

DRIVING FORWARD PROFESSIONAL
STANDARDS FOR TEACHERS



The General Teaching Council for Scotland Election Scheme

March 2017

The General Teaching Council for Scotland Election Scheme 2017

1 Purpose and Reference

This Scheme is made by the General Teaching Council for Scotland (GTC Scotland) in accordance with its duty in terms of the Order to make an election scheme relating to the election of the elected members of its Council.

This Scheme may be referred to as The General Teaching Council for Scotland Election Scheme 2017 and will come into force on 16 March 2017.

The General Teaching Council for Scotland Election Scheme 2016 is revoked and replaced by this Scheme.

2 Definitions

In this Scheme unless the context otherwise requires:

- (a) "the Council" means the Council of GTC Scotland;
- (b) "ballot material" means the material provided by GTC Scotland to enable electors to vote in any election;
- (c) "candidate" means a person who is standing for election and is eligible to do so in terms of Rule 6;
- (d) "candidate qualifying date" means the date and time specified as such in the election timetable;
- (e) "elected member" means a duly elected member of the Council;
- (f) "election" means the procedure by which the elected members of the Council are elected in accordance with this Scheme. For the avoidance of doubt, this includes any by-election that becomes necessary in terms of Rule 16 to fill an interim vacancy;
- (g) "election category" means one of the categories of elected members set out in Schedule 1 and any reference, in relation to an elector, to election category, shall be taken as a reference to the category which the person's registration is affiliated to or the person has chosen or has been allocated to, for the purposes of the election, as provided for in Rule 7;
- (h) "election policy" means the GTC Scotland policy document entitled "Election of Registered Teachers to the General Teaching Council for Scotland Policy", as may be varied, updated, substituted or replaced from time to time;
- (i) "election timetable" means the timetable published by GTC Scotland in respect of the election, as described in Rule 3;
- (j) "elector" means a registrant who is included on the roll of electors for the election, as formed in terms of Rule 7;
- (k) "electorate qualifying date" means the date and time specified as such in the election timetable;
- (l) "employed" means that within a period of 2 years ending on the candidate qualifying date, the person has been employed (on a part-time or full-time basis) in the category for which he/she is seeking election;

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- (m) "Independent Scrutineer" means the person or organisation appointed in accordance with Rule 5;
 - (n) "Membership Scheme" means the Council's Code of Conduct and Membership Scheme 2011, as may be varied, updated, substituted or replaced from time to time;
 - (o) the "Order" means the Public Services Reform (General Teaching Council for Scotland) Order 2011 as may be varied, updated, substituted or replaced from time to time;
 - (p) "register" means the register established and maintained by GTC Scotland in accordance with its statutory function, and "registered", "registration" and "registrant" shall be construed accordingly;
 - (q) "Returning Officer" means a person appointed as returning officer under Rule 4 of this Scheme and includes any Deputy Returning Officer appointed.

3 Elections and Term of Office

- 3.1 The number of members of the Council to be elected is set down in the Order.
- 3.2 The term of office for each elected member (and the cap on the number of terms that may be served) will be determined and applied in accordance with the Order and the Membership Scheme.
- 3.3 The election categories, and number of seats allocated to each such category, are set out in Schedule 1.
- 3.4 In advance of the election, GTC Scotland shall publish an election timetable covering the matters set out in Schedule 2. The election will not, however, be invalid if subsequently reasonable changes in the timetable are made.

4 Returning Officer

- 4.1 In accordance with the election timetable, the Council shall appoint a Returning Officer to hold office until the conclusion of the election and a Deputy Returning Officer to act in the event of the Returning Officer's absence or inability to act.
- 4.2 The Returning Officer may not be a registrant or a member of the Council.
- 4.3 The Returning Officer shall be responsible for the conduct of the election for which he/she is appointed in accordance with this Scheme, the election policy and any applicable statute.
- 4.4 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 GTC Scotland.
- 4.5 The Returning Officer may arrange for the Independent Scrutineer or any other person to carry out on his/her behalf such tasks as he/she considers appropriate.

5 Independent Scrutineer

- 5.1 In accordance with the election timetable, the Council shall appoint an Independent Scrutineer to supervise the conduct of the election.

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- 5.2 The Independent Scrutineer is responsible for preserving the integrity of the election process and taking such measures as are considered necessary to guard against, and identify, electoral malpractice. The Independent Scrutineer shall carry out such functions as are set out in this Scheme and as may be assigned by the Returning Officer in terms of Rule 4.
- 5.3 The Returning Officer shall provide the Independent Scrutineer with such financial resources as the Returning Officer thinks fit to carry out the functions described in this Scheme.
- 5.4 The Council shall appoint an Independent Scrutineer who in the reasonable belief of the Returning Officer has the experience and capacity to fulfil the role in a fair and competent manner.

6 Candidate Eligibility

A registrant may be a candidate for election in respect of one election category only and provided he/she:

- (a) has been nominated in accordance with the procedure set out in Schedule 4;
- (b) is registered or employed in the category for which he/she is seeking election;
- (c) is not disqualified from being elected in terms of the Membership Scheme; and
- (d) has paid the GTC Scotland registration fee required in order to maintain his/her registration.

A candidate shall be disqualified from the election in terms of this Scheme if, at any time before the election, he/she ceases to meet any of the above criteria.

7 Roll of Electors and Entitlement to Vote

- 7.1 In accordance with the applicable GTC Scotland election timetable, the Returning Officer shall form a roll of electors comprising the names and addresses of current registrants who have paid the GTC Scotland registration fee required for the current year. Each elector included on the roll shall (and must) be assigned to an election category.
- 7.2 The Returning Officer may on or before the electorate qualifying date, and acting reasonably, alter the roll of electors in any way (and such alterations may include amending the election category to which a registrant is assigned).
- 7.3 No registrant may be added to the roll of electors after the electorate qualifying date.
- 7.4 A registrant may only vote in an election:
- (a) If he/she is included in the roll of electors;
 - (b) In respect of the one election category attributed to him/her in the roll of electors.

8 Election Scheduling Notification

- 8.1 The Returning Officer shall notify each registrant, in accordance with the election timetable, that the election is scheduled to take place.
- 8.2 The Returning Officer will, so far as is reasonably practicable, ensure that every registrant is:
- (a) aware of the election category which appears against his/her name on the register; and
 - (b) given the opportunity to verify this category, or to provide a reasoned request for an amendment to be made to it.

If a request for amendment of an election category is made, the Returning Officer shall review the request and amend the category if he/she sees fit.

- 8.3 The notification shall advise registrants of the date of the publication of the Notice of Election, shall describe each of the election categories and shall include an invitation to registrants to stand for election and to obtain election details from the Returning Officer.

9 Notice of Election

- 9.1 The Returning Officer shall, in accordance with the election timetable, publish a Notice of Election.
- 9.2 The Notice of Election shall specify the information set out in Schedule 3.
- 9.3 The Notice of Election shall be appropriately published.

10 Conduct of the Election

The election shall be conducted in accordance with the procedure set out in Schedule 5.

11 Election System and Count

The election system and count shall be as set out in Schedule 6.

12 Withdrawal, Death or Disqualification of Candidate

12.1 Withdrawal

A candidate may, on written notice to the Returning Officer to be received by the date and time specified in the election timetable, withdraw his/her nomination. A nomination may not be withdrawn after this time.

Where a nomination is so withdrawn, the name of that candidate will not be included in the relevant ballot material and the election will proceed in accordance with Schedule 5 as if he/she had never been nominated.

12.2 Death or Disqualification

If notification of the death or disqualification of a candidate is received by the Returning Officer before the relevant ballot material has been set for publication, the name of that candidate will not be included in the relevant ballot material and the election will proceed in accordance with Schedule 5 as if he/she had never been nominated.

If notification of the death or disqualification of a candidate is received after the relevant ballot material has been set for publication but before the conclusion of the election, the election shall continue in accordance with Schedule 5 and in any count, votes cast for the deceased or disqualified candidate shall be disregarded. The Returning Officer shall seek to notify electors of the death or disqualification before votes are cast where it is reasonably practicable to do so.

- 12.3 Where the withdrawal, death or disqualification of a candidate means that the number of candidates in an election category does not exceed the number of seats, the Returning Officer may, in accordance with Schedule 5, declare the remaining candidate(s) to be elected and notify electors accordingly.
- 12.4 Where the withdrawal, death or disqualification of a candidate means that there is no candidate in the particular election category remaining, an interim vacancy will be created and Rule 16 shall apply.

13 Significant Civil Contingency or Postal or Online Services Disruption

In the event of a significant civil contingency or disruption to any methods of communication being used at any stage, the Returning Officer may extend the deadline by which nomination papers and votes shall be returned, at the Returning Officer's discretion.

14 Notice and Publication of Results of Election

The Returning Officer shall:

- (a) give to every elected member confirmation (in writing) of election and give the Chief Executive/Registrar of GTC Scotland a list of the persons certified by the Independent Scrutineer to be duly elected; and
- (b) publish appropriately the names and addresses of the elected members.

15 Powers of Returning Officer

- (a) Any question arising in connection with the election, including (but not limited to): the eligibility or disqualification of any candidate; the entitlement of any person to vote in an election; or the validity of a nomination or vote, shall be determined by the Returning Officer.
- (b) No election shall be invalidated by reason of misdescription or non-compliance with the provisions of this Scheme, or by reason of any miscount or of the non-delivery, loss or miscarriage in the course of post or online submission, if the Returning Officer certifies in writing that the election was conducted substantially in accordance with the provisions of this Scheme and if the result of such misdescription, non-compliance, miscount, non-delivery, loss or miscarriage did not affect the result of the election, provided that any unsuccessful candidate or agent appointed by a candidate may within 14 days after the declaration by the Returning Officer of the result of the election appeal to the Council, in accordance with the procedure prescribed by it, against a certificate given by the Returning Officer under this sub-paragraph and the decision of the Council shall be final.
- (c) The ballot material shall be destroyed by the Independent Scrutineer on the expiry of one calendar month from the date of the declaration of the election unless there shall have been an appeal as provided for under sub-paragraph (b) above, in which event the Council shall order the destruction of the said material as soon as may be after the appeal is disposed of.

16 Interim Vacancies

- 16.1 Where an elected member vacates his/her seat on the Council (for whatever reason) before the applicable period of office has expired, an interim vacancy will be created.
- 16.2 Provided that they continue to be eligible candidates in terms of Rule 6, the persons whose names appear in the list of non-elected candidates prepared by the Independent Scrutineer in accordance with Schedule 6 for the most recent election for the relevant election category will be entitled in turn (in descending order in the list) to fill the interim vacancy until a by-election may be held as part of the next scheduled election, subject to any indication of unwillingness.
- 16.3 If the vacancy cannot be filled by the procedure described in Rule 16.2 above, the Council shall determine whether the relevant seat should remain vacant until a by-election may be held as part of the next scheduled election or be filled, in the interim, through a process of co-option.

Where the interim vacancy is to be filled by a process of co-option, the Council shall invite nominations to fill the vacancy. The Council shall select a person from those nominated with the selection decision being made in accordance with the relevant Council standing orders.

- 16.4 Where an interim vacancy is created in respect of a reserved headteacher seat within an election category, Rule 16.2 will not apply and, instead, any such vacancy will be filled in accordance with the election policy. If the vacancy may not be so filled, Rule 16.3 above shall apply.



Schedule 1
Election Categories

Election Category	Number of Seats	Notes
Those registered or employed as teachers (including headteachers) in primary schools or nursery schools in Scotland	8 or 9 – see Notes	The ninth, floating seat will be allocated to EITHER the primary/nursery school OR the secondary school category by the Council with a view to appropriately and fairly reflecting the balance of registrants within each election category on an ongoing basis. Two seats within each school category will be reserved to those employed as headteachers within that category, in accordance with the election policy.
Those registered or employed as teachers (including headteachers) in secondary schools in Scotland	8 or 9 – see Notes	
Those registered or employed as lecturers/teachers in the further education sector in Scotland	1	
Those employed as lecturers/teachers in universities in Scotland providing courses of Initial Teacher Education	1	
Total Elected Member Seats	19	



Schedule 2

Election Timetable

GTC Scotland will publish appropriately in advance of the election a timetable setting out the timing applicable to each of the following:

Stages	
(a)	Appointment of Returning Officer and Deputy
(b)	Appointment of Independent Scrutineer
(c)	Formation of roll of electors
(d)	Provision of the notification of election
(e)	Provision of the notice of election
(f)	Candidate Qualifying Date
(g)	Notification of candidate nomination invalidity
(h)	Notification of candidates standing in each election category
(i)	Deadline for candidate election withdrawal
(j)	Notification of default voting method (where applicable)
(k)	Deadline for elector voting method selection (where applicable)
(l)	Electorate Qualifying Date
(m)	Despatch of ballot material
(n)	Deadline(s) for receipt of votes
(o)	Notification of election result by Independent Scrutineer
(p)	Publication of election results



Schedule 3

Notice of Election

The Notice of Election shall specify the following information:

(a)	The number of registrants to be elected to the Council for each election category
(b)	An address (including website address) from which a nomination form 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 their role and functions
(e)	The name and address of the person to whom the nomination form shall be returned
(f)	The Candidate Qualifying Date
(g)	The date by which the ballot material shall be distributed
(h)	The deadline for receipt of votes
(i)	The date by which the election results will be published
(j)	Any other information which the Returning Officer may deem to be appropriate



Schedule 4

Nominations

- (1) To become a candidate in the election a registrant's nomination must be supported by:
 - (a) a proposer; and
 - (b) a seconder,each of whom must appear on the roll of electors.
- (2) Nominations shall be made on the nomination form provided by the Returning Officer.
- (3) Each nomination form shall be used to nominate one registrant in respect of one election category only.
- (4) Any person nominating or supporting a nomination may nominate or support any number of nominees not exceeding the number to be elected.
- (5) The nomination form shall provide:
 - (a) the full name and date of birth of the nominee;
 - (b) the GTC Scotland registration number of the nominee;
 - (c) contact details for the nominee (as they are entered in the register);
 - (d) the election category in which the nominee wishes to stand for election (and which appears against the nominee's name in the register);
 - (e) details of the nominee's employment or other non-employment status and relevant qualifications;
 - (f) the names, GTC Scotland registration numbers and contact details (as they are entered in the register) of or for
 - (i) the proposer, and
 - (ii) the seconder, supporting the nomination; and
 - (g) a contact telephone number and, if available, a contact e-mail address for the nominee;
 - (h) the name and address of the nominee; and
 - (g) any other information that the Returning Officer may consider to be appropriate.
- (6) The nominee will declare in the nomination form that:
 - (a) the information contained in it is true and correct;
 - (b) he/she is eligible to stand for election in accordance with the Scheme, and
 - (c) he/she consents to stand in the election.
- (7) A nomination form must be received by the Returning Officer on or before the candidate qualifying date, by such time as may be specified in the election timetable.
- (8) Any nomination form received that does not comply with the terms of paragraph (8) above shall be ruled invalid and the Returning Officer's decision in this respect shall be final.
- (9) The Returning Officer shall, in accordance with the election timetable, inform all candidates, of the names of the other nominated candidates in their election category.
- (10) A candidate may provide the Returning Officer with a maximum 100 word election statement and a passport size photograph (in the form and format specified by the Returning Officer) of the candidate that shall be published by the Returning Officer for the information of the relevant electors in advance of the election. This statement and photograph must be received by the Returning Officer

on the candidate qualifying date (and by such time as may be specified in the election timetable) in order for it to be published.

- (11) The Returning Officer shall not be required to publish any election statement which is of greater length than that specified in paragraph 11 above. In the event that a statement is submitted which is greater in length than the specified maximum, the Returning Officer may edit the statement accordingly.
- (12) The Returning Officer shall not be required to publish an election statement which he/she considers: contains material likely to incite hatred or public unrest; or to be false, misleading, abusive or defamatory, and may either edit the election statement before publishing it or decide not to circulate it.
- (13) Every candidate who provides an election statement shall be deemed to have agreed that the decision of the Returning Officer not to issue the whole or any part of it (in terms of paragraphs 12 and 13 above) is final and to indemnify the Council against any liability to any third party that arises by reason of publishing the statement.
- (14) The Returning Officer may, in consultation with the candidate, publish a statement of clarification if in his/her view, any part of an election statement refers to matters outside the current functions, powers and duties of the Council.
- (15) Where, in the opinion of the Returning Officer, a registrant's nomination is invalid, the Returning Officer shall immediately, and no later than the date specified in the election timetable, notify the registrant to that effect, stating the reasons why the nomination is considered to be invalid.
- (17) Any question arising as to the validity of a nomination shall be determined by the Returning Officer.



Schedule 5

Conduct of the Election

An election shall be conducted in accordance with the procedure set out below:

- (1) If the number of candidates in a category does not exceed the number of seats, the Returning Officer shall immediately declare all of the candidates to be elected.
- (2) If there is no candidate to fill a seat within an election category, the seat will be treated as an interim vacancy to be filled in due course in accordance with the terms of Rule 16.
- (3) If the number of duly and properly nominated candidates in a category exceeds the number of seats in that category, the Independent Scrutineer shall prepare the appropriate ballot material in order to conduct an election accordingly.
- (4) The Independent Scrutineer shall prepare (and cause sufficient numbers to be printed) for distribution to the appropriate electors, an explanatory document relevant to each election category containing the following information in respect of each candidate:
 - (a) name;
 - (b) post held at the candidate qualifying date (if applicable);
 - (c) educational establishment in which employed on the candidate qualifying date (if applicable);
 - (d) academic, technical and professional qualifications held;
 - (e) election statement and photograph, where supplied in accordance with Schedule 4 above;
 - (f) such other information as the Independent Scrutineer or Returning Officer reasonably consider appropriate.
- (5) By the date specified in the election timetable the Independent Scrutineer shall issue to each elector such documents, explanatory information and instructions as are reasonably required to enable each elector to effectively cast his/her vote in the election. The Independent Scrutineer may, on the instruction of the Returning Officer, replace all or any part of this material should it be lost, destroyed or spoiled.
- (6) The Independent Scrutineer and every person employed in connection with the election, shall maintain and aid in maintaining the secrecy of the ballot and shall not communicate to any persons any information as to the manner in which any elector has recorded his vote.



Schedule 6

Election System and Count

- (1) The election shall take place by the first past the post system.
- (2) Each elector in each category shall be able to vote for each vacant seat in that category.
- (3) The Council may allow votes to be cast by such method as may be appropriate. The Returning Officer shall specify any requirements attaching to any online voting system that may be used and the Independent Scrutineer shall be responsible for establishing and managing it.
- (4) Where more than one voting method is to be used in an election, the Council may request that electors select by the date specified in the election timetable:
 - (a) whether they wish to receive online access to ballot material or to receive this by post; and
 - (b) whether they wish to cast their vote online or by post.

If a selection is not made by an elector in terms of (a) or (b) above by the prescribed date, then the method prescribed by the Returning Officer and notified to electors will apply.

- (5) Each vote must be returned so that it is received by the Independent Scrutineer not later than the date and time specified in the election timetable.
- (6) Subject to the terms of paragraph 2 above, no elector may vote more than once, or by more than one voting method, in the election. The Independent Scrutineer shall take such steps as are appropriate to ensure that no elector votes more than once.
- (7) Following the deadline for the receipt of votes, the Independent Scrutineer shall determine the validity of each vote received and shall proceed to conduct the election in accordance with this Schedule.
- (8) A valid ballot paper shall be one on which any number of votes up to the number of seats in the category are clearly and unambiguously expressed.
- (9) By not later than the date specified in the election timetable the Independent Scrutineer shall provide the Returning Officer with a certified report specifying the following particulars:
 - (a) the total number of sets of ballot material distributed in each election category;
 - (b) the total number of valid votes received in each election category;
 - (c) the total number of invalid votes received in each election category;
 - (d) the names of the candidates who have been elected in each election category;
 - (e) a list of the non-elected candidates of each election category in descending order;
and
 - (f) such other matter as the Returning Officer may request.
- (10) The certified report shall be validly signed on behalf of the Independent Scrutineer and shall be accompanied by a result sheet for each election category detailing the votes credited to each candidate at each stage of the election count.
- (11) In the event of a tie, the election shall be decided between the tied candidates by the drawing of lots conducted by the Independent Scrutineer.

GTC Scotland aims to promote equality and diversity in all its activities

GTC Scotland

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INVESTORS IN PEOPLE
Scotland

Direct weblinks

Main site:
www.gtcs.org.uk

Probation department:
www.gtcs.org.uk/probation

Probation site for teachers:
www.in2teaching.org.uk

Registration department:
www.gtcs.org.uk/registration

Professional Update:
www.gtcs.org.uk/professional-update

Professional recognition:
www.gtcs.org.uk/professional-recognition

Fitness to Teach:
www.gtcs.org.uk/fitness-to-teach

Research:
www.gtcs.org.uk/research