

D/5/26-27

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

Neil Blackburn

Applicant

and

Unite the Union

Respondent

Date of Decision

9 June 2026

Contents

| | |
|---|-----------|
| Decision | 3 |
| Background | 3 |
| The relevant statutory provisions | 5 |
| The relevant rules of the Respondent Union | 9 |
| Findings of Fact | 11 |
| Reasons | 13 |
| Remedy | 17 |
| Conclusion | 17 |

Decision

1. Upon application by Mr Neil Blackburn under section 108A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”), I do not uphold Mr Blackburn’s application for a declaration that on or around 22 July 2025 the Union breached Rules 27.2 and 27.4 due to the manner in which it suspended him under rule 27.4 and the duration of that suspension.

Background

2. Mr Blackburn (“the Applicant”) is a member of Unite the Union (“the Respondent”).
3. By application under section 108A of the Trade Union and Labour Relations (Consolidation) Act 1992, submitted on 25 November 2025, the Applicant made a complaint in relation to his suspension from office by the Union from July of that year.
4. The Applicant’s application was acknowledged by my office on 18 December 2025.
5. The Respondent was notified of the Applicants’ application by my office on 9 January 2026, and the Respondent duly acknowledged their receipt on 3 February 2026.
6. The Applicant confirmed his complaint as follows:

On or around 22 July 2025 the Union breached Rules 27.2 and 27.4

The rules were breached in the following manner:

I was suspended without warning or informal under rule 27.4 of a serious matter of ‘Inappropriate sharing of information’ This related to me informing my employer’s ethics committee that I had been accused

of corruption by one of the BASSA branch committee. I was obliged to do this as my other role in BA is Pension Trustee Director.

This was an unfounded and malicious accusation made against me (Unite are refusing to release the complaint even under a formal subject access request) and something I needed to disclose to my employer's ethics committee. Unite has suspended me as they believe this allegation should not have been known to my employer.

I have now been suspended for nearly 5 months. I had a meeting with a Unite official on 14 August 2025 and he agreed it was a legal responsibility to disclose such an accusation. I am suspended indefinitely which is unfair to both to myself and the members I represent.

There is no justification for indefinite suspension, now approaching 5 months. Due to no Unite disciplinary process in place or desire to adhere to ACAS guidelines they could effectively keep me out of my elected role for my whole term of office.

7. A Case Management Meeting (CMM) took place remotely, by Video Conference, on 7 May 2026 and was attended by the Applicant and Neil Gillam from the Respondent's Legal Department.
8. The Hearing took place on 27 May 2026 by Video Conference. The Applicant represented himself. The Respondent was represented by Miss Stanley of Counsel, instructed by the Respondent's Legal Department. The Applicant, Mr Blackburn, represented himself.
9. For the Applicant, Mr Blackburn submitted a witness statement and gave oral evidence.
10. The Respondent submitted witness statements from Mr Steve O'Donnell, Regional Secretary for the Respondent's London and Eastern Region and Mr Ian Maidlow, a Deputy Regional Secretary in the Respondent's London and Eastern Region, both of whom provided oral evidence.

11. Before the hearing, there was a bundle of documentary evidence consisting of 135 pages.

The relevant statutory provisions

12. The statutory provisions which are relevant for the purposes of this application are as follows:

The Trade Union and Labour Relations (Consolidated) Act 1992:

Right to apply to Certification Officer – s108A

(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.

(5) No application may be made regarding—

(a) the dismissal of an employee of the union;

(b) disciplinary proceedings against an employee of the union.

(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.

(13) Any order under subsection (2)(e) shall be made by statutory instrument; and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

(14) If a person applies to the Certification Officer under this section in relation to an alleged breach or threatened breach he may not apply to the court in relation to the breach or threatened breach; but nothing in this subsection shall prevent such a person from exercising any right to appeal against or challenge the Certification Officer's decision on the application to him.

(15) If—

(a) a person applies to the court in relation to an alleged breach or threatened breach, and

(b) the breach or threatened breach is one in relation to which he could have made an application to the Certification Officer under this section,

he may not apply to the Certification Officer under this section in relation to the breach or threatened breach.

The relevant rules of the Respondent Union

13. The rules of the Respondent Union which are relevant for the purposes of this application are as follows:

RULE 27. MEMBERSHIP DISCIPLINE

27.1 A member may be charged with:

27.1.1 Acting in any way contrary to the rules or any duty or obligation imposed on that member by or pursuant to these rules whether in his/her capacity as a member, a holder of a lay office or a representative of the Union.

27.1.2 Being a party to any fraud on the Union or any misappropriation or misuse of its funds or property.

27.1.3 Knowingly, recklessly or in bad faith providing the Union with false or misleading information relating to a member or any other aspect of the Union's activities.

27.1.4 Inciting, espousing or practising discrimination or intolerance amongst members on grounds of race, ethnic origin, religion, age, gender, disability or sexual orientation.

27.1.5 Bringing about injury to or discredit upon the Union or any member of the Union including the undermining of the Union, branch or workplace organisation and individual workplace representatives or branch officers.

27.1.6 Obtaining membership of the Union by false statement material to their admission into the Union or any evasion in that regard.

27.1.7 Breach of the Union's policies on diversity, bullying and harassment in the workplace, which will include cyber bullying and harassment.

27.2 Disciplinary Hearings shall be organised and conducted under directions issued by the Executive Council. These directions ensure that the process is fair and conducted in accordance with the principles of natural justice.

27.3 A charge under this rule may be heard by a Branch, Branch Committee (where so determined by the Branch), Regional Committee or the Executive Council. The Executive Council may delegate to a sub-committee of the Executive Council. It would be usual practice that disciplinary charges would be heard at branch level in the first instance. Disciplinary charges deemed to be of a serious nature may be initiated by the Regional committee or Executive Council.

27.3.1 Serious allegations of breach of Clauses 27.1.1. to 27.1.7 may be referred directly to the General Secretary. The General Secretary will appoint a senior employee of the Union to conduct an investigation which may lead to disciplinary charges being laid on behalf of the Executive Council.

27.3.2 Allegations of serious breaches of clauses 27.1.1 to 27.1.7 which are subsequently shown to be vexatious, malicious or defamatory may be considered a breach of Rule and liable to be referred to this disciplinary procedure.

27.4 The Executive Council or the relevant Regional Committee may suspend a member charged under this rule from holding any office or representing the Union in any capacity pending its decision. A member shall be given written notice (or, if the member was informed verbally confirmation in writing) of any such suspension as soon as is reasonably practicable. In cases of a serious nature, as a precautionary measure, a member under investigation prior to disciplinary charges being laid may be suspended from holding office or representing the union in any capacity.

27.4.1 A member under disciplinary investigation or charged with a disciplinary offence, including workplace representatives or branch officers suspended from holding office, may not attend:

- Meetings of his/her own branch;
- Meetings of other branches of the Union; or,
- Constitutional committee meetings of the Union

Other than as part of the disciplinary process as set out in this Rule.

27.4.2 If allegations against a member are proven to be unfounded they will be restored in good standing. If appropriate, their credentials will be restored.

Findings of Fact

14. Having considered the written and oral evidence alongside the documentary evidence contained in the bundle of documents, I make the following findings of fact:

15. In or around October 2024, a BASSA Branch Officer complained to the Respondent alleging that the Applicant was involved in corrupt practices, being, it was alleged, '*in the pockets of British Airways (ie the employer)*'.
16. Subsequently, on 28 February 2025, the Applicant sought advice from IAG Ethics Committee regarding the abovementioned complaint.
17. On 16 July 2025, the Respondent received a complaint from another BASSA Branch Officer (John Pigott) about the Applicant relating to an alleged breach of the Respondent's Rulebook.
18. Consequently, on 22 July 2025, the Applicant was suspended, whilst an investigation was conducted in respect of the 'Pigott' complaint.
19. Subsequently, on 14 August 2025, the Applicant was interviewed by the Respondent's Deputy Regional Secretary (Iain Maidlow).
20. On 31 October 2025, Mr Maidlow emailed the Applicant to inform him that the interview with the complainant had to be postponed and rescheduled for 11 November 2025.
21. On 21 November 2025, Mr Maidlow, as Investigating Officer, eventually interviewed the complainant (John Pigott).
22. On 12 February 2026, Mr Maidlow, as Investigating Officer, provided the Respondent's Regional Secretary for London and Eastern region with an interim report in relation to the complaint against the Applicant.
23. On 2 April 2026, Mr Maidlow, as Investigating Officer, provided the Respondent's Regional Secretary for London and Eastern region with his final report in relation to the complaint against the Applicant.
24. On 17 April 2026, the Respondent informed the Applicant that no further action would be taken and that his suspension had been lifted.

Reasons

25. I shall now determine each complaint, in turn, as follows:

Complaint 1

Breached rule 27.2 Disciplinary hearings shall be organised and conducted under directions issued by the Executive Council. These directions ensure that the process is fair and conducted in accordance with the principles of natural justice.

25.1 This complaint is NOT upheld.

25.1.1 The Applicant submits that there is no defined disciplinary policy that includes estimated timelines within the Respondent union's Rulebook and that the disciplinary process relies on the ambiguous tenets of natural justice. Further, he contends that a member of the Respondent union would reasonably understand natural justice to mean that the process should be fair, objective and completed within a reasonable timeframe. The Applicant asserts that his indefinite suspension without any initial, informal fact-finding meeting, no regular updates and no wellbeing assessments cannot be deemed reasonable or just. He prays in aid of his submissions, the ACAS Code of Practice on Disciplinary and Grievance Procedures. Further, he contends that it is reasonable to expect the Respondent union to adhere to the fundamental 'baseline standards' expected of an employer under the ACAS Code of Practice.

25.1.2 The Respondent submits that Rule 27.2 concerns the conduct of the disciplinary hearing. Therefore, the Respondent contends that as such it is not material for the purposes of the Applicant's complaint, since there is no dispute between the parties that following the investigation, it was determined that there was no case to answer. Accordingly, the

Respondent relies on the incontrovertible fact that no disciplinary charges were laid, and so the matter did not proceed to a disciplinary hearing.

25.1.3 By Statute, as Certification Officer my role is limited to deciding whether or not a union/employers' association has acted in breach of rule(s). It is therefore not for me to decide whether the union/employers' association has in all the circumstances acted reasonably or fairly (ie the merits) (cf. Dooley v. UCATT (No. 3) [2012]). To that end, the clear construction of Rule 27 is that its scope deals with the disciplinary process, as a whole. Accordingly, Rule 27, holistically, provides for an investigation prior to disciplinary charges being laid and if and when disciplinary charges are laid, a disciplinary hearing ensues. As a result, Rule 27.2 applies to circumstances where disciplinary charges are laid (ie there is a case to answer). That is, in short, disciplinary hearings. In evidence before me, it is clear that the complaint against the Applicant there was found to be, after an investigation, 'no case to answer'. Rule 27.2 was therefore not engaged. Moreover, the fact that an investigation took place and individuals, including the Applicant, were interviewed, due process was followed and the principles of natural justice which are directly incorporated into the Respondent's Rulebook, were adhered to, as would be reasonably expected by the members of the Respondent's union (cf. Gates v BECTU [2000]). For these reasons, complaint 1 is not upheld.

Complaint 2

Breached rule 27.4 The Executive Council or the relevant Regional Committee may suspend a member charged under this rule from holding any office or representing the Union in any capacity pending its decision. A member shall be given written notice (or, if the member was informed verbally confirmation in

writing) of any such suspension as soon as is reasonably practicable. In cases of a serious nature, as a precautionary measure, a member under investigation prior to disciplinary charges being laid may be suspended from holding office or representing the union in any capacity.

25.2 This complaint is NOT upheld.

25.2.1 The Applicant contends that Respondent's failure to adhere to Rule 27.4 is evident in their unilateral suspension of him from office by a single official, following a request from a third party. Further, he submits that Rule 27.4 is explicit in that only the Executive Council or Regional Committee have the authority to impose suspensions and therefore this procedure (and, his suspension) fails to comply with Rule 27.2 and the principles of natural justice. He also asserts that there was collusion and/or connivance between the Respondent's Regional Officials and BASSA Branch Officers in respect of his suspension, asserting that his elongated suspension period affirms this, causing him stress and reputational harm.

25.2.2 The Respondent submits that Rule 27.4 states that the Respondent union 'may' suspend in cases of a "*serious nature*" pending investigation, as a precautionary measure. In the instant application, Mr O'Donnell was the Respondent's relevant decision-maker and as he explained, given that the complaint (which is undisputed between the parties) was of a serious nature, the Respondent avers that it fell within Mr O'Donnell's discretion so to find. Moreover, the Respondent contends that due to the fact-sensitive nature of the complaint it needed to be investigated. Further, the Respondent accepts that its investigation was not concluded as quickly as it had expected. Yet, in any event, the Respondent prays in aid that the Respondent union's Rulebook does not provide for any particular timeline in relation to investigations of complaints under its Rule 27.

25.2.3 Whilst I empathise with those who have been accused of all manner of things which they are later exonerated of; through my industrial experience I recognise the frustrations and upset which they experience during the investigatory process. Nevertheless, in the instant application before me, the Respondent union's Rule 27.4 clearly relates to suspensions only and provides that '*The Executive Council or the relevant Regional Committee may suspend a member charged under this rule from holding any office or representing the Union in any capacity pending its decision*'. Accordingly, the Applicant was given written notice of his suspension, as soon as was reasonably practicable. It was a precautionary measure given the serious nature of the complaint and his senior role as a Pension Trustee Director. I find that the Applicant's interpretation of Rule 27.4 is misconceived, since a decision to suspend or not to suspend can be decided by the Executive Council or the relevant Regional Committee or by delegated authority by the Regional Secretary in consultation with the relevant Regional Lay Chair, as Mr O'Donnell explained in his evidence before me. To that end, Mr O'Donnell discussed the possible suspension of the Applicant with the relevant Regional Lay Chair (Mr Mitchell) and they both agreed to suspend the Applicant pending an investigation. There was no evidence of any third-party discussions and/or interference. The investigation thereafter ensued and invariably the progress of that investigation became case specific, comprising of rescheduled interviews, sickness absence and workload issues, as attested by Mr Maidlow, before me.

25.2.4 Notwithstanding the fact that the investigation took 9 months, which seemed overly long, but not as long as others have been, as evidenced before me, the Applicant was exonerated and his suspension was lifted. In summary, from all the evidence heard, the investigatory process was one with which the Applicant understood the complaints against him, was able to engage with the process and was

afforded the opportunity to put his case and was updated when interviews with others had to be rescheduled. Evidently, such a course of action was fair and followed the principles of natural justice. Moreover, his suspension was a reasonable, precautionary measure, in adherence with Rule 27.4 of the Respondent union's Rulebook (cf. Lee v The Showmen's Guild of GB [1950] 2 QB 329). Whilst the Applicant invites and encourages me to determine that the Respondent union's Rulebook should include estimated timelines and a plethora of other requirements, this is simply not necessary, as evidenced by his own experience, when an investigation runs its natural course within its own factual matrix and an outcome of whether to hold a disciplinary hearing or not is thereafter determined, as the existing Respondent union's Rulebook reasonably provides, in furtherance of the principles of natural justice. For these reasons, complaint 2 is not upheld.

Remedy

26. I have not made any declarations and therefore, there is no need for me to make any enforcement order(s). In fact, from the outset of these proceedings I have made clear that given that the Respondent has lifted the Applicant's suspension, which is the subject matter of his application, no enforcement was likely.

Conclusion

27. Finally, both parties to this application have cited in their respective skeleton arguments and have made oral submissions on the applicability of the ACAS Code of Practice on Disciplinary and Grievance Procedures in matters before me. For clarity and the avoidance of any doubt, the ACAS Code of Practice on Disciplinary and Grievance Procedures applies to employees in Great Britain, setting out minimum statutory standards of fairness for handling workplace issues. My role as Certification Officer is as an independent

statutory authority that regulates trade unions and employers' associations in the UK. It is not for me, as the Certification Officer, to enforce individual employment rights directly, but to consider whether a trade union and/or an employers' association has breached its rules and other statutory provisions. Consequently, only ACAS Codes of Practice which are relevant to trade unions and employers' associations fall within my jurisdiction.

28. In conclusion, both the Applicant's complaints are not upheld and are therefore dismissed.

S T Hardy

STEPHEN HARDY

The Certification Officer