

Proposed changes to Rules and Standing Orders for consideration by the Standing Orders Committee, 2020

The Educational Institute of Scotland is entering into a Declaration of Trust under which the Assets of the Educational Institute of Scotland Benevolent Funds will become the property of a Trust, governed by its own Trust Deed and legally independent from the Educational Institute of Scotland. This change is required in order to ensure that the Educational Institute of Scotland Benevolent Funds meets the legal requirements for Scottish charities under the Charity & Trustee Investment (Scotland) Act 2006.

The EIS, as an entity, and the individual members of the EIS Employment Relations Committee will serve as Trustees of the new Trust.

As a consequence of this change, the following changes to rules contained within the Constitution of the Educational Institute of Scotland are proposed.

1 (i). Removal of provisions in relation to the accounts of the Benevolent Funds

Rule XX. Funds – (4. 2) Benevolent and Donated Funds (Page 30)

Existing text

2 Benevolent and Donated Funds

- (a) Accounts comprising Statements of Financial Activities for the year ended 31 August in each year and Balance Sheets, showing the assets and liabilities of the Funds at 31 August in each year, shall be prepared and approved by the Employment Relations Committee prior to 31 May in the subsequent year. After approval by the Employment Relations Committee the accounts shall be submitted to the Council and the Annual General Meeting for information only.*
- (b) The accounts of the Funds, once signed by the independent examiners and approved by the Employment Relations Committee shall be conclusive against all members of the Institute.*

Proposal

Delete paragraph 4.2 (a)

Delete paragraph 4.2 (b)

Insert new paragraph 4.2

The Accounts of the Educational Institute of Scotland Benevolent Funds, once approved by the Trustees, shall be submitted by the General Secretary to the Council and the Annual General Meeting for information only.

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Commentary

The deletion of paragraph 4.2(a) removes the responsibility of the Employment Relations Committee for the preparation and approval of annual Financial Statements. This will be the responsibility of the Trustees and will be contained within the new Trust Deed.

The requirement within paragraph 4.2(a) for the accounts of the Benevolent Funds to be "submitted to the Council and the Annual General Meeting for information only" is maintained by the insertion of the replacement paragraph.

The existing Paragraph 4.2 (b) states that the accounts, once approved by the Employment Relations Committee shall be conclusive against all members of the Institute. This is no longer relevant when the Benevolent Funds becomes a standalone entity.

1 (ii). Removal of provisions in relation to the purposes and rules of the Benevolent Fund

Rule XXI Purpose of Funds – (4) Benevolent Funds

Existing text

4. Benevolent Fund

- (a) The Benevolent Fund shall be used to provide relief in cases of necessity to members, to former members and to widows, widowers or other dependants of members or former members. Applications from local committees with responsibility for the administration of the assistance provided by the Benevolent Fund shall be made to the Employment Relations Committee and the awarding of any grant and the amount, method and duration thereof shall be entirely at the discretion of that committee as shall be the maintenance of proper financial records.
- (b) The sources of income of the Benevolent Fund shall be
 - (i) any allocation in accordance with Rule XX.1 from the national subscription;
 - (ii) donations from the General Fund of the Institute; and,
 - (iii) other donations.
- (c) Members shall not be eligible for assistance unless they have been in ordinary membership for at least a year immediately preceding the date of application.

- (d) Former members who resigned from the Institute and either continued in eligible employment or subsequently resumed eligible employment in Scotland without rejoining the Institute and their widows, widowers or other dependants are not eligible for assistance from the Fund.
- (e) Local committees shall account to the Employment Relations Committee for all sums disbursed by them from the Benevolent Fund on behalf of the Employment Relations Committee.
- (f) The Employment Relations Committee shall report in general terms to the Council on the nature and extent of its operations in relation to the Benevolent Fund.
- (g) The Treasurer shall keep a separate account of all income and expenditure of the fund.
- (h) The total expenditure in any financial year must not exceed the aggregate of;
 - (i) the amount shown in the annual statement of accounts as the income of the fund for the preceding year and;
 - (ii) 2.5% of total funds as recorded in the annual statement of accounts balance sheet at the commencement of the current year.

Proposal

Delete this section in full.

Commentary

As the Benevolent Fund becomes a standalone entity there will no longer be a requirement for this section to be included within the Constitution of the Educational Institute of Scotland.

The rules regarding the administration of the Benevolent Fund and eligibility for assistance will be reproduced in the new Trust Deed.

1 (iii). Add a reference to member of the Employment Relations Committee as Trustees

Rule XIII Committees of Council (1) Committees (Page 22)

Proposal

Insert new wording at the end of the existing paragraph

"Members of the Employment Relations Committee will be invited to serve, on their own account, as Trustees of the Educational Institute of Scotland Benevolent Funds."

2. **Giving Graduate Early Years Practitioners the Eligibility to Join the EIS:**

Rule II Membership; 1 Ordinary Members

Proposal: Add a new point to Rule II Membership; 1 Ordinary Members

(n) Persons employed as graduate Early Years Practitioners.

Explanatory Note

This amendment would mean that graduate early years practitioners would be eligible to join the EIS as ordinary members. The Institute would operate the policy that a BA (Childhood Practice) would be required to meet the eligibility criterion in line with EIS Council decisions on this matter. Such members would join Local Associations and be able to play a full role in the work of the Institute.