

Unite House
128 Theobald's Road
London WC1X 8TN

Tel: 020 7611 2500
Fax: 020 7611 2555



15th May 2020

TO: All members of the FWB Executive Committee

Dear Colleagues,

May I take this opportunity to pass on our hopes that all is well within your families and communities. Everyone has a role to play in the current situation and all members of your Branch perform roles integral to the well-being of our communities often unseen and unheralded.

Returning to the day to day, recent months have seen some difficulty within the Branch and Guidance has been sought from the national Union on how to appropriately address the issues that have arisen.

It is therefore appropriate that we write to all members of the Executive Committee, following consultation and discussion with colleagues in the Legal Department, setting out our views on how the Branch can and should operate.

Legal proceedings have been issued. These will take their course. However the Union believes it important to address some of the current issues and requests for guidance to enable the Branch to continue to operate and serve the membership.

Background

1. First, the Union is committed to equality - we are respectful of people's faiths and expect, under our current Rules, for all members to do likewise.
2. The history of the Branch is well known, needing no rehearsal. It is a National Branch for Faith Workers of any and all religions or none at all. National Branches such as the FWB are sometimes an uncomfortable fit with the traditional democratic structures of the Union and work has been done over many years to ensure that the structure set up by yourselves best serves the membership contained therein.

The Branch and Union Rules

3. The last full Branch and Executive Committee meeting was 28th January. It has not been possible for the Branch to meet since then due to the current pandemic.
4. The Executive Committee of the Branch is set up to ensure the efficient and proper management of Branch affairs. The Union Rule Book provides for five mandatory Offices and permits the creation of other posts as and when necessary. The five posts are elected offices democratically accountable to the membership.

5. There is no requirement under Rule that the Branch Executive Committee agree, either with unanimity or not, to any course of action. It is expected, as in any democratic organisation that the Branch Office holders, being accountable to, and having the confidence of the electorate, operate in a manner consistent with the broad views of the members of the Branch. There are obviously limits to this. Practicality dictates that it cannot be the case that every act of the Chair, Vice Chair, Secretary, Treasurer or Equalities Officer requires either canvassing or the permission of the whole Branch Executive Committee before being undertaken. This is not an efficient way of working, nor is it leadership. Notwithstanding when issues of controversy or importance arise it is conducive to proper democracy that members of the Executive are consulted.
6. Generally day to day responsibilities, which are given to the Chair and other office holders by the Rule Book, can and should be undertaken without any specific requirement for canvassing views. Should any office holder wish to canvass an action with other members – formally or informally – this is perfectly acceptable and encouraged. It is simply the practical reality of leading and running a branch of nearly 2000 members.
7. The ‘checks and balances’ on these powers are provided in a number of ways but most notably via the democratic structures of Unite that provide a potential right of recall for all elected officers or representatives, should this be necessary. This is sufficient to ensure that office holders or elected representatives act in accordance with the wishes of the membership at large and within our Rules.
8. It has come to our attention that the position and authority of Office holders including the Chair, has been subject to query by members. The questioning of Branch Officers as to their actions is entirely appropriate and to be expected in a democratic organisation, indeed it is encouraged. However this should be done appropriately and respectfully.
9. In addition there have been complaints about the conduct of Officers. These will undergo due and proper process under our Rules. A previous complaint has been dealt with by the London and Eastern Region Deputy Regional Secretary Vince Passfield’s investigation and report. This is subject to appeal, and is in process.
10. There are presently therefore no disciplinary matters pertaining to any Branch Officer and the Union’s Rules stipulate that they shall continue in office. The Union cannot and will not remove Office holders prior to the conclusion of an investigation without due cause and subject to Rule. The authority of the directly elected Officers of the Branch remains and should be respected, even if individuals disagree. Debate should be conducted in a cordial manner and the Minutes should accurately record decisions taken.

Sub/Workplace Groupings within FWB

11. The operation of sub groups in the Branch, based loosely along faith lines has been a practise which has grown organically over a number of years. It is to be encouraged where it can assist in the organisation of workers in an effort to improve their collective strength.
12. The practice of setting up these groups has been the subject of attempts to formalise same over a number of years. The precise history of the custom and practice developed by the Branch is unclear however what is clear is the following:

- The minimum number of members required to elect a work place representative as set out in Rule is three. Other custom and practice relevant to the establishment and operation of said groups is the following:
 - The Branch Executive has de facto become the ‘authorising’ body for such groups;
 - There must be a Constitution for the group;
 - The purpose of the WPG must be to organise and negotiate to improve their member’s conditions of service with the common employing body or bodies.
13. As part of the discussions that have ensued over these matters the Legal Department and the National Officer have considered the Constitutions for the 3 existing sub-groupings.
14. The current constitution of the CCEA for example contains an unintentional departure from the inclusive ethos of the Union. Limiting membership of sub-groupings to those whose occupations are either ordained or hold post or office within a particular faith unnecessarily excludes members who may be employed in the organisation, work within that faith community or workplace but do not necessarily hold post, office or have been ordained. The Union recommends all such constitutions are reviewed on this point and consider opening their membership to anyone employed within the workplace deemed to be covered by those sub groupings as opposed only to the clergy occupations currently being utilised.

The new application(s)

15. We have seen and considered the applications from members of the Faith Workers’ Branch to create Muslim and Hindu faith workers work place groupings and consider them to be eligible for approval by the Branch as distinct sub-groupings in line with the current practice of the Branch. There are obvious operational concerns about numbers, particularly in relation to the latter however in line with recently proposed decisions of the branch at its meeting in January to survey members and increase membership in these areas it is believed that the creation of such groups could be utilised as an effective recruitment tool for those engaged within those institutions.
16. We would therefore recommend that at the next available opportunity the Branch Executive Committee approve the two new sub groups with a review of activity and membership numbers to take place at the next AGM.

Future Branch/Exec Meetings

17. The current pandemic is making life very difficult for all Union Branches to meet. Rule 17.5 has been suspended by the Union. A full Branch meeting is impossible in person and considering the numbers who wish to attend very difficult to take place on alternative formats such as Microsoft teams or Skype.
18. However the Branch Executive – which presently numbers 12 in total should be able to conduct such a meeting satisfactorily by way of new technology. The current Acting Chair has indicated particular difficulties with her rural broadband connection and concerns that this may result in communication difficulties. This is noted and we intend to contact the Regional IT person in her Region to see if any particular assistance could be provided however the

recommendation of the Union is that such a meeting go ahead. Should such problems occur and it is clear members are unable to access a common online platform individuals need to be understanding of the difficulties that others may have and decisions should be taken via email.

19. It has come to the Union's attention that the recent Minutes of the Branch meeting in January were discernibly different in style and detail to those produced previously. No criticism is made of detailed note taking and we understand that in light of recent events it may be the case that it was thought better to have access to a 'memory jog' when undertaking same. Minutes should be a record of the decisions taken, and are not normally a record of the preceding discussion, or a transcript of a debate.

Your attention is drawn to the law on recording people without their consent. We do not encourage as a Union, the recording of meetings, believing it to have an unnecessary 'chilling' effect on open and honest debate however there is no Rule against doing so. However if any party wishes to do so permission should be sought from all those in attendance. A failure to do so could be considered a disciplinary offence under Rule.

Accredited Workplace Representative Status

20. Attention has also been drawn to a confusion that has ensued in relation to individual members holding accredited representative status in a specific workplace whilst being a member of the FWB. This is entirely legitimate under Rule and any individual can be an elected representative in a workplace whilst retaining membership of the FWB as a Branch. Patently the FWB has a process for allocating case work and representation of its members through the helpline. The remains unaffected by any work an individual members does in their own workplace or if asked to do in other workplaces within their 'home' Region.

Co-option to the Executive Committee

21. The decision to co-opt members to the Executive Committee is one for the Branch Executive. A proposal by one of those present at an EC meeting should, if necessary, be voted upon by those present. Arguments for and against the motion should be made if necessary.

For the avoidance of doubt it is not the Union's position that each and every faith be represented on said Committee (unless the Branch deem that to be necessary) rather no one should be unnecessarily excluded and any application should be considered on the basis of past and future contribution to the work of the Branch.

Newsletter and Social Media

22. The production of a newsletter in these troubled times should be possible, particularly where such matters are undertaken by electronic means and even if the purpose of same is simply to remind people that the Union is there to assist them in this time of crisis, we would recommend it is done. There are a large number of Covid 19 related resources available online and these should be referred to in any newsletter.
23. As discussed in general terms above, there again is no requirement under Rule that each and every communication is canvassed or formally approved in advance of publication. The demands of social media mean that a process for putting together content by way of even a small Executive Committee is simply not feasible. Consideration should therefore be given

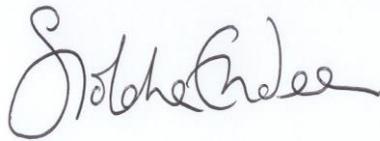
to delegating to a Branch Executive Committee member the role of Communications and that person should in those communications be cognisant of the differing views within both the Executive Committee and wider membership on matters. The ultimate decision makers are the five elected officer holders. A procedure for obtaining agreement from a majority of those five should be put in place where content necessitates this.

Communications between meetings and members

24. It has further been drawn to our attention that communications are being sent and received selectively on matters pertaining to the Branch between groups on the Executive. It is clearly the case that members will have discussions between themselves and some communication between the officers of the branch is necessary. Communications which are correctly for the attention of the Group should either be copied to the group as whole or directed via the Secretary.

We do regret having to write on such terms but it is clear that events require action. Should you have any questions your National Officer will be in attendance at the next Executive Committee meeting when it takes place and we sincerely hope that debate can continue to be conducted in a responsible and collegiate manner, as is expected both under Rule and common courtesy.

Yours sincerely



Siobhan Endean National Officer



Neil Gillam Legal Department