

Report To: Education & Communities Committee
Date: 12 June 2012

Report By: Corporate Director Education, Communities & Organisational Development
Report No: EDUCOM/08/12/AH

Contact Officer: Albert Henderson
Contact No: 01475 712761

Subject: Arrangements for the Election of Parent Representative and Teacher Representative to the Education & Communities Committee

1.0 PURPOSE

- 1.1 The purpose of this report is to seek Committee approval for the appointment of a Parent Representative and Teacher Representative to the Education & Communities Committee.

2.0 SUMMARY

- 2.1 The scheme of arrangements for the election of a Parent Representative to the Education & Communities Committee (which has been updated only in respect of changes to committee and officer titles) is set out in appendix 1.
- 2.2 It is proposed that the election process for a Parent Representative to the Education & Communities Committee be undertaken in accordance with the scheme laid out in appendix 1.
- 2.3 The scheme of arrangements for the election of a Teacher Representative to the Education & Communities Committee (which has been updated only in respect of changes to committee and officer titles) is set out in appendix 2.
- 2.4 It is proposed that the election process for a Teacher Representative to the Education & Communities Committee be undertaken at the same time as that for the Parent Representative.
- 2.5 It is proposed that the current Parent Representative and Teacher Representative remain as temporary members of the Education & Communities Committee until the election process for the new representatives are concluded.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that members of the Education & Communities Committee approve the proposal for elections for the Parent Representative and Teacher Representative to the Education & Communities Committee.
- 3.2 It is recommended that the current Parent Representative and Teacher Representative remain as temporary members of the Education & Communities Committee until the election process for the new representatives is conducted.

Albert Henderson
Corporate Director Education, Communities & Organisational Development

5.0 CONSULTATION

5.1 Personnel

N/A

5.2 Finance

N/A

5.3 Legal

Consultation has taken place with Legal Services.

5.4 Equalities

N/A

INVERCLYDE COUNCIL

SCHEME OF ARRANGEMENTS FOR THE ELECTION OF A PARENT REPRESENTATIVE TO THE EDUCATION AND COMMUNITIES COMMITTEE OF INVERCLYDE COUNCIL

This scheme is made by The Inverclyde Council (hereinafter referred to as "the authority") at Greenock on the 29th day of May Two Thousand and Seven.

1 GENERAL

- (1) Elections for a parent representative to the Education and Communities Committee shall be held in accordance with the provisions of this Scheme.

Within the time scales set out in this Scheme the authority will set specific dates for the completion of individual electoral steps.

- (2) Elections for a parent representative to the Education and Communities Committee will be held at the time of elections to Inverclyde Council and the parent representative will remain as a member of the Education and Communities Committee until the final meeting of Inverclyde Council prior to Council elections.
- (3) A parent representative will become ineligible to remain as a member of the Education and Communities Committee if that person no longer has a child attending a school under the management of Inverclyde Council. A further election will be held and the successful candidate will remain a member of the Education and Communities Committee until the next Inverclyde Council elections.
- (4) This scheme applies to any election required to be held.
- (5) Except where context otherwise requires singular includes plural.
- (6) For the purposes of this Scheme
 - (a) *the Corporate Director Education, Communities and Organisational Development is appointed the Returning Officer and will exercise a general superintendence and control over the election. Except as otherwise provided the Returning Officer will be responsible for the resolution of any dispute arising in the election process. His/her decision will be final;*
 - (b) *the Heads of Service of Education are appointed Depute Returning Officers*
- (7) Except as specifically required by this scheme each Depute Returning Officer is empowered to rectify any erroneous act or omission in the election process. No election will however be invalid by reason of any act or omission by any person in breach of his/her duty, if the election was conducted substantially in accordance with this scheme.
- (8) A copy of this Scheme will be available to each Parent Council in a school under the management of the authority.

2. ELECTIONS - GENERAL PRINCIPLES

- (1) Elections for a parent representative will be by secret ballot. Each Parent Council in a school under the management of the authority shall be entitled to cast a single vote, the casting of this single vote will be determined by the parent members of the parent council. The highest number of votes cast by all Parent Councils will elect the parent representative.

3. PARENT REPRESENTATIVE ELECTION

(1) NOTIFICATION

The authority has made the following arrangements.

(a) The authority will insert a notice in the Greenock Telegraph and copies of the notice will be sent to all parent councils of schools under the management of the authority drawing attention to the dates set for the return of

- (i) nomination forms, and*
- (ii) ballot papers.*

(2) ELECTORAL ROLL

(a) *The Electoral Roll will be all parent councils set up in terms of The Scottish Schools (Parental Involvement) Act 2006.*

(b) *The Returning Officer will be responsible for compiling and maintaining the Electoral Roll.*

(c) *The authority will fix the qualifying date for inclusion in the Parent Council Electoral Roll.*

(3) ELIGIBILITY - VOTERS

A Parent Council shall be eligible to vote in parent representative elections if it is set up in terms of The Scottish Schools (Parental Involvement) Act 2006 in an educational establishment under the management of the authority. Each Parent Council shall have one vote the casting of which will be determined by a majority of parent members of the Parent Council. No other category of member may participate in this election.

(4) ELIGIBILITY - CANDIDATES

A person is entitled to stand if he/she is a parent member of a Parent Council set up in terms of the Scottish Schools (Parental Involvement) Act 2006 in an educational establishment under the management of the authority.

(5) DISQUALIFICATIONS

A parent member is disqualified from seeking election as, or from being a member of the Education and Communities Committee if they are disqualified from being

- (i) members of a local authority by virtue of Section 31(1)(b) or 31(1)(c) or 31(2) or 31(3) of the Local Government (Scotland) Act 1973; that is to say if they have been sequestrated or made bankrupt or if they have been imprisoned with the 5 years prior to nomination.*
- or
- (ii) members of a local authority by virtue of Section 31 (1)(d) of the 1973 Act; that is to say that they have been disqualified for being elected or for being a member of that authority by virtue of a conviction for corrupt or illegal practices in elections under the Representation of the People Act 1983.*

(6) ELECTION PROCEDURE

Nomination

(a) *Nomination forms will be available from Education Services between the hours of 8.45 a.m. and 4.45 p.m., Monday to Thursday and between the hours of 8.45 a.m. and 4.00 p.m. on Friday from the date of publication of the notice of election in terms of Section 3 (1)(a) (iv) of this Scheme. Nominations will be accepted only up to 3.00 p.m. on a date not less than three weeks after the opening date, after which no nomination may be withdrawn.*

(b) Each nomination for a parent representative shall be supported by one proposer, by one seconder and by the nominee and no person is permitted to sign more than one nomination paper. The nominee, proposer and seconder must be parent members of a Parent Council.

(7) UNCONTESTED ELECTIONS

Where, there is only one candidate nominated that candidate will be declared elected and advised accordingly.

(8) CONTESTED ELECTIONS

(a) Not later than two weeks prior to completion each parent council will be issued with
(i) a ballot paper and
(ii) an envelope for its return.

(b) The ballot paper should be returned to Education Services on the date notified by the Returning Officer.

(9) COUNT PROCEDURE

The Returning Officer will arrange for Education Services staff to conduct the Count for the parent representative.

4. ADMISSION TO THE PARENT REPRESENTATIVE ELECTIONS

No person other than the Returning Officer and his/her staff; the candidates and their representatives shall be entitled to be present at the Count.
The Returning Officer may not admit other persons unless he/she is satisfied that the efficient counting of votes will not be impeded.

All officers employed at the Count and observers admitted will undertake to maintain the secrecy of the vote.

5. RECOUNTS AT THE PARENT REPRESENTATIVE ELECTIONS

Candidates may if present when counting or recounting is completed ask for recounts or another recount of the votes, but the Returning Officer may refuse if in his/her opinion it is an unreasonable request. Requests would be unreasonable if there was no doubt that a recount would not alter the original result.

6. EQUALITY OF VOTING AT THE PARENT REPRESENTATIVE ELECTION

In the case of equal number of votes given for a number of candidates in excess of the single vacancy the drawing of lots will determine the successful candidate.

7. REQUIREMENT OF SECRECY AT THE PARENT REPRESENTATIVE ELECTION

Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not attempt to ascertain the candidates for whom any particular elector voted or communicate any information with respect to the voting obtained at those proceedings.

8. REJECTED BALLOT PAPERS AT THE PARENT REPRESENTATIVE ELECTIONS

The Returning Officer shall reject any ballot paper:-

- (1) *on which votes are given to more than one candidate, or*
- (2) *on which anything is written or marked by which the voter can be identified, or*
- (3) *which is unmarked or void for uncertainty;*

but a ballot paper which is marked

- (a) *elsewhere than in the proper place,*
- (b) *otherwise than by means or a cross, or*
- (c) *by more than one mark*

shall not for such reason be deemed to be void, if an intention that the votes should be for one or other of the candidates clearly appears and the way the paper is marked does not identify the voter and it is not shown that he can be identified by it.

The decision of the Returning Officer on any question arising in respect of the validity of a ballot paper shall be final. The Returning Officer shall draw the attention of enumerators to these provisions.

9. CONCLUSION OF THE ELECTION

The result, giving the voting figures, the name of each candidate and the number of votes cast for each candidate, in the election, shall be reported to the first available meeting of the Education and Communities Committee by the Corporate Director Education, Communities and Organisational Development. The result will not be made public before intimation to the Committee.

All the papers relating to the election including rejected ballot papers must be retained in a secure place for six months after completion.

10. CODE OF CONDUCT

The Ethical Standards in Public Life etc. (Scotland) Act 2000 introduced a new ethical framework for Scotland. The act requires Scottish Ministers to issue a Councillor Code of Conduct. The code sets out the standards of conduct that must be applied. This Code of Conduct will apply to the parent representative. Following election, the parent representative on the Education and Communities Committee must sign a formal Declaration of Acceptance of Office in which he or she undertakes to meet the requirements of the Code. If this acceptance is not signed when requested the parent representative will not be authorised to be a member of the Education and Communities Committee and a new election process would be undertaken.

INVERCLYDE COUNCIL

SCHEME OF ARRANGEMENTS FOR THE ELECTION OF A TEACHER REPRESENTATIVE TO THE EDUCATION AND COMMUNITIES COMMITTEE OF INVERCLYDE COUNCIL

This scheme is made by The Inverclyde Council at Greenock (hereinafter referred to as 'the authority') on the 29th day of May Two Thousand and Seven.

1.0 GENERAL

- 1.1 Elections for a teacher representative to the Education and Communities Committee shall be held in accordance with the provisions of this Scheme. Within the time scales set out in this Scheme the authority will set specific dates for the completion of individual electoral steps.
- 1.2 Elections for a teacher representative to the Education and Communities Committee will be held at the time of elections to Inverclyde Council and the teacher representative will remain as a member of the Education and Communities Committee until the final meeting of Inverclyde Council prior to Council elections.
- 1.3 A teacher representative will become ineligible to remain as a member of the Education and Communities Committee if that person leaves employment as a teacher in an educational establishment under the management of Inverclyde Council and / or is not registered with the General Teaching Council. A further election will be held and the successful candidate will remain a member of the Education and Communities Committee until the final meeting of Inverclyde Council prior to Council elections.
- 1.4 This scheme applies to an election required to be held.
- 1.5 Except where context otherwise requires singular includes plural.
- 1.6 For the purpose of the Scheme:-
 - a. the Corporate Director Education, Communities and Organisational Development is appointed the Returning Officer and will exercise a general superintendence and control over the election. Except as otherwise provided the Returning Officer will be responsible for the resolution of any dispute arising in the election process. His / her decision will be final;
 - b. the Heads of Service of Education are appointed Depute Returning Officers;
 - c. each Head Teacher is appointed to act as Presiding Officer in respect of the elections at his / her own school and will maintain and aid in maintaining the secrecy of voting.
- 1.7 Except as specifically required by this scheme each Depute Returning Officer is empowered to rectify any erroneous act or omission in the election process. No election will however be invalid by reason of any act or omission by any person in breach of his / her duty, if the election was conducted substantially in accordance with this scheme.
- 1.8 A copy of this Scheme will be available at each school under the management of the authority.
- 1.9 Except as hereinafter provided, access to teacher representative Electoral Rolls shall be limited to persons maintaining them or organising elections or ballots.

2.0 ELECTIONS – GENERAL PRINCIPLES

2.1 Elections for a teacher representative will be by secret ballot. Electors shall be entitled to cast a single vote. The teacher representative will be elected by the highest number of votes cast by all electors.

3.0 TEACHER REPRESENTATIVE ELECTION

3.1 Notification

The authority has made the following arrangements:-

- a. The authority will insert a notice in the Greenock Telegraph and copies of the notice be sent to the teacher staff associations and posted in staffrooms of all education establishments and services drawing attention to the dates set for the return of :-
 - i. nomination forms, and
 - ii. ballot papers.

3.2 Electoral Roll

- a. The school will prepare a sequentially numbered Electoral Roll showing all teachers entitled to vote.
- b. The Head Teacher / co-ordinator will be responsible for compiling and maintaining the Electoral Roll. The roll will be adjusted on a continuous basis to record staff changes during the session. The roll will consist of all permanently employed teachers, full time or part time and registered with the General Teaching Council.
- c. The qualifying date for inclusion in the teacher representative Electoral Roll will be fixed by the authority on a date not less than four weeks prior to completion. Persons holding appointment at the school or service on that date will be included.
- d. It is condition of eligibility that a teacher must be included on the teacher representative Electoral Roll.
- e. The Electoral Roll will be open for inspection by teachers to confirm their entry and for no other purpose.

3.3 Eligibility – voters

- a. A teacher shall be eligible to vote in teacher representative elections if he / she is a permanent teacher employed in an educational establishment or service under the management of the authority and registered with the General Teaching Council. Part time staff are equally eligible with full time staff. Where a teacher is employed at more than one school he / she is eligible to cast one vote only.
- b. It is a condition of eligibility that a teacher must be included on the teacher representative Electoral Roll.

3.4 Eligibility – candidates

- a. A person is entitled to stand if he / she is a permanent teacher employed in an educational establishment or service under the management of the authority and registered with the General Teaching Council. Part time staff are equally eligible with full time staff.

3.5 Disqualifications

A teacher is disqualified from seeking election as, or from being a member of the Education and Communities Committee if they are disqualified from being:-

- i. members of a local authority by virtue of Section 31(1)(b) or 31(1)(c) or 31(2) or 31(3) of the Local Government (Scotland) Act 1973; that is to say if they have been sequestrated or made bankrupt or if they have been imprisoned within the 5 years prior to nomination.

or

- ii. members of a local authority by virtue of Section 31(1)(d) of the 1973 Act; that is to say that they have been disqualified for being elected or for being a member of that authority by virtue of a conviction for corrupt or illegal practices in elections under the Representation of the People Act 1983.

3.6 Election procedure

Nomination

- a. Nomination forms will be available from Education Services at 105 Dalrymple Street, Greenock, between the hours of 8.45am and 4.45pm Monday to Thursday and between the hours for 8.45am and 4.00pm on Friday from the date of publication of the notice of election in terms of Section 3(1)(a) (iv) of this scheme. Nominations will be accepted only up to 3.00pm on a date not less than three weeks after the opening date, after which no nomination may be withdrawn.
- b. Each nomination for a teacher representative shall be supported by two proposers, by eight assentors and by the nominee and no person be permitted to sign more than one nomination paper. The proposers and assentors must be permanent teachers employed in an educational establishment or service under the management of the authority and registered with the General Teacher Council. Part time staff are equally eligible with full time staff.

3.7 Uncontested elections

Where there is only one candidate nominated that candidate will be declared elected and advised accordingly.

3.8 Contested elections

- a. Not later than two week prior to completion each member of staff on the roll as published will be issued with:-
 - i. a ballot paper and
 - ii. an envelope for its return
- b. The issue should be controlled to the extent that a copy of the roll is 'ticked' as the ballot paper and envelope is handed to the individual staff member.
- c. In the case of any member of staff away from school for any reason, the Presiding Officer will arrange to send to that person a ballot paper and envelope by post together with a stamped address envelope for their return.
- d. The Presiding Officer should identify a location and receptacle where and into which the return envelopes must be placed. There should be adequate security for the receptacle which should be brought unopened to the Count.
- e. The poll closes for staff members on 3.00pm on the date notified by the Returning Officer.

3.9 Count procedure

- a. The Returning Officer will arrange for education services staff to conduct the Count for the teacher representative.

4.0 ADMISSION TO THE TEACHER REPRESENTATIVE ELECTIONS

- 4.1 No person other than the Returning Officer and his / her staff; the candidates and their representatives; shall be entitled to be present at the Count.

The Returning Officer may not admit other persons unless he / she is satisfied that the efficient counting of votes will not be impeded.

All officers employed at the Count and observers admitted will undertake to maintain the secrecy of the vote.

5.0 RECOUNTS AT THE TEACHER REPRESENTATIVE ELECTIONS

- 5.1 Candidates may if present which counting or recounting is completed ask for recounts or another recount of the votes, but the Returning Officer may refuse if in his / her opinion it is an unreasonable request. Requests would be unreasonable if there was no doubt that a recount would not alter the original result.

6.0 EQUALITY OF VOTING AT THE TEACHER REPRESENTATIVE ELECTION

- 6.1 In the case of equal number of votes given for a number of candidates in excess of the single vacancy the drawing of lots will determine the successful candidate.

7.0 REQUIREMENT OF SECRECY AT THE TEACHER REPRESENTATIVE ELECTION

- 7.1 Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not attempt to ascertain the candidates for whom any particular elector voted or communicate any information with respect to the voting obtained at those proceedings.

8.0 REJECTED BALLOT PAPERS AT THE TEACHER REPRESENTATIVE ELECTIONS

- 8.1 The Returning Officer shall reject any ballot paper:-

1. on which votes are given to more than one candidate, or
2. on which anything is written or marked by which the voter can be identified, or
3. which is unmarked or void for uncertainty;

but a ballot paper which is marked

- a. elsewhere than in the proper place,
- b. otherwise than by means of a cross, or
- c. by more than one mark

shall not for such reason be deemed to be void, if an intention that the votes should be for one or other of the candidates clearly appears and the way the paper is marked does not identify the voter and it is not shown that he / she can be identified by it.

The decision of the Returning Officer on any question arising in respect of the validity of a ballot paper shall be final. The Returning Officer shall draw the attention of enumerators to these provisions.

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- 9.1 The result, giving the voting figures, the name of each candidate and the number of votes cast for each candidate, in the election, shall be reported to the first available meeting of the Education and Communities Committee by the Corporate Director Education, Communities and Organisational Development. The result will not be made public before intimation to the Committee.

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