



NATIONAL UNION OF TEACHERS

**APPENDIX VI TO THE RULES OF THE
NATIONAL UNION OF TEACHERS**

**RULES FOR A BALLOT
FOR THE ESTABLISHMENT
OF A POLITICAL FUND**

General

1. The Executive committee shall be responsible to the Union for securing that the ballot which is held to establish a political fund is conducted in accordance with these rules. This responsibility cannot be delegated, even where the responsibility for carrying out a particular duty falls upon a person not subject to the Rules of the Union.
2. A ballot shall not be taken to have been conducted by the Union in accordance with these rules if, in any particular, a requirement imposed by or under any enactment in relation to the ballot has been contravened.

Interpretation

3. In these ballot rules, unless the context otherwise requires:
 - “the Act” means the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended);
 - “the Certification Officer” means the Certification Officer for Trade Unions and Employers’ Associations whose address is Brandon House, 180 Borough High Street, London SE1 1LW.
 - “despatch envelope” means the envelope (in the form required by these rules) in which the voting paper and return envelope are despatched to the member;
 - “Executive Committee” means the principal committee of the Union exercising executive functions, by whatever name it is called;
 - “independent person” means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of section 77A of the Act and these Rules;
 - “person” in relation to the position of an independent person or a scrutineer, includes an incorporated and unincorporated body of persons;
 - “proper address” in relation to any member means his/her home address or other address which he/she has requested the Union in writing to treat as his/her postal address under section 24(5) of the Act;
 - “return envelope” means an envelope in the form required by these Rules;
 - “scrutineer” means the independent person appointed by the Union to that position in relation to the ballot under section 75 of the Act and these Rules;

- “the period specified before disposal” means the end of the period of one year beginning with the day of the announcement by the Union of the result of the ballot or, if within that period an application is made under section 80 or 81 (complaint of failure to comply with the ballot rules) of the Act, until the Certification Officer or the court authorises him/her to dispose of the papers or, as the case may be, records;
- “voting paper” means a voting paper in the form required by these Rules.

Purpose of these Rules

4. These Rules are adopted for the purposes of a ballot under section 73 of the Act and apply only to such a ballot.

Copies of these Rules to be available to Members

5. The Executive committee shall ensure that a copy of these Rules is supplied, free of charge, to any member of the Union who requests a copy.

Appointment of a Scrutineer where the Scrutineer acts as the independent person

6. The Executive committee shall, before the ballot is held, appoint a scrutineer to carry out the functions in relation to the ballot as are required under the Act, to act as the independent person both (under section 77A of the 1992 Act) in relation to the ballot and to carry out such additional functions as are specified in the appointment.
7. Before making the appointment referred to in political fund ballot rule 6 the Executive committee shall satisfy itself that the person in question:
 - (a)** satisfies the conditions which are for the time being specified by the Secretary of State pursuant to section 75(2) of the Act or is a person specified in an order made under that section (the conditions and the persons specified by the Secretary of State were, at the time of the adoption of these Rules, contained in The Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 2002 (SI 2002/2267) – available at www.hms.gov.uk; and
 - (b)** that there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the Union or in relation to the ballot might reasonably be called into question.

Terms of the Appointment

8. The terms of the appointment shall require the scrutineer:
- (a)** to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast;
 - (b)** to be the person to whom the voting papers are returned by those voting;
 - (c)** to inspect the register of names and addresses of members of the Union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with section 75(5A)(a) of the Act whenever it appears to him/her appropriate to do so and in particular where the conditions specified in sub-section 75(3A) of the Act are satisfied;
 - (d)** take such steps as appear to be appropriate to the scrutineer for the purpose of enabling him/her to make a report under these Rules;
 - (e)** to make that report to the Union as soon as is reasonably practicable after the last date for the return of voting papers;
 - (f)** to retain custody of all voting papers returned for the purposes of the ballot, and the relevant copy of the register of names and addresses of members entitled to vote and supplied to him/her by the Union for the period specified before disposal;
 - (g)** to carry out such other functions in relation to the ballot as are required of him/her under these Rules or otherwise, as the Executive committee considers appropriate;
 - (h)** to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal;
 - (i)** to respect the duty of confidentiality in respect of the register and
 - (j)** to carry out these tasks in a manner which minimises the risk of any contravention of requirements imposed by or under any enactment of these Rules or the occurrence of any unfairness or malpractice.

Notice of Appointment

9. Before the scrutineer begins to carry out any of these functions the Executive committee shall either:
- (a)** send a notice stating the name of the scrutineer to every member of the Union to whom it is reasonably practicable to send such a notice; or

- (b) take all such other steps for notifying members of the Union of the name of the scrutineer as it is the practice of the Union to take when matters of general interest to all its members need to be brought to their attention.

Union's Duty Towards the Scrutineer

10. The Executive committee shall ensure that nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) is such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the Union.
11. The Executive committee shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question:
 - (a) the scrutineer's independence in relation to the Union; and
 - (b) the integrity of the ballot.
12. The Executive committee shall ensure that all reasonable requests made to the Union by the scrutineer for the purpose of or in connection with the carrying out of the functions of the scrutineer are complied with.
13. The Scrutineer shall be responsible for the safe custody of all voting papers, and envelopes at all times when in his/her possession and shall ensure that voting papers and return envelopes in his/her possession are kept in a secure place.

Ballot material

14. The number of voting papers printed, and the number of despatch and return envelopes produced, shall be sufficient for the holding of the ballot in accordance with these Rules.
15. Save as expressly provided by these Rules, nothing shall be written or printed and no mark shall be made on any part of the voting paper, despatch envelope or return envelope before they are sent to members.

Despatch envelopes

16. The despatch envelope:
 - (a) shall be addressed to the member entitled to vote;
 - (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/ her name and address;

- (c)** shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and
- (d)** may have printed on it:
 - (i) the name of the Union;
 - (ii) the logo or emblem of the Union;
 - (iii) the words "Important – contains voting paper".

Voting Papers

17. Every voting paper shall be in or substantially in accordance with the form set out in Addendum 1 to these Rules and:

- (a)** shall clearly specify the name of the scrutineer, the address to which, and the date by which, it is to be returned;
- (b)** shall be produced in such a way as to ensure that each voting paper is capable of being authenticated by the scrutineer as a voting paper:
 - (i) produced for the ballot; and
 - (ii) issued to a member;
- (c)** shall be marked with one of a series of consecutive whole numbers, every one of which is used in giving a different number (in that series) to each voting paper printed or otherwise produced for the purposes of the ballot;
- (d)** may have printed on it the logo or emblem of the Union;
- (e)** may have printed on it or attached to it an explanatory statement in the form set out in Addendum 2.

Return Envelopes

18. Every return envelope:

- (a)** shall be capable of being sealed;
- (b)** shall be addressed to the scrutineer;
- (c)** shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
- (d)** may have printed on it:
 - (i) the name of the Union;
 - (ii) the logo or emblem of the Union; and
 - (iii) the words "voting paper".

Date of Ballot

19. The Executive committee shall determine the date:
- (a) by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date on which voting papers may be returned to the scrutineer;
 - (b) of the last date for receipt of completed voting papers by the scrutineer; and
 - (c) on which the counting of votes is to commence.

Notice of Ballot

20. The Executive committee shall secure so far as is reasonably practicable that notice of the ballot is given to its members in such a manner (whether in the Union's journal or report or otherwise) as notices are usually given by the Union to its members. The notice shall state:
- (a) that a ballot will take place on the question whether the furtherance of political objects within the meaning of section 72 of the Act shall be an object of the Union and that the Union will on request supply any member with a copy of these ballot rules free of charge;
 - (b) the date before which the completed voting paper must reach the scrutineer; and
 - (c) the date by which voting papers will be sent to the members.

Conduct of the Ballot

21. Entitlement to vote in the ballot shall be accorded equally to all members. No member shall be entitled to more than one vote.
22. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.
23. So far as is reasonably practicable, every member who is entitled to vote in the ballot shall, in accordance with these rules:
- (a) be sent a voting paper by post in such time as to be received on or before the opening day of the ballot; and
 - (b) be given a convenient opportunity to vote by post.
24. No voting paper shall be used for voting unless it is capable of being authenticated in the manner required by political fund rule 17 above.

25. Every member who is entitled to vote in the ballot shall:
- (a)** be allowed to vote without interference from, or constraint imposed by the Union or any of its members, officials or employees; and
 - (b)** so far as is reasonably practicable be able to do so without incurring any direct cost to the member.
26. Every member who is entitled to vote in the ballot shall have sent to him/her in a sealed despatch envelope, at his/her proper address, by post and (unless political fund ballot Rule 28 below applies) by the date determined under political fund ballot Rule 19(a).
- (a)** a voting paper; and
 - (b)** a return envelope addressed to the scrutineer.
27. The voting paper may be accompanied by or (as the case may be) include an explanatory statement in the form set out in Addendum 2. The explanatory note may have printed on it the logo or emblem of the Union.
28. When in particular circumstances relating to a member it is not or is no longer reasonably practicable for him/her to be sent a voting paper and return envelope by the date determined in political fund ballot rule 19(a), a voting paper and return envelope may be sent to him/her as soon as is reasonably practicable after that date (but before the date specified in political fund ballot rule 19(b)), so as to give him/her a convenient opportunity to vote by post.
29. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal.

Manner of Voting

30. Every member who wishes to vote must return his/her voting paper by post duly marked and in the return envelope provided, to arrive at the address of the scrutineer before the date determined under political fund ballot rule 19(b).
31. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of any voting paper so returned.

32. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and during any period provided for in these Rules when voting papers are required to be retained by him/her and shall at all times take all reasonable steps to secure their safe custody so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or under these Rules or the occurrence of any unfairness or malpractice.

Counting of the Ballot

33. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this Rule if it is accidental or on a scale which could not affect the results of the ballot.

34. The scrutineer shall before counting begins:

- (a)** place the unused voting papers in a secure place; and
- (b)** keep a record of the number of voting papers so stored and a record of any voting papers issued under political fund ballot Rule 29.

35. No person may be present at the count other than:

- (a)** the scrutineer; and
- (b)** those acting under the supervision of the scrutineer.

36. At the date appointed for the commencement of the counting of the votes, the scrutineer shall undertake the opening of the return envelopes received and the counting of votes.

37. The scrutineer or if more than one of them the majority of them shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".

38. Those voting papers which are not rejected shall be counted.

39. After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal.

Scrutineer's report

40. As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's report") to the Union in accordance with these Rules. The scrutineer's report shall state:

- (a)** the number of voting papers distributed for the purposes of the ballot;

- (b)** the number of voting papers distributed under political fund ballot Rule 29 and the number of voting papers (if any) so distributed after the date on which counting began but before the last date for receipt of completed voting papers by the scrutineer;
- (c)** the number of voting papers returned to the scrutineer as undelivered;
- (d)** the number of voting papers not used;
- (e)** the number of voting papers returned to the scrutineer by the members;
- (f)** the number of valid votes cast in the ballot for and the number of valid votes cast against the resolution;
- (g)** the number of spoiled or otherwise invalid voting papers returned;
- (h)** the fact that the scrutineer was appointed as the independent person or persons;

whether the scrutineer is:

- (i) satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these Rules in relation to the ballot;
- (ii) satisfied that the arrangements made (whether by him/her or another person) with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any interference or malpractice might occur;
- (iii) that s/he has been able to carry out his functions without such interference as would make it reasonable for any person to call his/her independence in relation to the union in question.
- (iv) has inspected the register of names and addresses of members of the Union or has examined a copy of the register supplied to him/her under these Rules.

41. If the scrutineer has inspected the register under rule 40(h)(iv) of these Political Fund rules the report shall state whether:

- (a)** he/she has inspected the said register whether in the case of each inspection or examination he/she was acting on a request by a member of the Union or at his/her own instance, and say whether he/she declined to act on such a request; and

- (b) any inspection of the register or any examination or copy of the register reveals any matters which he/she considers should be drawn to the attention of the Union in order to assist in securing that the register is accurate and up to date, but shall not state the name of any member who has requested this inspection or examination.

Copy of the Scrutineer's Report to be sent to the Certification Officer

42. A copy of the scrutineer's report shall be sent by the Union to the Certification Officer as soon as is reasonably practicable.

Publicising the Result of the Ballot

43. The result of the ballot shall not be published until the Union has received the scrutineer's report.
44. As soon as a copy of the report is received by the Union it shall be prominently displayed at the head office of the Union in a conspicuous place accessible to members and shall be kept so displayed for at least a month.
45. Within three months from the date on which the Union receives the scrutineer's report the Executive committee shall:
- (a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
 - (b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as is the practice of the Union to take when matters of general interest to all its members need to be brought to their attention.
46. The Executive committee shall ensure that any copy sent or notification given under Rule 45(b) is accompanied by a statement that the Union will on request supply the member with a copy of the report either:
- (a) free of charge; or
 - (b) on payment of such reasonable fee as may be specified in the notification, and to ensure that a member who makes such a request to the Union is supplied with a copy on payment of such a fee (if any) as has been notified to him/her.

ADDENDUM 1

VOTING PAPER

Ballot paper number:[]

NATIONAL UNION OF TEACHERS

THE RESOLUTION is that the political objects set out in section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (reproduced overleaf) be approved as an object of the Union

Do you vote in favour of the Resolution?

YES

NO

You must place a cross on one, and only one, of the boxes provided.

Place the voting paper in the addressed envelope (no stamp required) and return it to the Scrutineer to arrive on or before the A voting paper received after this date will not be counted.

[Please do not sign or make any other mark on the paper [or include anything else with your voting paper]

Name of Scrutineer

Address to which voting paper is to be sent.....
.....
.....

ADDENDUM 1 (REVERSE)

Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992:

This section applies to the following political objects:

The expenditure of money

- (a) on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;
- (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.

In these objects :

- “candidate” means a candidate for election to a political office and includes a prospective candidate;
- “contribution”, in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;
- “electors” means electors at any election to a political office;
- “film” includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;
- “local authority” means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and
- “political office” means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

ADDENDUM 2

NATIONAL UNION OF TEACHERS

Explanatory statement

This ballot gives you the opportunity to vote on whether the National Union of Teachers should be able to spend money on political purposes. The law says it must have a political fund to do this. To set up a political fund the Union must ballot all of its members. The National Union of Teachers wishes to set up a political fund and seeks your approval. The political purposes on which money in a political fund may be spent are governed by section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992. This is printed on the back of the voting paper.

This ballot is about setting up the National Union of Teachers political fund. It is not about whether you contribute to the fund. All members have the right to vote and the right not to contribute to the fund.

If you agree that the union should have a political fund vote `yes' on the resolution enclosed. If you disagree vote `no'.



www.teachers.org.uk