RULES FOR BALLOTS AND ELECTIONS

1. ELECTIONS

1.1 Ballots for the election of all Council members, Office Bearers and of the General Secretary will be conducted in accordance with current legislative requirements for such ballots, as outlined in the constitution.

1.2.1 Similarly, ballots on any form of industrial action will require to comply with current legislation.

1.3 OFFICE BEARERS (OTHER THAN GENERAL SECRETARY AND IMMEDIATE PAST PRESIDENT)

Nominations for these offices must be received by the General Secretary at least 10 days prior to the December meeting of Council in the relevant year.

1.3.1 District and Area Secretaries will be informed of the relevant dates by the General Secretary.

1.3.2 Council will appoint a qualified independent person as Independent Scrutineer to carry out those duties required under Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) ("the 1992 Act") and such other duties as may be reasonably required.

1.3.3 All Districts will be required to nominate or to submit a "NIL return". Only one nomination may be made by a District for any given office. Retired members may not be nominated.

1.3.4 If the number of nominations received equals the number of vacancies, there is no requirement for an election and the Independent Scrutineer will declare those candidates elected unopposed.

1.3.5 If the number of nominations received is more than the number of vacancies, the Independent Scrutineer will be required to conduct a secret ballot of all eligible members in accordance with current legislation.

1.3.6 Each candidate will be entitled to submit an election statement of not more than 150 words which will be sent to all eligible members with the ballot paper.

1.3.7 Elections will be completed no later than 31 January.

1.3.8 The Independent Scrutineer's report as required under the 1992 Act shall be provided to the General Secretary by close of business on the day following the closure of the ballot.

1.3.9 Following receipt of the Independent Scrutineer's report the General Secretary shall announce the result of the ballot/s to the membership as soon as reasonably practicable. A full copy of the Independent Scrutineer's report shall be published as soon as practicable together with an announcement that a further copy of that report may be provided to any member of the union on the payment of a fee

1.4 COUNCIL MEMBERS

Council members will be elected in accordance with section 6.2 of the Constitution and para 1.3 above, except that the personal statement shall be no more than 100 words.

1.5 IMMEDIATE PAST PRESIDENT

Should the position of Immediate Past President become vacant for any reason, the position will remain vacant until filled by the current President at the end of his/her current term of office.

1.6 GENERAL SECRETARY

Upon a vacancy, or notification by the General Secretary of an impending vacancy, or as required by current legislation, the following procedure shall apply.

1.6.1 The timetable for the nomination process and for any ballot shall be determined by Council on the advice of the General Secretary.

1.6.2 At the relevant date for the announcement of the election, the General Secretary will announce the nomination and election procedures to District Secretaries and Area Secretaries. Nominations will then be sought from all Districts and "NIL returns" will be required where appropriate.

1.6.3 The duties and responsibilities as detailed in these Rules shall be carried out by a senior salaried official of the Association. The official shall be determined by Council and shall not be a candidate for the vacancy.

1.6.4 Nomination of a candidate in the election for General Secretary may be made by (a) Council and/or (b) any District of the Association. Council may nominate any person; any other nominee must have been an ordinary member of the Association for a period of at least a year as at the date nominations close (but not a Life, or Associate, or Retired member).

1.6.5 Council shall determine who shall be their nominee in the election for General Secretary. Council may nominate the serving General Secretary, or may as they consider appropriate, open to competition the selection of their nominee (which would include advertising the post and such selection procedures and interviews as Council shall consider appropriate).

1.6.6 After Council has selected its nominee, the servicing official on behalf of Council will:

a) Appoint a qualified independent person as Independent Scrutineer to carry out those duties required under Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) (“the 1992 Act”) and such other duties as may be reasonably required;

b) Ensure that notice of the Council nomination is published to members.

c) Publish to members a notice stating the name and address of the Scrutineer for the election of General Secretary.

d) Invite nominations from Districts by a date specified in the timetable.

1.6.7 Nominations shall be made on an approved proforma and shall be received by the Independent Scrutineer.

1.6.8 In the event that there is an uncontested election, the Independent Scrutineer will be required to provide a report in accordance with the 1992 Act.

1.6.9 In the event that there is a contested election, the Independent Scrutineer shall invite those candidates nominated to provide an election address of not more than 300 words together with a photograph (together called the "election statement"). This must be provided no later than the date specified in the timetable (7 days after the close of nominations).

1.6.10 The Independent Scrutineer shall place the names of validly nominated candidates together with the election statements on voting papers and shall distribute voting papers and the election statement to members entitled to vote in accordance with the timetable.

1.6.11 The ballot shall be conducted in accordance with current legislation as applicable at the time of the announcement of the election (as described in para 1.6.2.).

1.6.12 Entitlement to vote in the ballot shall be accorded equally to all members (excluding Associate members) who are in membership of the union as at a date 14 days prior to the date for dispatch of voting papers set out in the timetable. Completed voting papers must be returned to the address stipulated by the Independent Scrutineer, in the reply- paid envelope provided by a date which will be not less than 21 days after the date of their dispatch.

1.6.13 The Independent Scrutineer's report as required under the 1992 Act shall be provided to the Association by close of business on the day following the closure of the ballot.

1.6.14 Following receipt of the Independent Scrutineer's report the result of the ballot shall be announced to the membership as soon as reasonably practicable and the person declared elected shall be appointed by Council on such terms and conditions as they shall determine. A full copy of the Independent Scrutineer's report shall be published as soon as practicable together with an announcement that a further copy of that report may be provided to any member of the union on the payment of a fee of £1 per report.

1.7 BY-ELECTIONS

In the event a position of Office Bearer or member of Council falls vacant, the General Secretary shall, with the subsequent approval of Council, determine the timetable for an election. There shall be no requirement for an election to be held if the vacancy occurs within 3 months of the end of the term of office.

1.8 TIED VOTE

In the event that members cast an equal number of votes for two or more candidates in an election for the position, the Independent Scrutineer will draw a name of a candidate by lot. The candidate drawn shall be declared elected.

2. CONSULTATIVE BALLOTS

The Association may, from time to time, consult members by means of a ballot on a given issue or issues.

These are not affected by legislation, and will be conducted under the following rules.

2.1 Consultative Ballots shall be carried out online using an appropriate survey or voting service. Invitations to take part in a consultative ballot will be sent to members entitled to vote by email where possible. In the case of a member not having an email address on record, a ballot paper shall be posted to the member's home address with instructions on how to cast their vote.

2.2 All email invitations sent to members must contain instructions on how to take part in the consultative ballot. Responses to online Consultative Ballots shall be anonymous. All respondent information including first name, last name, email address, IP address, and custom data (i.e. school or post held) shall be excluded in the response data. Ballot papers issued to member without email addresses shall not include any means by which the member may be identified.

2.3 After the declaration of the result of ballots all data shall be retained for one year.

3. DISTRICT / AREA OFFICIALS AND CONGRESS REPRESENTATIVES

3.1 District/Area officials and Congress representatives shall be elected at an appropriate District/Area meeting, normally the Annual General Meeting.

3.2 Where there are more valid nominations than vacancies, voting shall be by secret ballot of those attending the meeting. Where necessary a multiple vote system shall be used. Any tie will be decided by lot.

4 NATIONAL COMMITTEES AND OTHER BODIES

4.1 COMMITTEES

4.1.1 Prior to the March meeting of Executive/Council, the membership of all Committees shall be examined by the General Secretary to see if these need to be brought up to strength or re-constituted. Where, during the course of the year, a Committee needs to have its numbers brought up to strength, it shall be open to the Convener of the Committee to seek to have this done through the following procedures without the need to wait until March Council, or by the use of co-option.

4.1.2 Where there are vacancies, District/Area Secretaries shall be notified in time for nominations to be made at District/Area meetings prior to Council. Nominations would have to be received by the General Secretary 10 days prior to the Council meeting. No nominations may be made from the floor at Council, but if insufficient nominations are received to fill the vacant places, Executive shall be permitted to make further nominations up to the required number, but not above it.

4.1.3 Where there are more nominations than vacancies (provided that these nominations are received by the due date) the vacancies shall be filled by ballot at Council. Nominees shall be invited to submit a brief supporting statement (not exceeding 50 words) in respect of their nomination. This, together with their name and details of their school, shall be provided to Council along with a prepared ballot paper on the day of the Council meeting.

4.1.4 If appropriate, Executive may advise Council of relevant factors which should be taken into account in the ballot, and may make recommendations in light of these.

4.2 AD HOC COMMITTEES

4.2.1 Ad hoc Committees should normally be appointed in accordance with para 4.1.2 and 4.1.3 above.

4.2.2 However, it may be that from time to time, the urgency of the need for the establishment of an ad hoc committee may be such that a more expeditious system may have to be used. This is referred to as the "accelerated system".

If, in the view of Executive, it is important for the achievement of the remit of the ad hoc Committee that the "accelerated system" be used, then Executive shall be empowered to act as in 4.2.3 below.

4.2.3 Where the "accelerated system" is to be used, Council, Congress or Executive must first have approved of the setting up of an ad hoc committee and will determine the appropriate size of membership of the committee. Thereafter, District/Area Secretaries shall be immediately asked for nominations to be submitted by a date set by Executive, after which Executive shall appoint the committee from among the nominations received or, if there are insufficient nominations to fulfil the remit, from nominations made by Executive.

4.3 OUTSIDE BODIES

When required, nomination to outside bodies shall be as in paragraphs 4.1.2 and 4.1.3 above with the additional proviso that Executive shall consider all nominations and shall make recommendations to Council.

4.4 STANDING BODIES

The appointment or reappointment of representatives to standing outside bodies (as detailed in the Congress booklet) shall be made by Congress.