

DECISION OF THE CERTIFICATION OFFICER ON AN APPLICATION MADE UNDER SECTION 31 OF THE TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

Mr John Illingworth

v

National Union of Teachers

Date of Decision

15 December 2014

DECISION

Upon application by Mr Illingworth (“the claimant”) under section 31 of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”):

1. By consent, I declare that the National Union of Teachers breached section 30(2)(a) of the 1992 by Act by failing to comply within 28 days with the request for access to certain of its accounting records made by the claimant on 8 May 2014.
2. By consent, I make no consequential order pursuant to section 31(2B) of the 1992 Act for the inspection of the records requested.

REASONS

1. Mr John Illingworth brought this application as a member of the National Union of Teachers (“NUT” or “the Union”). He did so by a registration of complaint form which was received at my office on 25 June 2014.
2. Following correspondence with my office, Mr Illingworth confirmed his complaint in the following terms:

In breach of section 30(2)(a) of the Trade Union and Labour Relations (Consolidation) Act 1992, the National Union of Teachers failed to comply with Mr Illingworth’s request of 8 May 2014 to Christine Blower, General Secretary of the National Union of Teachers, for the accounting records of Nottinghamshire Division for the period 2008-2012 (inclusive) and South Nottinghamshire Association for 2009 and 2011.

3. I investigated the alleged breaches in correspondence and a hearing took place on 15 December 2014.

4. At the hearing before me, Mr Illingworth represented himself. Witness statements on behalf of Mr Illingworth had been presented prior to the hearing by himself and his wife, Mrs Jennifer Illingworth, Assistant Treasurer of the South Nottinghamshire Association of the Union. The Union was represented by Mr Clive Romain, its in-house Senior Solicitor. Witness statements on behalf of the Union had been presented prior to the hearing by Mr Ian Stevenson, Regional Secretary of the Yorkshire Midland Region, and Ms Audrey Allen-Chitwa, the Union's in-house Accountant. There were also two bundles of documents in evidence. Bundle one consisted of 186 pages of correspondence and other documentation as supplied by the parties for use at the hearing. Bundle two consisted of 233 pages of those accounting records of the Nottinghamshire Division and the South Nottinghamshire Association that the Union had supplied to the claimant.
5. The hearing commenced with a discussion of the issues for determination. Arising out of that discussion I adjourned to give the parties an opportunity to consider the prospects of an amicable settlement. The parties agreed the following terms of settlement:-

Terms of Agreement

The parties agree to the disposal of this application before the Certification Officer by way of a declaration by consent that the National Union of Teachers ("the Union" or "NUT") breached section 30(2)(a) of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") by not providing Mr John Illingworth with access to inspect the accounting records he sought in his email to the General Secretary of 8 May 2014 with no consequential order pursuant to section 31(2B) of the 1992 Act.

The parties specifically agree as follows:-

1. *The Union accepts its failure to provide access to the accounting records requested by Mr Illingworth within 28 days.*
2. *Mr Illingworth accepts that there will be no consequential enforcement order.*
3. *The Union accepts that the Treasurer of the Nottinghamshire Division and the South Nottinghamshire Association are not in possession of the full accounting records the subject of the disclosure request of Mr Illingworth in these proceedings.*

Signed

**Claimant
For and on behalf of the Union**

**Mr John Illingworth
Mr Clive Romain, NUT Senior Solicitor**

Dated: 15 December 2014

6. On 8 May 2014, Mr Illingworth made a request to inspect certain accounting records of the Union by an email to its General Secretary. In order to comply with section 30(2)(a) of the 1992 Act the Union was required to make arrangements with Mr Illingworth for him to inspect those records before the end of a period of 28 days beginning with the date of the request. It failed to do so. Accordingly, as agreed by the parties, it is appropriate that a declaration is made that the Union breached section 30(2)(a) of the 1992 Act.
7. It is the Union's case that the originals of the accounting records which Mr Illingworth seeks to inspect are no longer within its power, possession or control and may not exist. The Union asserts that the relevant accounts of the Nottinghamshire Division

were in the possession of Ms Louise Regan, its former Treasurer, who allegedly left them for Mr Illingworth in the offices of the Nottinghamshire Division at the end of April 2014. On 6 May, Mr Illingworth was informed that the accounting records were ready for him at the Nottinghamshire Division office. Mr and Mrs Illingworth carried out an inspection of these premises on 7 May but were unable to find the relevant records. On later questioning, Ms Regan re-asserted that she had left the accounting records at the Union's premises. They remain unfound and unavailable for inspection.

8. The Union has since attempted to re-assemble the accounting records from those copy records that are still in its possession and have been able to provide Mr Illingworth with a considerable quantity of such records. At the hearing, the only specific accounting record with which Mr Illingworth said he had not been provided was the Nottinghamshire Division cash book for 2012. The Union undertook to provide Mr Illingworth with a copy of that accounting record. I also observe that in 2013 Mr and Mrs Illingworth had inspected the accounting records of the Nottinghamshire Division between 2006 and 2012, in a matter which later came before me for determination in **Mrs Jennifer Illingworth v National Union of Teachers (D/35/13-14)**.
9. Accordingly, as agreed by the parties and in all the above circumstances, it is appropriate that I do not make an order for the inspection of the records requested pursuant to section 31(2B) of the 1992 Act.
10. This is the fifth complaint that has come before me this year involving the affairs of the NUT in Nottinghamshire. Whilst the parties have the right to litigate should they so wish, such prolonged litigation is a drain on the energies and finances of all concerned, including the public purse, and diverts the Union from furthering the interests of its members. I trust that the spirit that has enabled this matter to be resolved amicably will enable the parties to settle their grievances more generally.



David Cockburn
The Certification Officer