

# GENERAL TEACHING COUNCIL FOR NORTHERN IRELAND

---

## Scheme for the Election of Teachers to the General Teaching Council for Northern Ireland

---

*made under The General Teaching Council for Northern Ireland (Constitution) Regulations (Northern Ireland) (2001) (No. 288)*

### Interpretation

In this Scheme unless the context requires otherwise:

‘the Scheme’ means the Scheme for the Election of Members to the General Teaching Council for Northern Ireland made under The General Teaching Council for Northern Ireland (Constitution) Regulations (Northern Ireland) 2001;

‘the Constitution Regulations’ means The General Teaching Council for Northern Ireland (Constitution) Regulations (Northern Ireland) 2001;

‘the 1986 Order’ means The Education and Libraries (Northern Ireland) Order 1986;

‘the 1998 Order’ means The Education (Northern Ireland) Order 1998;

‘the regulations’ means the regulations set out in the Scheme;

‘the Council’ means the General Teaching Council for Northern Ireland;

‘the Department’ means the Department of Education, Northern Ireland;

‘primary education’ and ‘secondary education’ have the same meaning as in the 1986 Order, except that they do not include education at a nursery school or special school;

‘teacher’ means a qualified teacher within the meaning of Article 34(3) of the 1998 Order and appearing on the register held by GTCNI under Article 35 of the 1998 Order;

‘ballot material’ means the ballot papers, the candidates’ election statements and the envelopes for the despatch and return of ballot papers;

‘candidate’ means a person who has been validly nominated to stand for election to the Council;

‘election’ means the procedure by which the elected members of the Council are elected in accordance with the regulations;

‘Returning Officer’ means the individual appointed in accordance with regulation 5 and 6;

‘Independent Scrutineer’ means the organisation appointed in accordance with regulation 7 and 8;

‘electoral roll’ means the roll of teachers formed in accordance with regulations 9, 10, 11 and 12;

‘election category’ means one of the six categories of elected members specified in regulation 2; and

‘by-election’ means the procedure by which elected members of the Council are elected to electoral categories for which no valid nominations were received during the election.

### **Elections and Period of Office**

- 1 There shall be fourteen members of the Council elected in accordance with the Constitution Regulations.
- 2 The elected members shall be elected and retire simultaneously and shall comprise:
  - (a) one teacher (whether or not a principal) in a nursery school;
  - (b) one teacher (whether or not a principal) in a special school;
  - (c) five teachers in primary education who are not principals;
  - (d) five teachers in secondary education who are not principals;
  - (e) one principal in primary education; and
  - (f) one principal in secondary education.
- 3 Each elected member of the Council shall serve for a four-year period of office.
- 4 The details of the timeframe for each phase of the election are set out in the Election Timetable at Appendix I.

### **Returning Officer**

- 5 The Council shall appoint the Returning Officer for the election. The Returning Officer shall be responsible for the conduct of the election in accordance with, and subject to, the Scheme and the Constitution Regulations.
- 6 The Returning Officer shall not be a teacher or a member of the Council.

### **Independent Scrutineer**

- 7 The Council shall appoint an Independent Scrutineer to supervise the conduct of the election. The Independent Scrutineer shall be responsible for arranging the printing and distribution of

the ballot material and the Notice of Election and for counting the ballot papers in accordance with the Scheme. The Independent Scrutineer shall arrange for the printing and distribution of the ballot material and Notice of Election by the most cost-effective method deemed appropriate by the Council. The Council shall provide the Independent Scrutineer with sufficient financial resources for the Independent Scrutineer to carry out the functions described in this regulation.

- 8 The Council shall appoint an Independent Scrutineer whom it reasonably believes has the experience, capacity and recognised independence to carry out the functions set out in regulation 7 of the Scheme in a fair and competent manner.

### **Electoral Roll**

- 9 The Council shall form a provisional electoral roll comprising the names, addresses and proposed election categories of all teachers for whom it has a record (other than teachers disqualified for voting under Regulation 4(2) of the Constitution Regulations (see Annex)).
- 10 The Council may, on or before the qualifying date as set out in Appendix I, make additions or alterations to, or deletions from, the electoral roll, or alter the election category of any person.
- 11 No person shall be included on the final electoral roll unless he or she has been assigned to an election category.
- 12 The Council shall form a final electoral roll at the qualifying date. No person may be added to the electoral roll after the qualifying date.

### **Notice of Election**

- 13 The Independent Scrutineer shall prepare a Notice of Election (see Appendix I).
- 14 The Notice of Election shall specify the following information:
  - (a) the number of persons to be elected to the Council for each election category;
  - (b) an address from which a nomination paper for the election may be obtained;
  - (c) an 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 functions of the Independent Scrutineer as set out in regulation 7;
  - (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 upon which the ballot papers for the election shall be received by the Independent Scrutineer;
  - (i) the date upon which the result of the election shall be announced; and
  - (j) any other information which the Returning Officer may deem to be appropriate.

- 15 The Independent Scrutineer shall send the Notice of Election by post to every person on the provisional electoral roll (see Appendix I).
- 16 The Independent Scrutineer shall also send the Notice of Election by post to any person who requests one.
- 17 Every person sent the Notice of Election shall also receive details of the election category into which they have been assigned or they shall be informed that they have not been assigned an election category and that unless they notify the Council of their election category, by the qualifying date, they will not be included on the final electoral roll.
- 18 Any person may request an amendment to their election category by writing to the Council by no later than the qualifying date stating the election category in which they wish to be placed and the Council shall amend the electoral roll accordingly.

#### **Entitlement to Stand for Election and to Vote in Elections**

- 19 Any person shall be entitled to stand for election to the Council provided that they are not disqualified by Regulation 4 of the Constitution Regulations as at the qualifying date.
- 20 The election category of a teacher or principal shall be determined by the kind of school or sector of education in which they are or have been employed.
- 21 A person is eligible to stand only in the election category determined under regulation 20 of the Scheme.
- 22 Any person shall be entitled to vote in the election provided that:
  - (a) his or her name appears on the electoral roll at the qualifying date; and
  - (b) he is she not disqualified by Regulation 4(2) of the Constitution Regulations (see Annex) as at the qualifying date.
- 23 A person is eligible to vote only in the election category entered against his or her name in the electoral roll at the qualifying date.

#### **Nomination**

- 24 In order to become a candidate a person shall be supported in writing on a nomination paper by a proposer, a seconder and five additional persons each of whom must appear on the final electoral roll and, at the qualifying date, have the same election category entered against his or her name as the person whose nomination paper they have signed. Any person acting as a proposer, a seconder or a supporter of a candidate shall not act in any of these capacities for more than one nomination.

- 25 Nominations shall be made on the nomination paper provided by the Independent Scrutineer at the address specified in the Notice of Election. Each nomination paper shall be used to nominate one person only.
- 26 The nomination paper shall state:
- (a) the full name and date of birth of the proposed candidate;
  - (b) the full postal address which appears against the proposed candidate's name on the final electoral roll;
  - (c) the election category in which the proposed candidate is standing for election;
  - (d) that the proposed candidate's employment history is in accordance with Regulation 4(1)(a) and 4(1)(b) of the Constitution Regulations (see Annex);
  - (e) the names and electoral roll addresses of the proposer, the seconder and the five additional persons supporting the nomination;
  - (f) a contact telephone number for the proposed candidate;
  - (g) the name and address of the person to whom the nomination paper shall be returned and the time and date by which it shall be received; and
  - (h) any other information which the Returning Officer may deem to be appropriate.
- 27 The nomination paper shall be signed and dated by the proposed candidate stating:
- (a) that they are eligible to stand for election in accordance with the regulations of the Scheme; and
  - (b) that they are willing to be a candidate in the election and to serve as a member of the Council if elected.
- 28 The nomination paper shall also be signed and dated by each of the persons specified in regulation 26(e) of the Scheme.
- 29 A nomination paper shall be received by the Returning Officer at the address specified in the Notice of Election by 5 PM on the date specified in the Election Timetable at Appendix I. Any nomination paper received after that time on that date shall be ruled invalid.
- 30 The Independent Scrutineer shall, send by Recorded Delivery post to all validly nominated persons, the names of the other nominated candidates that the Returning Officer has declared valid in their election category.
- 31 A candidate may, on written notice to the Returning Officer received by 5 PM on the date specified on the Election Timetable at Appendix I, withdraw his or her nomination as a candidate. A nomination paper may not be withdrawn after noon on that date.
- 32 A candidate is permitted to provide an election statement and/or a passport size photograph of himself or herself that shall be circulated to all persons entitled to vote in the election category for which they are a candidate. Election statements may be provided in a language medium other than English. Any election statement shall not exceed 100 words. Any election statement

and/or photograph shall be enclosed with the nomination paper and shall be received by the Returning Officer by 5 PM on the date specified in the Election Timetable at Appendix I. Any election statement and/or photograph received after that time on that date shall not be circulated.

- 33 The Returning Officer shall have the right to edit any election statement if, in their opinion, they believe that the statement requires editing and, in particular, but without limitation, the election statement shall be edited for reasons of style, because it exceeds the permitted number of words or because it contains statements of a misleading, libellous or inaccurate nature.

### **Invalid Nominations**

- 34 Where, in the opinion of the Returning Officer, a person's nomination is invalid the Returning Officer shall immediately notify the person to that effect in writing by Recorded Delivery post stating the reasons why the nomination is considered to be invalid and the procedure for appealing against the Returning Officer's decision.
- 35 A person whose nomination has been ruled invalid may appeal in writing to the Returning Officer stating the reasons why they believe the nomination should not be considered invalid. Any such appeal shall be received by the Returning Officer by the date specified in the Election Timetable at Appendix I.
- 36 The Returning Officer shall consider any such appeal and make a ruling on the appeal, any such decision being final.
- 37 In the event that there are no valid or insufficient nominations for an election category the Independent Scrutineer shall prepare a notice of by-election in accordance with regulations 13 to 14 inclusive and regulations 16 to 18 inclusive of the Scheme
- 38 The Independent Scrutineer shall send the notice of by-election by post to every person on the provisional electoral roll in each election category for which no valid or insufficient nominations were received in the election.
- 39 The by-election shall be supervised and conducted by the Independent Scrutineer and Returning Officer appointed to supervise and conduct the election.
- 40 References to the provisional electoral roll and the electoral roll shall mean the electoral roll formed in accordance with regulations 9 to 12 inclusive for the election.
- 41 The by-election shall be operated in accordance with regulations 13 to 14 and 16 to 59 inclusive of the Scheme.
- 42 The details of the timeframe for each phase of the by-election will be arranged by the Independent Scrutineer and Returning Officer.

## **Conduct of the Election**

- 43 In accordance with regulation 7 of the Scheme the Independent Scrutineer shall be responsible for arranging the printing and distribution of the ballot material and the counting of ballot papers subject to the provisions of regulations 44 to 48 following.
- 44 The Independent Scrutineer shall prepare a ballot paper for each election category and shall cause sufficient numbers of such ballot papers to be printed for distribution to the persons on the final electoral roll in each election category.
- 45 The ballot paper shall include the following information:
- (a) the surnames of the candidates listed in alphabetical order;
  - (b) instructions on how to vote;
  - (c) the name and address of the Independent Scrutineer to which the ballot paper shall be returned;
  - (d) the date and time by which the ballot paper shall be received by the Independent Scrutineer; and
  - (e) any further information which the Returning Officer shall deem appropriate.
- 46 The ballot papers for each election category shall be sequentially numbered for the purpose of security but the ballot shall be secret and the serial number of the ballot paper issued to any person shall not be recorded.
- 47 The Independent Scrutineer shall prepare a document for each election category containing the election statements and/or photographs submitted by the candidates in that election category in accordance with regulations 32 and 33 of the Scheme and shall cause sufficient numbers of each to be printed for distribution to the persons on the final electoral roll in each election category.
- 48 By the date specified in the Election Timetable at Appendix I the Independent Scrutineer shall despatch to each eligible person whose name is entered on the electoral roll at the qualifying date:
- (a) a ballot paper for the election category in which that person is entitled to vote prepared in accordance with regulations 45 and 46 of the Scheme;
  - (b) an election statement document for the election category in which that person is entitled to vote prepared in accordance with regulation 47 of the Scheme; and
  - (c) a pre-paid envelope addressed to the Independent Scrutineer for the purpose of returning the completed ballot paper.

The Independent Scrutineer may also decide to permit eligible teachers whose names are on the electoral roll by the qualifying date to return their votes via an electronic voting system. The

Returning Officer shall specify details for the submission of online votes and other conditions as are necessary for compliance with this Scheme.

### **Election System and Count**

- 49 The election in each election category shall take place by the single transferable vote system as defined in the rules specified in Appendix II.
- 50 Each voter in each election category shall have one single transferable vote and shall mark numbers against the names of the candidates on the ballot paper delivered to him in accordance with regulation 48 of the Scheme to indicate the order of his preference for the candidates.
- 51 Each voter shall place the completed ballot paper in the reply envelope provided and post it so that it shall be received by the Independent Scrutineer by 5 PM on the date specified in the Election Timetable at Appendix I subject to the provisions of regulation 58 of the Scheme.
- 52 After the last date for the receipt of ballot papers the Independent Scrutineer shall determine the validity of each ballot paper received by him and shall proceed to conduct the election in accordance with the rules specified in Appendix II.
- 53 A valid ballot paper shall be one on which a first or an only preference is unambiguously expressed.
- 54 By no later than the date specified in the Election Timetable at Appendix I the Independent Scrutineer shall provide the Returning Officer with a certified report specifying the following particulars:
  - (a) the total number of ballot papers distributed in each election category;
  - (b) the total number of valid ballot papers received in each election category;
  - (c) the total number of invalid ballot papers received in each election category;
  - (d) the names of the candidates who have been elected in each election category; and
  - (e) an ordered list of the non-elected candidates for each election category in which the name of the first runner-up appears at the top of the list and the name of the last runner-up appears at the bottom of the list.
- 55 The certified report shall be signed on behalf of the Independent Scrutineer by a duly authorised officer 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.



### **Casual Vacancies**

- 56 Where an elected member vacates his or her seat on the Council (for whatever reason) before that person's period of office has expired a casual vacancy shall be created. The casual vacancy shall be filled by the highest named candidate on the list created in regulation 54(e) of the Scheme for the election category from which the member vacating his seat was elected.
- 57 Any person who fills a casual vacancy in accordance with regulation 56 of the Scheme shall continue to do so until the next election of elected members of the Council takes place.

### **Postal Disruption**

- 58 In the event of a disruption to postal services the Returning Officer may at their discretion extend the deadline by which nomination papers, ballot papers or other papers shall be returned.

### **General**

- 59 No election held under the Scheme shall be invalidated by reason of any non-compliance with the provisions thereof, or of the non-delivery, loss or miscarriage in the course of post of any document required under the Scheme to be sent by post, if it appears to the Returning Officer that the election was conducted substantially in accordance with the Scheme and that the result of such failure, non-compliance, non-delivery, loss or miscarriage did not affect the return of any candidate in the election.

## Appendix II

### Rules for Counting Votes Single transferable vote system

#### 1 The First Stage

1. The voting papers shall be sorted into parcels according to first preferences, any invalid papers being set aside.
2. The numbers of first preference votes for each candidate and the total number of valid votes shall be determined.
3. The quota for election shall be determined by dividing the total number of valid votes by one more than the number of places to be filled, the result being rounded up if not exact to the next whole number above.
4. Any candidate who is credited with a number of votes equal to or exceeding the quota shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of places to be filled.
5. This completes the first stage of the count.

#### 2 Subsequent Stages

1. If one or more candidates have surpluses above the quota, and the total values of such surpluses, together with any votes in suspense, does not exceed the difference between:
  - (a) the number of votes credited to the candidate with the smallest number of votes and the number of votes credited to the candidate with the next smallest number of votes; or
  - (b) the total number of votes credited to the two or more candidates with the smallest numbers of votes and the number of votes credited to the candidate with the next smallest number of votes, the transfer of such surpluses shall be deferred.
2. Otherwise, if one or more candidates have surpluses, the largest surplus shall be transferred.
3. If the two or more candidates with the largest surpluses have equal surpluses, the surplus of the candidate who was credited with the largest number of votes at the earliest stage at which they had an unequal number of votes shall be transferred. If such two or more candidates have been credited with the same number of votes at all stages of the count it shall be determined by lot which surplus to transfer.

4. If, after all surpluses have been transferred or deferred, one or more places remain to be filled, the candidate or candidates credited with the smallest number or numbers of votes shall be excluded.
5. The two or more candidates credited with the smallest numbers of votes shall be excluded together if the total number of votes of such two or more candidates together with the total of any deferred surpluses and any votes in suspense does not exceed the number of votes credited to the candidate with the smallest number of votes.
6. Otherwise, the candidate credited with the smallest number of votes shall be excluded if the number of votes of such candidate together with the total of any deferred surpluses and any votes in suspense does not exceed the total number of votes credited to the candidate with the next smallest number of votes.
7. If the two or more candidates credited with the smallest numbers of votes are each credited with the same number of votes, then the candidate who had the smallest number of votes at the earliest stage at which they had an unequal number of votes shall be excluded. If such two or more candidates have been credited with the same number of votes at all stages of the count, then it shall be determined by lot which candidate to exclude.

### **3 Transfer of a Surplus**

1. In the case of a surplus arising at the first stage, all the voting papers received by a candidate shall be examined.
2. In the case of a surplus arising at a later stage consequential on the transfer of another surplus or from the exclusion of a candidate or candidates, only the last parcel of voting papers, all of one value, which gave rise to the surplus, shall be examined.
3. The voting papers to be examined shall be sorted into sub-parcels according to the next available preferences for continuing candidates, any papers on which no next available preference is expressed being set aside.
4. The number of papers in each sub-parcel, the total number of transferable papers, and the number of non-transferable papers shall be determined.
5. If the present total value of the transferable papers exceeds the surplus, the transfer value of each paper shall be determined by dividing the surplus by the number of transferable papers to two decimal places, ignoring any remainder and the papers shall be marked with the new transfer value. Otherwise the transfer value of each paper is its present value.

6. Each continuing candidate shall be credited with the value of any papers received, and any non-transferable difference between the total value of such papers and the surplus shall be added to the previous non-transferable total.
7. Any candidate who is now credited with a number of votes equal to or exceeding:-
  - (a) the quota; or
  - (b) the sum divided by one more than the number of places remaining to be filled, of the votes credited to continuing candidates, any votes in suspense, and any untransferred surpluses, shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of places to be filled.
8. The transfer of a surplus constitutes a further stage in the count.

#### **4 Exclusion of a Candidate or Candidates**

1. The voting papers of the excluded candidate or candidates, together with any papers held in suspense shall be arranged in parcels, in descending order of transfer value.
2. The parcels of papers of highest transfer value shall be sorted into sub-parcels according to next available preferences for continuing candidates, any papers on which no next available preference is expressed being set aside.
3. The number and value of papers in each sub-parcel, and the number and value of non-transferable papers shall be determined.
4. Each continuing candidate shall be credited with the value of any papers received, and the value of any non-transferable papers shall be added to the previous non-transferable total.
5. Any candidate who is now credited with a number of votes equal to or exceeding:-
  - (a) the quota; or
  - (b) the sum divided by one more than the number of places remaining to be filled, of the votes credited to continuing candidates the value of any parcels of papers not yet transferred, and any untransferred surpluses shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of places to be filled.
6. Any remaining parcels of papers shall be sorted and transferred in turn in descending order of transfer value in the same way, and candidates deemed elected where appropriate.
7. After the transfer of a parcel of papers of any one value, if the total value of the remaining papers of lower value does not exceed the difference between:-

- (a) the number of votes credited to the candidate with the smallest number of votes and the number of votes credited to the candidate with the next smallest number of votes; or
  - (b) the total number of votes credited to the two or more candidates with the smallest number of votes and the number of votes credited to the candidate with the next smallest 20 number of votes, the transfer of the remaining parcels of papers may be deferred and their value held in suspense.
8. The exclusion of a candidate or candidates constitutes a further stage in the count.

## **5 Filling the Last Vacancies**

1. If at any stage as the result of the proposed exclusion of one or more candidates the number of continuing candidates would be equal to the number of places remaining to be filled, such continuing candidates shall be deemed to be elected.
2. If at any stage the number of candidates deemed to be elected is equal to the number of places to be filled, no further transfers of papers shall be made, and the remaining continuing candidate(s) shall be formally excluded.
3. The count is now complete.

## Annex

### Extract from the General Teaching Council for Northern Ireland (Constitution) Regulations (Northern Ireland) 2001

PLEASE NOTE: The General Teaching Council for Northern Ireland (Constitution) Regulations (Northern Ireland) 2001 (SR No. 288) can be viewed in full at:

<http://www.northernireland-legislation.hms0.gov.uk/sr/sr2001/20010288.htm>

#### Eligibility for election, appointment and to vote in elections

4. (1) A person shall not be eligible as an elected member or as a member appointed under regulation 7(a), or to fill a vacancy for such a member under regulation 9(1), unless:
- (a) he or she is employed as a teacher at the date of his election or appointment to the Council or has been so employed within one year preceding that date; and
  - (b) he or she has been employed as a teacher for an aggregate period of two years or more in the five years preceding his election or appointment to the Council;
- and for this purpose employment as a teacher includes any period of secondment by arrangement with his employing authority.
- (2) A person shall not be eligible as a member, or to vote in the election for elected members under an electoral scheme under regulation 6, at any time when:
- (a) his or her employment as a teacher is prohibited under regulations made under Articles 70(1)<sup>i</sup> and (2) and 134(1)<sup>ii</sup> of the 1986 Order;
  - (b) his or her name has been removed from the register under regulations made under Article 36(3)(f) of the 1998 Order; or
  - (c) he or she is ineligible for registration as a teacher or disqualified from being employed as a teacher under any provision of the law of England, of Wales or of Scotland.

---

<sup>i</sup> Article 70 was substituted by Article 8 of S.I. 1987/167 (N.I. 2) and Article 70(1) was amended by Article 42(2) of S.I. 1993/2810 (N.I. 12)

<sup>ii</sup> Article 134(1) was amended by Article 50(1) and Part II of Schedule 4 to S.I. 1993/2810 (N.I. 12)