and Association's members, including:
 - Members' roles and responsibilities;
 - Pay and allowances;
 - Terms and conditions of service;
 - Equality, diversity and dignity at work;
 - Grievances;
 - Conduct;
 - Efficiency; and
 - Professional Development
 - (ii) Act as a professional, independent and influential voice of Scottish Policing, providing informed and credible comment on policing issues, championing issues of strategic importance, providing robust but constructive challenge, consulting key stakeholders on policing issues and developments and contributing to the ongoing development of policing in Scotland.
 - (iii) Provide informed and professional comment, and where appropriate provide leadership, in relation to key issues affecting policing in Scotland and with a particular focus on people, policing and policy.
- 2.2 The Association shall be supported by a General Secretary and Secretariat, financed by Police Central Government Grant, responsible to the Executive Committee. The General Secretary on behalf of the Executive Committee will manage the Secretariat.
- 2.3 The Association will also form a support network known as the "Scottish Panel of Friends" consisting of members of the Association who wish to offer support to colleagues who may fall under scrutiny for any reason. The Panel of Friends will be managed by the General Secretary.
- 2.4 No member will be formally appointed to the Panel of Friends without first satisfactorily completing the agreed training programme.

3 Association Membership

- 3.1 The Association shall consist of all officers of Superintendent rank who are members of the Police Service of Scotland, or who transfer in to the Service from other parts of the United Kingdom or elsewhere or who are promoted to Superintendent rank within the Service.
- 3.2 Officers undertaking the role of temporary Superintendent, or temporarily acting in the rank of Superintendent, will be admitted to membership of the Association as Honorary Members and will be entitled to the full range of benefits and support associated with membership.

4 Association Structure and Representation

4.1 Executive Committee

4.1.1 The Association will be managed by an Executive Committee. This will consist of the General Secretary, a maximum of eight elected members and up to 6 co-opted members:

- The Association President;
- The Association Vice President;
- Three District Chairs (see Paragraph 4.3.1 below); and
- Three District Vice Chairs (see Paragraph 4.3.2 below).

4.1.2 All members with the exception of the General Secretary will have voting rights within the Executive Committee.

4.1.3 The Executive Committee may co-opt additional representatives of the Association into its membership as are considered necessary by the executive.

4.1.4 A Finance Committee will be formed under the Chair of the Vice President. The Finance Committee will comprise the Vice President, General Secretary, Office Manager and at least one other member of the Executive Committee.

4.2 Geographic structure

4.2.1 The Association will be organised into three Districts across Scotland as follows:

- Northern District: Comprising the area encompassed by the Northern area of Police Scotland;
- Eastern District: Comprising the area encompassed by the Eastern area of Police Scotland;
- Western District: Comprising the area encompassed by the West area of Police Scotland.

4.2.2 The membership of each District will be drawn from all Chief Superintendents and Superintendents whose normal place of work falls geographically within the District area, irrespective of the nature or focus of their individual roles.

4.3 District representatives:

4.3.1 Each District will elect a Chair from amongst its membership. District Chairs will represent the interests of all Association members within the Districts and must hold the substantive rank of Chief Superintendent or Superintendent. Temporary Superintendents will not be eligible to stand for election. The three District Chairs will normally hold their posts for a period of two years, subject to the provisions of Section 6 below.

4.3.2 Each District will also elect a Vice Chair, again from its substantive membership. The Vice Chairs will normally serve for a period of two years, subject to the provisions of Section 6 below.

4.3.3 Districts may make other local appointments from within their membership (e.g. a Secretary, Treasurer) at their discretion.

4.4 Election of President and Vice-President.

4.4.1 The President will be elected by the full Association membership. The President will be elected for a period of up to 3 years years, subject to the provisions of Section 6 below¹.

4.4.2 The President must hold the substantive rank of Superintendent or Chief Superintendent.

4.4.3 The Executive Committee will propose one or more members for election and invite further nominations from the membership.

4.4.4 A Vice-President will be elected from within the Executive Committee membership.

4.4.5 Where the President is unable to perform his/her duties through any unforeseen circumstances, including:

- retirement;
- ill health;
- death in office;
- or where the provisions of Section 6 below are deemed to apply;

The Vice-President will perform the role on a temporary basis.

4.4.6 Where it is apparent that the serving President is likely to be absent from his/her post for more than three months, but where a return to duty is considered likely, the Vice-President will continue to serve in a deputising capacity. This will be notified to the membership of the Association, seeking support in principle for the continuation of the deputising arrangement.

4.4.7 Where, after three months, it is apparent that the serving President is unable to resume his/her duties: the Secretariat will call an election using the process set out in 4.4.1 above. The elected President will undertake the role for a period of 2 years from the next Annual General Meeting .

5 Elections

5.1 Elections of District Chairs and Vice Chairs to form the Executive Committee will be overseen by the General Secretary, assisted by an independent scrutineer drawn from another police staff association. The elections will be managed on the General Secretary's behalf by the Association's Secretariat.

5.2 When an election to the Executive Committee is due to take place, the General Secretary will seek nominations from each District. Each member in each district will be advised of this by e-mail, although it will be the responsibility of Executive Committee members to ensure that every member of the Association is informed.

5.3 To be eligible for consideration, nominations for the posts of District Chair and District Vice Chair must include:

- (i) the name and rank of the nominee;
- (ii) the District within which s/he serves;
- (iii) the name and rank of a Chief Superintendent or Superintendent from the same District who proposes the nominee; and
- (iv) the name and rank of a Chief Superintendent or Superintendent from the same District as seconder of the nomination.

- 5.4 Nominations must be lodged with the General Secretary by the date indicated. Any nomination received after this date will not be considered.
- 5.5 Thereafter, the General Secretary will arrange for the preparation of ballot papers, which will be circulated electronically to every member of the District where an election is to take place. Any relevant supporting documentation will be circulated with ballot papers, along with instructions for members regarding the completion and submission of ballot papers.
- 5.6 Completed ballot papers will be submitted electronically to the Association's office and, to count towards the election, must be received by the date indicated. Any ballot paper not received by then will not be counted, unless the delay is due to unforeseen circumstances². It will be the responsibility of individual members to ensure that ballot papers reach the Association's office within this timeframe.
- 5.7 Ballot papers will be counted on a prearranged date by the General Secretary and independent scrutineer.
- 5.8 The result of the election will be communicated to all members immediately after the independent scrutineer has ratified the count.

6 Extraordinary elections

- 6.1 Notwithstanding the provisions of Section 4 above, it may be necessary to hold an extraordinary election where any member or members of the Executive Committee are unable to continue in post because:

- of any period of sickness or incapacity; or
- a change in their professional or personal circumstances

which, in either case, prevents them from properly discharging their role and responsibilities.

- 6.2 It may also be necessary to hold an extraordinary election where the continued membership of the Executive Committee by an officer is considered to be potentially damaging to the reputation and credibility of the organisation. Specifically:

- (i) Where an elected member of the Executive Committee is subject to a criminal or misconduct allegation, the circumstances of which are potentially damaging to the reputation and standing of the Association; or
- (ii) Where there are concerns expressed by members of the Association regarding the conduct of an elected member of the Executive Committee, their interests and views, or regarding the elected member's continued suitability to perform his/her role.

- 6.3 Where the circumstances in either paragraph 6.1 or 6.2 are considered by any member of the Association to apply, the following procedure will be followed:

- (i) The Association member may petition the General Secretary, expressing their concerns and providing such evidence as may be available³.

² The assessment of these circumstances and their validity in terms of paragraph 5.6 will be made by the independent scrutineer, whose decision will be final.

³ The general presumption ought to be that the circumstances are such that more than one Association member would reasonably have concerns to raise, and that these should be supported by examples or other evidence.

- (ii) The General Secretary will inquire into the circumstances and present a report with recommendations to the remaining members of the Executive Committee for consideration. The General Secretary will ensure that the member subject to such proceedings is properly represented is informed of the allegation(s) and has an opportunity to provide comment on the concerns raised. The General Secretary, at her/his discretion, may seek the involvement of an independent person to assist in inquiring into the circumstances.
- (iii) The remaining members of the Executive Committee will consider whether, having regard to the circumstances, the concerns and/or allegations are justified and/or upheld. Where this is so, they may recommend that the Executive Committee member who is the subject of the investigation can no longer perform duties as a member of the Executive Committee without jeopardising the reputation and credibility of the Association, and that the removal of that individual from their post is necessary.
- (iv) In these circumstances, the Executive Committee may determine that an interim District or national election is necessary. If so, they will instruct the General Secretary to initiate election arrangements. The Executive Committee member who has been subject to the investigation will be eligible to stand.
- (v) Where an interim election is to take place, the general procedures outlined in Section 5 above will be followed, with such deadline dates as may be appropriately identified by the General Secretary.

7 Conduct of Executive Committee members

- 7.1 Rules governing the conduct of Executive Committee members are at Annexe 1 to this Interim Constitution.

8 Management

- 8.1 The strategic management of the Association will be conducted by the Executive Committee.
- 8.2 The Executive Committee shall consist of up to eight elected members, the General Secretary and co-opted members(see Paragraph 4.1.1 above). At a decision-making meeting of the Executive Committee, four elected members shall form a quorum and in the event of a tied decision, the President will have a casting vote.
- 8.3 The Official Year shall be from 1st April until 31st March. The Association will hold an Annual General Meeting not later than 31st May each year. Notice of the Annual General Meeting shall be sent to members at least 28 days prior to the meeting.
- 8.4 Any member of the Association may propose alterations to the Constitution of the Association to the Executive Committee at least two calendar months before the AGM. Proposals should be supported by at least two other members in addition to the proposer. Any such proposals shall be considered at the Annual General Meeting and will be incorporated into the Constitution when two thirds of votes cast at the Annual General Meeting support the change. Proxy votes shall be allowed. The General Secretary will authorise the use of proxy voting and if asked will arrange for a nominated person to vote on application by the member wishing to use a proxy vote.
- 8.5 Any proposals for the alteration of the Constitution shall be notified to the members at least 28 days prior to the Annual General Meeting.
- 8.6

Changes to the Constitution may also be made through a Special General Meeting called for that specific reason. The procedures at paragraphs 8.4 and 8.5 will apply.

9 Meetings

- 9.1 The Association may hold, with provided funding, a programme of meetings.
- 9.2 Each District Association may hold four one-day meetings annually. Additional or extraordinary meetings may be held with the permission of the Chief Constable if s/he is satisfied that these are necessary and that the business for which they are called cannot reasonably be deferred to the next ordinary meeting of the District Association.
- 9.3 The Executive Committee will hold six meetings annually and one Annual Joint Meeting with the Executive Committees of the Superintendent's Association of England and Wales and the Superintendents' Association of Northern Ireland. Additional meetings may be held with the permission of the Scottish Ministers if they are satisfied that such meetings are necessary in the public interest and the business for which they are called cannot reasonably be deferred until the next ordinary meeting of the Executive Committee.
- 9.4 Permission to attend meetings will be presumed to be granted by the Chief Constable unless there are special circumstances where a Superintendent is required for duty for which no substitute is available.
- 9.5 Attendance of the meetings of the Association authorised under paragraphs 9.2 and 9.3 shall, as regards allowances and expenses, be deemed to be an occasion of police duty, and approved expenditure thereby incurred by a members or representative shall be met as ordinary police expenditure of the force.
- 9.6 Attendance at the meetings of the Executive Committee authorised under paragraph 9.3, the Police Negotiating Board or its Committees, or preliminary meetings of the Staff Side of the Board or any duly appointed Committees of the Scottish Consultative Forum, Scottish Police Pensions Authority, UK Pensions Authority, UK Staff Side Forum or meetings of international police co-operations, shall, as regards allowances and expenses be deemed to be occasions of police duty and approved expenditure thereby incurred by a member or representative shall be met from Police Central Government Grant Funding.

10 Finance

- 10.1 The Association will raise funds by an annual subscription from its members and any such funds shall be administered by the Executive Committee, subject to the following conditions:

- i) the Financial Year shall be from 1st April, to 31st March of the ensuing year;
- ii) the Executive Committee shall propose the amount of annual subscription to members at the Annual General Meeting and this will be approved based upon the voting at the Annual General Meeting;

All monies received shall be paid into a banking account(s) in the name of the Association and these accounts shall be operated under the direction of the Finance Committee subject to Executive Committee oversight.

- iii) at the end of year the Fund shall be audited by two persons acceptable to the Executive Committee. Those persons must not be members of the Executive Committee. The Vice President shall present the Annual Report on the Capital Fund to the Annual General Meeting and a copy of the audited and

approved financial statement will be sent to each delegate to the Annual General Meeting;

iv) Membership subscriptions shall not be used for contributing directly or indirectly to:

- the funds of a Trade Union;
- the funds of a Political Party;
- the election expenses of a Parliamentary or Local Government candidate;
- the support of a member of any Police Force who is the subject of criminal charge or misconduct allegation, irrespective of whether any proceedings have been instituted⁴.

⁴ This should not be taken to mean that the Association will not offer other forms of support to members in these circumstances. The Association will continue to provide support through the Panel of Friends, and through the existing Legal Protection Plan.

Principles governing the conduct of Executive Committee members

i Selflessness

Members of the Executive Committee have a duty to act in the interests of the Association. They must not act in order to gain financial or material benefit for themselves, family or friends.

ii Integrity

Members of the Executive Committee must not place themselves under any obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

iii Objectivity

Members of the Executive Committee must make decisions solely on merit when carrying out Association business.

iv Accountability and Stewardship

Members of the Executive Committee are accountable to members of the Association and to the law for their decisions and actions. They have a duty to consider issues on their merits, taking account of the views of others, and must ensure that the Association functions correctly and in accordance with the law.

v Openness and Transparency

Members of the Executive Committee have a duty to be as open as possible about their decisions and actions, giving reasons for these and restricting information only when the wider public interest clearly demands it.

vi Honesty and Personal Interests

Members of the Executive Committee have a duty to act honestly. They must declare any private or business interests relating to their activities within the Association and take steps to resolve any conflicts arising from these in a way that protects the interests of the Association. All members of the Executive Committee will record any such interests in a register held by the Association Secretariat.

vii Gifts and Hospitality

Executive Committee members, or members acting in the name of the Executive Committee, must never canvass or seek personal⁵ gifts⁶ or hospitality.

As a general guide, it is expected that members will **refuse** offers of gifts or hospitality except:

⁵ This provision does not preclude an individual seeking, for example, sponsorship for a formal event in the name of the Association – for example, the annual conference.

⁶ The term 'gift' would include benefits such as relief from indebtedness, loan concessions or the provision of services at a cost generally charged to members of the general public (other than those which may be formally offered, by agreement, to the whole police service).

- (a) isolated gifts of an inexpensive or trivial character, inexpensive seasonal gifts (such as a calendar or diary), or other simple items of office equipment of modest value; and
- (b) normal hospitality which is associated with the discharge of their duties and which would reasonably be regarded as inappropriate to refuse⁷,
- (c) gifts received formally on behalf of the Association (such as plaques, pennants, ornamental china or glassware, etc); and
- (d) gifts offered by the Association itself (for example a presentation marking an Executive Committee member's retirement from the police service).

viii Executive Committee members must not accept any offer by way of gift or hospitality which could give rise to a reasonable perception of influence on their part to show favour or disadvantage to any individual or organisation.

ix Executive Committee members must record details of any gifts and/or hospitality received. This record will be maintained by the Association Secretariat and will be disclosed to any Association member on request.

x Leadership

Members of the Executive Committee have a duty to promote and support the foregoing principles through leadership and example, in order to maintain and strengthen the trust and confidence of the Association in the eyes of:

- the public;
- the Association membership;
- other staff associations; and
- key stakeholder organisations, including the Scottish Government.

⁷ Such as a lunch or dinner forming part of a business meeting or conference, or hospitality which forms part of a formal event at which the member(s) concerned is/are formally representing the Association – for example, the Annual National Joint Meeting of Superintendents' Associations.