CONSTITUTION OF THE NATIONAL COUNCIL

Rule No 1 – Name

The name of the council shall be “The National Council for Independent Monitoring Boards in England and Wales1”.

Rule No 2 – Purpose and role

The National Council’s primary purpose is to provide leadership, guidance, training and quality control to boards and to help them fulfil their statutory duties. The National Council is required by the Secretary of State, through and on the advice of the Secretariat, to ensure boards work in accordance with policies and good practices where it is considered necessary for standard procedures to be operated by all boards. The Secretary of State also requires the National Council to protect the independence of boards in making their proper enquiries and reporting fully the conclusions they reach. No policies can be implemented without the agreement of both the National Council and the Secretariat.

There shall be a President appointed by the Secretary of State, whose role shall be to:-

(i) Chair the meetings of the National Council;
(ii) Bring business to the Council;
(iii) Set the agenda for meetings of the Council;
(iv) Organise the business of the Council in an orderly and efficient manner;
(v) Harness the skills of the membership and ensure that all members are involved appropriately in the work of the Council;
(vi) Ensure that work is dealt with in a way which will enable the Secretariat to implement decisions; and
(vii) In the event of the National Council and the Secretariat failing to agree on a proposal, to take the issue to the Secretary of State for decision.

The National Council shall, in conjunction with the Secretariat :-

(i) Give leadership to boards by providing members with clear direction where necessary and comprehensive advice, and by devising and monitoring effective operating standards.
(ii) Provide support to boards and individual members to enable them to work as effectively as possible.
(iii) Meet at regular intervals with the prison service, Immigration & Nationality Directorate and other organisations/agencies to raise issues of concern to boards, to influence central policy making and to keep boards up to date with developments in all parts of the prison and removal centre systems.
(iv) Promote the interests of the IMB organisation and ensure as far as possible that its work and concerns are properly and widely understood.

1 Including removal centres based in Scotland.
Develop and implement policy on membership recruitment through national and local advertising, and work with individual boards or clusters of boards to build membership levels, within agreed complements.

Develop and implement a suitable and focused training policy for boards and individual members, and ensure that members undertake training which is agreed by the Council to be mandatory.

Develop and implement effective policies and procedures for measuring and monitoring the performance of boards and members of boards.

Develop and implement effective procedures for ensuring that disputes involving board members and complaints against members are resolved with fairness and despatch.

Provide policies in areas where required to do so by the Secretary of State, and develop policies more generally in areas as deemed necessary by the National Council.

Advise (the Secretariat) on the allocation of boards’ local budgets, and contribute to the Head of Secretariat’s decisions on budget allocations for boards’ training courses and publicity and recruitment.

Ensure that Council members liaise closely and regularly with the boards in their constituencies by attendance at board and area chairs’ meetings and from time to time at the meetings of individual boards, by telephone, correspondence and other means of communication.

Raise with the Secretary of State issues of concern at a national level relating to the prison service and immigration removal centre estates.

Rule No 3 – Membership

The Council shall be chaired by a President, appointed by the Secretary of State.

The Secretary of State shall empower the President to appoint two Vice-Presidents for the period of the President’s appointment.

Membership of the National Council shall be nine elected board members, with options to co-opt up to three non-voting members to assist the Council in specialist areas.

Subject to Rule 3A, members of the National Council shall be elected for terms of three years.

No member shall serve more than two terms.

Vacancies which arise within twelve months, but not less than nine months, of the end of a term will be filled by election and the elected member shall serve for the balance of the term and the next full term of three years.

Vacancies which arise more than twelve months before the end of the term will be filled by election and the elected member serve the balance of the term.

Co-opted members shall be appointed for a term of one year, with the option to reappoint at the end of the term.

Rule No 3A – 2003 Election

In the 2003 election to the National Council, three members shall be elected for four years, three members shall be elected for three years and three members shall be elected for two years.
Rule No 4 – Election of National Council

(i) The election of the members of the National Council shall take place by secret ballot of all members of boards. The elections shall be supervised by officials or agents appointed by the Secretary of State.

(ii) The newly elected members of the National Council shall take office immediately after the results of the elections have been declared.

Rule No 5 – Nominations

(i) Nominations for National Council membership shall be submitted in writing by the specified date to the official or agent appointed by the Secretary of State to oversee the election. Valid nominations will be distributed to boards at least 35 days prior to the closure of the ballot.

(ii) Each candidate for nomination shall be a serving board member and have been a board member for a minimum of four years, and shall be nominated by at least two board members, one of whom shall be from a different board from the one on which the candidate is serving.

(iii) Nominations will be from board members; one member as proposer, and one other member as seconder. The written consent of the nominee must be obtained before a nomination is valid.

Rule No 6 – Management and organisation

(i) The National Council shall meet not less than six times each calendar year, and such meetings shall normally be attended by the Head of the IMB Secretariat.

(ii) A quorum of any meeting of the National Council shall consist of a majority of voting members eligible to attend the meeting.

(iii) Voting at meetings of the National Council shall be by show of hands, the President having an additional casting vote in the event of an equality of votes.

(iv) Minutes shall be kept of meetings of the National Council, and signed by the President at the subsequent meeting after confirmation by the Council.

(v) Minutes of the National Council meetings shall be distributed by the Head of the IMB Secretariat to all chairs of boards, for the information of board members.

(vi) The National Council shall establish any sub-committee that the Secretary of State may direct, or the Council determines as necessary for the efficient and effective conduct of work.

Rule No 7 – Independent Monitoring Boards’ Annual Conference

(i) The annual conference shall consist of:
   • Not more than two individual members of each board;
   • Members of the National Council; and
   • Visitors who may be invited by the President and the Secretary of State.

(ii) Voting in debate at annual conference shall be by card vote on the basis of one vote per board represented.

(iii) The President of the National Council shall preside at the annual conference. If he cannot be present, the President shall nominate a substitute chair for the duration of the conference.

The chair presiding at the time shall be entitled to a casting vote in the
event of an equal number of votes being cast on either side of a motion.

Rule No 8 – Motions to annual conference

(i) A motion for debate at the annual conference shall be received by the National Council at least 60 days before the annual conference.

(ii) The National Council shall appoint a sub-committee to determine the motions to be debated at the annual conference.

(iii) All motions received by the National Council shall be published.

(iv) Motions for debate at the annual conference must have been agreed at a properly constituted meeting of the members of the board submitting the motion.

(v) It shall be normal practice for motions to be debated on the first afternoon of conference, between 2pm and 4pm.

Rule No 9 – Amendments to this constitution

(i) Proposals for amendments to this constitution may be submitted for debate at the annual conference by individual boards, or the National Council, in the form of motions in accordance with Rule No 8 (ii).

(ii) A majority of two thirds of those voting at the annual conference will be required to put forward for consideration by the Secretary of State a proposed amendment to this constitution.

(iii) The Secretary of State may make such amendment to this constitution as he sees fit.

Rule No 10 – Interpretation of the Rules

The President shall interpret the meaning of this constitution subject to the overriding authority of the Secretary of State.