

Monday 12th March 2012

Dear colleagues,

Re.: General Secretary Survey

You will have been contacted last week by the newly re-elected General Secretary. She will have informed you that she is interpreting her election as a mandate for constitutional change. She will be conducting an e-poll from today on three proposals for constitutional change in our union: shrinking the size of the National Executive, election of national negotiators in a members' ballot, and a rule change to the effect that all 'final' offers should be put to a members' ballot.

We are contacting you to urge a 'No' vote on all of these proposals for the reasons given below. We urge you to take the time to consider these issues since the proposals, in whatever form they may finally appear, could have a significant impact on the ability of our union to represent members.

1. Procedure

There is no specification of what precise changes are being suggested in the General Secretary's poll. No proposals have been put before the elected members of the National Executive or its Strategy and Finance Committee. There have been no specific proposals discussed at branch meetings or at the union's regional committees.

In these circumstances, particularly without knowing the detail of the proposals, it is not clear what their implications might be. Whatever those implications are, members cannot be informed about them as part of this exercise. In the absence of debate, and consideration of alternatives, it is not possible to identify the advantages or the drawbacks of any proposal. We are being invited to 'vote in the dark'.

It is also the case, moreover, that the General Secretary is acting *ultra vires* in that the rules and constitution of the UCU require initiatives of this kind to be discussed by the National Executive and the Strategy and Finance Committee, in advance.

So, irrespective of the merits of what finally appears as the proposals in the General Secretary's poll, we urge members to reject the proposals until there has been extensive discussion in branches and regions.

2. Changes to the National Executive

There may be a case for altering the composition and/or the size of the National Executive but that is something that should be a matter of careful discussion, and the implications of all specific proposals investigated, before a decision on the matter is taken by our annual, national Congress – the policy-making body of our union.

The General Secretary has declared that she wishes to shrink the National Executive and to redirect any savings to direct representation of members. In the abstract, that sounds like a laudable intention if the NEC is indeed excessively large, and if there could be significant benefits to representation from such a change.

The current size and composition of the NEC was, however, carefully worked out at the time of the amalgamation of the AUT and Natfhe five years ago. It was designed to ensure that the National Executive was not dominated by any one sector of the union but would have representation from both pre and post-92 institutions in HE (where different conditions of service pertain), and from Further Education. It would ensure that all regions and devolved nations were represented. Given the UCU's commitment to equality as part of its industrial relations remit, it ensured that there was representation from black and ethnic minority members, from disabled members, from LGBT members, and women members. It ensured that academic-related staff and those on casual contracts would be represented.

An e-poll, without debate on the specifics of any proposals, without the opportunity to hear counter-arguments, and without the opportunity to consider alternatives, is not the way to handle matters in a democratic organization.

3. Election of National Negotiators

The principle that underpins the operation of any democratic body should always be the election of representatives from as wide a constituency as possible subject to considerations of accountability. Both parts of that principle need to be operative. One of the key deficits of many democratic procedures is the election of representatives for a

fixed period but who cannot then be held accountable for their actions by the members of their constituency until their period of office is exhausted. This is what produces a democratic form without democratic substance.

Currently the UCU's national negotiators are partly elected and are partly *ex officio*. The Chairs and Vice Chairs of the HE and FE Committees, plus the National Officials from the respective sectors, are members of the national negotiating teams for HE and FE in virtue of their positions. The other members are lay members elected by the annual HE and FE Sector Conferences of lay delegates. The current arrangements provide for a minimum number of women negotiators in FE and HE, and for a minimum number of pre-92 and post-92 negotiators in HE.

It is the delegates at sector conferences, after debates about the annual pay claim in branches, who decide on the pay claim. The elected negotiators are thus elected by the body that has determined the claim, and are responsible and accountable to that body. If the negotiators do not follow their remit adequately, they can be called to account by a special Sector Conference, and replaced if necessary. Similarly, the Chairs and Vice Chairs of the HE and FE committees are responsible to their committees, and operate under their direction. The committees are responsible for conference policy between conferences.

There may be a better way of selecting negotiators. Determining what is that better way requires careful consideration of these issues. To whom would national negotiators who were elected by a members' ballot be accountable? How would they be recalled if they did not follow their remit, and by whom? What would be their relationship to the sector conferences that frame the annual claim? How would they relate to the National Executive, and to the Chairs and Vice Chairs of the sector committees?

There may be good answers to these questions. It is not possible to know, however, until there has been extensive debate in branches, regions and conferences and Congress. Until that happens, therefore, we urge members not to commit to a proposal that has not been adequately considered.

3. Ballots for all Final Offers

This is the strangest of all of the proposals. It is not clear what it can possibly mean. Does it mean that when both negotiations and action have produced some movement close to the objective, but not everything that was being fought for has been won, there should *then* be a formal ballot of members on acceptance or rejection? Does it mean that when there is a judgment that members may not want to continue the struggle there should *then* be a ballot? If so, whose judgment? Or does it mean that any and all offers that are so described by the employers or the Government as 'final' offers will be put out to ballot?

It can only mean the last of these three, as the first two are already the case. If the NEC (or HEC or FEC) considered those circumstances to be the case then there would, of course, be a ballot of members. The third possibility, however, that would commit the union to ballot on whatever was described as 'final' by our adversaries, would risk making the UCU a laughing stock in the trade union movement.

In the current TPS dispute, for example, that would have meant that we would have had to pay tens of thousands of pounds to the Electoral Reform Society on *EACH* of the *FOUR OCCASIONS* that the Government has declared so far that it has made its 'final offer'. Had members then voted to accept the second 'final' offer, we would not have been on strike on 30th November, and the Government would not have been forced to make its third 'final' offer in December. Nor would we have had the current 'final' offer.

This is the one proposal that, in whatever form it finally appears, cannot have any merit at all.

For all of these reasons, but most importantly because of the absence of debate and discussion, we urge members to reject the proposals of the General Secretary, and to engage in discussion and debate on all these issues at branch meetings if any detailed proposals are forthcoming. An e-survey on these issues, particularly without the circulation of all relevant information or contrary opinion, is not part of the union's democratic procedures.

We write to you as branch officers and individuals, and not as members of any grouping in the union, some of us being members of no UCU group.

**Tom Hickey (Brighton & NEC)
Liz Lawrence (Sheffield Hallam & NEC)
Mick Jardine (Winchester)
Chris Downs (Chichester)
Malcolm Povey (Leeds & NEC)**

**Phil Jones (Canterbury)
Maeve Landman (NEC)
Laura Miles (Bradford and NEC)
Luke Martell (Sussex)
Jim Wolfreys (Kings and NEC)**