



# **SSTA Constitution**



# CONSTITUTION

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## 1 NAME

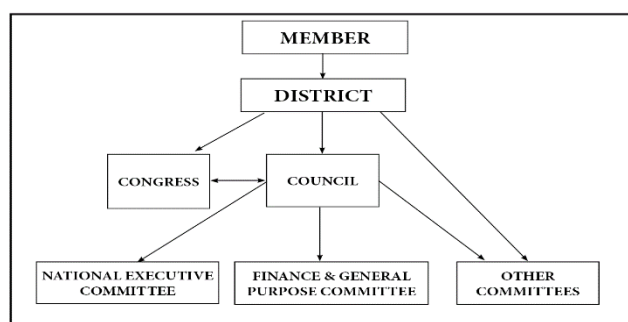
The name of the Association shall be the “SCOTTISH SECONDARY TEACHERS’ ASSOCIATION” with registered offices at West End House, 14 West End Place, Edinburgh, EH11 2ED.

## 2 OBJECTS

The Objects of the Association shall be:

- to advance education in Scotland with particular regard to secondary education.
- to safeguard and promote the interests of Scottish secondary teachers in all matters, especially in those which affect remuneration and other conditions of service.

## 3 STRUCTURE OVERVIEW



The Association shall be divided into Districts which shall correspond to Local Authorities with members normally assigned to the District in which they work. With the approval of Council and / or Congress two or more Districts may decide to operate as an Area for the purposes of organisation and administration.

Comprising representatives from all Districts, Congress is the supreme authority of the Association. Council acts on behalf of Congress between annual meetings of Congress. Congress will establish Council and appropriate committees. Council shall be elected for a period of two years and shall take office at the close of the Annual Congress following election.

The affairs of the Association shall be managed by the National Executive Committee (hereafter known as Executive) between meetings of Council. The Executive shall consist of six Office Bearers of the Association and six representatives elected by Council. The Office Bearers, in order of precedence, are:-

President  
Vice President  
General Secretary  
Minutes Secretary  
General Treasurer  
Immediate Past President

## 4. MEMBERSHIP

### 4.1 Eligibility

Membership of the Association shall be open to all teachers qualified for, or employed in post-primary work in schools in Scotland.

- 4.1.1 Membership of the Association shall be incompatible with membership of any other organisation having negotiating rights on the same national negotiating body as the Association.

## **4.2 Categories of Membership**

There are four categories of membership: Member, Associate Member, Retired Member, National Award Holders (Life).

- 4.2.1 Membership, not including Associate Member and Retired Member categories, shall be open to teachers engaged in or available for full time, part time, or supply work in post primary schools in Scotland.

Members who transfer to educational posts in Scotland other than in a secondary school may continue their membership.

Members who leave teaching, but who intend to return to teaching in Scotland may continue their membership.

Members in receipt of a teaching pension, but who remain employed in post-primary work may retain member status on payment of the appropriate subscription.

It should be noted that membership does not automatically entitle the member to participate in ballots for industrial action.

- 4.2.2 Associate Members: students in training whose course leads to a qualification to teach in secondary schools may become Associate Members and may retain such Associate membership until such times as taking up employment in post-primary work in Scotland.

- 4.2.3 Retired Members: teachers who have retired and ceased to be employed as teachers, but who wish to continue their membership of the Association. They shall belong to the District of their choice.

- 4.2.4 Life Membership: those who have been awarded the Association National Award (Life Membership), entitling the holder to enjoy for life the privileges of a member. This National Award may be conferred on a member of the Association or any other person who has given distinguished service to the Association and/or education. Other than in exceptional circumstances it may be awarded to a member of the Association only on retiral.

A nomination for an Association National Award may be made by any two members of the Association. A nomination signed by the proposer and the seconder, together with a testimonial in favour of the nominee, shall be sent to the General Secretary.

Nominations shall be considered by a Committee of Past Presidents and the President, the General Secretary and the General Treasurer, of whom seven shall form a quorum. The Committee shall determine the Association National Award to be made and shall not be required to give reasons for its decision or for refusal to make any award.

The Association National Awards (Life Membership/Distinguished Service) conferred by the Committee shall be intimated to Council. Those in receipt of Life Membership may belong to the district of their choice. Nominations for Association National Awards should normally be received by the General Secretary by 1<sup>st</sup> December (for presentation in the following year). The National Award of Life Membership will normally be presented at Congress.

## **4.3 Association Liability**

The Association shall not accept liability for events or actions relating to an individual which have had their inception prior to their admission to membership or during a period when membership had lapsed.

See also Paragraph 5.5

#### **4.4 Suspension of Membership**

The power to suspend any member from the privilege of membership or to expel any member from membership shall be vested in the General Secretary.

There shall be a right of appeal against any decision to suspend or expel a member. Any such appeal shall be heard by a Disciplinary Committee consisting of at least 3 members of Executive (excluding the General Secretary).

See Disciplinary Procedures Section 11

### **5. SUBSCRIPTION**

#### **5.1 Annual Subscription**

An annual subscription, the amount of which shall be determined annually in December by Council on the recommendation of the Finance and General Purposes (FGP) Committee, shall be due and payable by each member and retired member.

#### **5.2 Method of Payment**

The timing and method of payment of the subscription shall be determined by Council on the advice of the FGP Committee.

#### **5.3 Failure to Renew**

Any member who fails to renew the annual subscription for any year before 1 March in that year shall be deemed to have forfeited the rights and privileges of membership until such time as payment is made.

#### **5.4 Arrears**

Any member who has elected to pay the annual subscription by a monthly Direct Debit and who fails to make a monthly payment shall be deemed to have forfeited the rights and privileges of membership until such time as all arrears of payment have been made.

#### **5.5 Associate Members**

Associate Members shall pay no subscription. The Association shall have no financial responsibility for Associate Members.

#### **5.6 Refunds**

Members whose contracts have changed but have not notified the Association may receive a refund for overpayment of subscriptions as determined by the FGP Committee.

## 6. **STRUCTURE**

### 6.1 **Congress**

The supreme authority of the Association shall reside in Congress, which shall be a meeting consisting of the Office Bearers of the Association, the members of Council and representatives from each District or Area as listed in Appendix 1. One-third of those entitled to be present and vote shall form a quorum.

6.1.1 Congress shall meet annually on a date or dates to be determined by Executive but not later than the last Saturday in May. A special meeting of Congress may be called (a) by a majority decision of Council, or (b) on a requisition to the General Secretary, signed by 5% of the total membership, such requisition to incorporate all business which is to be the subject of the meeting so called. Such special meetings of Congress shall be held within one calendar month of the decision of Council or receipt of the requisition. At least ten days' notice of the business of a meeting of Congress shall be given to members of Congress by the General Secretary.

6.1.2 Each District shall elect to Congress a representative or representatives in accordance with Rules for Ballot and Elections. For this purpose, District membership shall be the number of members in each District on the preceding 31 December as certified by the General Secretary.

6.1.3 At the invitation of the President, a Committee Convener who is not a congressional representative may attend a meeting of Congress as a contributor for purposes associated with the work of that committee. In this capacity the Convener will have all the formal rights of debate but will have no vote.

### 6.2 **Council**

The affairs of the Association shall be administered by Council which is the principal committee of the Association. The Association's administrative year shall extend from 1 May to 30 April. Following nomination by Districts, at its first meeting, Council shall elect from its own number six members to serve on the FGP Committee and also six members to serve on the Executive.

6.2.1 Council shall have power also to appoint such other committees as it may from time to time consider necessary. The continuance of such committees shall be subject to confirmation by Congress. Association Office Bearers shall be members of all committees appointed by Council.

6.2.2 Council shall consist of the Office Bearers and members elected by each District.

6.2.3 Candidates for Council membership shall be nominated by a proposer and seconder at the District's Annual General Meeting (AGM) and elected by secret ballot of those eligible members present at the District AGM.

6.2.4 In the event of a vacancy in District representation on Council, the District shall be invited to put forward a new nomination at its next meeting.

6.2.5 There shall be three stated meetings of Council, one in each of the months March, October and December. On the instruction of Council (at one of its stated meetings) or the Executive, the General Secretary may call special meetings of Council as occasion demands.

6.2.6 One third of the members of Council shall form a quorum.

6.2.7 At the invitation of the President, a Committee Convener who is not a member of Council may attend a meeting of Council as a contributor for purposes associated with the work of that committee. In this capacity the Convener will have all the formal rights of debate but will have no vote.

### **6.3 National Executive Committee**

Subject to the approval of Council, following nomination by Districts, the Executive shall consist of the Office Bearers and the six representatives elected by Council. The Executive shall be responsible for the implementation of all decisions of Congress and of Council.

The Executive shall be empowered to take such action as it sees fit on all matters arising between stated meetings of Council where it considers that action is warranted by the circumstances and shall perform such other duties and exercise such other powers as may be determined from time to time by Council. The General Secretary shall make a report on behalf of Executive to each stated meeting of Council.

A stated meeting of the Executive shall normally take place within the period of eight days prior to each stated meeting of Council. Five members shall form a quorum. A Disciplinary Committee will be established, as required, consisting of at least three members of Executive.

### **6.4 Finance and General Purposes Committee**

The Finance and General Purposes (FGP) Committee shall consist of the Office Bearers and six other members of Council. The General Treasurer shall be the convener of the FGP Committee. Five members shall form a quorum.

Subject to the approval of Council, the FGP Committee shall have full power to administer the finances of the Association, to invest the funds of the Association and to implement its financial policy through the General Treasurer. It shall perform such other duties and exercise such other powers as may be determined from time to time by Council.

The General Treasurer shall make a report to each stated meeting of Council. The annual accounts of the Association shall be submitted for approval to Congress, and any paid-up member shall be entitled to inspect a copy of the approved annual accounts at the offices of the Association during normal office hours.

It shall be the duty of the General Treasurer to supply District or Area Secretaries (or Treasurers) with funds for normal District or Area expenditure, and they shall be accountable annually to the General Treasurer for these funds. Applications by Districts or Areas for permission to incur expenditure of an extraordinary nature shall be made to the FGP Committee through the General Treasurer.

The Association's financial year shall extend from 1 January to 31 December.

An auditor or auditors shall be appointed by Congress on the recommendation of the FGP Committee.



## **6.5 Other Committees**

Each committee shall have a written statement of purpose which shall be subject to approval by Council, and which shall be appended to the Constitution.

All committees will be subject to the following protocols:

- Each committee shall elect from within its number a Convener and a Minutes Secretary.
- Each committee shall comprise the Office Bearers and between four and ten members elected by Council.
- Committees shall assume and demit office on dates to be decided by Council.
- Any member of the Association shall be eligible to be elected as a member of a committee, other than Executive or FGP which are formed from Council membership.
- A quorum shall normally be one third of the number of members of the committee rounded up to the next whole number.
- Each committee shall have the power to co-opt a member to the committee. Any co-opted member shall hold office until the next meeting of Council or Congress, at which meeting their co-opted membership shall lapse and they shall be eligible to be appointed as a full member of the committee by Council or Congress. No committee shall have more than four co-opted members at any one time.

## **7. ACTION IN BREACH OF CONTRACT**

Authority for holding a ballot may be given only by Congress, Council or Executive. Ballots on any form of industrial action will require to comply with current legislation. Action in breach of contract may be called if a majority, of those voting in secret ballot of the membership, conducted in accordance with the rules for ballot, is in favour. Retired members are excluded by law from such a ballot.

Congress, Council or Executive shall determine the area, school or group of schools in which a ballot of members is to be held. Action in breach of contract by members in that area, school, or group of schools may be called if a majority of those voting is in favour.

Action in breach of contract will normally be called and terminated by Executive.

## **8. OFFICE BEARERS**

### **8.1 Tenure of Office**

8.1.1 The Office Bearers shall be the President, the Vice President, the General Secretary, the Minutes Secretary, the General Treasurer and the Immediate Past President. The President and Vice President shall hold office for two years. The Minutes Secretary and General Treasurer shall hold office for four years. The office of Immediate Past President shall be held by the President for two years on demitting office. The President, Vice President, Immediate Past President, Minutes Secretary and General Treasurer shall take office on the same date as a new Council. The appointment process for General Secretary shall be determined by Council.

8.1.2 The General Secretary, who need not be eligible for membership of the Association, shall be a permanent salaried employee appointed and re-appointed in compliance with prevailing statutory requirements and the appointment shall be confirmed by Council. The General Secretary shall report to and act on behalf of Congress, Council and Executive.



## **8.2 Nominations for Office Bearers**

Each District of the Association shall have power to nominate one candidate for election to the offices of President, Vice President, Minutes Secretary and General Treasurer. Nominations shall be intimated to the General Secretary ten days prior to December Council. Contested elections shall be conducted by secret ballot to be completed by 31 January. The method of balloting shall be in accordance with Rules for Ballots and Elections to be adopted by Council.

## **8.3 Vacancies**

- 8.3.1 In the absence of any nomination for one or more of these offices, Council shall be empowered to nominate at its December meeting.
- 8.3.2 If the office of President falls vacant the Vice President shall immediately assume the office of President. If the office of General Secretary falls vacant, the Depute General Secretary shall immediately assume the office of Acting General Secretary until a successor is appointed. If the office of Vice President, Minutes Secretary or General Treasurer falls vacant, Council shall be empowered to appoint an acting Office Bearer from within its number or to authorise a by-election at its discretion.

## **9. TRUSTEES**

The Trustees of the Association shall be the President and the General Secretary.

The Trustees shall have all responsibility for the financial affairs of the Association and powers to borrow money on behalf of the Association. Such powers shall not be exercised until:

- the matter has been referred to the FGP Committee;
- the report of the FGP Committee has been considered by the Executive; and
- Council has approved the exercise of the powers and the extent of the borrowing.

## **10. LOCAL ORGANISATION AND ADMINISTRATION**

### **10.1 Districts and Areas**

The Association shall be divided into Districts which correspond to the Scottish Local Government Authorities.

Each District shall hold an AGM in the month of February, at which a District Secretary and such other District Office Bearers as are deemed necessary shall be elected.

All nominations for National Office Bearers or Council must come from Districts.

District meetings for the purposes of raising motions for Council or making nominations should be held not more than three weeks prior to each stated meeting of Council and Congress. Additional meetings can be called by the District Convener as required.

Two or more Districts may decide to operate as an Area for the purposes of Association organisation and administration. Such a decision must be made at District meetings called for that purpose and be approved by Council, as must any request by an Area or District that an Area be dissolved. Where Areas are established an Area Convener shall be elected.

## 10.2 **School Representatives**

There shall be elected in every school or workplace where there are members of the Association an official to be known as the School Representative. School Representatives shall be elected annually at a meeting of members held in the final term of the session. They shall be eligible for re-election. Vacancies shall normally be filled by election within three weeks of the vacancy occurring.

The duties and powers of School Representatives shall be such as are determined from time to time by Council.

## 10.3 **Safety Representatives**

There shall be elected in every school or workplace where there are members of the Association a Safety Representative whose functions shall be those prescribed in current legislation relating to Health and Safety at Work.

# 11. **DISCIPLINARY PROCEDURES**

## 11.1 **Suspension from Office**

The power to suspend any members from office shall be vested in the General Secretary.

There shall be a right of appeal against any decision to suspend. Any such appeal shall be heard by a Disciplinary Committee consisting of at least 3 members of Executive (excluding the General Secretary).

## 11.2 **Removal from Office**

Removal from office of an auditor, a Trustee, an Office Bearer or a member of the Executive may be effected following an appropriate resolution of Congress approved by two-thirds of those present and entitled to vote.

## 11.3 **Complaints Procedure**

### 11.3.1 **Member**

In the event of a member raising a complaint against another member who is not a member of staff the following procedure shall apply:

- The complaint shall be heard in, the first instance, by the General Secretary who shall attempt to effect resolution by contacting both the complainant and the person against whom the complaint has been raised.
- If such resolution cannot be effected, then the matter shall be passed to a Past President, chosen by the General Secretary, who shall undertake an immediate investigation into the facts of the complaint.
- On completion of the investigation the Investigating Officer shall pass a factual report to the President who shall have the sole responsibility for determining the outcome.
- A complaint against the President shall be determined by an independent person selected by the General Secretary.

### 11.3.2 **General Secretary**

A complaint regarding the General Secretary should be referred to the President. As an employee, the General Secretary is subject to the Association's Employment Terms and Conditions of Service.

### **11.3.3 Staff**

A complaint regarding a member of staff should be referred to the General Secretary. The complaint shall be dealt with in line with the Association's Employment Terms and Conditions of Service.

### **11.4 Complaints Appeal**

Where either party can establish ground for appeal, Executive shall convene an Appeal Panel, compliant with the arrangements for convening a Disciplinary Committee in 6.3 of the Constitution. Such a Committee will consider the ground for Appeal offered by the Appellant(s) and may invite a hearing accordingly. In exceptional circumstances, such a hearing may be conducted without the Appellant(s) being present.

## **12. THE CONSTITUTION**

**12.1** The Constitution can be amended only by Congress. No such amendments shall be made unless approved by two-thirds of those present and voting.

**12.2** The Association may be dissolved only if two-thirds of the paid-up membership, as evidenced by a postal ballot, is in favour of such dissolution.