

# GENERAL SECRETARY 2020 ELECTION PROCEDURES



**Nominating bodies should follow the appropriate government guidelines during the Coronavirus (COVID-19) pandemic, with particular with respect to social distancing. Guidelines can be found here: <https://www.gov.uk/coronavirus>.**

## Introduction

1 This document contains the procedures for election of the position of UNISON general secretary. They are based on the UNISON rule book (as amended at the National Delegate conference in June 2019) and the current laws that apply to union elections. These procedures were approved by the National Executive Council's (NEC) Development and Organisation Committee of UNISON at its meeting on 16 July 2020. These procedures are designed to ensure that we meet the UNISON rulebook's aim: "To seek to ensure that members, activists, representatives and staff are treated with dignity and respect at all times when participating in the union's democratic structures."

## Appointing the Returning Officer and agreeing a timetable

- 2 At least three months before the election, the NEC will appoint an independent, qualified Returning Officer who will act as Scrutineer under the Trade Union and Labour Relations (Consolidation) Act 1992. UNISON has entered into a three-year contract with Civica Election Services (CES) (formerly known as Electoral Reform Services (ERS)) to carry out these duties.
- 3 The NEC will agree a timetable to include:
  - a the period when nominations for elections must be received
  - b the date when ballot papers will first be sent to members who are entitled to vote
  - c the date by which members must return their filled-in ballot papers, and
  - d the date the result of the election will be announced.

## Timetable

- 4 The timetable for the election, as agreed with the Returning Officer, is set out in Appendix 1.C.

## Eligibility for candidates

- 5 To be eligible for the post of general secretary, a candidate must have been a full member of UNISON for at least 5 years prior to the intended despatch of ballot papers; or have been employed by UNISON for at least 5 years prior to the intended despatch of ballot papers. Throughout the election process, a prospective candidate must remain a full member, and continue to meet the requirements of the post.
- 6 To be eligible for the post of general secretary, the candidate must receive valid nominations from at least one of the following nominating groups:
  - a. National Executive Council;
  - b. At least 2 national service group executives;
  - c. At least 2 regional councils;
  - d. At least 25 branches.

## Election procedures

- 7 On the date set out in the timetable, election procedures will be:
  - Available to download from UNISON's website, and
  - Available from the Member Liaison Unit on request.
- 8 Any candidate applications and nominations for this election must be made via the CES online portal at [www.cesvotes.com/unisonGS20noms](http://www.cesvotes.com/unisonGS20noms).

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## Returning nomination forms

- 9 Nominations can be made by the National Executive Council, national service group executives, regional councils and branches.
- 10 The nominating process:
  - a Voting to decide which candidate to nominate must take place during the nomination period, as set out in the timetable.
  - b The online nomination form must be completed, including the date of the meeting, the type of meeting (that is, a branch or committee meeting), the number of people who attended, the quorum (the minimum number of people needed to make that meeting valid), and whether the meeting was quorate.
  - c Nominating bodies can agree their nominations online if their approved rules allow them to hold online meetings.
  - d The NEC has agreed that nominating bodies can hold virtual nomination meetings out of rule for the duration of the 2020 General Secretary election nomination period. Members of the union's staff must be present at such meetings in the role of an independent observer in order to confirm that due process was followed in line with the spirit of the Code of Good Branch Practice and on the advice of the Returning Officer. It is the responsibility of the nominating body to give their region at least seven days notice of the meeting details and it is the responsibility of the region to ensure a member of staff attends.
  - e Nominations will only be accepted if they are submitted via the online portal. They must be authorised by the secretary and chair of the relevant committee or branch. The names and RMS numbers (where appropriate) of the secretary and chair must match the one(s) recorded on the RMS membership system.
  - f If the nomination has been authorised by another officer of the nominating body, an explanation of the reasons why should be given. If either of these nominating body seats is vacant, details of another officer – for example, a vice chairperson or assistant secretary – should be included, with an explanation of the need for a substitute.
  - g Where only one of these posts is filled, the authorisation of another officer is required, i.e. two authorisations are required.
  - h The nominating body must complete the online nomination submission by the date set out in the timetable and will receive receipt by email.
  - i Nomination forms should be filled-in online via the CES online portal. Email or paper copies should not be used.

## Processing nomination forms

- 11 Nominations must be received by the deadline. Then:
  - a An email will be sent to the nominating body to tell them that their nomination form has been received.
  - b Nomination forms received by CES or by the Member Liaison Unit which are incomplete or incorrect will wherever possible be referred back to the nominating body by the Member Liaison Unit as soon as reasonably practicable with a copy to the candidate and regional secretary.
- 12 At the end of the nomination period, the Returning Officer will decide if nominations are valid.
- 13 Nominating bodies will receive an email, no later than the date set out in the timetable, to inform if their nomination is invalid and stating the reasons for that decision.

## Returning candidate forms

- 14 A member is not treated as a prospective candidate until their candidate form has been submitted online via the CES online portal.

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15 Candidate forms must be filled in online. Email or paper copies cannot be accepted. For those encountering problems with the online portal or with access problems, please contact the Member Liaison Unit via the contact details at the end of this document.

### Processing candidate forms

16 Only candidate forms received by the deadline set out in the timetable will be accepted.

- An email will be sent to the candidate to tell them their candidate form has been received.
- Candidate forms submitted via the online portal to CES which are incomplete or incorrect may be referred back to the prospective candidate and the relevant regional secretary.

17 At the end of the nomination period, as laid out in the timetable, the Returning Officer will decide whether candidates are eligible to stand in this election. If the nominated candidate is not eligible to stand, the candidate will be told why they are not eligible.

18 Candidates will receive an email, no later than the date set out in the timetable, to confirm whether or not they are eligible to stand in the election.

### Appeals

19 If a candidate or nominating body wants to appeal against the Returning Officer's decision, they should do so in writing by the date set out in the timetable. They must give full details of the reasons for their appeal and provide documents to support this.

20 Appeals should be sent to the Returning Officer at Civica Elections Services.

Phone: 0208 365 8909

Email: [unison@cesvotes.com](mailto:unison@cesvotes.com)

21 The Returning Officer will make a final decision on candidate eligibility and nomination validity by no later than the date set out in the timetable.

### Nomination helpline

22 UNISONdirect will run a nomination helpline during its opening hours as set out on the UNISON website and via online contacts, on the dates set out in the timetable, to provide information to nominating bodies and prospective candidates.

Phone: 0800 0 857 857

Text phone: 0800 0 967 968

23 UNISONdirect can confirm whether a nomination has been received. However, nominations should not be considered valid until written confirmation has been received from the Member Liaison Unit.

### Election address

24 All eligible candidates may prepare an election address. This will be sent out with the ballot paper.

25 The election address must be no longer than 1000 (one thousand) words in total. The 1000-word limit does not include the list of nominating bodies, although the list will be sent out with the election address. Any words over the limit will not be included in the printed version of the election address.

26 Candidates may also submit a recent photograph. This must be a head and shoulders shot of the candidate, either black and white or colour. An electronic version of the photo can be uploaded via the online portal. The photograph must not contain the UNISON corporate identity or logo (or anything which in the opinion of the Returning Officer may be identified as such).

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- 27 No photographs should be sent by email or post. No photographs will be returned. All photographs will be deleted/destroyed at the end of the election.
- 28 Candidates may submit a bilingual version of their election address for voters in Cymru/Wales. The candidate may choose the primary language to which the 1000-word limit will apply. The Welsh version must be provided by the candidate and must be an exact translation of the English text.
- 29 In line with the Trade Union and Labour Relations (Consolidation) Act 1992, the contents of the election address, including grammar and spelling, are the candidate's responsibility. Neither the Returning Officer nor any UNISON employee will be allowed to correct or change any election address, except as necessary where the election address is longer than the word limit.
- 30 Election addresses should not contain statements that:
- go against our aims and objectives (as set out in Rule B)
  - are discriminatory, racist, sexist or abusive or
  - include false accusations against members or union staff.

Any election addresses that contain these kinds of statements will be treated as a disciplinary offence under Rule I.

- 31 UNISON will not be responsible for any civil or criminal liability arising from publishing, copying or distributing individual election addresses. This liability will rest with the individual candidate.
- 32 The election address must be submitted via the online portal no later than the deadline set out in the timetable.
- 33 Election addresses can be submitted separately to the candidate form.
- 34 For those encountering problems with the online portal or with access problems, please contact the Member Liaison Unit via the contact details at the end of this document.
- 35 An email will be sent to candidates to confirm whether their election address was received by the deadline set out in the timetable.

### **Notice of the election**

- 36 Notice will be sent out to nominating bodies and activists to tell them how the ballot will be carried out, by the date set out in the timetable.

### **Entitlement to vote**

- 37 All eligible members who are included on our membership system three months before the date we plan to send out ballot papers will be entitled to vote in the election. Members who are not on the membership system on the date set out in the timetable will not be entitled to vote.

### **Ballot papers and the method of voting**

- 38 Ballot papers will be sent to the member's home address (or any other address they have given us in writing), as shown on our membership system. The ballot papers will include a prepaid envelope for returning the ballot papers to the Scrutineer. All voting will be by post.

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## Members who have not received ballot papers

39 Members who have not received a ballot paper by the date set out in the timetable should contact the UNISONdirect ballot helpline during its opening hours as set out on the UNISON website and via online contacts.

Phone: 0800 0 857 857

Text phone: 0800 0 967 968

## Campaigning

40 UNISON recognises that campaigning, in whatever form, is a vital part of any election process. The following sections of this document include guidance for those branches and candidates who are involved in elections. The aim is to make sure that everyone is clearly aware of their responsibilities and the limits set to allow fair elections to take place.

## Candidates seeking nominations

41 For the purposes of seeking nominations and later for campaigning during the election, a prospective candidate can ask the Member Liaison Unit for an electronic copy of the contact details for all nominating bodies. This will be provided free of charge.

42 These contact details may be used for the period of the campaign but must be destroyed immediately at the close of the ballot as set out in the timetable. Any unauthorised use of this data or failure to destroy this data may result in action being taken and may also breach data protection requirements.

43 These contact details will only be issued to prospective candidates.

## Campaign procedures for branches and candidates

44 Nominating bodies must not allow prospective candidates, or their supporters, to have access to our electoral roll. This means that branch or workplace registers of members, including phone lists, email lists, home addresses or any other contact details provided by or stored by UNISON or an employer cannot be used for election purposes. Any unauthorised use may breach data protection requirements.

45 Any nominating body, branch or group of members that invites a prospective candidate to speak at a physical or virtual meeting or social event of the nominating body about their involvement in the election must also invite all the other candidates. Candidates can appoint a representative to attend these meetings and speak on the candidate's behalf.

46 Prospective candidates or their representatives must not visit branches or workplaces to 'canvass' (persuade people to vote for them) without the branch's permission and unless the same opportunity has been offered to other candidates.

47 To ensure that UNISON remains an independent and representative trade union where all members have the right to fully and fairly participate, no nominee or candidate shall invite or accept any donation or contribution in money or kind from any outside organisation or company, including from any provider of goods or services to UNISON, any political party, or any employer in which UNISON organises. For the avoidance of doubt, an 'outside organisation or company' includes but is not limited to, an organisation, club, association or other entity which consists wholly or partly of UNISON members and which is not provided for in UNISON rules. In determining whether or not something fits into this category, income, resources and formal structures would be considered. This is not an exhaustive list.

48 Donations or contributions may be accepted from any individual UNISON member subject to a maximum value of £150 per donation or contribution and per candidate per election. For the

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avoidance of doubt, examples of 'in kind' includes, but is not limited to, the production, design, printing and distribution of campaign materials, such as leaflets, posters, emails, social media postings, websites, messaging and organising campaigning events.

- 49 Candidates must keep a record of all donations received, including donations in kind to enable the Returning Officer to investigate any complaint it receives which gives reasonable grounds for considering that a breach of the rules concerning donations may have occurred.
- 50 Meetings must adhere to the principles agreed by the NEC including following government health guidance and not disadvantaging any candidate. All hustings must therefore be virtual rather than physical meetings however if any national or local government guidance changes to allow physical meetings, they can go ahead. If however one or more candidates is unable to attend a physical hustings, then it cannot go ahead, and the hustings must proceed on a virtual basis. Branch funds can be used to hold hustings meetings (provided for by these procedures), whether they are virtual or physical. This could include costs incurred to hire a suitable room, advertise the meeting or pay the travel expenses of candidates or their representatives to and from the hustings meeting.
- 51 UNISON funds, property or resources (as set out in section 51 d) cannot be used to support campaigning for any particular candidate, except in the following circumstances.
  - a If a nominating body wants to tell their members about the nomination(s) through usual methods of communication (for example, branch newsletters, websites and social media resources). A 100 word statement per candidate may be produced. It should only explain why the nominating body has nominated the candidate, it should not take the form of asking members to vote for the candidate, nor should it include reference to any other nominations from other nominating bodies. It should only appear in the nominating body's usual methods of communication. A photograph of the candidate who has been nominated may be included. No links to social media may be included in these communications.
  - b To hold meetings (as explained in these procedures).
  - c To provide prospective candidates or candidates with a copy of the contact details for all nominating bodies from the Member Liaison Unit (as explained in these procedures).
  - d UNISON funds, property or resources include (but are not limited to):
    - UNISON funds
    - UNISON facility time
    - Any resources as set out in the relevant employer's facilities agreement (including workplace email accounts)
    - The UNISON corporate identity or logo (or anything which in the opinion of the Returning Officer may be identified as such)
    - UNISON branch, regional or national secretarial, administrative and office facilities, including stationary, laptops and mobile phones
    - UNISON data, such as phone lists, email lists, home addresses or any other contact details provided by or stored by UNISON or as provided to UNISON by an employer
    - UNISON publications, UNISON websites and UNISON social media, including branch and self organised groups (SOGs)
    - The paid time of UNISON employees including branch employed staff expenses for travel and subsistence (food and drink), except for hustings.

### **Number of candidates**

- 52 If there is only one eligible prospective candidate nominated for the post of general secretary, they will be deemed to have been elected. If two (or more) candidates receive an equal number of votes, which would not make it possible for an elected member to be declared, a further election will be run with only those candidates who had 'tied'.

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## **Voting system**

53 The method of electing the general secretary will be by a simple majority of those voting in the election.

## **Complaints about elections**

54 If you want to make a complaint about the fairness of the election, or how the election has been carried out, you must write to the Returning Officer (by email to [unison@cesvotes.com](mailto:unison@cesvotes.com)) by no later than the deadline set out in the election timetable. You should include any documents that support your complaint and where possible state which of the rules you believe may have been broken.

55 The Returning Officer will decide whether a complaint is valid.

56 Any complaint that is deemed to be valid by the Returning Officer may result in action being taken by UNISON, which may include disciplinary action under the UNISON rulebook and they have the right (if they consider it reasonable) to ask for all or part of the election to be held again.

## **Obligations on candidates**

57 In the event that any nominee or candidate becomes aware of any breach or apparent breach of these procedures by another person or organisation acting or purporting to act on their behalf, the nominee or candidate shall as soon as reasonably practicable dissociate themselves from any breach, take all reasonable steps to prevent a recurrence of any breach, withdraw any material that has been issued in support of them and notify the Returning Officer that they have done so.

## **Obligations on members campaigning in elections**

58 No UNISON member is permitted to distribute campaign materials produced by any outside organisations on behalf of a candidate in the election. If evidence is found that a member has distributed materials produced by any outside organisation they may be subject to disciplinary action under the UNISON rule book.

## **The result of the election**

59 The result of the election will be announced on the date set out in the timetable and published as soon as possible. The Returning Officer's report will be published on the union's website with a link to the report in U magazine (our magazine for members) no later than three months after receiving it.

## **Questions and contact information**

60 If you would like any information or further explanation about these procedures or the election, you can contact the Member Liaison Unit using the details below.

Phone: 020 7121 5399

Email: [gs20election@unison.co.uk](mailto:gs20election@unison.co.uk)

61 If you have a complaint about the election, you should put it in writing to the Returning Officer at Civica Election Services. Their details are as follows.

Phone: 020 8365 8909

Email: [unison@cesvotes.com](mailto:unison@cesvotes.com)

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### Procedures for any member of UNISON staff who is or may be nominated as a prospective candidate for the position of General Secretary



These procedures apply to a person who is a paid employee of UNISON and is or may be nominated as a prospective candidate for the post of General Secretary.

1. They may not, except as the election procedures permit for all candidates, make use of UNISON resources, funds or property to campaign for support or otherwise to promote their own nomination or candidature.
  - a "UNISON resources, funds and property" refers to resources, funds and property at national, regional and branch level. It includes (but is not limited to):
    - UNISON funds  
UNISON facility time
    - Any resources as set out in the relevant employer's facilities agreement (including workplace email accounts).
    - The UNISON corporate identity or logo (or anything which in the opinion of the Returning Officer may be identified as such)
    - UNISON branch, regional or national secretarial, administrative and office facilities, including stationary, laptops and mobile phones
    - UNISON data, such as phone lists, email lists, home addresses or any other contact details provided by or stored by UNISON or as provided to UNISON by an employer
    - UNISON publications, UNISON websites and UNISON social media, including branch and self organised groups (SOGs)
    - The paid time of UNISON employees including branch employed staff expenses for travel and subsistence (food and drink), except for hustings.
2. They shall continue to carry out their regular duties as an employee of UNISON in time regarded as working hours within the meaning of the flexible working arrangements. Outside those hours and also during any period of leave which may be granted under paragraph 3 (below), they are free to carry out such activities in relation to the election as are open to all other candidates.
3. They may, within the period of the election campaign, make use of any leave to which they are entitled.



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### Staff Guidance



**Guidance for all UNISON Staff members regarding campaigning activities relating to UNISON elections.**

**This guidance applies to all UNISON staff members including Branch Employed Staff for the purposes of these procedures.**

1. Staff may want to participate in the elections by supporting a particular candidate or candidates. With the exception of those outlined in section 5, UNISON recognises that this is legitimate, however it must be in their own time and not using any UNISON resources as set out below:
  - a) UNISON funds
  - b) The UNISON corporate identity or logo (or anything which in the opinion of the Returning Officer may be identified as such.)
  - c) UNISON branch, regional or national secretarial, administrative and office facilities, including laptops and mobile phones.
  - d) UNISON data, such as phone lists, email lists, home addresses or any other contact details provided by or stored by UNISON or as provided to UNISON by an employer.
  - e) UNISON publications, UNISON websites or UNISON social media.
  - f) UNISON expenses for travel and subsistence.
  
2. Staff may participate, in working hours, in elections in the following ways, indeed for many staff it will be a key part of their role requirements:
  - a) Encourage members to stand for election, especially in areas of our membership where we are under-represented such as low paid women, Black members, LGBT+, Disabled and Young members and certain occupational groups.
  - b) Encourage nominating bodies to take part in the process of nominating candidates. They must not recommend a candidate or candidates.
  - c) Encourage members to vote in elections.
  - d) Advise candidates and nominating bodies on the election procedures.
  - e) Advise members on the election timetable and how to participate.
  
3. Assistance can be given, if requested, in the following circumstances:
  - a) A candidate in compiling their written statement if the candidate has a language barrier or a Disability.
  - b) Staff who are unsure of any aspects of participation should seek clarification from the Director of the Executive Office.
  - c) Staff who are processing nominations acting as branch or regional administrators for branch who are in regional administration or supervision.
  
4. For the avoidance of doubt in relation to a member of staff's 'own time', all working hours should be clearly recorded on a daily or weekly basis in order to protect their position. Staff are not permitted to undertake any campaigning activities on behalf of a candidate or candidates during any time recorded as working time.
  
5. Staff, equally have the right not to participate in any campaigning on behalf of a particular candidate or candidates and shall not be subject to any detriment as a result of a decision not to participate in any campaign. Any perceived detriment or pressure staff feel has been experienced should be reported immediately. Any reports will be dealt with under the relevant procedures/processes.

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### **Staff Guidance**



6. Given the nature of all of the roles in the Member Liaison Unit, the Assistant General Secretary Regions and Governance, the Director of the Executive Office the Director of Legal Services and National Manager for Regions and Governance, whose duties include functions relating to this election, these staff members will be excluded from campaigning in the elections on behalf of a particular candidate or candidates in or out of working hours. They are however permitted to encourage participation as set out in section 2.
7. If any member of staff has a question or is uncertain about the meaning or application of this guidance, they should raise it with the Director of the Executive Office.
8. If any member of staff has a complaint they can raise this with Director of the Executive Office or through the Staff Whistle Blowing Policy if the complaint/s comply with the criteria

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### Election timetable



The following timetable has been agreed with Civica Election Services

|                        |   |
|------------------------|---|
| 27 July 2020           | The election procedures are despatched to nominating bodies. The election procedures are downloadable from the UNISON website at: <a href="http://www.unison.org.uk/elections">www.unison.org.uk/elections</a> .                    |
| 10 August 2020         | The start of the nomination period.<br>The start of the nomination helpline.  |
| 5pm, 25 September 2020 | The end of the nomination period<br>The deadline for online nominations and candidate submissions to be made via the CES portal.  |
| 2 October 2020         | The deadline for prospective candidates to be told about whether they can stand and for nominating bodies to be told about nominations that are not valid.  |
| 5pm, 9 October 2020    | The deadline for prospective candidates and nominating bodies to submit an appeal to the Returning Officer, where the Returning Officer has decided prospective candidates are not eligible to stand and nominations are not valid. |
| 16 October 2020        | The deadline for appeal decisions by the Returning Officer.   |
| 19 October 2020        | Voters are told details about the election. (Notice of election)  |
| 28 October 2020        | Voting starts - Voting papers are sent to members.  |
| 10 November 2020       | The start of the voting helpline for members.   |
| Noon, 20 November 2020 | The close of the voting helpline for members.   |
| 5pm, 27 November 2020  | Voting ends.  |
| 5pm, 4 December 2020   | The deadline for written complaints and supporting evidence to be sent to the Returning Officer.  |
| 8 January 2021         | The deadline for the Returning Officer to investigate and respond to complaints.  |
| 10am, 11 January 2021  | The results are published.  |