

JUNE EDITION 2010

Constitution and rules



1 INTERPRETATION

Unless there be something in the subject or context inconsistent therewith, the following expressions shall have the following meanings:

- 1.1** 'A secondary school or college' means an institution at which full-time education higher than primary is the principal part of the education there given, including an institution where the majority or totality of students are over the statutory leaving age.
- 1.2** "Head", "Deputy head" and "Assistant head" include persons holding any position with equivalent responsibilities to those positions regardless of the titles employed.
- 1.3** Words importing the masculine gender only shall include the feminine gender and vice versa.

2 TITLE

The title of the Association shall be "The Association of School and College Leaders".

3 AIMS AND OBJECTS OF THE ASSOCIATION

The principal purposes shall be:

- 3.1** To support, protect and promote the character, status and interests of persons engaged in the profession of education generally, and secondary education in particular, in the United Kingdom and elsewhere; to regulate the conditions of their employment and the relations between them and their employers, and to provide and maintain such services as may be approved by General Meetings or the Council from time to time.
- 3.2** To encourage education and teaching, and to improve, instigate and organise methods and systems relating thereto.
- 3.3** To procure and diffuse among the Members of the Association and the public information on all matters relating to or affecting education, teaching, examinations and educational organisation; and to promote the consideration and discussion of all questions connected therewith.
- 3.4** To place the views of Members before various education authorities and other bodies and before the general public and in particular to advance all matters of concern to the teaching profession.
- 3.5** To enable Members to co-operate as a body with other organisations in the pursuit of the aims of the Association.
- 3.6** To render legal advice and assistance in professional matters to members whenever possible and desirable.
- 3.7** To promote and maintain standards of professional conduct.
- 3.8** To borrow money for any of the purposes of the Association on such security and in such manner as may seem expedient.
- 3.9** To act as trustees of any property, endowment, legacy, bequest or gift which may lawfully be vested in the Association.
- 3.10** To establish or promote or concur in establishing or promoting any company or body whose objects shall be calculated to advance directly or indirectly the objects or interests of the Association or its Members and to acquire and hold, sell, deal with or dispose of shares, stocks, securities or interests in any such company or body.
- 3.11** To assist or support any company or body established or promoted under Rule 3.10 by means of lending money or providing other services on such terms and in such manner as may be expedient.

4 MEMBERSHIP

4.1 Full Membership

4.1.1 There shall be eligible for election to full membership of the Association any person working in a secondary school or college who is a member of the senior leadership team or whose responsibilities cover the whole secondary school or college.

4.1.2 In the event that a Full Member is on secondment to an organisation involved in the opinion of the Council in the field of education, such person shall be eligible to remain a Full Member of the Association for the duration of the secondment, subject always to a maximum period of two years, following which such Member, if he or she is still on secondment, shall immediately cease being a Full Member and shall transfer automatically to Affiliate Membership for the remainder of the secondment. On cessation of such secondment exceeding two years, such Member shall, if eligible, be entitled to resume full membership.

4.1.3 Any person ceasing to be eligible for full membership other than as set out in Rule 4.1.2, shall immediately cease being a Full Member and may if appropriate apply for a different class of membership under Rule 4.2 and Rule 4.3.

4.2 Other Classes of Membership:

4.2.1 Overseas Membership: heads, deputy heads or assistant heads may be elected to overseas membership on terms and under conditions to be decided by the Council.

4.2.2 Additional Membership: Any person who has ceased to be a head, deputy head or assistant head of a secondary school or college shall be eligible to be elected by the Council as an Additional Member upon such terms as the Council may from time to time determine.

4.2.3 Associate Membership: Retired Full Members may be elected Associate Members on payment of an annual subscription to be determined by the Council.

4.2.4 Honorary Membership: Council shall have power to elect as Honorary Members any Full Members on the point of their retirement, or who have retired.

4.2.5 Affiliate Membership: The Council may elect as Affiliate Members, (i) any person who previously having been a Full Member of the Association, is employed in the field of education but is no longer eligible for full membership, or (ii) any person who, not previously having been a Full Member of the Association, is employed in the field of education in a post equivalent to that of head, deputy head or assistant head of a secondary school or college.

4.3 Any person who shall desire to be admitted to any class of membership of the Association (except Honorary membership) shall make application for that purpose to the General Secretary of the Association, on a form to be obtained from the General Secretary, and after confirmation of eligibility, may be admitted to such class of membership subject to the payment (if applicable) within 14 days after the notification of such enrolment of his or her subscription for the current year. In case of doubt about eligibility for membership, the question shall be referred to the appropriate Committee or Sub-Committee for decision. If membership is refused the applicant may appeal in writing to the Council whose decision shall be final.

4.4 Ineligible persons:

Self-employed consultants shall not be eligible for election to any class of membership of the Association save that retired Full Members who are self-employed consultants may be elected to Associate Membership.

5 RIGHTS OF MEMBERS

5.1 Full Members shall have the following rights:

5.1.1 To attend and vote at meetings of their own Branch (as defined in Rule 10.2.1) in accordance with Branch rules and at General Meetings and attend Conferences of the Association and to vote in elections of Representative members of Council. To vote in elections for the General Secretary in accordance with any Bye-Law in force for the time being.

5.1.2 To stand for election to the Council and serve as Officers of the Association in accordance with these Rules and with the requirements of legislation in force for the time being.

5.1.3 To receive the publications of the Association and information and advice on educational and professional matters.

5.1.4 At the discretion of the Council or of a Committee of the Council to receive legal advice and assistance in professional matters.

5.1.5 To receive such other benefits as the Council may determine.

5.2 Affiliate Members shall have the following rights:

5.2.1 To attend (but not to vote) at meetings of their own Branch (as defined in Rule 10.2.1) in accordance if applicable with Branch rules and at General Meetings and attend (but not vote at) Conferences of the Association;

5.2.2 To receive the publications of the Association and information and advice on educational and professional matters;

5.2.3 At the discretion of the Council or a Committee of the Council to receive legal advice and assistance in professional matters;

5.2.4 To receive such other benefits as the Council may determine.

5.3 Other classes of Members shall have such rights as the Council may determine.

6 SUBSCRIPTIONS AND OTHER MONEYS DUE FROM MEMBERS

6.1 The annual subscription of each class of membership shall be such sum as the Council may from time to time prescribe under Bye-Laws made pursuant to Rule 12.2.8. Subscriptions shall be paid in advance to the Treasurer on the 1st day of January in each year or on such dates as the Council shall determine.

6.2 Any Member who is indebted to the Association for any subscription or other moneys shall not, after special notice in writing requiring payment shall have been served upon him or her by order of the Council or of a Committee of the Council, be entitled to vote at any Meeting, to hold any office, or to exercise any other privilege of membership.

6.3 If any Member's subscription or any part of it shall be in arrears for six months and he or she shall fail to pay the same within 14 days next after service of a special notice in writing requiring payment and indicating that in default thereof he or she shall cease to be a Member, it shall be lawful for the Council to remove that person from his or her membership of the Association by a further notice in writing to that effect served upon him or her.

6.4 It shall be in the discretion of the Council at any time after the removal of any Member under Rule 6.3. to re-admit him or her to his or her former class of membership (if otherwise eligible) provided that he or she shall before re-admittance pay all arrears, if any, of subscription due to the Association upon such terms as the Council thinks proper.

7 CESSATION OF MEMBERSHIP

- 7.1** Any Member shall have the right to resign at any time provided that his or her current subscription has been paid in full for the year.
- 7.2** ASCL Council shall have the right to terminate the membership of a member on the grounds that the member has acted to the detriment, or contrary to the interests aims and/or objectives of ASCL or behaves offensively to fellow ASCL members or members of the ASCL staff.
- 7.2.1** Upon receipt of a complaint from Council, a Branch, a member or member of staff, Council (represented by the Presidential Trio) may suspend a member from membership of the ASCL, either as a disciplinary measure in itself or pending a decision on the question of termination of membership.
- 7.2.2** Expulsion or suspension shall be the only penalties available to Council.
- 7.2.3** Before a decision is taken either to terminate membership or to suspend membership, the President shall appoint a disciplinary panel, consisting of three members of Council which shall hold a meeting at which the member in question shall be entitled to appear, accompanied by a friend.
- 7.2.4** At least seven days notice of the time, date and place of such a meeting shall be given to the member who shall at the same time be supplied with a written statement of the reasons why Council proposes to terminate or suspend membership.
- 7.2.5** The decision of the disciplinary panel shall be deemed to be the decision of Council and shall be communicated in writing to the member and to the Presidential Trio and the General Secretary within 48 hours of the meeting.

7.2.6 A member may appeal against termination of his/her membership to an appeals panel of Council as follows:

7.2.7 An appeal against the decision of Council shall be in writing, and shall be posted to the Presidential Trio within 14 days of the date of the decision and shall contain the grounds of appeal.

7.2.8 The President shall refer the appeal to an appeals panel of Council consisting of three members of council not involved in the disciplinary hearing who shall hear an appeal within 28 days thereafter.

7.2.9 The President shall give at least 14 days written notice of the time, date and place of such a meeting to the member and to Council, which shall also at the time receive a copy of the grounds of appeal. Council shall be entitled to send a written statement provided it is received by the President not less than seven days before the meeting and a copy sent directly to the member at the same time as the statement is sent to the President.

7.2.10 The member shall be entitled to appear at the meeting accompanied by a friend. A representative of Council shall also be entitled to appear.

7.2.11 The decision of the appeals committee of Council shall be final and shall be communicated in writing to the member and to Council

8 REGISTER OF MEMBERS

The Council shall keep a register in which shall be entered the name, address, school, description and class of every Member of the Association. The address of any Member entered in the Register is in these Rules referred to as "the Registered Address" of that Member.

9 OFFICERS

9.1 The Officers of the Association shall be the President, the Immediate Past President, the Vice-President, the Treasurer and not more than seven other Officers, whose titles and functions are determined by the Council.

9.2 All Officers shall be elected members of Council. The President and Immediate Past President shall be elected as in 10.5 and all other Officers shall be elected annually at such times and in such manner as the Council shall determine.

9.3 The President shall preside at meetings of the Council and at General meetings. The Immediate Past President and Vice-President may deputize for the President when the occasion shall require. The Treasurer shall have charge of the funds of the Association and general supervision of the accounts and shall make reports to the Council when required by and in any event at such intervals as the Council may determine; the Treasurer shall also make provision for the investment by the Trustees of moneys and other property held by the Association and advise the Council as to any change in the rate or rates of subscription which may be desirable or necessary.

10 COUNCIL AND REPRESENTATION

10.1 The Council shall consist of Representative members elected by Regions, by Members in Special Categories of Schools and Colleges, and by national ballot.

10.2 Regions, Branches and Special Categories of Schools and Colleges

10.2.1 The Council shall from time to time prescribe Regions and Branches of the Association which shall be fixed by geographical limits within which Members shall be grouped by reference to the situation of their schools.

10.2.2 Each Branch shall conduct its business and elect its Officers, having regard to the interests of the needs of all Members, and according to Branch Rules which will be subject to the approval of the Council.

10.2.3 The Council shall from time to time prescribe Special Categories of Schools and Colleges and Members serving in such schools shall not be entitled to be nominated or vote in Region elections for such Representative members of Council, but shall be entitled to be nominated and vote in an election for Representative members of Council for their Special Category.

10.2.4 In all Branches there shall be conveners for the efficient organisation of Association business.

10.3 Representation

10.3.1 Each Region shall elect to Council such number of Representative members as the Council shall decide with only Full Members entitled to vote and excepting those Members in Special Categories of Schools and Colleges who shall not be entitled to be elected or vote.

10.3.2 Nominations of members working within the Region, excluding members in Special Categories of Schools and Colleges, shall be called for and every Member entitled to vote shall have sent to him/her at his/her registered address appearing in the register of Members a voting paper which either lists the candidates at the election or is accompanied by a separate list of those candidates and shall be given a convenient opportunity to vote by post.

10.3.3 The ballot shall be conducted so as to ensure that, so far as is reasonably practicable, the Members voting do so in secret.

10.3.4 Each Special Category of Schools and Colleges shall elect to Council such number of Representative members as the Council shall decide with only such Full Members entitled to vote.

10.3.5 Nominations of members working within each Special Category of School or College shall be called for and every Member entitled to vote shall have sent to him/her at his/her registered address appearing in the register of Members a voting paper which either lists the candidates at the election or is accompanied by a separate list of those candidates and shall be given a convenient opportunity to vote by post.

10.3.6 The result of these elections shall be determined solely by counting the number of votes cast directly for each candidate at the election by those voting (nothing in this paragraph being taken to prevent the system of voting used for the election being the single transferable vote).

10.4 National Representation

10.4.1 Following the holding of Region and Special Category elections, the General Secretary shall conduct a national election of Council Representatives of such number as the Council shall decide. Any Full Member of the Association will be invited to submit nominations, proposed and seconded, supported by a further five Full Members, to the General Secretary of the Association, of candidates willing to stand as National Representatives.

10.4.2 Voting papers shall be prepared by the General Secretary and every Member entitled to vote shall have sent to him/her at his/her registered address appearing in the register of Members a voting paper which either lists the candidates at the election or is accompanied by

a separate list of those candidates, and shall be given a convenient opportunity to vote by post.

10.4.3 The ballot shall be conducted so as to secure that so far as is reasonably practicable the Members voting do so in secret.

10.4.4 The result of the election shall be determined solely by counting the number of votes cast directly for each candidate by those voting (nothing in this paragraph being taken to prevent the system of voting used for the election being the single transferable vote).

10.4.5 The votes given at the election shall be fairly and accurately counted (any inaccuracy in counting being disregarded for the purpose of this paragraph if it is accidental and on a scale which could not affect the result of the election).

10.5 Election of President

The President shall be elected by national ballot for a term of one year as President followed by a second year as Immediate Past President and three subsequent years on Council. The procedure shall be that outlined in 10.4.1.

10.6 Region, Special Category and National Representatives shall take up their position on Council on the 1st day of September following their election and shall conclude their period of service on 31 August of the summer term following the expiry of the number of years for which they were elected. Region and Special Category Representatives shall not serve for more than four consecutive years in that capacity. National Representatives shall not serve for more than nine years in that capacity. Presidents shall complete their term outlined in 10.5.

10.7 Other Persons Eligible to Attend Council

10.7.1 The General Secretary.

10.7.2 Other persons to provide Council with factual information or with technical or professional advice.

10.8 Cessation of membership of the Council

10.8.1 An Officer or other member of the Council shall have power to resign.

10.8.2 A member of the Council shall cease to be a member thereof if he or she shall not have attended any Council meeting for the space of 12 months or if he or she shall cease to be eligible for Full Membership of the Association. If such a member is an Officer he or she shall also automatically relinquish the office held.

10.8.3 The Association may, by Resolution, remove any Officer or member of the Council before the expiration of his or her period of service or term of representation.

10.9 Vacancies

10.9.1 Vacancies on the Council howsoever caused shall be filled:

(a) In the case of an Officer by such existing member of the Council as the Council may determine, or

(b) In the case of a Region and Special Category Representative member by the Region or Special Category responsible for and in the same manner as the original election.

10.9.2 A National Representative vacancy shall be left in abeyance until the normal annual national elections.

11 PROCEEDINGS OF COUNCIL

11.1 The Council may meet for the dispatch of business, adjourn and otherwise regulate its meetings and proceedings as it thinks fit, and may determine the quorum necessary for the transaction of business.

Until otherwise determined five members including Officers shall be a quorum. The President shall preside as Chairman of every meeting of the Council. If at any meeting the President shall not be present at the time appointed for holding the same, the Council shall nominate one of their number to be Chairman of such meeting. 14 days' notice in writing of a meeting of the Council shall be given in accordance with Rule 20 but it shall not be necessary to give notice of a Meeting of the Council to a member whose Registered Address is not within the United Kingdom. Questions arising at any Meeting of the Council shall be decided by a majority of votes and in the case of equality of votes, the Chairman shall have a second or casting vote.

11.2 The President may in case of urgent necessity, with the sanction of three members of the Council, and shall upon a requisition made in writing and signed by any five or more members of the Council, convene a Special Meeting of the Council by giving three days' notice thereof.

11.3 A meeting of the Council for the time being at which a quorum is present shall be competent to exercise all or any of the authorities, powers, and discretions by or under these Rules for the time being vested in or exercisable by the Council generally.

11.4 The Council may delegate any of its powers except those arising under Rule 15 to Committees and Sub-Committees consisting of such of its members as it may think fit. Any Committee or Sub-Committee so formed shall, in the exercise of the powers so delegated, conform to any Regulations that may from time to time be imposed on it by the Council.

11.5 The meetings and proceedings of any such Committee or Sub-Committee shall be governed by the provisions

herein contained for regulating the meetings and proceedings of the Council so far as the same are applicable thereto and are not superseded by any Regulations made by the Council under the last preceding Rule.

12 POWERS OF COUNCIL

12.1 The Management of the affairs of the Association shall be vested in the Council which in addition to the powers and authorities expressly conferred upon it by these Rules may exercise all such powers and do all such acts and things as may be exercised or done by the Association in General Meeting, but subject, nevertheless, to all provisions of any statute or of these Rules, and to any resolution from time to time passed by the Association in General Meeting, provided that no resolution so made shall invalidate any prior act of the Council which would have been valid if such resolution had not been passed.

12.2 Without prejudice to the general powers conferred by the last preceding clause, and the other powers conferred by these Rules, it is hereby expressly declared that the Council shall have the following powers:

12.2.1 To initiate, promote and carry out all or any of the objects of the Association.

12.2.2 To appoint in accordance with Rule 15 a person or persons to accept and hold in trust for the Association any property belonging to the Association or in which it is interested; and to execute and do all such deeds and things as may be requisite in relation to any such trust.

12.2.3 To institute, conduct, defend, compromise, or abandon any legal proceedings by or against the Association, or its Officers, or

otherwise concerning the affairs of the Association, and also to compromise and allow time for payment or satisfaction of any debts due, and of any claims or demands by or against the Association.

12.2.4 To refer to arbitration any claims or demands by or against the Association and to abide by and satisfy awards so made.

12.2.5 To make and give receipts, releases and other discharges for money payable to the Association, and for the claims and demands of the Association.

12.2.6 To determine who shall be entitled to sign bills, notes, receipts, acceptances, endorsements, cheques, releases, contracts, and documents on behalf of the Association.

12.2.7 To control the investment of the moneys or other property of the Association held by the Trustees of the Association upon trust, and not immediately required for the purposes respectively of the Association or to which the various trusts are devoted, in such securities and in such manner as the Council may think fit and from time to time to vary or realize such investments; but as regards any monies or other property held on or for any specific trust or object or otherwise forming a charitable endowment, subject to the trusts and law affecting the same respectively.

12.2.8 From time to time to make, vary, and repeal Bye-laws and Regulations for the regulation of the business of the Association, its officers and servants, or the Members of the Association and for the conduct of any elections, but so that such Bye-laws and Regulations shall not amount to an addition to or alteration of these Rules which could only be effected in accordance with Rule 18.

12.2.9 To enter into all such negotiations and contracts, and rescind and vary all such contracts, and execute and do all such acts, deeds, and things in the name and on behalf of the Association as it may consider expedient for or in relation to the exercise of the powers of the Council herein conferred or otherwise for the purposes of the Association.

12.2.10 To call General Meetings of the Association as it thinks fit from time to time in accordance with Rule 13.

12.2.11 To hear any complaint or complaints made in writing by a Member to the General Secretary that action ultra vires to these Rules or contrary to any Resolution of the Association or to any Bye-law or Regulation made by the Council has been taken by the Council or any of its officers or officials. The Council shall then make, or cause to be made, such enquiries as it may consider necessary and take such action as it shall determine. The complainant shall be notified in writing of the results of the Council's enquiries and its determination thereon.

12.2.12 To decide any question that may arise as to the interpretation of these Rules which decision shall be binding on Members.

13 GENERAL MEETINGS

13.1 Types of General Meetings

13.1.1 An Ordinary General Meeting shall be held annually at such time and place as may be prescribed by the Council.

13.1.2 The Council may, whenever it may think fit, and shall upon requisition made in writing and signed by Members of the Association representing not less than one-tenth of the total voting rights of all Members having at that date the right to vote at General Meetings of the

Association, convene an Extraordinary General Meeting of the Association.

13.1.3 Any requisition made under Rule 13.1.2 shall set out the purpose or purposes of the proposed Meeting and shall be delivered to the General Secretary of the Association.

13.1.4 Upon receipt by the General Secretary of such requisition he or she shall forthwith proceed to convene a General Meeting. If he or she does not proceed to convene the same within 21 days from the date of receipt of the requisition, the requisitionists, or any of them representing more than one-half of the total voting rights of all of them, may themselves convene a Meeting, but any Meeting so convened shall not be held after the expiration of three months from the date of receipt of the requisition by the General Secretary pursuant to Rule 13.1.3.

13.2 Notice of General Meetings

13.2.1 An Ordinary General Meeting shall be convened by at least twenty-one days' notice given to Members entitled to attend such meeting, but the non-receipt of such notice by any Member shall not invalidate the proceedings at the General Meeting. Any Extraordinary General Meeting shall be convened on not less than fourteen days notice.

13.2.2 Notice of General Meeting shall specify the place, the day and the time of meeting and the nature of the business to be transacted.

13.3 Proceedings at General Meetings

13.3.1 The President of the Association shall be entitled to preside as Chairman at every General Meeting of the Association, but if at any such meeting the President is not present at the time of holding the same, or shall decline to act as Chairman thereof, the Members present shall choose one of their number to be Chairman of the Meeting.

13.3.2 The Chairman may, with the consent of the Meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned Meeting other than the business left unfinished at the Meeting from which the adjournment took place.

13.3.3 Every question submitted to a Meeting shall be decided by a show of hands or by ballot and in the case of equality of votes the Chairman shall have a second or casting vote in addition to his or her own vote. In the event of a ballot the Chairman shall appoint two Members to scrutinize and count the votes and the Chairman shall declare the results of the voting.

13.3.4 At any General Meeting a declaration by the Chairman that a resolution has been carried, and an entry in the book of proceedings of the Association, shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

13.3.5 Prior to every Ordinary General Meeting the Council shall make an Annual Report which shall be considered by such Meeting.

13.3.6 No business shall be transacted at any meeting unless a quorum is present at the commencement of such business. Such quorum shall, unless and until otherwise determined by a General Meeting, be ten Members personally present.

13.3.7 If within one hour from the time appointed for a meeting requisitioned by Members in accordance with Rule 13.1 a quorum of Members is not present, the meeting shall be dissolved. In any other case it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum

of Members is not present, it shall be adjourned sine die.

13.3.8 Subject to the provisions of Rule 6.2 and of Rule 13.3.3 as to the Chairman's right to vote, every Member present and entitled to vote shall have one vote and no more.

14 OFFICIALS

14.1 The Council shall appoint a General Secretary on terms and conditions of employment approved by the Council and subject to the General Secretary being elected by Full Members under the provisions of current legislation and in accordance with Bye-Laws made by the Council.

14.2 Subject to the terms and conditions of his or her contract of employment and notwithstanding Rule 14.1, a person holding the position of General Secretary shall be entitled to continue as the holder of that position until retirement age without standing for re-election on the conditions provided for by Section 58 of the Trade Union and Labour Relations (Consolidation) Act 1992 or any statutory re-enactment or modification thereof, the retirement age of the General Secretary being 65.

14.3 Other Officials may be appointed by the Council in accordance with procedures and on conditions of employment approved by it.

15 TRUSTEES

15.1 Trustees shall be appointed by the Council in accordance with Rule 12.2.2 to exercise trusteeship over all the properties and funds of the Association.

15.2 There shall be six Trustees, two of whom shall be Treasurer and the General Secretary, and four of whom shall be elected by the Council. Each of the four elected Trustees must have been a Member of the Association for at least seven consecutive years

immediately preceding the date of his or her appointment. For the purpose of this Rule, membership of the Association of Head Mistresses Incorporated 1896 or the Incorporated Association of Head Masters prior to their amalgamation shall be deemed to be membership of the Association. No paid official or staff of the Association other than the General Secretary may be a Trustee.

15.3 If and when the number of the Trustees is reduced to five by death, resignation or other cause, it shall be the duty of the Council to fill the vacancy forthwith.

15.4 The trusteeship of any person shall be ipso facto terminated if he or she is declared of unsound mind or becomes bankrupt or insolvent, is convicted of a criminal offence and sentenced to a term of imprisonment, or has allowed his or her membership of the Association to lapse or otherwise cease to be a Member of the Association in accordance with these Rules.

15.5 It shall be within the power of the Council to terminate the trusteeship of any person by a resolution, which shall not be declared and carried unless at least two-thirds of the Members present vote in its favour.

15.6 The funds and properties invested in the names of the Trustees shall be under the control and at the disposal of the Council in accordance with Rule 12.2.7.

16 ACCOUNTS

16.1 The Council shall cause proper books of account to be kept of:

- (a)** all sums of money received and expended by the Association and the matters in respect of which such receipts and expenditure take place.
- (b)** the assets and liabilities of the Association.

(c) all sales and purchases of goods by the Association.

Proper books shall not be deemed to be kept unless they give a true and fair view of the state of the affairs of the Association and explain its transactions.

16.2 The books of account shall be kept by the General Secretary or such other person as the Council shall think fit, and, subject to such reasonable restriction as may be imposed by the Association in General Meeting, the same shall be open to the inspection of the Members of the Association by prior appointment made with the General Secretary.

16.3 At the Ordinary General Meeting in every year the Council shall lay before the Association a proper Income and Expenditure Account for the period since the last preceding account made up to date not more than six months before such meeting together with a proper Balance Sheet made up as at the same date.

17 AUDIT

17.1 An Auditor or Auditors shall be appointed annually at the Ordinary General Meeting of the Association. The Auditor or Auditors shall be qualified in accordance with Section 34 of the Trade Union and Labour Relations (Consolidation) Act 1992. The re-appointment and removal of the Auditor or Auditors shall be subject to the provisions of that Schedule.

17.2 It shall be the duty of the Auditor or Auditors to examine the Income and Expenditure Account and the Balance Sheet in conjunction with the Accounts and Vouchers relating thereto.

17.3 The Auditor or Auditors shall have a list delivered to them by the General Secretary of all books kept by the Association, and they shall at all reasonable times have access to the books and accounts of the Association, and they may, at the expense of the Association, employ persons to assist them in investigating the accounts, and they may in relation to such accounts examine Officers, the Council or any member thereof or any Official or staff of the Association.

17.4 The Auditor or Auditors shall make a Report to the Members upon the Income and Expenditure Account and Balance Sheet and in every such Report they shall state whether, in their opinion, the Balance Sheet is a full and fair Balance Sheet properly drawn up so as to exhibit a true and correct view of the state of the Association's affairs, and, in the event that they have called for explanation or information from Officers, the Council or any member thereof or any Official or staff of the Association, whether such explanation or information has been given and whether it has been satisfactory, and such Report shall be read together with the Annual Report of the Council at the Ordinary General Meeting.

18 ALTERATION OF RULES

No addition, modification or alteration shall be made to these Rules or to any Rules for the time being in force without the sanction of a two-thirds majority of those Full Members present and voting at a General Meeting of the Association.

19 DISSOLUTION

If upon the dissolution of the Association there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the Members of the Association, but shall be given or transferred to some other institution

or institutions having objects similar to the objects of the Association to be determined by the Members of the Association at or before the time of dissolution, or in default thereof by such Judge of the High Court of Justice as may have or acquire jurisdiction in the matter.

20 NOTICES

20.1 A Notice may be served by the Association upon any Member either personally or by sending it through the post in a prepaid letter addressed to such Member at his or her Registered Address.

20.2 Any Notice, if served by post, shall be deemed to have been served at the time when the envelope containing the same would have been delivered in the ordinary course of the post, and in proving such service it shall be sufficient to prove that the envelope containing the Notice was properly addressed and put into the post as a prepaid letter.

**Bye-laws – procedures for election of General Secretary
Approved by the Council on 2 March 2006**

Scope

- 1 The procedures set out in these Bye-Laws shall apply to elections of the Association's General Secretary
- 2 Save as expressly provided in the Rules or in these Bye-Laws it shall be for the Council to determine the arrangements for such elections.

Timing of elections

- 3 Save when Rule 14.2 shall apply the election of General Secretary shall take place not less than every fifth year.

Nomination of candidates

- 4 Candidates may be nominated for General Secretary only by the Nomination Committee appointed by the Council ("the Nomination Committee") which shall act on behalf of the Council or by not less than 75 Full Members in accordance with Bye-Law 7.
- 5 The Nomination Committee shall nominate only one candidate, but shall be entitled from time to time to nominate a further candidate in the event of withdrawal or disqualification of such candidate for any reason.
- 6 An invitation to nominate by Full Members shall be given by such means as the Council shall determine and shall specify a closing date for such nominations. If the Nomination Committee has previously nominated a candidate, the invitation to nominate by Full Members shall inform them of the identity of the Nomination Committee's nominee and may be accompanied by a statement from the Nomination Committee or the President setting out reasons for its nomination.

- 7 Candidates who are nominated otherwise than by the Nomination Committee must receive the support of not less than a total of 75 Full Members drawn from ten different branches of the Association who shall signify their nomination in a document or documents containing their names and signatures to be received at the Association's Headquarters no later than the closing date for nominations by Full Members as specified by the Council. No Full Member may nominate more than one candidate.

- 8 All nominees must no later than 14 days after the closing date for nominations by Full Members sign an undertaking to accept such terms and conditions of employment as the Council may reasonably specify and the objects of the Association as stated in its Rules.

Notice of election

- 9 Notice of election of General Secretary shall be given by such means as the Council shall determine.
- 10 No notice of election shall be required to be given and no election shall be required to be held if the election of General Secretary is uncontested.
- 11 The Council may at its sole discretion withdraw a notice of election at any time.

Returning officer and scrutineer

- 12 The Council shall appoint a qualified independent person to act as the scrutineer in accordance with section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992, and such person shall be the Returning Officer in the election. Before he begins to carry out his functions the Council shall notify members of his name as required by section 49.

13 The appointment of the Returning Officer shall require him to carry out his functions so as to minimise the risk of any contravention of requirements imposed by or under any enactment or the occurrence of any unfairness or malpractice.

14 The Association shall not publish the results of the election until the Returning Officer's report with respect to the election has been received by the Association.

15 Within the period of three months after receipt by the Association of the Returning Officer's report with respect to the election, the Association shall cause the contents of the report to be notified to Members by publishing them in such manner as is the practice of the Association to take when matters of general interest to all its Members need to be brought to their attention.

Election address

16 Every candidate shall be entitled to prepare an election address in his or her own words and submit it to the Returning Officer to be copied and distributed to Full Members with voting papers. No candidate shall be required to bear any of the expense of producing copies of any election address.

17 Every such election address:
17.1 may not exceed [400] words in length;

17.2 may incorporate one head and shoulders portrait photograph but no other matter not in words; and

17.3 shall be submitted to the Returning Officer no later than 14 days after the closing date for submission of nominations by Full Members has expired.

18 In the event that the Returning Officer adjudges an election address to exceed the permitted number of words, the Returning Officer shall

allow only the number of words to be printed which, starting from the beginning, reach the maximum number.

Voting

19 The election of General Secretary shall be conducted by postal vote.

20 Voting papers shall be sent to all Full Members of the Association at their Registered Address appearing in the register of Members.

21 Every voting paper shall:
21.1 have printed on it the names of all the candidates at the election or shall be accompanied by a separate list of those candidates;

21.2 have printed on it the name and address of the Returning Officer;

21.3 clearly specify the address to which, and the date by which, it is to be returned; and

21.4 be marked with one of the series of consecutive whole numbers, every one of which is used in giving a different number in that series to each voting paper.

22 The voting papers shall be returned to the address specified on them no later than 12 noon 21 days after their dispatch.

23 The result of the election shall be determined solely by counting the number of votes cast directly for each candidate by those voting (nothing in this paragraph being taken to prevent the system of voting used for the election being the single transferable vote).

24 The votes given at the election shall be fairly and accurately counted (any inaccuracy in counting being disregarded for the purpose of this Bye-Law if it is accidental and on a scale which could not affect the result of the election).

The constitution was implemented on 1 January 1978. It was subsequently amended on:

19 November 1983
20 September 1985
26 March 1988
15 April 1989
7 April 1990
19 March 1994
26 April 1997
8 June 2001
8 June 2006
7 June 2007
May 2009
June 2010

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