



The Educational
Institute of Scotland

**EDINBURGH
LOCAL ASSOCIATION**

OF

**THE EDUCATIONAL INSTITUTE
OF SCOTLAND**

CONSTITUTION
March 2021

1. The Association shall be called the Edinburgh Local Association of The Educational Institute of Scotland.
2. 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 Edinburgh Council excepting members of a self-governing association.
3. Subject to the control of 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 Council within the area covered by the local association;
 - (b) consider educational matters, pursue national or local campaigns and determine areas of local policy on educational and conditions of service matters consistent with national Institute policy;
 - (c) provide support for members and educational establishments within the local association area;
 - (d) provide local arrangements to ensure that the interests of special interest groups within the area are properly protected, such arrangements to include, in the case of local associations with in excess of one thousand members, special interest sub-committees or representation of special interests on the Executive Committee;
 - (e) provide Institute representation on any local negotiating forum, subject to the provisions of Rule XIII.1 (e) 5 and 6;
 - (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 each local association area. The representative shall be appointed in August 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 or international 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 (from a range of subscription levels set by Council) 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 on 1 September annually by a means determined by 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 this 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 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 Council of the Institute from time to time.

(c) Audit Requirements

The accounts of the Association will be included within the annual audited accounts of the Institute. Where the appointed Auditors of the Institute require access to the financial or administrative records of the Association or require supplementary information or explanations as part of their audit, the Executive Committee will ensure that any such documents, information or explanations are supplied on a timely basis.

(d) Accounts of the Association

- (i) Accounts comprising an Income and Expenditure Account for 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 Sub-Committee of the Executive 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 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, members and employees 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 Assistant Secretary and the Treasurer, 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 Council of the Institute, representatives from Special Interest Groups *[if applicable]* and enough other members, elected by the membership of the Association, as shall ensure that the Executive Committee has a maximum size of 30. 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 until the close of the succeeding Annual General Meeting. The Executive Committee shall transact the business of the Association in accordance with Paragraph 3 of this Constitution.

The Executive Committee shall meet on a regular basis, normally once per calendar month with the exception of the month of July. 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, Assistant Secretary, and Treasurer, and of 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 1 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.6 and II.8 of the national Constitution) in membership at 1 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 Council of the Institute. Each member eligible to vote shall be entitled to one vote each in the election of the President, Vice-President, Secretary, Assistant Secretary and Treasurer 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 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 28 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 7 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 1 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.6 and 8 of the national constitution) in membership at 1 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 votes cast.

- (d) **Return of Voting Papers.** Voting papers shall be returned not later than 28 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 7 April.

10. ELECTION TO COUNCIL OF THE INSTITUTE

The Association secretary shall, during the month of December, advise all educational establishments within the area of the Association of the availability of forms for the election of members to 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 General Secretary of the Institute on or before 1 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.

12. NEGOTIATING SUB-COMMITTEE

The Executive Committee shall set up a sub-committee consisting of those members of the Executive who represent the Local Association on the Local Negotiating Committee for Teachers and any other recognized negotiating sub-committee, group or forum with representatives of the local authority.

It shall be the duty of Institute Representatives on the Negotiating Committee for Teachers established within the local authority to present the relevant policies of the Institute in the said Negotiating Committee for Teachers, provided that the Representatives shall have the right to adapt the policies in the light of negotiating circumstances. However, where instructed by the Institute nationally to effect a particular settlement or follow a particular course of action, Institute Representatives will follow that instruction. Periodic reports shall be submitted to the Local Association Executive Committee on the work of the Negotiating Committee for Teachers established within the City of Edinburgh area. At their discretion, the Institute Representatives on the Committee may seek the advice of the Local Association Executive Committee on a matter which is under negotiation.

13. SUB-COMMITTEES AND *ad hoc* COMMITTEES

The Executive Committee shall have the power to set up subcommittees and *ad hoc* committees, which shall report their findings to the Executive Committee.

14. 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.

15. **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 this Constitution;
- (b) provide support for members and educational establishments in terms of Paragraph 3(c) of this 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 members of the committee or subcommittee at least one week prior to the meeting of the committee or subcommittee;
- (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.

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

- (a) on or before 5 March in each year, the names of members proposed for the Fellowship of the Institute;
- (b) on or before the tenth working day following the March meeting of the Council any motions for the Annual General Meeting;
- (c) on or before 7 April in each year, the list of delegates and reserve delegates to the Annual General Meeting.

16. **DUTIES OF 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 the affairs of the Association and to explain its transactions.

Among the returns which the treasurer of each Association shall transmit to the General Secretary are:

- (a) on or before 7 April in each year any decision to modify the local subscription (within the subscription levels approved by Council of the Institute);
- (b) on or before 31 October in each year, a certified copy of the accounts of the Association for the immediately preceding financial year.

17. 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 of the Association 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 authority;
- (b) the Secretary shall report on his/her work for the preceding year and on the result of elections to the Annual General Meeting of the Institute and result of elections of office bearers of the Association and representatives to Executive Committee;
- (c) the annual accounts of the Association shall be presented for approval;
- (d) the level of local subscription (within the subscription levels agreed by Council of the Institute) shall be determined;
- (e) proposals for change in the Constitution shall be considered according to the terms of paragraph 23 of this Constitution;
- (f) vacancies to the Annual General Meeting of the Institute with the required number of delegates in accordance with the terms of paragraph 9 of this Constitution shall be filled.
- (g) Motions for the Annual General Meeting of the Institute can be considered provided that all such motions shall be in the hands of the General Secretary of the Institute no later than 10 working days following the March meeting of Council.

18. GENERAL MEETINGS

If it is not possible for the Annual General Meeting of the Local Association to consider motions for the Annual General meeting of the Institute then a General meeting of the Association shall be held in late February or early March to consider motions to the Annual General Meeting of the Institute. All such motions shall be in the hands of the General Secretary of the Institute no later than 10 working days following the March meeting of Council.

Other General Meetings shall be called (a) by 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 ten days prior to the meeting.

19. 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 August. 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 the 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 the 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 1 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 20(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 20(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 employee's 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 the Association.

(d) **Learning Representatives**

A Learning Representative/Learning Representatives shall be appointed to work within the local association according to a scheme approved by Council.

The role of the Learning Representative, within the area of the local association shall be the promotion of quality teacher professional development, liaison on issues related to professional development with the Local Association Executive Committee; with the Council and other employers; with providers of teacher professional development together with support for members in accessing, planning and managing professional development.

20. **TRAINING**

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

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: 1 per cent of the membership of the Association.

At any meeting where a quorum is not present, no business shall be transacted. In the 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 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 Executive Committee of the Institute for approval.

APPENDIX

TIMETABLE FOR A LOCAL ASSOCIATION

(Bracket denotes National Function of Institute)

Month	Business at Meeting to Include Following	Election Calendar
AUGUST (31 August)	Educational establishments notify Secretary of name of elected Representative/Health and Safety Representative/Learning Representative End Financial Year	(*Date at which membership level counted for Council/AGM electoral purposes)
OCTOBER (31 October)	Certified copy of accounts of Local Association to General Secretary	
NOVEMBER		(*General Secretary intimates number of members of Council and AGM delegates for forthcoming year)
DECEMBER	LA Executive considers nominations for national Presidency, Vice-Presidency	(*General Secretary sends out nomination forms for nominations to (1) Presidency/Vice-Presidency, (2) Council) *LA Secretary advises educational establishments of availability of forms for nomination of (1) Office-Bearers plus members of Executive Committee, (2) candidates as delegates to AGM
JANUARY/ FEBRUARY	Consideration of changes to national rules and regulations	

Month	Business at Meeting to Include Following	Election Calendar
<p>FEBRUARY (1 February)</p> <p>FEBRUARY (3 February)</p> <p>FEBRUARY/ MARCH</p>	<p>LA Executive carries out the following:</p> <ul style="list-style-type: none"> (a) consideration of motions to the AGM for consideration to the AGM; (b) LA constitutional changes <ul style="list-style-type: none"> (i) from educational establishments, (ii) from EC; (c) filling of vacancies to the AGM with required number of delegates and reserve delegates <p>General Meeting of the Association</p> <p><i>(a) consider motions to AGM unless the Local Association Annual General Meeting can fulfil this function</i></p>	<p>*Date at which membership counts for eligibility to vote in any elections.</p> <p>*Nomination forms for election of Office-Bearers, members of Executive Committee and candidates as delegates to AGM returned to LA Secretary.</p> <p>(*Final date for nomination forms for national President/Vice-President to General Secretary)</p> <p>(Final date for nomination forms for EC to General Secretary)</p> <p>(*Date by which national President, Vice-President and EC nominations may be withdrawn)</p> <p>LA Secretary organizes elections of AGM delegates, election of local Office-Bearers and to LA Executive</p>
<p>MARCH (First working day)</p> <p>MARCH</p>	<p>Final date for proposed changes to national rules and regulations to be received by General Secretary</p> <p>AGM of LA</p> <ul style="list-style-type: none"> (1) Reports by President/Secretary/Treasurer (2) Local subscription determined (3) Representatives on EC report on work (4) Proposed changes in LA Constitution agreed (5) <i>Consider motions to the AGM unless a General Meeting has been called for this Purpose</i> 	<p>*Election of Special Interest Sections within LA (if applicable)</p>

7 APRIL		<p>LA Secretary notifies General Secretary of election of AGM delegates, reserve delegates, local Office-Bearers, Executive Committee members, also of motions to AGM and of any changes in LA constitution.</p> <p>*LA Treasurer notifies General Secretary of any change in local subscription.)</p> <p>(*Voting papers for President, Vice-President and EC representatives returned to Scrutineers.)</p>
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