

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Protocol on Affiliations to Outside Organisations and the Expenditure of Funds During an Election Period

1. Introduction

- 1.1 At the meetings of the Executive Committee held on 19 February 2010 and 23 April 2010, it was agreed to prepare a briefing paper outlining the protocol to be adopted by Local Associations in relation to affiliations to outside bodies and to provide some additional guidance to Local Associations in relation to the expenditure of funds during an election period. It should be noted that the following guidance also applies to affiliations to local outside organisations which have to be agreed at Local Association level in line with Rule XVI (3) (a) of the Constitution which requires Local Associations to: "promote and pursue Institute policy determined by the AGM and Council".

2. Affiliations

- 2.1 The Institute is affiliated to a broad range of outside organisations and it has been agreed that the list of organisations to which the EIS is affiliated would be reviewed annually by the Executive Committee. A list of the organisations to which the EIS is currently affiliated is to be found at Appendix A.
- 2.2 In general terms, where there is a Scottish arm of an organisation to which the EIS is or wishes to affiliate, the EIS will affiliate to the Scotland based section of the organisation. Otherwise the EIS will affiliate to the UK wide organisation.
- 2.3 It is open to Local Associations to seek to affiliate to organisations to which the EIS is already affiliated at National level on the following conditions:
- (a) that the Local Association informs EIS Headquarters, in advance, that it intends to affiliate to organisation to which the EIS is already affiliated at national level
 - (b) that no funding is provided to the affiliated organisation (other than the affiliation fee) without the prior approval of EIS Headquarters. This is to ensure that the purpose of the funding is not "political" or "controlled expenditure" which would have to be paid through the national political fund and reported as controlled expenditure to the Electoral Commission (see paragraphs 3.6 and 3.7)
 - (c) that all Local Associations be asked to submit an annual return of all organisations to which it is affiliated.

3. Expenditure of Funds During Election "Regulated Periods"

- 3.1 The Political Parties, Elections and Referendums Act 2000 (PPERA) introduced new rules on donations, loans and spending on electoral campaigning by political parties and non-party campaigners. Campaigning (ie party and non-party campaigners) must register with the Electoral Commission if it is intended eg to spend more than £5,000 on election material in the run up to the UK General Election in 2010. The EIS is registered as a recognised third party (ie non-party) with the Electoral Commission in Scotland and is required to submit a report on electoral expenditure within three months of the date of the election.
- 3.2 "Election material" is broadly defined as material which can reasonably be considered to influence the electorate in their voting choice eg:
- promoting or criticising a party or its candidates
 - promoting or criticising a party or its candidates who support or oppose particular policies or who hold particular views
 - campaigning for or against policy, which is associated with one or more parties
 - publicising the names of candidates who have a particular view on an issue (eg hunting or education).
- 3.3 The regulated periods vary depending on the type of election involved but are normally as follows:

Election	Length of the Regulated Period
Westminster UK Parliament	365 Days *
Scottish Parliament	4 Months
European Parliament	4 Months
Local Government	No Separate Regulated Period

- 3.4 Similarly the spending limits during the regulated periods vary according to the type of election as follows:

Election	Spending Limits
Westminster UK Parliament	£108,000 *
Scottish Parliament	£75,800
European Parliament	£18,000

Local Government	No Separate Limit
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* Where there is an overlap between two regulated periods the total regulated period is the sum of the two individual periods and the spending limits are similarly aggregated.

- 3.5 All non-party campaigners are obliged to submit a return of controlled expenditure, in our case, within three months of the date of the election. The return must include details of expenditure, during the regulated period, in the following respects:
- Advertising and leaflet costs etc
 - Agency and design costs
 - Staff time spent producing material
 - Delivery costs
 - Costs associated with electronic media eg websites and emails.
- 3.6 The EIS maintains a national political fund as required by section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 from which "political" campaigning expenditure is drawn. Local Associations do not possess a political fund and any expenditure of a "political" nature must be approved by EIS Headquarters in advance and must be drawn from the national political fund. This further complicates the procedures relating to the reporting of controlled expenditure to the Electoral Commission.
- 3.7 The returns of controlled expenditure which the EIS is required to submit at the conclusion of each regulated period (ie after every UK, Scottish and European Election) must include all relevant controlled expenditure which will have been drawn from the national political fund. It is proposed, therefore, that detailed guidance is provided to all Local Associations regarding the provisions of the Political Parties, Elections and Referendums Act 2000 (PPERA) and that the EIS will continue to submit a full return of controlled expenditure to the Electoral Commission including any local expenditure which has been approved in advance and paid through the national political fund.

4 Recommendations

- 4.1 It is suggested that new procedures are introduced which deal with both local affiliations to outside bodies and the local expenditure of funds during election "regulated periods":
- (a) Local Associations should inform EIS Headquarters if it is intended to affiliate to an organisation to which the EIS is already affiliated at national level

- (b) Approval must be sought from EIS Headquarters if it is intended to provide funding to an affiliated organisation (other than the affiliation fee)
 - (c) Each Local Association must submit an annual return of all organisations to which it is affiliated
 - (d) EIS Headquarters will continue to approve local expenditure paid through the national political fund and include all such relevant expenditure in the returns of controlled expenditure to the Electoral Commission.
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