SCOTTISH STATUTORY INSTRUMENTS

2004 No. 542

EDUCATION

The General Teaching Council for Scotland Election Scheme 2004 Approval Order 2004

Made - - - -	*15th December 2004*
Laid before the Scottish Parliament - - - -	*16th December 2004*
Coming into force - -	*23rd January 2005*

Whereas the General Teaching Council for Scotland have, in exercise of their powers under paragraph 1(6) and (7) of Schedule 1 to the Teaching Council (Scotland) Act 1965(**1**) made the General Teaching Council for Scotland Election Scheme 2004 and have submitted it to the Scottish Ministers for approval:

Now therefore, the Scottish Ministers(**2**), in exercise of the powers conferred by section 14(1) and paragraph 1(8) of Schedule 1 to that Act, and of all other powers enabling them in that behalf hereby make the following Order:

Citation and commencement

1. This Order may be cited as the General Teaching Council for Scotland Election Scheme 2004 Approval Order 2004, and shall come into force on 23rd January 2005.

Approval

2. The General Teaching Council for Scotland Election Scheme 2004, which is set out in the Schedule to this Order, is hereby approved.

Revocation

3. The General Teaching Council (Scotland) Election Scheme 2001 Approval Order 2001(**3**) is hereby revoked.

(**1**) 1965 c. 19; Schedule 1 was amended by the Standards in Scotland's Schools etc. (Scotland) Act 2000 (asp 6), section 46.
(**2**) The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**3**) S.S.I. 2001/18.

St Andrew's House, Edinburgh
15th December 2004

PETER J PEACOCK
A member of the Scottish Executive

SCHEDULE

THE GENERAL TEACHING COUNCIL FOR SCOTLAND ELECTION SCHEME 2004

Scheme for the Election of Registered Teachers to the General Teaching Council for Scotland, made in accordance with the terms of Schedule 1 to the Teaching Council (Scotland) Act 1965, as amended by the Standards in Scotland's Schools etc Act 2000, and to be read in conjunction with the Act.

Article One – Definitions

(1) In this Scheme unless the context otherwise requires:

"the Act" means the Teaching Council (Scotland) Act 1965 as amended by the Standards in Scotland's Schools etc Act 2000;

"the Council" means the General Teaching Council for Scotland constituted under section 1 of the Act;

"ballot material" means the ballot papers, information on candidates, the candidates' election statements, and the envelopes for the despatch and return of ballot papers;

"candidate" means a candidate who has been validly nominated to stand for election to the Council, and who is in good standing for the current registration period, that is who has paid the registration fee and who has not been suspended from registration;

"category of employment" means one of the categories of elected members specified in paragraph 1(2) of Schedule 1 to the Act, and any reference, in relation to a person, to election category, shall be taken as a reference to that category in which the person is employed, or if not employed as a teacher, to the category that the person has chosen or has been allocated to, for the purposes of an election, as provided for in Article Four of the Scheme;

"election" means the procedure by which the elected members of Council are elected in accordance with this Scheme;

"election year" means the year 2001 and every fourth year thereafter;

"elector" means a teacher whose name is on the register on the qualifying date, who is in good standing for the current registration period, that is, who has paid the registration fee and who has not been suspended from registration;

"employed", in relation to a person who is a prospective candidate, means, on the qualifying date for candidates set out in Article Four below, is employed full-time in the position in question; or who, in the period of twelve months which ends with that date, has been employed in that position for not less than one fifth of the hours which would have fallen to be worked had the position been full-time;

"Independent Scrutineer" means the organisation appointed in accordance with Article Three of this Scheme;

"qualifying date" means the 31st day of May in an election year in respect of candidates for election, and the 20th day of August in an election year in respect of electors;

"register" means the register established by the Council under section 6 of the Act, and "registered" shall be construed accordingly;

"relevant institution" means an institution within the higher education sector which provides courses for the education and training of teachers;

"Returning Officer" means a person appointed as returning officer under Article Two of this Scheme and includes a Deputy Returning Officer as appointed;

"teacher" means a registered teacher, whether in employment as a teacher or not;

References to the singular include the plural and vice versa;

References to the masculine include the feminine.

Article Two – Returning Officer

(1) The Council shall appoint the Returning Officer for the election at least six months before the qualifying date, and at the same time appoint a Deputy Returning Officer, to act for the Returning Officer in the event of the Returning Officer's absence or inability to act.

(2) The Returning Officer shall not be a teacher.

(3) The Returning Officer shall be responsible for the conduct of the election in accordance with this Scheme.

(4) The Returning Officer shall have power, subject to the approval of the Council, to employ staff necessary for the conduct of the election, and pay them out of monies provided by the Council.

(5) The Returning Officer may delegate any administrative function in the conduct of the election to the Independent Scrutineer.

(6) The Returning Officer shall be responsible for the publication, printing and distribution of the Notice of Election.

Article Three – Independent Scrutineer

(1) The Council shall, by not later than the first day of March in an election year, appoint an Independent Scrutineer to supervise the conduct of the election.

(2) The Independent Scrutineer shall be responsible for the printing and distribution of the ballot material, for setting up and managing a secure Internet voting service, as appropriate, and for counting the ballot papers returned by post and votes submitted online in accordance with this Scheme.

(3) The Independent Scrutineer shall arrange for the printing and distribution of the ballot material by the most cost effective method deemed appropriate by the Returning Officer.

(4) The Returning Officer shall provide the Independent Scrutineer with sufficient financial resources as the Returning Officer thinks fit to carry out the functions described in this Article.

(5) The Council shall appoint an Independent Scrutineer who in the reasonable belief of the Returning Officer has the experience and capacity to carry out the functions set out in this regulation in a fair and competent manner.

Article Four – Roll of Electors

(1) The Returning Officer shall form a roll of electors on or before the last day of March in an election year comprising the names and addresses of all teachers assigned to an election category in the register maintained by the Council who are in good standing, ie who have paid the registration fee for the current registration period, and who are not suspended from registration.

(2) The roll of electors shall record the election category to which each teacher is assigned, and no teacher shall be included on the roll of electors unless he or she has been assigned to an election category.

(3) Only persons who are employed as headteachers in primary schools or nursery schools will be entitled to stand for election and to vote in the headteachers in primary schools or nursery schools category, and only persons who are employed as headteachers in secondary schools will be entitled to stand for election and to vote in the headteachers in secondary schools category.

(4) In respect of all election categories other than those mentioned in (3) above, voting in each category is confined to teachers employed within each of those categories, subject to (5) below.

(5) A teacher who, on the qualifying date of 20th August is not employed in any category of employment may, notwithstanding, vote in one of those categories if the teacher has been employed at any time in that category or if the teacher holds a qualification which would enable the teacher to be employed in that category.

A teacher in a headteacher category no longer employed as a headteacher will require to change the election category to one of the other categories in which the teacher is employed or holds a qualification which would enable the teacher to be employed in that category.

(6) The Returning Officer may on or before the qualifying dates make additions or alterations to, or deletions from, the roll of electors or alter the election category of any teacher.

(7) No teacher may be added to the roll of electors after the qualifying dates.

Article Five – Notification of Election

(1) The Returning Officer shall notify each teacher within an election year, not later than 1st March, that an election of teachers to be members of the Council will take place later that year.

(2) The Returning Officer will, so far as is reasonably practicable, ensure that every teacher is:

(a) informed of the election category which appears against the teacher's name on the register; and

(b) given the opportunity to verify this category or to request that an amendment be made to it, stating the grounds for the amendment;

and the Returning Officer shall, if satisfied with the grounds for amendment, change the category in accordance with the request.

(3) The notification shall advise teachers of the date of the publication of the Notice of Election, and shall describe each of the election categories, as set out in paragraph 1(2) of Schedule 1 Part 1, and shall include an invitation to teachers to stand for election and to obtain election details from the Returning Officer.

Article Six – Notice of Election

(1) The Returning Officer shall, by no later than the 30th day of April in an election year, publish a Notice of Election.

(2) The Notice of Election shall specify the following information:

(a) the number of teachers to be elected to the Council for each election category;

(b) an address (including website address) from which a nomination paper for the election may be obtained;

(c) an address (including website address) from which the Scheme governing the election may be obtained;

(d) the name and address of the Independent Scrutineer and an outline of the function of the Independent Scrutineer as set out in Article Three;

(e) the name and address of the person to whom the nomination papers shall be returned;

(f) the latest date and time by which nomination papers and election statements shall be received;

(g) the date upon which the ballot papers for the election shall be distributed;

(h) the date and time by which the ballot papers and/or online votes for the election shall be received by the Independent Scrutineer;

(i) the date upon which the result of the election shall be announced; and