



## **Election of Registered Teachers to the General Teaching Council for Scotland**

### **Policy**

#### **1 Introduction**

This policy clarifies how the General Teaching Council Scotland (GTC Scotland) will interpret and apply certain aspects of the GTC Scotland Election Scheme 2011 (the Election Scheme) within the overarching framework of the Order. This policy should therefore be read in conjunction with the Election Scheme as well as the Order.

Unless the context otherwise requires, the definitions set out in the Election Scheme, as may be varied, updated, substituted or replaced from time to time, will also apply to this policy.

#### **2 Rolling Programme of Elections**

In accordance with the Order, and in seeking to preserve a degree of operational continuity within the Council, there will be a rolling programme of elections to the Council.

This means that an election will be held for half of the elected members every two years.

Save for the transitional arrangements that will need to be made for the first independent Council, and subject to the terms of the Membership Scheme, the term of office of each elected member will still be four years (as laid down in the Order).

For the first independent Council, arrangements will need to be made for half of the elected members to serve only a two year term of office in order that the rolling programme of elections may begin. Efforts will be made to preserve within the group of elected members serving only a two year term of office, the balance of elected members to election categories set out in Schedule 1 of the Election Scheme. In the first instance, steps will be taken to make the term of office arrangements on a consensual basis with all members elected to the first independent Council being asked if they would prefer to serve a two year term of office. Should it not be possible to determine matters on this consensual basis, matters will be determined by the drawing of lots or in such similar, equitable, manner as the Council may determine.

#### **3 Meaning of “Employed”**

The Election Scheme sets out a definition of “employed”. This definition is particularly important in determining a candidate’s election category. As the definition does not deal with the matter of how matters arising from employment secondments will be managed, clarification of the GTC Scotland position is set out below.

In the event that a candidate has been seconded from a position within an election category to a position that does not fall within that election category, GTC Scotland will continue to consider the candidate to fall within the election category associated with his/her permanent position of employment. Where the secondment has been for a period of 2 or more years, GTC Scotland will consider that the seconded post has become the candidate’s permanent position of employment and eligibility to stand for election in an election category will be determined on that basis.

#### **4/...**

#### 4 Headteacher Reserved Places

As set out in Schedule 1 to the Election Scheme, two seats within each of the primary/nursery and secondary school election categories will be reserved to those employed (which will be interpreted in accordance with the definition of “employed” set out in the Election Scheme) as headteachers within that category.

The following principles will apply in respect of the allocation of these reserved seats:

- (i) Any candidate standing in the primary/nursery or secondary school election category who, within a period of 2 years ending on the candidate qualifying date, has been employed (on a part-time or full-time basis) as a school headteacher, will be automatically considered to be a headteacher candidate by the Returning Officer and Independent Scrutineer for the purposes of filling any vacant reserved headteacher seat in an election.
- (ii) If the number of headteacher candidates standing in an election category does not exceed the number of reserved headteacher seats vacant in that category, the Returning Officer shall declare those candidates to be elected to the reserved headteacher seats.
- (iii) If the number of headteacher candidates standing in the election category exceeds the number of reserved headteacher seats vacant in that category, the reserved headteacher seats will be filled by those headteacher candidates credited with the greatest number of votes in the election.

Any headteacher candidate not so elected to a reserved headteacher seat will be entitled, in accordance with the Election Scheme, to be elected to any other vacant seat in his/her election category.

- (iv) If there is no headteacher candidate to fill a reserved headteacher seat within an election category, the seat will be treated as an interim vacancy to be filled in accordance with the Election Scheme and this policy.
- (v) If any reserved headteacher seat arises to be filled as an interim vacancy, the provisions set out below will apply.
  - (a) In the first instance, the vacancy will be filled by an elected member from within the relevant election category who:
    - is eligible to occupy a reserved headteacher seat in terms of paragraph (i) above;
    - does not already occupy a reserved headteacher seat;
    - recorded the highest number of votes in the last election as against any other members who may be eligible to fill the reserved seat; and
    - is willing to fill the seat.

The seat that any such elected member vacates as a result will create a further interim vacancy to be filled in accordance with the relevant provisions set out in the Election Scheme.

- (b) If there is no elected member from within the relevant election category to fill the seat in accordance with the above, individuals employed (which will be interpreted in accordance with the definition of “employed” set out in the Election Scheme) as headteachers at the time at which the interim vacancy arises and whose names appear in the list of non-elected candidates (prepared by the Independent Scrutineer in accordance with Schedule 6 of the Election Scheme) for the last election/...

election for the relevant category will be entitled in turn (in descending order in the list) to fill the interim vacancy, subject to any indication of unwillingness and provided they continue to be eligible candidates in terms of the Election Scheme.

- (c) If it is not possible to fill the interim vacancy in accordance with any of the above, the vacancy will be filled in accordance with the applicable interim vacancy provisions set out in the Election Scheme.
  
- (vi) For the avoidance of doubt, any person involved in nominating, in accordance with the Election Scheme, a headteacher for election to a specific reserved headteacher vacancy, need not themselves be a headteacher.



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