

**DECISION OF THE CERTIFICATION OFFICER ON AN APPLICATION MADE UNDER
SECTION 108A(1) OF THE TRADE UNION AND LABOUR RELATIONS
(CONSOLIDATION) ACT 1992**

Mr Edward Ritson

v

National Union of Teachers

Date of Decision

15 October 2015

DECISION

UPON application by Mr Edward Ritson (“the claimant”) under section 108A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”):

The claimant’s application is dismissed upon withdrawal by him.

REASONS

1. By a registration of complaint form received at my office on 10 November 2014, Mr Ritson made complaints that the National Union of Teachers (“the NUT” or “the Union”) had acted in breach of its rules. He later confirmed the alleged breaches as being:

Complaint 1

On or around 14th March 2014 the union breached rule 7 of the model rules of the Sefton Association when it did not notify all members, a requirement established by custom and practice, to send nominations to the Association Secretary no later than 28 days before the AGM, the date of the AGM being 8th July 2014.

Complaint 2

On or around 8 July 2014 the union breached rule 7 of the model rules of the Sefton Association because it accepted a nomination form which was not endorsed by the nominee Lawrence Glover even though a nomination for Mr Ritson had not been accepted as it had not been endorsed.

Complaint 3

On or around 8 July 2014 the union breached rule 6.2.2 of Appendix VIII because Cathy Earley was both the returning officer and a candidate for the post of Union Learning Representative and Conference Delegate in the Sefton Association 2014 Officer and Committee election.

Complaint 4

On or around 8 July 2014 the union breached rule 7 of the model rules of the Sefton Association because the nomination of Lawrence Glover was accepted without it been signed by the seconder C Slack but was signed by the President/returning officer Cath Earley.

Complaint 5

On or around 8 July 2014 the union breached rule 7 of the model rules of the Sefton Association when it accepted the nominations for the Treasurer, secretary and ULR and NW delegate positions despite the signatures for Tim Short being different suggesting that the named person had not signed the forms.

Complaint 6

That on or around 8th July 2014 the Sefton Association of the NUT accepted the nomination of Laurence Glover who did not qualify for union membership (having regard to Membership Regulations 9c and 13 of the Union's rules). This nomination was unlawful because under rule 13 of the NUT Rules, and appendix VIII to the NUT rules, the Union may not accept nominations for positions from non-members. The implication that this is also the case for Local Association elections was reinforced by the President's guidance notes, which required nominee, proposer and seconder to be members of the Sefton Association.

2. I investigated the alleged breaches in correspondence and a hearing was set for 21 October 2015.
3. On 13 October 2015, my office was advised by the Union that the parties had reached an amicable settlement agreement on the basis of which Mr Ritson was prepared to withdraw his complaints. The settlement agreement was made in the below terms:

"The Union and Mr Ritson are agreed that it would have been preferable, for the implementation of the rule that requires nominations to be endorsed by the members nominated, if nomination forms that went out to members for the Sefton Teachers Association elections 2014/15, had included a space for the signature of the nominated person, to show their endorsement. Guidelines issued with the form as well as requesting the signature of the proposer and seconder could have also referred to the need for the signature of the nominated person. The Union agrees to communicate its agreement on this issue to the Sefton Teachers Association so that they adopt such practice for future elections as from 2016."

4. On the same day, Mr Ritson informed my office that he agreed to withdraw his complaints on the basis of the above settlement agreement.
5. **UPON** the claimant withdrawing his complaints on the basis of the above settlement agreement:

It is ordered that:-

- 1) The hearing set for 21 October 2015 is vacated.
- 2) The claimant's application is dismissed upon withdrawal by him.



David Cockburn
The Certification Officer