D/5/25-26

Decision of the Certification Officer on an application made under Section 108A of the Trade Union and Labour Relations (Consolidation) Act 1992

Fellica

v

University and College Union

Date of Decision 8 September 2025

Please note that on 17 October 2025 this decision was revised to amend references to the preferred title and pronouns of the Applicant. For the avoidance of any doubt, this revised version does not change the reasoning nor outcome of the complaint. In any event, for completeness, the original version is appended below to show that no changes other than title and pronouns have been made and/or to aid any interpretation where grammatical structure may be affected.

Contents

Decision

1. Upon application by Fellica ("the applicant") under section 108A (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act"):

   Pursuant to section 256ZA of the 1992 Act, I strike out the claimant's application on the grounds that the complaints, as advanced by Fellica, have no reasonable prospect of success.

Background

2. Fellica submitted an application to make a complaint on 5 May 2024 as a member of the University and College Union ("the Union" or "UCU").

3. In its application, and in following correspondence, Fellica set out the following alleged breaches of rule by the Union:

   i. Breach of Rule 13.1: Disciplinary Procedures

   ii. Breach of Rule 12 and Rule 9 (RULES OF THE CITY, UNIVERSITY OF LONDON BRANCH) Removal from office

   iii. Breach of Rule 6.1: Conduct and Standards and Rule 5.33 of the Legal Scheme 2021 and

   iv. Breach of Rule 6 of the City UCU Branch's Standing Orders for the Conduct of Business at Local General Meetings

4. From the information Fellica provided to my office, the main events relevant to its complaints appear to be as follows.

5. Fellica is a member of the Union's City, University of London Branch ("the branch").

6. Fellica put itself forward as secretary of the branch on 22 June 2022 but was informed on 24 June 2022 that it was ineligible to stand. It complained to the Union about this informally in March 2023 and formally in July 2023.

7. Fellica wrote one letter dated 18 July 2023 and a further 9 letters to the Union's General Secretary all dated 19 July 2023, expressing its concerns about the actions of various individuals within the Union (mostly branch and regional officials). On 28 August 2023 and 9 October 2023, Fellica wrote further letters to the Union's General Secretary and President respectively complaining about the service provided by the Union.

8. Fellica wrote to the UCU Legal Panel on 4 March 2024 expressing its "dissatisfaction with the standard of service thus-far provided by the UCU, and its legal team."

9. On its application form to this office, Fellica said that it had requested to see the Legal Panel's rationale of its previous decision and that this request had been rejected. The relevant decision, according to the application form, was that Fellica's complaint regarding the Union Legal Team was not accepted under the membership complaints procedure as "dissatisfaction with decisions made about individual legal cases under the Union's legal scheme are dealt with under the terms of that scheme…"

10. Fellica submitted as evidence in support of the complaint to my office, an email which appears to have been sent by the branch President to members@cityucu.org.uk. The email listed 5 motions for discussion at the AGM, including one that had been proposed by Fellica. Fellica also submitted its response to the email from the branch President, dated 19 June 2024. In its response, Fellica asked why certain other motions that it had submitted had not been presented to members.

The Relevant Statutory Provisions

11. The provisions of the 1992 Act which are relevant for the purposes of this application are as follows:

108A Right to apply to Certification Officer

(1) A person who claims that there has been a breach or threatened breach of the Rules of a trade union relating to any of the matters mentioned in subsection (2) may apply to the Certification Officer for a declaration to that effect, subject to subsections (3) to (7).

(2) The matters are –

(a) the appointment or election of a person to, or the removal of a person from, any office;

(b) disciplinary proceedings by the union (including expulsion);

(c) the balloting of members on any issue other than industrial action;

(d) the constitution or proceedings of any executive committee or of any decision-making meeting;

(e) such other matters as may be specified in an order made by the Secretary of State.

(3) The applicant must be a member of the union, or have been one at the time of the alleged breach or threatened breach.

(4) A person may not apply under subsection (1) in relation to a claim if he is entitled to apply under section 80 in relation to the claim.

…

(6) An application must be made—

(a) within the period of six months starting with the day on which the breach or threatened breach is alleged to have taken place, or

(b) if within that period any internal complaints procedure of the union is invoked to resolve the claim, within the period of six months starting with the earlier of the days specified in subsection (7).

(7) Those days are—

(a) the day on which the procedure is concluded, and

(b) the last day of the period of one year beginning with the day on which the procedure is invoked.

(8) The reference in subsection (1) to the rules of a union includes references to the rules of any branch or section of the union.

(9) In subsection (2)(c) “industrial action” means a strike or other industrial action by persons employed under contracts of employment.

(10) For the purposes of subsection (2)(d) a committee is an executive committee if—

(a) it is a committee of the union concerned and has power to make executive decisions on behalf of the union or on behalf of a constituent body,

(b) it is a committee of a major constituent body and has power to make executive decisions on behalf of that body, or

(c) it is a sub-committee of a committee falling within paragraph (a) or (b).

(11) For the purposes of subsection (2)(d) a decision-making meeting is—

(a) a meeting of members of the union concerned (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union, is final as regards the union or which, under the rules of the union or a constituent body, is final as regards that body, or

(b) a meeting of members of a major constituent body (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union or the body, is final as regards that body.

(12) For the purposes of subsections (10) and (11), in relation to the trade union concerned—

(a) a constituent body is any body which forms part of the union, including a branch, group, section or region;

(b) a major constituent body is such a body which has more than 1,000 members.

256ZA Striking out

(1) At any stage of proceedings on an application or complaint made to the Certification Officer, she may—

(a) order the application or complaint, or any response, to be struck out on the grounds that it is scandalous, vexatious, has no reasonable prospect of success or is otherwise misconceived,

(b) order anything in the application or complaint, or in any response, to be amended or struck out on those grounds, or

(c) order the application or complaint, or any response, to be struck out on the grounds that the manner in which the proceedings have been conducted by or on behalf of the applicant or complainant or (as the case may be) respondent has been scandalous, vexatious, or unreasonable.

(4) Before making an order under this section, the Certification Officer shall send notice to the party against whom it is proposed that the order should be made giving him an opportunity to show cause why the order should not be made.

The Relevant Rules of the Union

12. The Rules of the Union which are relevant for the purposes of this application are:

> **UNIVERSITY AND COLLEGE UNION RULES from 29 May 2023**
>
> **Obligations of members**
>
> 6.1 All members and student members have an obligation to abide by the Rules of the University and College Union, and shall refrain from conduct detrimental to the interests of the Union, from any breach of these Rules, Standing Orders or directions (properly made in accordance with these Rules or Standing Orders) and from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, gender identity, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic.
>
> ….
>
> **The conduct of members**
>
> 13.1 The National Executive Committee shall (by the same procedure as it establishes its own Standing Orders) establish a procedure to censure or bar a member from holding any office for a specified period not exceeding three years or suspend from membership for a period not exceeding one year or expel a member from membership if it finds their conduct to constitute a disciplinary offence. A member of the Union commits a disciplinary offence if that member: (a) acts contrary to the Rules of the Union; (b) is knowingly involved in any fraud on the Union or misappropriation of Union funds or property; (c) misuses protected data contrary to the Data Protection Act Licence of the Union; (d) frustrates any decision or penalty of the Conduct of Members Committee; or (e) in any other way engages in conduct which brings injury or discredit to the Union.
>
> **UNIVERSITY AND COLLEGE UNION**

RULES OF THE CITY, UNIVERSITY OF LONDON BRANCH

Elections of ordinary members of the committee and officers

9.1 Returning Officer

The local committee will appoint a Returning Officer for elections who is neither a candidate for any office in the branch nor a member of the committee.

9.2 Nominations

All nominations will be received in writing or email by the Returning Officer no later than the day that is seven days before the day of the annual general meeting.

Self-nominations are acceptable. All nominations must be accompanied by the written or emailed consent of the nominee and by written or emailed support from two members of the branch.

9.3 Eligibility to stand for election

Retiring officers will be eligible for re-election, except that the President and Vice-President may normally hold office for not more than five successive years in any one capacity.

A member may not normally be declared elected to more than one officer or ordinary position of committee membership.

9.4 Elections

Subject to Rule 10.4, if there is only one eligible candidate for any officer vacancy that candidate will be declared elected.

If the number of candidates to be ordinary members of the committee does not exceed the number of vacancies those candidates will be declared elected.

If there is either more than one eligible candidate for any officer vacancy or more candidates than there are vacancies of ordinary members of the committee a ballot of the members of the branch will be conducted in accordance with Rule 10.

9.5 Term of Office

The term of office of an officer or ordinary member of the committee elected under this Rule 9 will run from 1 September following the AGM at which they were elected, until 31 August the following year, or such other period of approximately one year as the AGM determines.

…

12 Removal from office

Any member of the committee (including the officers and other persons elected to represent the branch) may be removed from office by resolution at a general meeting (including an extraordinary general meeting) of the branch provided that (a) the terms of any such proposed resolution are received by the Secretary not later than the day that is fourteen days before the day of the general meeting and (b) the proposal for such a resolution is supported in writing or email by not less than the number of members equivalent to a quorum.

Upon receipt of such a proposal the Secretary will take all reasonable steps to ensure that that proposal is received by each member of the branch not later than the day that is seven days before the general meeting at which it is to be considered. Any general meeting which will have removed a member or members of the committee in accordance with the above will have power to replace any such member or members until such time as normal election of officers and other members of the committee next occurs.

UNIVERSITY AND COLLEGE UNION

LEGAL SCHEME REGULATIONS

Introduction

…

2.4 The Union has decided that the most important criterion is that expenditure of both money and staff time on legal casework must be proportionate to the objectives sought. To achieve this the Union will apply the following criteria in deciding whether to offer you legal services, and if it does so, what legal services to supply:

2.4.1 the objectives you seek to achieve and the suitability of legal processes to achieve them;

2.4.2 the complexity and importance of the issues;

2.4.3 the legal merits of your case;

2.4.4 the costs to the union of providing you with legal services;

2.4.5 the aims, objectives and policies of the Union;

2.4.6 the significance of your case both to you and other Union members;

2.4.7 the resource implications for the Union;

2.4.8 whether alternative means of resolving your case are available, for example negotiation;

2.4.9 our lawyers' advice and recommendations;

2.4.10 whether the member has displayed seriously unacceptable behaviour towards staff handling the case, such as serious abuse, harassment,

intimidation, a threat of violence or persistent unreasonable demands. Examples are given in Appendix 2.

2.5 The interpretation of the criteria set out in regulation 2.4 is entirely in the discretion of the Legal Panel. However, in exercising its discretion and balancing each of the criteria set out at regulation 2.4, the Legal Panel must give particular weight to the Union's objective of promoting equality for all and the opposition of all forms of harassment, prejudice and unlawful discrimination because of a person's protected characteristic(s).

5.3 Employment Claims

…

5.3.3 Following our consideration of the initial assessment we will inform you whether your claim will be put before the Legal Panel for a decision on whether to provide further legal services and, if so, the extent of the legal services which will be provided. In arriving at its decision, the Legal Panel will apply the criteria in regulations 2.4 and 2.5.

STANDING ORDERS FOR THE CONDUCT OF BUSINESS AT LOCAL GENERAL MEETINGS

The arrangements for the quorum, calling of meetings and circulation of motions to meetings are as given in the rules of the branch.

…

6 Motions

All motions must be moved and seconded. Movers of motions may speak for five minutes. All other speakers may speak for a maximum of three minutes. Except at the discretion of the chair, no member will speak more than once on any motion, except that the mover of the motion will have a right to reply. Any

member may formally second any proposition and reserve his or her speech until a later period in the debate.

Amendments from the floor of the meeting will be taken at the chair's discretion. All amendments must be moved and seconded.

Considerations and Conclusions

Complaint 1

13. Fellica's first complaint is that certain actions taken by the Union amounted to "de facto disciplinary action" which did not conform with the rules.
14. Fellica argued that the Union's rules:

> explicitly require that any punitive action—including censure, barring from office, suspension, or expulsion—must be the outcome of a formal disciplinary process. This process includes investigation, notice, opportunity to respond, hearing, and appeal. Sanctions must be notified to the membership only after the process and any appeal have concluded.

15. Applying this principle to the facts and circumstances of Fellica's own complaint, Fellica stated that, on various dates, the Union had taken "a series of punitive actions against [it]". These actions included blocking Fellica's motions and an open letter, denying Fellica the opportunity to speak at a branch meeting, denying Fellica legal support and representation, and removing Fellica from the branch committee without a resolution at a general meeting. Fellica argued that these actions constituted a breach of Rule 13.1.
16. Rule 13.1 states:

> The National Executive Committee shall (by the same procedure as it establishes its own Standing Orders) establish a procedure to censure or bar a member from holding any office for a specified

period not exceeding three years or suspend from membership for a period not exceeding one year or expel a member from membership if it finds their conduct to constitute a disciplinary offence.

17. The wording of the Rule requires that the NEC establish a formal disciplinary procedure to allow it to impose formal disciplinary sanctions. It does not deal with any other procedural actions, such as those that Fellica alleges were taken in his case. I find, therefore, that there is no requirement in this Rule that the Union must follow a disciplinary process before taking actions such as blocking a motion and an open letter, denying speaking time, or denying a member legal support and representation. To read the Rule in the way Fellica suggests would be to extend its meaning beyond its terms. I will deal with Fellica's fourth alleged disciplinary action (removal from Branch Committee) at paragraph 28.

18. Alternatively, Fellica argued that any action by a union that has the effect of penalising a member may be subject to the scrutiny of the Certification Officer (CO). Fellica argued that the CO's jurisdiction extends to any union action that places a member at a detriment, particularly where the detriment relates to an ability to participate in union affairs.

19. I do not agree. Trade union rules frequently allow for decision-making that may place individual members or groups of members at a detriment or disadvantage, but this does not mean that alleged breaches of such rules can be characterised as breaches of rule relating to disciplinary proceedings.

20. Notwithstanding the above, before reaching a decision on complaint 1, I asked my office to refer Fellica to the decision of the Employment Appeal Tribunal in UNISON v Gallagher UKEAT/0280/05/MAA ("Gallagher"). The case concerned an appeal from a decision of the CO which had upheld a complaint from a union member. The Union appealed the CO's decision, arguing that the CO had gone beyond his jurisdiction by finding a breach of section 108A where there was no suggestion that a disciplinary process had been followed; where the alleged detriment was not a

disciplinary sanction provided for in the Union's rules; and where the alleged detriment was imposed in good faith and not for a disciplinary purpose.

21. Deciding the appeal, His Honour Judge J R Reid QC stated, at paragraph 20:

> The CO's reasoning fails, first, to distinguish purpose and foreseeable consequence, and second (apparently something to which the CO referred during the hearing before him, but not in his decision) to distinguish between the effective cause and a pre-requisite factor or condition, which is not necessarily the effective cause. Whilst it is true that Ms Gallagher would not have been affected by the Union's decision had she not been disciplined and the Union must have foreseen that such people as Ms Gallagher might be affected by its decision, that is not the same thing either as the Union imposing a penalty of a nature mentioned in its Rules (as the Union were held to have done in Ryan's case), or as the Union making its decision a disciplinary purpose (as in Dennison)

22. The blocking of a motion and an open letter; the denial of legal support; and the denial of speaking time are not listed as disciplinary sanctions within the Rules of the UCU. Therefore, to have a reasonable prospect of success at a hearing, Fellica would need to be able to demonstrate that when the Union took these actions, it did so with the intention of disciplining him.

23. My office invited Fellica to explain the basis for its belief that the actions taken against it by the Union were intended as disciplinary sanctions.

24. In response to this, Fellica returned to its primary argument, that the actions taken against it were explicitly covered by Rule 13.1, and the associated procedure, which, it argues, make any punitive actions by the union effectively disciplinary sanctions.

25. Even if Fellica's account of everything that happened is entirely accurate, it has provided no argument that could lead me to conclude that the actions taken by the Union could amount to disciplinary sanctions.

26. Therefore, I find that Fellica's complaint of a breach of Rule 13.1, on the basis that the Union blocked Fellica's motions and an open letter; denied Fellica the opportunity to speak at a branch meeting; and denied Fellica legal support and representation, has no reasonable prospect of success.

27. As I wrote at paragraph 15, Fellica also alleged that the Union breached Rule 13.1 by removing it from the Branch Committee as a disciplinary sanction.

28. Theoretically, this element of Fellica's complaint is covered explicitly in the wording of Rule 13.1. However, in correspondence with my office, Fellica explained that the date of this particular element of its complaint was 24 June 2022. My office explained to Fellica that this element of its complaint was, therefore, out of time and so could not be accepted by the CO for determination. Fellica's second complaint specifically focuses on its removal from office, so I have dealt with the question of time limits in more detail in that section of this decision.

29. On the basis of my findings in paragraph 26 and 28, I am satisfied that complaint 1 has no reasonable prospect of success.

Complaint 2

30. Fellica's second complaint is that it was removed from office on 24 June 2022 in breach of Rule 12 of the Union's Rulebook and Rule 9 of the "Rules of the City, University of London Branch". In correspondence, Fellica told my office that it initiated the Union's internal resolution procedures informally in March 2023, and then formally in July 2023**.**

31. Sections 108A (6) and (7) of the 1992 Act provide that the Certification Officer can only accept a complaint where the Applicant has made a complaint, to the Certification Officer or the Union, within six months of the alleged breach. Fellica

told me that he complained to the Union more than six months from the date of the breach. Therefore, according to the information provided by Fellica in its application and further correspondence, this complaint was made to my office outside of the statutory time limits set out in the 1992 Act. The Act does not provide me with any discretion to vary the statutory time limits.

32. Fellica disagreed with my interpretation of the statutory time limits.

33. Fellica told me that the branch blocked Fellica's open letter (as referred to in complaint 1 above) in March 2023, and that Fellica submitted a formal complaint to the Union in April 2023. Fellica argued that this was not a series of single complaints about individual actions by the Union, but rather a single cumulative complaint encompassing many actions by the Union, including Fellica's removal from office. Fellica views the actions collectively as part of a broader pattern of hostilities by the Union. Fellica argues that because Fellica's complaint to the Union was made within six months of at least one of the actions (the blocking of Fellica's open letter), the entire complaint (including the earlier actions referred to), should be treated as having been received within the statutory time limits.

34. Sections 108A (6) and (7) say:

> (6) An application must be made—
>
> (a) within the period of six months starting with the day on which the breach or threatened breach is alleged to have taken place, or
>
> (b) if within that period any internal complaints procedure of the union is invoked to resolve the claim, within the period of six months starting with the earlier of the days specified in subsection (7).
>
> (7) Those days are—
>
> (a) the day on which the procedure is concluded, and
>
> (b) the last day of the period of one year beginning with the day on which the procedure is invoked.

35. The statutory wording is clear that the time limits apply separately to each alleged breach or threatened breach, and not to a series of complaints falling under a single umbrella or relating to a single matter. I can see no basis for Fellica's argument that the time limits should be applied to its complaints in a holistic manner, bundling them together as a single complaint of cumulative breaches.

36. Accordingly, there is no basis for me to treat a complaint that has been received outside of the statutory time limits as having been received within the statutory time limits, simply because the applicant chose to bundle it together with a series of complaints when Fellica invoked the Union's internal complaints procedure.

37. On that basis, I find that complaint 2 has no reasonable prospect of success because it has been made outside of the statutory time limits.

Complaint 3

38. Fellica's third complaint is that by denying it legal support, the Union breached Rule 6.1 of the Union's Rulebook and Rule 5.33 of the Union's Legal Scheme 2021.

39. Rule 6.1 of the Union's Rulebook says:

> All members and student members have an obligation to abide by the Rules of the University and College Union, and shall refrain from conduct detrimental to the interests of the Union, from any breach of these Rules, Standing Orders or directions (properly made in accordance with these Rules or Standing Orders) and from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, gender identity, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic.

40. To my reading, this Rule is a general rule stipulating that members must follow the Union's rules and refrain from such acts as are contrary to the interests of the

Union such as harassment or discrimination on the basis of a person's personal characteristics.

41. Rule 5.33 of the Legal Scheme says:

> Following our consideration of the initial assessment we will inform you whether your claim will be put before the Legal Panel for a decision on whether to provide further legal services and, if so, the extent of the legal services which will be provided. In arriving at its decision, the Legal Panel will apply the criteria in regulations 2.4 and 2.5.

42. My reading of this Rule is that it describes part of the process by which the Union decides whether or not to provide a member with legal services.

43. Fellica argued that the Rules referred to in this complaint are related to Sections 108A(2)(a), (c), and (d) of the 1992 Act because "they affect fundamental aspects of disciplinary proceedings, procedural fairness, member rights, and decision-making and governance within the Union". Fellica also referred to the necessity of "transparency" and his rights under the Equality Act 2010 and European Convention on Human Rights.

44. At paragraphs 25-26, I said that even if I were to be able to find Fellica's account of everything that happened to be entirely accurate, it has provided no argument that leads me to conclude that the actions taken by the Union could amount to disciplinary sanctions. In the absence of any evidence or argument to support Fellica's position that the denial of legal support constituted a disciplinary sanction, I find that neither Rule 6.1 of the Rulebook, nor Rule 5.33 of the Legal Scheme, can be characterised as rules relating to disciplinary proceedings by the Union.

45. Alternatively, Fellica has argued that the alleged breach of Rules 6.1 of the Rulebook and 5.33 of the Legal Scheme, are within my jurisdiction since they are rules relating to the constitution or proceedings of an executive or decision-

making meeting. However, Fellica has presented this argument on the basis that the denial of legal support was a disciplinary sanction against it. In other words, it alleges that because it was disciplined, Rules 6.1 and 5.33 must have been broken because the rules do not allow for their usage as a disciplinary sanction.

46. However, as I have already found, Fellica has provided no evidence or sustainable argument that it was disciplined. In the absence of that, a complaint of breach of a rule relating to constitution or proceedings of a relevant committee could only succeed if it was supported by some specific argument that a requirement relating to a relevant constitution or proceedings had been breached.

47. Fellica has not done so. Instead, Fellica has presented the complaint simply as an objection to the Union's denial of legal support. The law does not provide me with any powers to adjudicate on such a matter.

48. My office suggested in correspondence to Fellica that it may wish to seek its own legal advice regarding this complaint, because it may be that any legal action on this alleged breach would have to be commenced in the courts.

49. For the above reasons, I am satisfied that complaint 3 has no reasonable prospect of success.

Complaint 4

50. Fellica's fourth complaint is that on 25 June 2024, the Union withheld two properly submitted motions and a letter from the AGM agenda without explanation, justification, or reference to any procedural rule. Fellica argues that by doing this, the Union breached Rule 6 of the City, University of London Branch's Standing Orders for the Conduct of Business at Local General Meetings.

51. Fellica argued that this complaint fell within my jurisdiction because the Rule related to the constitution or proceedings of an executive committee or decision-making meeting.

52. Section 108A states:

(10) For the purposes of subsection (2)(d) a committee is an executive committee if—

(a) it is a committee of the union concerned and has power to make executive decisions on behalf of the union or on behalf of a constituent body,

(b) it is a committee of a major constituent body and has power to make executive decisions on behalf of that body, or

(c) it is a sub-committee of a committee falling within paragraph (a) or (b).

(11) For the purposes of subsection (2)(d) a decision-making meeting is—

(a) a meeting of members of the union concerned (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union, is final as regards the union or which, under the rules of the union or a constituent body, is final as regards that body, or

(b) a meeting of members of a major constituent body (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union or the body, is final as regards that body.

(12) For the purposes of subsections (10) and (11), in relation to the trade union concerned—

(a) a constituent body is any body which forms part of the union, including a branch, group, section or region;

(b) a major constituent body is such a body which has more than 1,000 members.

53. The City, University of London Branch AGM is not an executive committee, which leaves the question of whether it meets the definition of a “decision-making meeting”.

54. Following extensive correspondence, my office told Fellica that my preliminary view was that the branch meeting did not fall within the relevant definitions, and so the complaint did not fall within my jurisdiction.

55. Fellica argued that that there was no minimum size for “a committee of the union” under section 108A (11)(a). Fellica argued that the 1,000-member threshold applies only to the definition of major constituent bodies, and that the reference to a constituent body (without the inclusion of the word “major”) in section 108A (11)(a) meant that constituent bodies that were not “major” still fell within scope of the Certification Officer’s jurisdiction.

56. It is clear to me that the phrase “a meeting of members of the union concerned” in section 108A (11)(a) refers to a meeting of the whole union, not a section or other constituent body within it. The reference within the same provision to “a constituent body” does not remove the requirement that the decision-making meeting being defined must be a meeting of the whole union. Rather, it acknowledges that some constituent bodies may have rules that allow certain decisions affecting them to be taken by a meeting of the union as a whole.

57. The provision ensures that if a meeting of a union has a power to make final decisions on matters affecting one or more bodies within the union (irrespective of whether it has a power to make final decisions on matters affecting the union as a whole), then complaints about breaches of rules relating to the constitution or proceedings of the meeting may fall within the jurisdiction of the Certification Officer.

58. Fellica did not provide any information to suggest that the City, University of London Branch AGM was a meeting of the Union, nor that it met the definition of a major constituent body. Further, Fellica provided no sustainable argument to support its alternative interpretation of section 108A (11)(a).

59. For clarity, it is important to note that the events complained of in this complaint are also referred to in complaint 1 as part of Fellica’s complaint of a breach of rule

relating to disciplinary proceedings. Fellica argued that complaint 4 also falls within my jurisdiction because the decision to withhold his motions and letter from the AGM was taken as a disciplinary sanction, which, Fellica argued meant that Rule 6 of the City, University of London Branch's Standing Orders for the Conduct of Business at Local General Meetings became a rule relating to disciplinary proceedings.

60. I have already found, in my findings regarding complaint 1, that Fellica has provided no argument or evidence that suggests this argument could have a reasonable prospect of success should it proceed to a hearing.

61. Consequently, I am satisfied that complaint 4 has no reasonable prospect of success.

Strike out

62. Section 256ZA of the 1992 Act requires me to send notice to the party against whom the strike out order shall be made giving them an opportunity to show cause why the order should not be made.

63. My office wrote to Fellica on 30 April 2025. The letter stated that, having considered the application and further correspondence, I was minded to exercise my powers under section 256ZA of the 1992 Act to strike out Fellica's complaint on the grounds that it had no reasonable prospect of success. The letter invited Fellica to provide written representations as to why I should not strike out the complaint. Fellica's response, with supporting information, was received on 12 June 2025 with additional information received from it on 9 July 2025. Its arguments are summarised throughout this decision. As indicated throughout my decision, I have considered its reasoning carefully. However, its arguments do not persuade me that any of his complaints would have a reasonable prospect of success should they proceed to a hearing.

Observation regarding evidence

64. In the second of its two responses to the letter from my office inviting Fellica to show cause why its complaints should not be struck out, Fellica referred to a document it believed he had submitted as evidence titled "Redacted_City_UCU_AGM_Minutes_2024_04_2025".

65. My office wrote to Fellica on 22 July 2025 informing it that the document had not been received and invited it to submit it if it believed it to be relevant to its complaint.

66. On 19 August 2025, Fellica wrote to my office stating:

> I have found a file titled *Redacted_City_UCU_AGM_Minutes_2024_06_25*, which was sent on 08/11/2024 (Gregorian calendar).
>
> […]
>
> It is possible that the reference to *Redacted_City_UCU_AGM_Minutes_2024_04_2025* was a typographical error.
>
> In the meantime, I will continue searching for the specific document *Redacted_City_UCU_AGM_Minutes_2024_04_2025*, in case it exists separately.

67. My office replied to Fellica on 20 August 2025, stating that I would wait to hear from it once it had completed its search for the unsubmitted document.

68. On the same date, Fellica replied to my office, stating that it believed its complaints should now be determined without further delay.

69. On 21 August 2025, Fellica wrote again, confirming that it was continuing to search for the missing document, but adding that it believed I should be able to determine his complaints based on the information already provided.

70. On 22 August 2025, my office wrote to Fellica proposing that the determination of its complaints be paused until 5 September 2025, to allow it time to complete its search for the missing document.

71. On 25 August, Fellica responded to my office, rejecting the offered extension and requesting that I reach a determination based on the information already provided. That is what I have done.

Michael Kidd
Certification Officer

D/5/25-26

Decision of the Certification Officer on an application made under Section 108A of the Trade Union and Labour Relations (Consolidation) Act 1992

Fellica

v

University and College Union

Date of Decision 8 September 2025

Contents

Decision

1. Upon application by Mr Flavio Fellica ("the applicant") under section 108A (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act"):

   Pursuant to section 256ZA of the 1992 Act, I strike out the claimant's application on the grounds that the complaints, as advanced by Mr Fellica, have no reasonable prospect of success.

Background

2. Flavio Fellica submitted an application to make a complaint on 5 May 2024 as a member of the University and College Union ("the Union" or "UCU").

3. In his application, and in following correspondence, Mr Fellica set out the following alleged breaches of rule by the Union:

   i. Breach of Rule 13.1: Disciplinary Procedures

   ii. Breach of Rule 12 and Rule 9 (RULES OF THE CITY, UNIVERSITY OF LONDON BRANCH) Removal from office

   iii. Breach of Rule 6.1: Conduct and Standards and Rule 5.33 of the Legal Scheme 2021 and

   iv. Breach of Rule 6 of the City UCU Branch's Standing Orders for the Conduct of Business at Local General Meetings

4. From the information Mr Fellica provided to my office, the main events relevant to his complaints appear to be as follows.

5. Mr Fellica is a member of the Union's City, University of London Branch ("the branch").

6. Mr Fellica put himself forward as secretary of the branch on 22 June 2022 but was informed on 24 June 2022 that he was ineligible to stand. He complained to the Union about this informally in March 2023 and formally in July 2023.

7. Mr Fellica wrote one letter dated 18 July 2023 and a further 9 letters to the Union's General Secretary all dated 19 July 2023, expressing his concerns about the actions of various individuals within the Union (mostly branch and regional officials). On 28 August 2023 and 9 October 2023, Mr Fellica wrote further letters to the Union's General Secretary and President respectively complaining about the service provided by the Union.

8. Mr Fellica wrote to the UCU Legal Panel on 4 March 2024 expressing his "dissatisfaction with the standard of service thus-far provided by the UCU, and its legal team."

9. On his application form to this office, Mr Fellica said that he had requested to see the Legal Panel's rationale of its previous decision and that this request had been rejected. The relevant decision, according to the application form, was that his complaint regarding the Union Legal Team was not accepted under the membership complaints procedure as "dissatisfaction with decisions made about individual legal cases under the Union's legal scheme are dealt with under the terms of that scheme…"

10. Mr Fellica submitted as evidence in support of his complaint to my office, an email which appears to have been sent by the branch President to members@cityucu.org.uk. The email listed 5 motions for discussion at the AGM, including one that had been proposed by Mr Fellica. Mr Fellica also submitted his response to the email from the branch President, dated 19 June 2024. In his response, Mr Fellica asked why certain other motions that he had submitted had not been presented to members.

The Relevant Statutory Provisions

11. The provisions of the 1992 Act which are relevant for the purposes of this application are as follows:

108A Right to apply to Certification Officer

(1) A person who claims that there has been a breach or threatened breach of the Rules of a trade union relating to any of the matters mentioned in subsection (2) may apply to the Certification Officer for a declaration to that effect, subject to subsections (3) to (7).

(2) The matters are –

(a) the appointment or election of a person to, or the removal of a person from, any office;

(b) disciplinary proceedings by the union (including expulsion);

(c) the balloting of members on any issue other than industrial action;

(d) the constitution or proceedings of any executive committee or of any decision-making meeting;

(e) such other matters as may be specified in an order made by the Secretary of State.

(3) The applicant must be a member of the union, or have been one at the time of the alleged breach or threatened breach.

(4) A person may not apply under subsection (1) in relation to a claim if he is entitled to apply under section 80 in relation to the claim.

…

(6) An application must be made—

(a) within the period of six months starting with the day on which the breach or threatened breach is alleged to have taken place, or

(b) if within that period any internal complaints procedure of the union is invoked to resolve the claim, within the period of six months starting with the earlier of the days specified in subsection (7).

(7) Those days are—

(a) the day on which the procedure is concluded, and

(b) the last day of the period of one year beginning with the day on which the procedure is invoked.

(8) The reference in subsection (1) to the rules of a union includes references to the rules of any branch or section of the union.

(9) In subsection (2)(c) “industrial action” means a strike or other industrial action by persons employed under contracts of employment.

(10) For the purposes of subsection (2)(d) a committee is an executive committee if—

(a) it is a committee of the union concerned and has power to make executive decisions on behalf of the union or on behalf of a constituent body,

(b) it is a committee of a major constituent body and has power to make executive decisions on behalf of that body, or

(c) it is a sub-committee of a committee falling within paragraph (a) or (b).

(11) For the purposes of subsection (2)(d) a decision-making meeting is—

(a) a meeting of members of the union concerned (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union, is final as regards the union or which, under the rules of the union or a constituent body, is final as regards that body, or

(b) a meeting of members of a major constituent body (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union or the body, is final as regards that body.

(12) For the purposes of subsections (10) and (11), in relation to the trade union concerned—

(a) a constituent body is any body which forms part of the union, including a branch, group, section or region;

(b) a major constituent body is such a body which has more than 1,000 members.

256ZA Striking out

(1) At any stage of proceedings on an application or complaint made to the Certification Officer, she may—

(a) order the application or complaint, or any response, to be struck out on the grounds that it is scandalous, vexatious, has no reasonable prospect of success or is otherwise misconceived,

(b) order anything in the application or complaint, or in any response, to be amended or struck out on those grounds, or

(c) order the application or complaint, or any response, to be struck out on the grounds that the manner in which the proceedings have been conducted by or on behalf of the applicant or complainant or (as the case may be) respondent has been scandalous, vexatious, or unreasonable.

(4) Before making an order under this section, the Certification Officer shall send notice to the party against whom it is proposed that the order should be made giving him an opportunity to show cause why the order should not be made.

The Relevant Rules of the Union

12. The Rules of the Union which are relevant for the purposes of this application are:

UNIVERSITY AND COLLEGE UNION RULES from 29 May 2023

Obligations of members

6.1 All members and student members have an obligation to abide by the Rules of the University and College Union, and shall refrain from conduct detrimental to the interests of the Union, from any breach of these Rules, Standing Orders or directions (properly made in accordance with these Rules or Standing Orders) and from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, gender identity, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic.

….

The conduct of members

13.1 The National Executive Committee shall (by the same procedure as it establishes its own Standing Orders) establish a procedure to censure or bar a member from holding any office for a specified period not exceeding three years or suspend from membership for a period not exceeding one year or expel a member from membership if it finds their conduct to constitute a disciplinary offence. A member of the Union commits a disciplinary offence if that member: (a) acts contrary to the Rules of the Union; (b) is knowingly involved in any fraud on the Union or misappropriation of Union funds or property; (c) misuses protected data contrary to the Data Protection Act Licence of the Union; (d) frustrates any decision or penalty of the Conduct of Members Committee; or (e) in any other way engages in conduct which brings injury or discredit to the Union.

UNIVERSITY AND COLLEGE UNION

RULES OF THE CITY, UNIVERSITY OF LONDON BRANCH

Elections of ordinary members of the committee and officers

9.1 Returning Officer

The local committee will appoint a Returning Officer for elections who is neither a candidate for any office in the branch nor a member of the committee.

9.2 Nominations

All nominations will be received in writing or email by the Returning Officer no later than the day that is seven days before the day of the annual general meeting.

Self-nominations are acceptable. All nominations must be accompanied by the written or emailed consent of the nominee and by written or emailed support from two members of the branch.

9.3 Eligibility to stand for election

Retiring officers will be eligible for re-election, except that the President and Vice-President may normally hold office for not more than five successive years in any one capacity.

A member may not normally be declared elected to more than one officer or ordinary position of committee membership.

9.4 Elections

Subject to Rule 10.4, if there is only one eligible candidate for any officer vacancy that candidate will be declared elected.

If the number of candidates to be ordinary members of the committee does not exceed the number of vacancies those candidates will be declared elected.

If there is either more than one eligible candidate for any officer vacancy or more candidates than there are vacancies of ordinary members of the committee a ballot of the members of the branch will be conducted in accordance with Rule 10.

9.5 Term of Office

The term of office of an officer or ordinary member of the committee elected under this Rule 9 will run from 1 September following the AGM at which they were elected, until 31 August the following year, or such other period of approximately one year as the AGM determines.

…

12 Removal from office

Any member of the committee (including the officers and other persons elected to represent the branch) may be removed from office by resolution at a general meeting (including an extraordinary general meeting) of the branch provided that (a) the terms of any such proposed resolution are received by the Secretary not later than the day that is fourteen days before the day of the general meeting and (b) the proposal for such a resolution is supported in writing or email by not less than the number of members equivalent to a quorum.

Upon receipt of such a proposal the Secretary will take all reasonable steps to ensure that that proposal is received by each member of the branch not later than the day that is seven days before the general meeting at which it is to be considered. Any general meeting which will have removed a member or members of the committee in accordance with the above will have power to replace any such member or members until such time as normal election of officers and other members of the committee next occurs.

UNIVERSITY AND COLLEGE UNION

LEGAL SCHEME REGULATIONS

Introduction

…

2.4 The Union has decided that the most important criterion is that expenditure of both money and staff time on legal casework must be proportionate to the objectives sought. To achieve this the Union will apply the following criteria in deciding whether to offer you legal services, and if it does so, what legal services to supply:

2.4.1 the objectives you seek to achieve and the suitability of legal processes to achieve them;

2.4.2 the complexity and importance of the issues;

2.4.3 the legal merits of your case;

2.4.4 the costs to the union of providing you with legal services;

2.4.5 the aims, objectives and policies of the Union;

2.4.6 the significance of your case both to you and other Union members;

2.4.7 the resource implications for the Union;

2.4.8 whether alternative means of resolving your case are available, for example negotiation;

2.4.9 our lawyers' advice and recommendations;

2.4.10 whether the member has displayed seriously unacceptable behaviour towards staff handling the case, such as serious abuse, harassment,

intimidation, a threat of violence or persistent unreasonable demands. Examples are given in Appendix 2.

2.5 The interpretation of the criteria set out in regulation 2.4 is entirely in the discretion of the Legal Panel. However, in exercising its discretion and balancing each of the criteria set out at regulation 2.4, the Legal Panel must give particular weight to the Union's objective of promoting equality for all and the opposition of all forms of harassment, prejudice and unlawful discrimination because of a person's protected characteristic(s).

5.3 Employment Claims

…

5.3.3 Following our consideration of the initial assessment we will inform you whether your claim will be put before the Legal Panel for a decision on whether to provide further legal services and, if so, the extent of the legal services which will be provided. In arriving at its decision, the Legal Panel will apply the criteria in regulations 2.4 and 2.5.

STANDING ORDERS FOR THE CONDUCT OF BUSINESS AT LOCAL GENERAL MEETINGS

The arrangements for the quorum, calling of meetings and circulation of motions to meetings are as given in the rules of the branch.

…

6 Motions

All motions must be moved and seconded. Movers of motions may speak for five minutes. All other speakers may speak for a maximum of three minutes. Except at the discretion of the chair, no member will speak more than once on any motion, except that the mover of the motion will have a right to reply. Any

member may formally second any proposition and reserve his or her speech until a later period in the debate.

Amendments from the floor of the meeting will be taken at the chair's discretion. All amendments must be moved and seconded.

Considerations and Conclusions

Complaint 1

13. Mr Fellica's first complaint is that certain actions taken by the Union amounted to "de facto disciplinary action" which did not conform with the rules.

14. He argued that the Union's rules:

> explicitly require that any punitive action—including censure, barring from office, suspension, or expulsion—must be the outcome of a formal disciplinary process. This process includes investigation, notice, opportunity to respond, hearing, and appeal. Sanctions must be notified to the membership only after the process and any appeal have concluded.

15. Applying this principle to the facts and circumstances of his own complaint, Mr Fellica stated that, on various dates, the Union had taken "a series of punitive actions against [him]". These actions included blocking his motions and an open letter, denying him the opportunity to speak at a branch meeting, denying him legal support and representation, and removing him from the branch committee without a resolution at a general meeting. He argued that these actions constituted a breach of Rule 13.1.

16. Rule 13.1 states:

> The National Executive Committee shall (by the same procedure as it establishes its own Standing Orders) establish a procedure to censure or bar a member from holding any office for a specified

period not exceeding three years or suspend from membership for a period not exceeding one year or expel a member from membership if it finds their conduct to constitute a disciplinary offence.

17. The wording of the Rule requires that the NEC establish a formal disciplinary procedure to allow it to impose formal disciplinary sanctions. It does not deal with any other procedural actions, such as those that Mr Fellica alleges were taken in his case. I find, therefore, that there is no requirement in this Rule that the Union must follow a disciplinary process before taking actions such as blocking a motion and an open letter, denying speaking time, or denying a member legal support and representation. To read the Rule in the way Mr Fellica suggests would be to extend its meaning beyond its terms. I will deal with Mr Fellica's fourth alleged disciplinary action (removal from Branch Committee) at paragraph 28.

18. Alternatively, Mr Fellica argued that any action by a union that has the effect of penalising a member may be subject to the scrutiny of the Certification Officer (CO). He argued that the CO's jurisdiction extends to any union action that places a member at a detriment, particularly where the detriment relates to an ability to participate in union affairs.

19. I do not agree. Trade union rules frequently allow for decision-making that may place individual members or groups of members at a detriment or disadvantage, but this does not mean that alleged breaches of such rules can be characterised as breaches of rule relating to disciplinary proceedings.

20. Notwithstanding the above, before reaching a decision on complaint 1, I asked my office to refer Mr Fellica to the decision of the Employment Appeal Tribunal in UNISON v Gallagher UKEAT/0280/05/MAA ("Gallagher"). The case concerned an appeal from a decision of the CO which had upheld a complaint from a union member. The Union appealed the CO's decision, arguing that the CO had gone beyond his jurisdiction by finding a breach of section 108A where there was no suggestion that a disciplinary process had been followed; where the alleged

detriment was not a disciplinary sanction provided for in the Union's rules; and where the alleged detriment was imposed in good faith and not for a disciplinary purpose.

21. Deciding the appeal, His Honour Judge J R Reid QC stated, at paragraph 20:

> The CO's reasoning fails, first, to distinguish purpose and foreseeable consequence, and second (apparently something to which the CO referred during the hearing before him, but not in his decision) to distinguish between the effective cause and a pre-requisite factor or condition, which is not necessarily the effective cause. Whilst it is true that Ms Gallagher would not have been affected by the Union's decision had she not been disciplined and the Union must have foreseen that such people as Ms Gallagher might be affected by its decision, that is not the same thing either as the Union imposing a penalty of a nature mentioned in its Rules (as the Union were held to have done in Ryan's case), or as the Union making its decision a disciplinary purpose (as in Dennison)

22. The blocking of a motion and an open letter; the denial of legal support; and the denial of speaking time are not listed as disciplinary sanctions within the Rules of the UCU. Therefore, to have a reasonable prospect of success at a hearing, Mr Fellica would need to be able to demonstrate that when the Union took these actions, it did so with the intention of disciplining him.

23. My office invited Mr Fellica to explain the basis for his belief that the actions taken against him by the Union were intended as disciplinary sanctions.

24. In response to this, Mr Fellica returned to his primary argument, that the actions taken against him were explicitly covered by Rule 13.1, and the associated procedure, which, he argues, make any punitive actions by the union effectively disciplinary sanctions.

25. Even if Mr Fellica's account of everything that happened is entirely accurate, he has provided no argument that could lead me to conclude that the actions taken by the Union could amount to disciplinary sanctions.

26. Therefore, I find that Mr Fellica's complaint of a breach of Rule 13.1, on the basis that the Union blocked his motions and an open letter; denied him the opportunity to speak at a branch meeting; and denied him legal support and representation, has no reasonable prospect of success.

27. As I wrote at paragraph 15, Mr Fellica also alleged that the Union breached Rule 13.1 by removing him from the Branch Committee as a disciplinary sanction.

28. Theoretically, this element of Mr Fellica's complaint is covered explicitly in the wording of Rule 13.1. However, in correspondence with my office, Mr Fellica explained that the date of this particular element of his complaint was 24 June 2022. My office explained to Mr Fellica that this element of his complaint was, therefore, out of time and so could not be accepted by the CO for determination. Mr Fellica's second complaint specifically focuses on his removal from office, so I have dealt with the question of time limits in more detail in that section of this decision.

29. On the basis of my findings in paragraph 26 and 28, I am satisfied that complaint 1 has no reasonable prospect of success.

Complaint 2

30. Mr Fellica's second complaint is that he was removed from office on 24 June 2022 in breach of Rule 12 of the Union's Rulebook and Rule 9 of the "Rules of the City, University of London Branch". In correspondence, he told my office that he initiated the Union's internal resolution procedures informally in March 2023, and then formally in July 2023**.**

31. Sections 108A (6) and (7) of the 1992 Act provide that the Certification Officer can only accept a complaint where the Applicant has made a complaint, to the Certification Officer or the Union, within six months of the alleged breach. Mr Fellica

told me that he complained to the Union more than six months from the date of the breach. Therefore, according to the information provided by Mr Fellica in his application and further correspondence, this complaint was made to my office outside of the statutory time limits set out in the 1992 Act. The Act does not provide me with any discretion to vary the statutory time limits.

32. Mr Fellica disagreed with my interpretation of the statutory time limits.

33. Mr Fellica told me that the branch blocked his open letter (as referred to in complaint 1 above) in March 2023, and that he submitted a formal complaint to the Union in April 2023. He argued that this was not a series of single complaints about individual actions by the Union, but rather a single cumulative complaint encompassing many actions by the Union, including his removal from office. He views the actions collectively as part of a broader pattern of hostilities by the Union. Mr Fellica argues that because his complaint to the Union was made within six months of at least one of the actions (the blocking of his open letter), the entire complaint (including the earlier actions referred to), should be treated as having been received within the statutory time limits.

34. Sections 108A (6) and (7) say:

> (6) An application must be made—
>
> (a) within the period of six months starting with the day on which the breach or threatened breach is alleged to have taken place, or
>
> (b) if within that period any internal complaints procedure of the union is invoked to resolve the claim, within the period of six months starting with the earlier of the days specified in subsection (7).
>
> (7) Those days are—
>
> (a) the day on which the procedure is concluded, and
>
> (b) the last day of the period of one year beginning with the day on which the procedure is invoked.

35. The statutory wording is clear that the time limits apply separately to each alleged breach or threatened breach, and not to a series of complaints falling under a single umbrella or relating to a single matter. I can see no basis for Mr Fellica's argument that the time limits should be applied to his complaints in a holistic manner, bundling them together as a single complaint of cumulative breaches.

36. Accordingly, there is no basis for me to treat a complaint that has been received outside of the statutory time limits as having been received within the statutory time limits, simply because the applicant chose to bundle it together with a series of complaints when he invoked the Union's internal complaints procedure.

37. On that basis, I find that complaint 2 has no reasonable prospect of success because it has been made outside of the statutory time limits.

Complaint 3

38. Mr Fellica's third complaint is that by denying him legal support, the Union breached Rule 6.1 of the Union's Rulebook and Rule 5.33 of the Union's Legal Scheme 2021.

39. Rule 6.1 of the Union's Rulebook says:

> All members and student members have an obligation to abide by the Rules of the University and College Union, and shall refrain from conduct detrimental to the interests of the Union, from any breach of these Rules, Standing Orders or directions (properly made in accordance with these Rules or Standing Orders) and from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, gender identity, race, ethnic or national origin, religion, colour, class, caring responsibilities,

marital status, sexuality, disability, age, or other status or personal characteristic.

40. To my reading, this Rule is a general rule stipulating that members must follow the Union's rules and refrain from such acts as are contrary to the interests of the Union such as harassment or discrimination on the basis of a person's personal characteristics.

41. Rule 5.33 of the Legal Scheme says:

> Following our consideration of the initial assessment we will inform you whether your claim will be put before the Legal Panel for a decision on whether to provide further legal services and, if so, the extent of the legal services which will be provided. In arriving at its decision, the Legal Panel will apply the criteria in regulations 2.4 and 2.5.

42. My reading of this Rule is that it describes part of the process by which the Union decides whether or not to provide a member with legal services.

43. Mr Fellica argued that the Rules referred to in this complaint are related to Sections 108A(2)(a), (c), and (d) of the 1992 Act because "they affect fundamental aspects of disciplinary proceedings, procedural fairness, member rights, and decision-making and governance within the Union". He also referred to the necessity of "transparency" and his rights under the Equality Act 2010 and European Convention on Human Rights.

44. At paragraphs 25-26, I said that even if I were to be able to find Mr Fellica's account of everything that happened to be entirely accurate, he has provided no argument that leads me to conclude that the actions taken by the Union could amount to disciplinary sanctions. In the absence of any evidence or argument to support Mr Fellica's position that the denial of legal support constituted a disciplinary sanction, I find that neither Rule 6.1 of the Rulebook, nor Rule 5.33 of

the Legal Scheme, can be characterised as rules relating to disciplinary proceedings by the Union.

45. Alternatively, Mr Fellica has argued that the alleged breach of Rules 6.1 of the Rulebook and 5.33 of the Legal Scheme, are within my jurisdiction since they are rules relating to the constitution or proceedings of an executive or decision-making meeting. However, Mr Fellica has presented this argument on the basis that the denial of legal support was a disciplinary sanction against him. In other words, he alleges that because he was disciplined, Rules 6.1 and 5.33 must have been broken because the rules do not allow for their usage as a disciplinary sanction.

46. However, as I have already found, Mr Fellica has provided no evidence or sustainable argument that he was disciplined. In the absence of that, a complaint of breach of a rule relating to constitution or proceedings of a relevant committee could only succeed if it was supported by some specific argument that a requirement relating to a relevant constitution or proceedings had been breached.

47. Mr Fellica has not done so. Instead, he has presented his complaint simply as an objection to the Union's denial of legal support. The law does not provide me with any powers to adjudicate on such a matter.

48. My office suggested in correspondence to Mr Fellica that he may wish to seek his own legal advice regarding this complaint, because it may be that any legal action on this alleged breach would have to be commenced in the courts.

49. For the above reasons, I am satisfied that complaint 3 has no reasonable prospect of success.

Complaint 4

50. Mr Fellica's fourth complaint is that on 25 June 2024, the Union withheld two properly submitted motions and a letter from the AGM agenda without explanation, justification, or reference to any procedural rule. Mr Fellica argues

that by doing this, the Union breached Rule 6 of the City, University of London Branch's Standing Orders for the Conduct of Business at Local General Meetings.

51. Mr Fellica argued that this complaint fell within my jurisdiction because the Rule related to the constitution or proceedings of an executive committee or decision-making meeting.

52. Section 108A states:

> (10) For the purposes of subsection (2)(d) a committee is an executive committee if—
>
> (a) it is a committee of the union concerned and has power to make executive decisions on behalf of the union or on behalf of a constituent body,
>
> (b) it is a committee of a major constituent body and has power to make executive decisions on behalf of that body, or
>
> (c) it is a sub-committee of a committee falling within paragraph (a) or (b).
>
> (11) For the purposes of subsection (2)(d) a decision-making meeting is—
>
> (a) a meeting of members of the union concerned (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union, is final as regards the union or which, under the rules of the union or a constituent body, is final as regards that body, or
>
> (b) a meeting of members of a major constituent body (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union or the body, is final as regards that body.
>
> (12) For the purposes of subsections (10) and (11), in relation to the trade union concerned—

(a) a constituent body is any body which forms part of the union, including a branch, group, section or region;
(b) a major constituent body is such a body which has more than 1,000 members.

53. The City, University of London Branch AGM is not an executive committee, which leaves the question of whether it meets the definition of a “decision-making meeting”.

54. Following extensive correspondence, my office told Mr Fellica that my preliminary view was that the branch meeting did not fall within the relevant definitions, and so the complaint did not fall within my jurisdiction.

55. Mr Fellica argued that that there was no minimum size for “a committee of the union” under section 108A (11)(a). He argued that the 1,000-member threshold applies only to the definition of major constituent bodies, and that the reference to a constituent body (without the inclusion of the word “major”) in section 108A (11)(a) meant that constituent bodies that were not “major” still fell within scope of the Certification Officer’s jurisdiction.

56. It is clear to me that the phrase “a meeting of members of the union concerned” in section 108A (11)(a) refers to a meeting of the whole union, not a section or other constituent body within it. The reference within the same provision to “a constituent body” does not remove the requirement that the decision-making meeting being defined must be a meeting of the whole union. Rather, it acknowledges that some constituent bodies may have rules that allow certain decisions affecting them to be taken by a meeting of the union as a whole.

57. The provision ensures that if a meeting of a union has a power to make final decisions on matters affecting one or more bodies within the union (irrespective of whether it has a power to make final decisions on matters affecting the union as a whole), then complaints about breaches of rules relating to the constitution or proceedings of the meeting may fall within the jurisdiction of the Certification Officer.

58. Mr Fellica did not provide any information to suggest that the City, University of London Branch AGM was a meeting of the Union, nor that it met the definition of a major constituent body. Further, he provided no sustainable argument to support his alternative interpretation of section 108A (11)(a).

59. For clarity, it is important to note that the events complained of in this complaint are also referred to in complaint 1 as part of Mr Fellica's complaint of a breach of rule relating to disciplinary proceedings. Mr Fellica argued that complaint 4 also falls within my jurisdiction because the decision to withhold his motions and letter from the AGM was taken as a disciplinary sanction, which, he argued meant that Rule 6 of the City, University of London Branch's Standing Orders for the Conduct of Business at Local General Meetings became a rule relating to disciplinary proceedings.

60. I have already found, in my findings regarding complaint 1, that Mr Fellica has provided no argument or evidence that suggests this argument could have a reasonable prospect of success should it proceed to a hearing.

61. Consequently, I am satisfied that complaint 4 has no reasonable prospect of success.

Strike out

62. Section 256ZA of the 1992 Act requires me to send notice to the party against whom the strike out order shall be made giving them an opportunity to show cause why the order should not be made.

63. My office wrote to Mr Fellica on 30 April 2025. The letter stated that, having considered the application and further correspondence, I was minded to exercise my powers under section 256ZA of the 1992 Act to strike out his complaint on the grounds that it had no reasonable prospect of success. The letter invited Mr Fellica to provide written representations as to why I should not strike out the complaint. Mr Fellica's response, with supporting information, was received on 12 June 2025 with additional information received from him on 9 July 2025. His

arguments are summarised throughout this decision. As indicated throughout my decision, I have considered his reasoning carefully. However, his arguments do not persuade me that any of his complaints would have a reasonable prospect of success should they proceed to a hearing.

Observation regarding evidence

64. In the second of his two responses to the letter from my office inviting Mr Fellica to show cause why his complaints should not be struck out, Mr Fellica referred to a document he believed he had submitted as evidence titled "Redacted_City_UCU_AGM_Minutes_2024_04_2025".

65. My office wrote to Mr Fellica on 22 July 2025 informing him that the document had not been received and invited him to submit it if he believed it to be relevant to his complaint.

66. On 19 August 2025, Mr Fellica wrote to my office stating:

> I have found a file titled *Redacted_City_UCU_AGM_Minutes_2024_06_25*, which was sent on 08/11/2024 (Gregorian calendar).
>
> […]
>
> It is possible that the reference to *Redacted_City_UCU_AGM_Minutes_2024_04_2025* was a typographical error.
>
> In the meantime, I will continue searching for the specific document *Redacted_City_UCU_AGM_Minutes_2024_04_2025*, in case it exists separately.

67. My office replied to Mr Fellica on 20 August 2025, stating that I would wait to hear from him once he had completed his search for the unsubmitted document.

68. On the same date, Mr Fellica replied to my office, stating that he believed his complaints should now be determined without further delay.

69. On 21 August 2025, Mr Fellica wrote again, confirming that he was continuing to search for the missing document, but adding that he believed I should be able to determine his complaints based on the information already provided.

70. On 22 August 2025, my office wrote to Mr Fellica proposing that the determination of his complaints be paused until 5 September 2025, to allow him time to complete his search for the missing document.

71. On 25 August, Mr Fellica responded to my office, rejecting the offered extension and requesting that I reach a determination based on the information already provided. That is what I have done.

Michael Kidd
Certification Officer