

## RCN Elections policy and processes

<p><b>Who does this policy apply to?</b> All election candidates for RCN Council, Boards and committees.</p> <p>This policy does not apply to Branch Committees. The process by which Branch Committee are appointed is set out in the Election policy and process for Branch Committee members and the eligibility requirements are set out in the RCN Branch Committee Terms of Reference.</p>
<p><b>Purpose and description of the document</b> This document supplements the election provisions in the Royal Charter, Standing Orders, and Regulations. It applies to all RCN elections, with the exception of Branch Committee elections, and describes the overarching principles that should be applied. The aim of this document is to achieve equal access and exposure for all candidates to ensure the RCN facilitates fair elections.</p>
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## Introduction

- 1.1** This document supplements the election provisions in the Royal Charter, Standing Orders, and Regulations. It applies to all RCN elections, with the exception of Branch Committee elections, and describes the overarching principles that should be applied. The aim of this document is to achieve equal access and exposure for all candidates to ensure the RCN facilitates fair and well delivered elections that enable wider participation.
- 1.2** Additionally, each election will also have a separate procedural document setting out the timeline, terms of office, arrangements, and any specific rules pertaining to that election. These specific procedures are agreed by RCN Council in advance of each round of elections and any subsequent casual vacancies will adopt the same procedure except for the timelines.

## Definitions

- 2.1** In this policy and process document the following terms shall have the following meanings.

TERM	MEANING
Day	This means working days and excludes Saturdays, Sundays, Bank Holidays and Public Holidays.
Independent Scrutineer	The person or company appointed to carry out independent scrutineer services in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992. Those organisations qualified to act as Independent Scrutineers, are set out in the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) (Amendment) Order 2017.
Nominator	A person who has nominated a candidate.
Notified address	The postal address of an RCN member on the RCN membership database, or such other address the member has provided to the RCN.

<b>RCN member</b>	<b>A person whose name and address are on the RCN membership database, as an active member.</b>
<b>Returning Officer</b>	<b>The Returning Officer is responsible for managing the conduct of elections.</b>
<b>Signature</b>	<b>Either a hand-written signature or an electronic signature.</b>
<b>Unique Identification Number</b>	<b>A number issued to a voter which is exclusive to them, that does not identify them but enables the member to vote in an election.</b>
<b>Voter</b>	<b>A member of the RCN who is eligible to vote in a specific election.</b>
<b>Voting record</b>	<b>The record of a member's vote in an election conducted other than by postal vote or poll. A voting record may be in printed or electronic form.</b>

## **Core principles for RCN elections**

### **3.1 The core principles to be followed in all RCN elections are as follows:**

- **The election process is democratic, and each vote will carry equal weight. (unless specified otherwise in the individual election procedure)**
- **All members are encouraged to participate in elections (both as candidates and voters).**
- **Steps will be taken to ensure that elections are accessible to all eligible members (both as candidates and voters).**
- **Candidate eligibility and nomination criteria are not arbitrary or excessively restrictive or discriminatory.**
- **All candidates will have a fair and equitable opportunity to promote their candidacy.**
- **The systems for voting will be secure and accurate.**
- **The administration of elections will be transparent.**
- **The results of elections will be announced promptly and be made available to all members.**
- **All members have the right to vote in secret and without undue interference.**

## Trade Union law and when it applies

**4.1** The Trade Union and Labour Relations (Consolidation) Act 1992 applies to elections for members of Trade Union Executives. The RCN Trade Union Executive comprises the following elected and voting positions:

- **Members of RCN Council**
- **Chair of Congress (not a voting position but elected under Trade Union law)**
- **RCN President**
- **RCN Deputy President**
- **Student Member of RCN Council**
- **Nursing Support Worker Member of RCN Council**

**4.2** The statutory requirements of the 1992 Act include:

- **No member shall be unreasonably excluded from standing as a candidate in an election.**
- **No candidate shall be required to be a member of a political party.**
- **All candidates will be afforded the opportunity to prepare an election statement and the RCN will distribute that to all members entitled to vote in any such election. The RCN may set a word limit for election statements and will use its discretion as regards any non-written material such as photographs to be included with the address.**
- **The RCN will secure that no modification is made to the election statement except at the request of the candidate or where the modification is incidental. Candidates are therefore responsible for (e.g.) typographical accuracy and compliance with word count requirements. This also applies to RCN's non-statutory elections.**
- **The same production method will be applied to copies of all candidates' election statement**
- **The RCN will so far as reasonably practicable secure the same facilities and restrictions with respect to the preparation, submission, length, or modification of an election statement, and with respect to the incorporation of photographs or other matters not in words, are provided or equally applied to each of the candidates.**
- **The candidates will bear none of the expense of producing their election statement.**
- **The RCN will not be responsible for any civil or criminal liability arising from publishing, copying, or distributing individual election statements. This liability will rest with the individual candidate.**
- **Before the election is held the RCN will appoint a qualified Independent Scrutineer to supervise the production of the voting papers and/or their**

distribution and return. The Independent Scrutineer will also report to the RCN as soon as reasonably practicable after the date for return of the voting papers.

- Entitlement to vote will be accorded equally to all members of the RCN but the RCN may restrict the right to vote by reference to a particular group or locality.
- Every member entitled to vote in a particular election must be allowed to vote without interference or undue constraint imposed by the RCN.
- The vote must be secret, postal at no cost to the membership and members must be given sufficient opportunity to return their votes.
- The RCN will ensure that an independent person counts the votes in any election, and this will ordinarily fall to the Independent Scrutineer.

## **Equal opportunities**

**5.1 All members must be able to participate equally in elections. RCN elections should reflect the diversity that exists within the organisation. Care must be taken to ensure that:**

- All election materials are inclusive and available in accessible formats on request.
- Eligibility criteria are not discriminatory.

Alternative methods of voting will be available for members if required.

## **Independent scrutineer and returning officer**

**6.1 In addition to the elections covered by trade union legislation (See Section 4.1) the RCN will also appoint an independent scrutineer for elections to the following:**

**Trade Union Committee  
Professional Nursing Committee  
UK Stewards Committee  
UK Learning Reps Committee  
UK Health & Safety Reps Committee  
Nursing Support Workers Committee  
Students Committee  
Country and regional boards  
Agenda Committee  
National Pensioners Convention**

**6.2 The Returning Officer is responsible for managing the conduct of elections.**

- 6.3** In respect of all elections governed by trade union law (see Section 4) and those listed above (Section 6.1), the RCN will ask the Independent Scrutineer to also act as Returning Officer.
- 6.4** For other elections, an internal (i.e. RCN staff member) Returning Officer may be appointed. It is a requirement of the RCN Standing Orders that the Returning Officer must not be a member of the RCN.

## Election timetables

- 7.1** Elections are organised on strict timetables to ensure sufficient timing for elections to progress. The following is a suggested indicative timetable but may be subject to change for each individual election.

<b>Election Activity</b>	<b>Time Frames</b>
<b>Appoint Independent Scrutineer</b>	<b>Prior to the election, according to the timetable for the specific election.</b>
<b>Specify the voting method</b>	<b>Prior to the election, according to the timetable for the specific election.</b>
<b>Call for election</b>	<b>The date of the election will normally be determined by the appropriate regulations, but in some instances a formal decision to call an election may be required.</b>
<b>Publish the notice of election</b>	<b>Notice of the election will be . sent by email and published on the RCN website.</b>
<b>Closing date for nominations</b>	<b>At least 1 month after the day the notice of election was published and no later than 2 months after the day it was published.</b>
<b>Publish the list of candidates</b>	<b>On the RCN website between 2 and 30 days after the closing date for nominations. – depending on the number of elections taking place at any given time</b>
<b>Closing date for withdrawals</b>	<b>No later than 4 days after the date of publication of the candidate details. NB: it is not possible to withdraw from an election after 4 days.</b>

<b>Despatch of voting papers and candidate election addresses</b>	<b>As soon as reasonably practicable prior to the opening of voting.</b>
<b>Voting opens</b>	<b>An individual date in each election.</b>
<b>Voting closes</b>	<b>Not less than 20 days after the day voting opens.</b>
<b>Votes counted</b>	<b>As soon as reasonably practicable after voting closes.</b>
<b>Candidates notified of outcome</b>	<b>No later than 2 days after the conclusion of the count for contested elections. No later than 7 days after the date of the publication of the candidates' details if the election is uncontested.</b>
<b>Results published</b>	<b>Results will be published on the RCN website no later than 2 days after the conclusion of the count for contested elections. No later than 7 days after the closing date for nominations if the election is uncontested.</b>
<b>Archive documentation</b>	<b>To be archived for 12 months and then destroyed.</b>

## Notice of elections

**8.1 Adequate notice must be given of all elections and all those members entitled to stand or vote in the election must be sent the relevant notice. Election notices will be published on the RCN website and sent by email.**

**8.2 The notice of an election will include:**

- **Details of the vacancy.**
- **The number of vacancies to be filled.**
- **How to obtain a nomination form.**
- **Candidate eligibility.**
- **The procedure, and deadline for submitting nominations.**
- **The date voting will open, in the event of a contest.**
- **The closing date for voting, in the event of a contest.**

## Candidate eligibility

9.1 In respect of all RCN elections an eligible candidate must:

- have been a member of the RCN for three years immediately prior to the close of nominations except for students (no minimum requirement) and candidates for the role of RCN President and Deputy President (five years), unless otherwise agreed by Council in respect of a specific election.
- not have held a permanent salaried contract of employment or a fixed term/zero hours contract with the RCN for longer than six months duration (WTE) during the two years prior to the election period.
- not have served more than the maximum terms of office specified in the Regulation on Terms of Office, i.e. no member can serve on Council, a board or a committee for longer than the duration of three full terms. If the duration of two full terms has been served consecutively there must be a gap of at least half a full term of office before they can stand again. Members are permitted to stand if they reach their maximum number of years on or after the mid-way point of the term but not if they reach their maximum number of years before the midway point. The only exception is where a member is additionally elected in an ex-officio role such as President, Deputy President or Chair of Congress on Council, or a Council member on a board.
- have their workplace address in the area specified, unless they are a student, a retired member or a member with no permanent workplace address (for example an agency worker) in which case it is dependent on the area in which their branch is located (as students may opt to choose their branch dependent on their place of study or placement, and retired members may choose their branch dependent on their home address or a former workplace and members, who are not students or retired members, and have no permanent workplace address will be in a branch located according to their home address).
- be paying a full payment plan in the appropriate membership category (unless the election procedure provides otherwise).
- not hold office on another RCN committee where there may be a conflict so, if they are standing for election to a governance committee (RCN Council or a country/regional Board) and they are already on a representative committee (UK Representatives Committees, Students Committee or Nursing Support Workers Committee, or forum steering committees for example) then they should stand down from that committee if they are elected to the governance committee.
- not hold office in any organisation which competes with the RCN for members or which, in the opinion of RCN Council, propounds policies which conflict with the main objects in the RCN's Royal Charter and its overall philosophies or have

any association with other organisations (including other Trade Unions) or individuals which may have an interest or influence in the College's work.

- have not previously served as chair if standing for deputy or vice chair.
- declare their willingness and commitment, if elected, to fulfil the role and commitments as set out in the role descriptor and to adhere to all RCN policies.
- In the case of Nurse members, be on the NMC register<sup>1</sup> and not have any active NMC cautions against their name, not be currently subject to any NMC sanction, and not be subject to any ongoing disciplinary proceedings with any of their employers or professional disciplinary proceedings before the NMC.
- In the case of Nursing Support Worker members who are Nursing Associates, not have any active NMC cautions against their name, not be currently subject to any NMC sanction, and not be subject to any ongoing disciplinary proceedings with any of their employers or professional disciplinary proceedings before the NMC.
- In the case of Nursing Support Worker members who are not Nursing Associates, not be currently subject to a sanction from a regulator or any ongoing disciplinary proceedings with any of their employers or a regulator; and, if previously on the NMC register, not have any active NMC cautions against their name, nor be currently subject to any NMC sanction.
- in the case of Students declare they are not and have not been subject to any university disciplinary proceedings.
- declare they are not subject to ongoing disciplinary proceedings in respect of any role they hold at the RCN, and they are not currently subject to any RCN disciplinary sanction.
- declare that they meet the criteria in the [RCN's Regulation on Fit and Proper Persons](#) and, as required in that Regulation:
  - declare that they have the support of their employer (if employed) to carry out the role, as well as the time and availability - commit to uphold the Nolan Principles of Public Life
- not be prohibited by law from being a Council member, if standing for election to Council.
- declare that they know of no reason why they cannot stand for election.
- declare that they will stand down from their role when elected should they fail to meet any of the above criteria, or any additional criteria specific to a particular role, during their term of office.
- meet any further criteria applying to the specific election.

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<sup>1</sup> Except for elections and appointments to the National Pensioners Convention.

## Nominations

- 10.1** Some elections may require candidates to be nominated. The requirements for who can nominate will be set out in the specific election procedures. In the case of RCN Council nomination procedures are set out in the Standing Orders.
- 10.2** By nominating a candidate, the nominator is confirming the candidate is known to them and that they are not aware of any reason why the member should not stand for election. Nominators can nominate more than one candidate for an election. All nominators will be contacted following the submission of the nomination to confirm that they have nominated the candidate.
- 10.3** Where nominators are nominating on behalf of an entity, they must consult with the rest of their entity before making the nomination
- 10.4** Nominations cannot be submitted from a member already elected to the board, or committee on which the vacancy arises.
- 10.5** Nominations cannot be submitted from a member already elected to the Council in any circumstances.
- 10.6** Nominations cannot be submitted by an immediate family member (spouse, children, grandchildren, parents, siblings, and spouses of any of these) of the candidate.
- 10.7** Nominations must include the following information:
- Candidate's name and address.
  - RCN membership number and NMC PIN of candidates who are in the Nurse category of membership.
  - Candidate's confirmation that they are willing, able, and eligible to stand for election. Confirmation can be a written or electronic signature.
  - Names and RCN membership numbers of persons nominating
  - Declarations of interest (aligned with the Conflicts of Interest policy)
- 10.8** A nomination will be invalid if:
- It is not received by the closing date for nominations.
  - The name of a person nominating the candidate is missing.
  - The candidate eligibility requirements set out in section 9 are not met.

- In the Returning Officer's view there are material inaccuracies or untruthfulness in the particulars of the candidate or the person(s) nominating the candidate.
- 10.9** If a nomination is invalid the candidate will be informed in writing by the Governance Team and the candidate's nomination will be immediately withdrawn from the election.
- 10.10** The verification process includes robust checks to ensure that candidates meet the eligibility criteria set out in the individual election procedure. If a candidate fails to disclose any matter that could impact on their eligibility, that will be treated as a deliberate non-disclosure and will result in their becoming ineligible to continue with the election process and/or take up their appointment.
- 10.11** The Governance Team will verify all nominations by checking the candidate meets all the eligibility criteria and confirming the nominators support the nomination. Candidates may be required to provide evidence during the verification process.
- 10.12** A nominator can withdraw their nomination at any time before the closing date for nominations by submitting a notice of withdrawal, but not after that date.

## **Candidate withdrawal & death of candidates**

- 11.1** A candidate can withdraw from an election by submitting a notice of withdrawal. This must be delivered to the Governance Team no later than 4 days after the publication of the candidates' details. It is not possible to withdraw from an election after this date.
- 11.2** If a candidate is outside the UK, it is acceptable for their nominator to submit a notice of withdrawal on their behalf. However, the nominator must also submit a written declaration to the effect that the candidate is outside the UK.
- 11.3** If a candidate withdraws the election proceeds with the remaining candidates.
- 11.4** If a candidate dies at any time between the closing date for nominations, and the announcement of the election result, the election will be abandoned before the results have been announced. The election will be restarted, and those candidates already deemed eligible will not be required to submit fresh nominations.
- 11.5** If an elected candidate decides not to take up office within 4 weeks of being elected and provided the election is not governed by trade union legislation, the

runner up in the election may be elected in their place. If neither the elected candidate, nor the runner up, takes up office within 4 weeks the results of the election, then the election will be re-run.

## Uncontested elections

- 12.1 If an election is uncontested (i.e. the number of candidates is equal to or fewer than the number of vacancies) the candidates' election statements will be posted on the website. The candidates shall be declared elected unopposed no more than seven days later.

## Voting

- 13.1 The primary voting system used in RCN in elections is first-past-the-post unless otherwise specified in the election procedure – for example, the country and regional Boards use a system where constraints are applied after votes are cast, and the Agenda Committee uses single transferable votes (STV).
- 13.2 As stated above all elections governed by trade union law will be conducted by secret postal vote, but electronic voting will be the default mechanism for all other elections, with the exception of the Agenda Committee.
- 13.3 When an election is conducted by postal vote a ballot paper will be sent to each member eligible to vote. That ballot paper will include:
- The name of the Independent Scrutineer and Returning Officer
  - A unique consecutive serial number
  - Details of the names of those nominating the candidates.
  - The election address for all candidates.
  - Details of the voting procedure, including the date for the close of voting, and the address to which votes should be sent.
  - A ballot form, or instructions on how to vote if an alternative voting method is being used.
  - A freepost return envelope.
- 13.4 When an election is conducted by electronic vote an email containing a link to a voting website, or in some elections a downloadable ballot paper, will be sent to all those eligible to vote along with the relevant candidate election addresses.
- 13.5 If a voter has lost, not received, or spoiled their ballot paper in such a way that it can no longer be used as a ballot paper, or they have not received the email with the

voting link, they can apply to the Returning Officer for a replacement paper or email as appropriate. The Returning Officer will only supply a replacement paper or email if it can be shown, to the satisfaction of the Returning Officer, that the paper was lost, not received, or spoiled unintentionally, or the email was not received, and that there is no possibility of a duplication of voting. The decision of the Returning Officer on whether to issue a replacement ballot paper is final.

**13.6 To be eligible to vote, a voter must:**

- Be an RCN member.
- Have their workplace, or other notified address, (or, in the case of retired and student members, their branch) in the relevant area for the election, if it is a geographical constituency. If a member has no permanent workplace address e.g. they are agency staff, their home address will apply.
- Meet any further eligibility criteria for the specific election.

**13.7** If a person applies for a ballot paper, or other means of voting, and a member declares to the Returning Officer that they have reasonable cause to believe that the person is not entitled to vote, the Returning Officer may, at their discretion take such action as to disqualify that person from voting as they may deem necessary.

**13.8** Where an election is being voted on by representative members on behalf of an entity (such as in the Agenda Committee elections), then the selected voting members must, as far as is reasonably practicable, canvas the opinion of the members of that entity, including fellow committee members, before deciding how to cast their vote.

## **Counting and validity of votes**

**14.1** The Returning Officer is responsible for collecting all ballot papers, or voting records (electronic or telephone), as soon as possible after the close of voting. No other person will have access to the ballot papers or voting records.

**14.2** Counting should take place as soon as possible after the close of the voting. The Returning Officer shall then be responsible for opening each envelope (if used); verifying each ballot paper or voting record; and counting all ballot papers or voting records.

**14.3** Ballot papers or voting records should be verified before being counted. Verification will involve checking:

- The ballot paper is original and not a copy.
  - The unique identification number (if used).
  - The declaration of identity form (if used).
  - The appropriate verification procedures for voting by methods other than postal voting.
  - The total number of ballot papers or voting records received. This must be recorded and compared with the numbers issued and numbers eligible to vote.
- 14.4** The Returning Officer shall record the verification process and shall make a statement as to the results, and all candidates shall be entitled to a copy of that statement. Candidates will also be entitled to receive a copy of the Independent Scrutineer’s report if a scrutineer’s services were used in the election.
- 14.5** The Returning Officer must ensure that if counting is suspended for any reason (for a reasonable break, or overnight) proper precautions are taken for the security of the ballot papers, voting records and other documents.
- 14.6** Only the Returning Officer has a right to be present at the counting of the votes unless the Returning Officer has granted permission for someone else to attend. Permission to attend the count will be withheld if it is the view of the Returning Officer that such attendance may impede the efficient counting of the vote.
- 14.7** The decision of the Returning Officer on the validity of a vote, or any question arising in respect to a vote, will be final.
- 14.8** A ballot paper, or voting record, will be invalid if:
- It is not received by the Returning Officer before the deadline for the close of voting.
  - It is not on an original ballot paper (in a postal vote) or in the required format for any other form of voting.
  - The person who voted was not entitled to vote, or there is uncertainty as to whether the person was entitled to vote (for example if a declaration of identity form is required but did not accompany the ballot paper).
  - A number is required on the ballot paper and this number is missing.
  - Anything is written or recorded on the ballot paper which identifies the voter (other than the use of a unique identification number).
  - There is no clear indication of voting intention e.g. the voter has voted for more than one candidate, the mark or marks are not clearly placed by a candidate’s name or the voting paper is blank.
- 14.9** Only the Returning Officer can determine whether a ballot paper, or voting record, is invalid. All invalid papers or voting records should be marked “invalid” and must

be kept with all other ballot papers / voting records. In announcing the results, the Returning Officer shall also announce the number of invalid votes.

**14.10** A ballot paper will not be invalid if:

- The vote is marked in the wrong place but with a clear indication of which candidate or candidates are preferred.
- The vote is marked otherwise than with a cross or number.
- There is more than one mark but with a clear indication of which candidate, or the member has not used all their votes.

## **Results and tied votes**

**15.1** If there is a tie between candidates the election will be re-run with the candidates who achieved the same votes). If a tie is still the outcome, the Returning Officer will facilitate the drawing of lots to decide the election

**15.2** The Returning Officer is responsible for ensuring the results of an election are announced. If an election is uncontested (i.e. the number of candidates is equal to or fewer than the number of vacancies) a statement of the candidates will be posted on the RCN website as soon as practicable after the close of nominations, and the candidates shall be declared elected unopposed seven days after the close of nominations.

**15.3** If the election is contested, the candidate, or candidates, with the highest number of votes following the count will be declared elected. All candidates will be notified of the results as soon as possible after the count has concluded.

**15.4** Members will be notified of the results on the RCN website following the election. In addition, the results shall be available to all members, on request.

**15.5** All ballot papers, and any other voting records must be retained for a period of at least 12 months, after which they may be destroyed.

## **Elections during organisational change**

**16.1** Where there is a transition during a period of organisational change (for example, if dates or timings of elections have been altered by RCN Council, or if geographical boundaries are changing) then the Returning Officer can extend or reduce terms of office accordingly.

**16.2** Where a constituency is merged with another, a member who has served on a committee shall have their previous terms of office included should they put themselves forward as a candidate in the new constituency.

## **Complaints**

**17.1** There may be occasions when voters, candidates and their supporters believe they have grounds to complain about the conduct of candidates (or their supporters) or the management of the electoral process if these appear to be inappropriate, unacceptable or undermining the fair democratic process. The following procedure should be used for making formal complaints about these matters.

### **Definition of a complaint**

**17.2** A legitimate complaint can be made:

- if it appears that any of the provisions of this policy and or the specific election procedures for an individual election have been contravened
- In relation to the conduct and behaviour of candidates (and/or their supporters/campaign teams)
- In relation to the content of campaign materials/statements etc
- about the actual election process itself and how it has been conducted if it has led to a compromise of democratic procedure or unfair advantage/disadvantage.

**17.3** Informal queries about the election process can be addressed to [elections@rcn.org.uk](mailto:elections@rcn.org.uk).

**17.4** A complaint made in good faith, but which is judged as outside the remit of the complaints process may be referred to another internal RCN Group process such as the staff Disciplinary Policy and Procedure or the Member Resolution and Disciplinary Policy. This may also be the outcome if the complaint relates to matters pre-dating the election process.

### **Process**

**17.5** Formal complaints may only be submitted using the Elections Complaint Form ([see Appendix](#)), stating clearly the reasons for the complaint as in paragraph 17.2. Complaints submitted by other means (such as email) and/or anonymous complaints will not be accepted.

**17.6** Supporting evidence should be submitted with the Complaints Form; it will be requested if not already provided. Note that there may be requests for additional

evidence if this is deemed necessary, depending on the nature of the complaint. Evidence can include (but is not limited to) details of any witness(es) and/or witness statements, video recordings, photographs, computer screen shots, email copies. Relevant details of dates and times are vital – where screenshots are used as evidence, date and time stamps should be included to show the screen shot was taken at the pertinent time. If a complaint is submitted without supporting evidence, it is likely to be dismissed.

**17.7** he completed form and supporting evidence must be formally submitted to the Returning Officer during the election or no later than five working days of the declaration of the election result.

**17.8** The Returning Officer will investigate any material (those that are more than minor or vexatious) complaints raised against candidates during elections and will adopt the following procedure.

- Inform the candidate in writing that a complaint has been raised against them within 2 working days of receipt of a complaint.
- Obtain evidence from the complainant and any other sources in relation to the complaint within 5 working days.
- Arrange a meeting with the candidate to discuss the complaint within 7 working days.
- The Returning Officer will decide to reject or uphold the complaint and will inform the candidate in person and confirm the decision in writing.

#### **Outcome**

**17.9** The following possible outcomes may result from the investigation:

- There has been no breach of the Election Policy and therefore no further action will be taken. (Any aspects of the complaint unrelated to the election process and which require further investigation may be referred on to other RCN internal processes).
- There is insufficient evidence of breach of policy and therefore no further action will be taken.
- There is evidence that the election policy has been breached and the complaint is upheld.

#### **Actions**

**17.10** Following the outcome of the complaint investigation, where evidence of breach of policy is found, and depending on whether the complaint and investigation take place during the election, one or more of the following actions may be taken:

- A first warning and or a final warning issued to one or more candidates
- Disqualification of a candidate or candidates. Disqualification should only be used in the most serious of cases that involve a clear breach of election rules.
- If the outcome of the election has been declared, it may be declared void and a fresh ballot held
- Such other remedial measures as are considered appropriate by the Returning Officer or their designated alternate

### Appeals

**17.11** If the Returning Officer decides the sanction of disqualification will apply, and if the candidate wishes to appeal that decision, the following procedure will be adopted.

- The Returning Officer will compile an investigation report outlining the detail of the complaint and including all the evidence.
- The candidate will be provided with the report and invited to a disqualification appeal hearing at which they are entitled to be represented by a colleague or Trade Union official.
- The hearing will be heard by an external independent panel appointed by the RCN within 14 working days of the date of disqualification.
- At the hearing, the Returning Officer and candidate will present their evidence to the panel and the panel will confirm whether the disqualification is upheld, and the outcome will be confirmed in writing.
- There will be no further right of appeal against this decision.
- If the disqualification is overturned, the election will be re-run.

### Vexatious complaints

**17.14** If an investigation concludes that malicious, vexatious, or deliberately false complaints/allegations have been made, RCN formal disciplinary processes may be invoked. A proven malicious, vexatious, or false complaint from a candidate (or their support/campaign team) will be treated as a breach of election conduct.

## Campaigning guidance and rules

**18.1** For the purposes of an election campaign, candidates and their supporters will not have access to RCN resources. However, the RCN will provide equal support for candidates as outlined in the campaigning guidance and rules as set out below.

**18.2** Candidates will be provided with a campaign pack which will provide help and advice on campaigning. During the campaigning period, all candidates must adhere to this guidance set out in the campaign pack.

- 18.3** If candidates are unsure whether they can or can't do something, they should email [elections@rcn.org.uk](mailto:elections@rcn.org.uk).

## **Conduct and behaviour while campaigning**

- 19.1** Candidates will be held responsible for the tone and conduct of their campaigns. Candidates must treat other candidates, and voting members, with respect. Campaigns must not include negative references to other candidates and should focus positively on promoting their own candidacy. Beyond permitted campaign activity there should be no pressure exerted on members to vote, nor any attempt made to record votes or check who members are voting for.
- 19.2** All campaigning must align with the fair and democratic running of the election. Candidates must not act in any way to gain an unfair advantage.
- 19.3** RCN elections are conducted in line with the provisions of the RCN Code of Conduct and the Respect Charter and candidates must ensure their campaign reflects the values encapsulated within them.

Appendix



## Election Complaint Form

This form should be used to make a formal complaint regarding the process of an election and/or the conduct of candidates, the content of election campaigns or the conduct any other person(s) associated with the election process.

**NOTE:** By completing and submitting this form you are stating your belief that the actions described are in breach of the RCN Election Policy and Process and therefore compromise the fair democratic process of the relevant election.

### SECTION 1: General details

WHICH ELECTION IS THE SUBJECT OF THIS COMPLAINT?		
YOUR DETAILS	Name:	
	Telephone:	
	Email:	
ARE YOU A CANDIDATE? <i>Click in appropriate box</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO	

### SECTION 2: Complaint details

DATE & TIME OF INCIDENT	
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SPECIFIC LOCATION	
<p><b>CATEGORY (click on all that apply)</b></p> <p><input type="checkbox"/> Conduct of person(s)</p> <p><input type="checkbox"/> Conduct of election process/count</p> <p><input type="checkbox"/> Other (please state)</p>	
<p><b>DESCRIPTION:</b> Please state below as much detail of the incident as possible including the name(s) and title(s) of person(s) against whom this complaint is being made, and anyone else directly involved, and also known witnesses. If the latter are not known please describe in general terms – eg approximate number of bystanders, any other potentially helpful details/circumstances.</p> <p>For complaints about election process, give as much detail as possible about what specifically happened to indicate procedural irregularities.</p> <p><i>You must specify which part of the RCN Elections Policy and Process you believe to have been contravened.</i></p>	

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**SECTION 3: Description of supporting evidence**

<b>Describe below the evidence you are presenting in support of your complaint</b>
<b>Click the appropriate box below to confirm whether the evidence described above is attached/uploaded with this completed form</b>

Yes the above evidence is submitted with this form

No, not all the above evidence is submitted with this form *(If this is the case you must explain below why and indicate when any outstanding evidence will be provided)*

I confirm that, to the best of my knowledge, the information I have provided above is true and accurate

Signed:

Date: