

Chief Executive
of the Education and Training Board
named in the address.

Circular Letter No: 0073/2016

Arrangements for the Election of Staff to Education and Training Boards (ETBs) (2016)

Dear Chief Executive,

The arrangements for each stage of the ETB staff elections are set out in the Education and Training Boards Act 2013 (Election of Staff) Regulations 2014 (the “Regulations”). The Regulations also provide, where possible, for the formation of a panel for the filling of casual vacancies.

The purpose of this Circular Letter is to provide clarification on certain issues to allow ETBs to make arrangements for the election of staff to Education and Training Boards where staff vacancies have occurred and where no panel is in place for the filling of such vacancies.

The Circular Letter will be made available on the Department’s website (www.education.ie).

This document must be read in conjunction with the Regulations.

1. Election of members of staff to education and training boards

1.1 The Education and Training Boards Act 2013 (the Act) provides for the election by eligible members of staff of members of an ETB, one male and one female.

1.2 For the purposes of the 2016 elections, an “eligible staff member” is a person who, on the 30th September, 2016, is employed as a member of staff by the ETB and whose remuneration in respect of that employment is paid by the ETB.

1.3 For clarification purposes, an eligible staff member applies to:

(a) Staff who are on a contract of service on 30th September, 2016. Such categories of staff would include permanent, wholetime and pro-rata part time staff.

(b) Staff who do not have a contract of service on 30th September, 2016, but who gave service on that date and for which service remuneration is payable. Such categories of staff would include hourly paid part-time staff.

2. Returning officer

- 2.1 The Minister for Education and Skills has appointed the Chief Executive of each ETB to be the returning office for that ETB for the purposes of the ETB staff elections.
- 2.2 Subject to the Regulations, a Returning Officer is responsible for the conduct of the elections.

3. Electoral process calendar

- 3.1 A calendar of dates for purposes of the conduct of these elections is included at Appendix 1 to this Circular Letter.
- 3.2 The majority of the dates in the schedule have been determined by the Minister, in accordance with the Regulations, and a returning officer has no power to vary these dates unilaterally.

4. Ineligibility of certain grades of ETB staff for membership of an ETB

- 4.1 In order to maintain the distinction between reserved functions and executive functions in an ETB, and in accordance with Section 32 (2) of the Education and Training Boards Act 2013, by Ministerial order the following senior management staff grades in an ETB are ineligible for membership of an education and training board:

- Chief Executive;
- Education Officer;
- Director of Schools;
- Director of Organisation Support and Development;
- Director of Further Education & Training;
- Adult Education Officer;
- Personnel Officer;
- Finance Officer;
- School Principal;
- Training Centre Manager and Assistant Manager;
- Manager of a Centre for Education.

- 4.2 Likewise, by Ministerial order, all other grades of staff, the duties of which are wholly or mainly of an administrative, executive or clerical nature and the maximum remuneration for which exceeds the maximum remuneration for the grade of Clerical Officer, will be ineligible for membership of an education and training board.

5. Electoral rolls

- 5.1 Provisional electoral rolls containing the name and addresses of eligible staff members must be prepared for purposes of the election of staff elections.

- 5.2 Each person should be assigned a unique number when entered on the roll.
- 5.3 The electoral roll may contain an elector's work address rather than his or her home address.
- 6. Queries**
- 6.1 Any queries regarding the implementation of this Circular Letter should be addressed to the undersigned, Martin O'Brien (Tel: 090 6484232, Martin_OBrien@education.gov.ie) or Mike Power (Tel: 090 6484233, Michael_Power@education.gov.ie).

Hubert Loftus
Principal Officer.
November 2016

Appendix 1: Calendar of dates - Election of Staff representatives to ETBs 2016

Poll

Date	
Friday 16 th December	Counting of votes (9am-)
Thursday 15 th December, 5pm	Last date for receipt of completed Ballot Papers
Friday 25 th November	Last date for the issue of election documentation (ballot papers)
Monday 21 st November, afternoon	Notice of Poll

Nominations

Date	
Monday 21 st November, afternoon	List of candidates available
Monday 21 st November	Candidates may withdraw up to 12 noon
Friday 18 th November, 2pm to 5pm	Ruling on nominations
Friday 18 th November, 1pm	Last date for receipt of nominations
Friday 11 th November	Last day for giving notice of election

Register of electors

Date	
Tuesday 15 th November	Final register of electors available
Monday 14 th November	Amendments to register of electors to be submitted by 12 noon.
Wednesday 9 th November	Provisional electoral roll available.
Monday 30 th September	Staff employed by ETB on this date entitled to vote in election.

Appendix 2

ETB Staff Elections 2016

FAQs

1. Communications

1.1 How should an ETB communicate with electors?

Other than issuing ballot paper and associated documents as set out in Regulation 18, a Returning Officer has the discretion to communicate in such manner as he or she thinks appropriate or to otherwise take whatever steps he or she deems necessary. The Department is of the view that the use of e-mail, where possible, and the placing of notices on the ETB's website, would be useful methods of communication.

1.2 Can an elector use an address other than his or her term time address on the electoral roll or otherwise for communication purposes?

Electors are free to seek to change their address on the provisional roll. Alternatively, it may be more convenient for them to put in place their own arrangement to have post forwarded.

Also, Returning Officers are not confined to sending the ballot papers and associated election material to the address on the register. Regulation 18 (2) states that such alternative address as the Returning Officer considers appropriate may be used.

1.3 Must ballot papers and other election material be issued to electors by registered post?

No. Such material should be sent to electors by ordinary post. The Department recommends that a Returning Officer obtain a certificate of posting.

1.4 Should prepaid postage be used for the covering envelopes (for the return of completed ballot papers)?

Yes. ETBs should register with An Post as a business user and obtain a license number (see www.anpost.ie and follow the links for Business Customers, Business Response- Freepost) It is matter for each ETB to arrange the printing of the prepaid envelopes once the license number is received.

The Department recommends that Returning Officers assume that an election will take place and proceed to arrange this immediately.

Please note that An Post recommends the Business Reply card as the most suitable format (see www.anpost.ie).

1.5 Should a Returning Officer permit information about candidates to be placed on the ETB's website?

This is a matter for the Returning Officer. However, in order that it could not be construed that an ETB favoured certain candidates, the Department's view is that such a step should only be considered on the conditions that:

- (a) all candidates are given the opportunity to post such information
- (b) all candidates avail of the opportunity, and
- (c) all candidates are given equal prominence on the website.

1.6 Should candidates be allowed to include promotional literature with the election material that will be sent by ETBs to electors?

The Department is of the view that it would not be appropriate for an ETB to issue election material on behalf of candidates.

2. The Electoral Roll

2.1 What arrangements should be put in place regarding the electoral roll

(a) The electoral roll should be made available to those members of staff who wish to confirm that they are included on the electoral roll or wish to confirm that their details on the roll are correct

(b) As it may contain personal information, Returning Officers should ensure that the electoral roll:

- i. is kept securely and not displayed in a public thoroughfare, including an area which is accessible to students or learners;
- ii. is not be transmitted electronically;
- iii. does not contain information other than the name and address of an elector and his or her unique number;

(c) At the conclusion of the electoral process the Returning Officer should securely retain a copy of the electoral roll, which may be in electronic format, for a period of twelve months at which point it should be destroyed. All other copies should be destroyed immediately after the close of nominations.

2.2 Can candidates have access to the electoral roll?

Following the ruling on nominations, candidates may access the hard copy of the electoral roll held securely in the ETB's head office. However, candidates are not permitted to make and retain a copy of the roll or part of the roll.

3. Nomination process

3.1 Should a nominee use his or her work or home address on the form of declaration?

Nominees are recommended to use their work addresses on the form of declaration.

3.2 Should a nominator use his or her work or home address on the nomination paper?

The nomination paper asks for the work address of nominees.

3.3 May the consent form be signed by proxy?

No.

3.4 Can a nominee sign more than one nomination paper?

No. Nominators must declare on the nomination paper that they have not signed any other nomination and the nominee should ask his/ her proposed nominators to confirm this.

4. Ballot papers

4.1 Who is responsible for organising the printing of ballot papers?

Each ETB will be responsible for the printing of ballot papers. This should be done “in-house” without recourse to an external printing service if possible.

4.2 What is the format of the ballot papers?

Ballot papers should be in the format set out in the template as in Schedule of the regulations. It is recommended that separate ballot papers are printed for the election of a member from the panel of female candidates and for the election of a member from the panel of male candidates, and that these are coloured differently to aid the counting process. The ballot papers should be numbered sequentially, starting with the number 1. No two ballot papers should have the same number.

5. The Official Mark

5.1 When will the official mark be communicated to Returning Officers?

The “official mark” will be communicated to Returning Officers shortly and should be set on perforators by ETB staff. Knowledge of the official mark should be restricted to the Returning Officer, Deputy Returning Officer and only those staff involved in this process.

5.2 Can the papers be marked with the official mark in advance of the closing date for nominations?

In order to lessen the workload between the close of nominations and the issue of election material to electors, the Department considers that it is in order for Returning Officers to arrange to have blank papers marked, on which ballot papers will later be printed, before the closing date for the receipt of nominations. However, in such cases, all papers must be kept securely by the Returning Officer at all times. Any such papers so marked should be destroyed immediately once it is clear they are not required.

5.3 How will a Returning Officer access perforators?

Those ETBs which were to hold elections have perforators in their possession. The Department will arrange for perforators to be issued to the remainder of ETBs shortly.

5.4 What should happen with the perforators at the conclusion of the election process?

Perforators should be returned to the Department. Chief Executives will be contacted again in this regard after the elections have concluded.

6. Voting Process

6.1 Must a witness to the declaration of identity form be an ETB staff member?

No. The only stipulation is that the elector is personally known to the witness and has signed the declaration in the latter’s presence.

6.2 What does a witness who is unemployed state as his or her occupation on the declaration of identity form?

Such a person may use the term “unemployed” or “none”.

7. Ballot Boxes

7.1 What is the Returning Officer's responsibility regarding ballot boxes?

In order to maintain the integrity of the election process, it is of the utmost importance that ballot boxes are kept safely and securely. Accordingly, ballot boxes should be kept in an ETB's head office with access restricted only to the Returning Officer, Deputy Returning Officer or other staff who are charged with placing the covering envelopes in the ballot box (which should be limited).

7.2 What should happen with the ballot boxes at the conclusion of the poll?

The Returning Officer should, at the conclusion of the poll, seal the ballot box with his or her seal and ensure that no further papers can be inserted. The Department suggests that Returning Officers liaise with Returning Officer/ County Registrars to obtain wax seals for this purpose.

Ballot boxes should be held securely before the count, ideally in or close to the count centre.

7.3 What should happen with the ballot boxes at the conclusion of the election process?

The Chief Executive should make local arrangements to return the ballot boxes to the custody of the relevant County Registrar/ Returning Officer.

8. Receipt of covering envelopes (completed ballot papers)

8.1 What should the daily procedure be during the period for the receipt of ballot papers?

The Department recommends that the Returning Officer, Deputy Returning Officer or a member of staff so assigned, should immediately on receipt of the daily postal delivery, segregate covering envelopes from the other post and place the covering envelopes in the ballot box. The ballot box should be secured forthwith so that access to the box is not possible, other than to appropriate persons.

8.2 What if a ballot paper is received by a Returning Officer other than by post?

Covering envelopes received other than by post should remain unopened, endorsed "not by post" and retained by the Returning Officer for not less than 12 months after the completion of the election, at which point they can be disposed of by the Returning Officer.

9. Count day

9.1 Where should the count centre be located?

This is a matter for the Returning Officer, but an ETB school or head office with a secure storage facility would be appropriate.

9.2 How many staff/which grades of staff should be present on the day of the count?

This is at the discretion of the Chief Executive, but numbers and costs should be kept the minimum required to conduct the election in a proper and secure fashion.

The suggested minimum staffing level is 1 or 2 Grade III/IV staff, one senior admin person (Grade VI) and Returning Officer.

10. Additional staff

10.1 Can an ETB recruit additional staff for the purposes of the election?

No - Chief Executives do not have the discretion to recruit additional staff.

11. Costs

11.1 Will the Department meet additional costs incurred in the elections?

Yes, the Department will meet additional costs incurred by ETBs as a result of the election process. Costs should be kept the minimum required to conduct the election in accordance with the requirements of the Regulations and Circular 0073/2016. Chief Executives should submit claims to ETB Financial Section at the conclusion of the election process.

Costs may include:

- Pay (excluding overtime);
- Overtime pay (if any- details to be provided);
- Postage costs;
- Printing costs;
- Costs of materials.

Claims for the reimbursement of costs should be made under the above headings. For any cost incurred outside of these headings, that cost should be clearly identified.