

EIS Local Association Constitution

1. Name

The Association shall be called the Perth and Kinross local association of the Educational Institute of Scotland.

2. Membership

The membership of the local association, hereafter referred to as 'the Association', shall consist of members of the Institute who are employed wholly or mainly in the area of Perth and Kinross Council, provided that a member of a self governing association does not require to be in local association membership.

3. Function

Subject to the control of the Executive Council, the Association shall operate within the area covered by the Association and its functions shall be to:

- (a) promote and pursue Institute strategy and policy determined by the Annual General Meeting and Executive Council.
- (b) provide support for members and educational establishments.
- (c) establish an executive committee to oversee the day to day work of the association.
- (d) determine areas of local policy on educational and conditions of service matters consistent with national Institute policy.
- (e) provide Institute representation on any local negotiating forum.
- (f) recruit and retain Institute members within the area.
- (g) provide the electoral base for representation on Council and through a method of direct election approved by Council for delegates to the Annual General Meeting and any Special General Meeting of the Institute.
- (h) determine, consistent with the terms of the Institute policy on casework protocol, the nature of support for members in casework matters.
- (i) liaise with branches of the self-governing associations within their geographic area.
- (j) oversee the appointment of a representative of the Institute in each educational establishment within the local association area. The representative shall be appointed in February each year by election of members in the establishment according to a scheme approved by Council.

The Local association shall not communicate with or otherwise support the work of national bodies without prior reference to the Executive Committee or Council of the Institute.

4. Local Subscription

As part of the annual subscription, a sum to be determined by the Association at its Annual General Meeting, to be known as the local subscription, shall be due and payable by each member belonging to the Association. Such sums shall be due and payable in advance on 1st. September annually by a means determined by the Executive Council from time to time but, where subscriptions are payable by instalments, failure to pay regular instalments as and when due shall result in suspension of the rights and privileges which membership of the Institute confers. Such part of the annual subscription received by the Institute as represents the local subscription shall be paid by the Treasurer of the Institute to the Association

5. Funds of the Local Association

(a) Application of Funds

(i) The annual income of the association, including the whole of the income derived from the local subscription, shall be allocated to a General Fund which shall be used for the pursuit of the activities of the Association within the area of the Association and according to the terms of paragraph 3 of the Constitution. Such activities shall include the right to pay an honorarium at a level determined by the Annual General Meeting of the Association to the Secretary and the Treasurer of the Association and such other office-bearers as the Association may determine.

(ii) The income of any funds held by the association for the purpose of benevolence shall be allocated to a Benevolent Fund, which shall be used to provide relief in cases of necessity to members, to former members and to widows, widowers or other dependents of members or former members of the Association.

(iii) The Association shall not hold any other funds without the prior approval of the Executive Council of the Institute.

(b) Financial Year

The financial year of the Association shall end on the last day of August in each year or on such other date as may be determined by the Executive Council of the Institute from time to time.

(c) Auditors

The accounts of the Association shall be audited by professional auditors, who shall be appointed by the Annual General Meeting of the Association or, on the recommendation of the Executive Council of the Institute by the Annual General Meeting of the Institute, and who shall normally hold office from the close of one Annual General Meeting of the Association until the close of the succeeding Annual General Meeting. Casual vacancies in the professional auditors shall be filled by the Executive Committee or, in the case of auditors appointed by the Annual General Meeting of the Institute, by the Executive Council of the Institute. The qualifications and appointment and removal of the professional auditors shall

be in accordance with the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 and with any Regulations made under that Act or with any subsequent enactment and with any Regulations made under that subsequent enactment.

(d) Accounts of the Association

(i) Accounts comprising an Income and Expenditure Account for each financial year and a Balance Sheet, showing the assets and liabilities of the Association at the end of each financial year, shall be prepared such as to give a true and fair view of the state of affairs of the Association and of the income and expenditure of the Association for the financial year and, after consideration by the Finance and General Purposes Committee of the Institute and approval by the Executive Committee of the Association, shall be submitted to the Annual General Meeting of the Association.

(ii) The accounts of the Association, once signed by the Auditors and approved by the Annual General Meeting of the Association, shall be conclusive against all members of the Association.

(e) Expenditure

(i) Expenditure from the General Fund of the Association shall not be incurred or accounts paid except in accordance with such arrangements as are made by the Executive Committee of the Association from time to time and which establish and maintain a satisfactory system of control of the accounting records of the Association, its cash and investment holdings and all receipts and payments and include a requirement for the Treasurer to provide a report on such matters to each meeting of the Executive Committee of the Association.

(ii) All claims for expenses by Office-Bearers and members of the Association shall be examined in accordance with such arrangements as are made by the Executive Committee of the Association from time to time, and, if approved, shall be passed for payment by the Treasurer.

(iii) Any cheque or other instrument drawn on a bank account of the Association shall be signed in accordance with such arrangements for the signing of such documents as are made by the Executive Committee of the Association from time to time.

6. Office-Bearers of the Local Association

The Office-bearers of the Association shall be members of the Association. They shall consist of

(a) The President, the Vice-President, the Secretary, the Treasurer/Membership Secretary, Assistant Secretary/Press Secretary and J.N.C. Correspondent, who shall be elected annually and shall be eligible for re-election. Each shall hold office from the close of one Annual General Meeting to the close of the next; and

(b) The Ex-President, that is the immediate past President.

7. Executive Committee

The Executive Committee shall consist of the Office-bearers, the Association's representatives on the Executive Council, one representative from the College Lecturers' Association and ten members elected by the membership of the Association. Vacancies on the Executive Committee which arise between Annual General Meetings shall be filled by the Executive Committee. The Executive Committee shall hold office from the close of one Annual General Meeting to the close of the succeeding Annual General Meeting. The Executive Committee shall transact the business of the Association in accordance with Paragraph 3 of the Constitution.

The Executive Committee shall meet on a regular basis, normally once per calendar month with exception of the month of July.

At the August/September meeting of the Committee, the business of the Committee shall include the determination of the manner of implementation of that part of the strategy paper, approved by the Annual General Meeting, which is for implementation at local level.

At the December meeting of the Committee, consideration shall be given to any proposed changes to the national rules and regulations.

At the January meeting of the Committee, nominations for the Presidency and Vice-Presidency of the Institute shall be considered.

At the February meeting of the Committee, the business of the Committee shall include the following:

(a) consideration of motions to the Annual General Meeting of the Institute for recommendation to the subsequent General meeting of the Association;

(c) consideration of proposed changes in the Association constitution in accordance with Paragraph 24 of the Constitution;

(d) consideration of the level of local subscription for recommendation to the Annual General Meeting of the Association.

Other meetings of the Executive Committee shall be held as determined by the Committee or by the Office-bearers.

8. Election of the Office-bearers and of the Executive Committee

(a) Nomination of Candidates. The secretary of the Association shall, prior to the end of the second week of January, advise all educational establishments within the area of the Association of the availability of forms for the nomination of President, Vice-President, Secretary, Treasurer/Membership Secretary, Assistant Secretary/Press Secretary and J.N.C. Correspondent and ten members of the Executive Committee.

Any nomination form shall be signed by five members of the Association. Candidates shall not be nominated without their consent. Nomination Forms, duly signed, shall be returned to the secretary on or before 1st. February.

(b) Eligibility to Vote. All ordinary members of the Association and Fellows of the Institute who are members of the Association (except those members disqualified in accordance with the terms of Rule II.2, 5 and 7 of the national Constitution) in membership at 1st. February within any one year shall be eligible to vote.

(c) Method of Voting. The Secretary shall make the necessary arrangements for the election, which shall take place in accordance with a scheme approved by the Executive Council. Each member eligible to vote shall be entitled to one vote each in election of the President, Vice-President, Secretary, Treasurer/Membership Secretary, Assistant Secretary/Press Secretary and J.N.C. Correspondent where there are, in any case, only two candidates for the office. In the event of there being three or more candidates for any office, the method of election for that office shall be by the modification of proportional representation known as the alternative vote.

In the election of the Executive Committee members, each member eligible to vote shall have a number of votes equal to the number of Executive Committee members to be returned but may not give more than one vote to any one candidate. The number of members elected shall be in order according to the number of votes cast and according to the number of members to be elected to the committee.

(d) Return of Voting Papers. Voting papers shall be issued to allow at least two weeks for their return to the Secretary of the Association not later than 28th. February. Thereafter, all arrangements including the declaration of results, shall be made by the Secretary of the Association.

The list of office-bearers and members of the Executive Committee shall be notified to the General Secretary not later than 7th. April.

9. Election of Delegates to the Annual General Meeting of the Institute

(a) Nomination of Delegates. The Secretary of the Association shall, in the month of January, advise all educational establishments within the area of the Association of the availability of forms for the nomination of candidates to be delegates to the Annual General Meeting of the Institute. Such forms shall contain the number of delegates to be elected by the Association as indicated annually by the General Secretary of the Institute.

Any nomination form shall be signed by five members of the Association. Candidates shall not be nominated without their consent. Nomination forms shall be returned to the Secretary on or before 1st. February.

(b) Eligibility to Vote. All ordinary members of the Association and Fellows of the Institute who are members of the Association (except those members disqualified in accordance with the terms of Rule II.2,S and 7 of the national Constitution) in membership at 1st. February within any one year shall be eligible to vote.

(c) Method of Voting. The Secretary shall make the necessary arrangements for the election. In the election of delegates, each member eligible to vote shall have a number of votes equal to the number of delegates to be returned but may not give more than one vote to any one candidate.

The number of delegates elected shall be in order according to the number of votes cast and according to the number of delegates to be returned. Unsuccessful candidates shall be reserve delegates according to the order of the votes cast.

(d) Return of Voting Papers. Voting papers shall be returned to the Secretary of the Association not later than 28th. February.

Vacancies. In the event of there being insufficient delegates or reserve delegates, vacancies shall be filled by the Executive Committee.

The list of delegates, together with names of reserve delegates, shall be notified to the General Secretary not later than 7th. April.

10. Election to the Executive Council of the Institute

The Association Secretary shall, during the month of January, advise all educational establishments within the area of the Association of the availability of forms for the election of members to the Executive Council. Nomination forms shall be signed by five members of the Association. Candidates shall not be nominated without their consent. Nomination forms shall be returned to the Secretary of the Association no later than 22nd. January for return to the General Secretary of the Institute on or before 1st. February. Election thereafter shall be conducted by independent scrutineers in accordance with Rule XII of the national constitution.

11. Special Interest Groups

The Association shall ensure that special interests within the area of the Association are fully and appropriately represented. Where no member from any of the Special Interest Groups listed below is elected to the Executive Committee, a representative shall be co-opted to the Committee:

Pre-school education
Primary education
Secondary education
Learning support and related school-level
support services/Special education

12. Sub-Committees and ad hoc Committees

The Executive Committee shall have the power to set up sub-committees and ad hoc committees, which shall report their findings to the Executive Committee. These shall include:-

(a) a **President's Committee**, which shall be composed of the Office-bearers of the Association and the Association's representatives on the Executive Council, together with two other members elected by and from the Executive Committee, and which shall be empowered to deal with matters of urgency which may arise between meetings of the

Executive Committee subject to review by the next subsequent meeting of the Executive Committee. The President, or, in his/her absence, the Vice-President, will act as Convener.

(b) a **Negotiating Committee**, which shall be composed of the President, the Secretary, the J.N.C. Correspondent and six other member(s) elected by and from the Executive Committee, who shall be the representatives of the Association on the Joint Negotiating Committee (Teachers' Panel) Perth and Kinross.

(c) an **Organisation Committee**, which shall be composed of the Office-bearers of the Association and the Association's representatives on the Executive Council, together with four other members elected by and from the Executive Committee, and which shall have a responsibility to make reports and/or recommendations to the Executive Committee on matters concerned with the organisation of the Association and with training. The Vice-President or in his/her absence, another member nominated by the committee, will act as Convener.

(d) a **Finance Committee**, which shall be composed of the Ex-President, the Secretary, the Treasurer and one other member elected by and from the Executive Committee, and which shall have a responsibility to make reports and/or recommendations to the Executive Committee on matters concerned with the finances of the Association and on matters which entail expenditure of Association funds. The Ex-President, or, in his/her absence, another member nominated by the committee, will act as Convener.

(e) a **Benevolent Fund Committee**, which shall be composed of the Secretary, the Treasurer and one other member elected by and from the Executive Committee and who shall act as Benevolent Fund Correspondent, and which shall have responsibility to co-ordinate the provision of relief in cases of necessity to members, to former members and to widows, widowers or other dependents of members or former members of the Association.

13. Fellowship of the Institute

A Committee shall be set up consisting of all the Fellows of the Educational Institute of Scotland who are members of the Association together with the Office-bearers of the Association. Its sole function shall be to make recommendations to the Board of Examiners of the Institute regarding the conferring of the Fellowship of the Institute. The deliberations of the Committee shall be confidential and its recommendations shall be passed on, in confidence, to the Board of Examiners.

14. Duties of the Secretary

The Secretary of the Association shall (a) carry out the decisions of the Executive Committee according to the terms of Paragraph 3 of the Constitution; (b) provide support for members and educational establishments in terms of Paragraph 3(b) of the Constitution; (c) liaise with the national body and the local office of the Institute as appropriate; (d) ensure that the agenda for each meeting of the Executive Committee and of its sub-committees is in the hands of the members of the committee at least one week prior to the meeting of the committee or sub-committee; (e) ensure that due notice of all general meetings is notified to all establishments at least ten days prior to the date of the meeting; ((f) keep minutes of the Annual General Meeting, any other general meeting, the Executive Committee and its sub-committees (if applicable), such minutes to be submitted to the Executive Committee for

approval; (g) ensure that the terms of the national and association constitutions are adhered to at all times. Duties listed above may be delegated by the Secretary as appropriate to the Assistant Secretary with the approval of the Executive Committee.

Among the returns which the Secretary shall transmit to the General Secretary are:

(a) on or before 5th March in each year, the names of members proposed for the Fellowship of the Institute;

(b) on or before the tenth working day prior to the March meeting of Council any motions to the Annual General Meeting

(c) on or before 7th April each year, the list of delegates and reserve delegates to the Annual General Meeting of the Institute.

15. Duties of the Treasurer

The Treasurer shall record all receipts and payments of the Association and shall maintain proper accounting records with respect to the transactions of the Association and its assets and liabilities. The accounting records shall be such as are necessary to give a true and fair view of the state of affairs of the Association and to explain its transactions.

Among the returns which the Treasurer shall transmit to the General Secretary are:

(a) on or before April 7th. in each year any decision to modify the local subscription (within the subscription levels approved by Council of the Institute);

(b) on or before 31st. October in each year, a certified copy of the accounts of the Association for the immediately preceding financial year.

16. Annual General Meeting of the Association

The Annual General Meeting of the Association shall be held in March in each year on a date to be determined by the retiring Executive Committee. The Secretary shall give three weeks intimation to all educational establishments in the area of the Association of the date, place and time of the meeting. All members of the Association shall be entitled to attend the meeting.

At the Annual General Meeting

(a) the President shall report on the activities of the Association for the preceding year including any negotiations with the local council;

(b) the Secretary shall report on his/her work for the preceding year and on the result of elections of office-bearers of the Association and representatives to the Executive Committee and on the result of elections to the Annual General Meeting of the Institute;

(c) the annual accounts of the Association shall be presented for approval;

(d) the level of local subscription shall be determined;

(e) proposals for change in the constitution shall be considered according to the terms of Paragraph 23 of the Constitution;

(f) the meeting shall consider the recommendation of the Executive Committee on the appointment of auditors for the following year;

(g) vacancies to the Annual General Meeting of the Institute with the required number of delegates in accordance with the terms of Paragraph 9 of the Constitution shall be filled.

17. General Meetings

A general meeting of the Association shall be held in February to consider motions for the Annual General Meeting of the Institute.

All such submissions shall be in the hands of the General Secretary of the Institute no later than 10 working days prior to the March meeting of the Executive Council.

Other General meetings shall be called (a) by the decision of the Executive Committee, or (b) by decision of the office-bearers on the Executive Committee, or (c) by a signed requisition of no fewer than ten per cent of the membership of the Association.

In each case, the reason or reasons for calling the additional meeting shall be specified within an agenda sent to all establishments in the area of the Association no later than 10 days prior to the meeting.

18. Educational Establishments and Institute Representatives

(a) Each educational establishment in the area of the Association shall elect an Institute Representative or Branch Secretary. The election shall take place each year during the month of February. The result of the election shall be notified no later than one week following the election to the Secretary of the Association.

In certain establishments where the Institute membership exceeds forty, a Representatives' Committee may be set up. The setting up and size of such a committee are for approval of the Association Executive Committee.

The duties of the representative/Branch Secretary shall be:-

(i) to promote and pursue Institute strategy and policy determined by the Annual General Meeting, Council and Association within the educational establishment;

(ii) to distribute to members information issued for the advice and information of members within the establishment from the Association and from the national body of the Institute;

(iii) to retain for the use of members within the establishment any other advice and information issued by the Association or the national body of the Institute;

(iv) to recruit new members to the Institute and update existing records when required to do so by the Association or national body;

(v) to provide advice for Institute members;

(vi) to liaise with the Association Secretary on matters pertaining to the Institute within the establishment;

(vii) to provide information when requested by the Association or by the national body of the Institute;

(viii) to liaise with Institute representatives on the School Board;

(ix) to hold meetings within the establishment. Such meetings shall take place at least once per term, on the instruction of the Association or the national body of the Institute, by decision of the Representative, or where requisitioned by at least ten per cent of the members within the establishment. Except in exceptional circumstances, such a meeting shall take place with at least three days' prior notification and on the basis of an agenda which is available to all members. At such meetings the representative or other person appointed by members at the meeting shall act as chairperson.

The representative shall hold a record of any meeting held which shall be available to members in the school and to the Association.

(b) A representative shall be removed from office where the following procedures are carried out;

(i) a requisition is presented to the representative calling a meeting exclusively for that purpose and signed by no fewer than ten per cent of the members in the establishment;

(ii) notice of no less than one week is given of the meeting;

(iii) no fewer than two-thirds of members in the establishment are present at the meeting;

(iv) a majority of those attending the meeting support the motion for removal.

In the event of the removal of a representative, a chairperson shall be appointed to move to the election of an interim representative to serve as representative until the election at the date stated in Paragraph 19(a).

(c) Health and Safety Representative

Each establishment in the area of the Association shall elect an Institute Health and Safety Representative according to the procedures in Paragraph 19(a). The Health and Safety representative may be the same person as the Institute Representative.

The duties of the Health and Safety Representative shall be:

(i) to investigate potential hazards and dangerous occurrences in the establishment (whether or not they are drawn to his/her attention by the employees he/she represents) and to examine the causes of accidents at the workplace (e.g. acid spillage, asbestos);

(ii) to investigate complaints by any employee he/she represents relating to that employees' health, safety or welfare at work;

(iii) to make representations to the Safety Officer of the establishment on matters arising out of (i) and (ii) above;

(iv) to make representations to the Safety Officer on general matters affecting the health, safety or welfare at work of the employees at the workplace;

(v) to carry out inspections in accordance with the terms of the relevant section of the Health and Safety at Work etc. Act (1974);

(vi) to represent the employees he/she was appointed to represent in consultations at the workplace with Inspectors of the HSE and of any other enforcing authority;

(vii) to receive information from Inspectors in accordance with Section 28(8) of the Health and Safety at Work etc. Act (1974);

(viii) to attend meetings of safety committees where he/she attends in his/her capacity as a safety representative in connection with any of the above functions; and

(ix) other duties which shall from time to time be conveyed by the national body of the Institute or Association.

19. Training

The Association shall from time to time provide training for representatives and health and safety representatives within the area of the Association.

20. Communications

Associations shall not communicate with external bodies, that is to say bodies operating at Scottish or English and Welsh or United Kingdom levels, or international bodies without reference to the Executive Council of the Institute.

21. Standing Orders

The procedure at all general meetings, meetings of committees or sub-committees or of members of the Institute within educational establishments shall be consistent with the Standing Orders of the Institute.

22. Quorum

The quorum for meetings of members shall be as follows:

(a) Executive Committee, sub-committees, ad hoc committees, sections: one-third of the members of the committee;

(b) educational establishment: one-third of the members within the establishment;

(c) Annual General Meeting or General Meeting of the Association: one per cent of the membership of the Association.

At any meeting where a quorum is not present, no business shall be transacted. In case of a General Meeting of the Association, all business to be transacted shall be remitted to a subsequent meeting of the Executive Committee.

23. Changes to the Constitution of the Association

The Association shall make such changes in the constitution which are from time to time required by decision of the Executive Council.

Any alteration proposed by the Association shall be in accordance with the following procedures:

(a) intimation of a proposed change shall be made by any member of the Association no later than one week prior to the meeting of the Executive Committee held in February;

(b) the Executive Committee shall, at its meeting in February, formulate its own proposed changes and shall determine whether to approve or disapprove any change submitted to it by a member;

(c) the Executive Committee shall submit to the Annual General Meeting of the Association any proposed changes, together with recommendations on approval or disapproval;

(d) the Annual General Meeting of the Association shall vote on any proposed change;

(e) any proposed change which is accepted by two-thirds of those attending the Annual General Meeting shall be submitted to the Finance and General Purposes Committee of the Institute together with the results of any vote.