

D/34-36/26-27

**The Assistant Certification Officer's Decision under Section 108A of the
Trade Union and Labour Relations (Consolidation) Act 1992**

Parker

Applicant

and

Unite the Union

Respondent

Date of Decision

24 September 2026

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Decision

1. On 18 December 2025, Mr Craig Parker applied to the Certification Officer for a declaration, claiming that there has been a breach of the rules of Unite the Union.
2. For the reasons given in this decision, I find no breach of the rules of Unite the Union. Consequently, I refuse the declaration asked for.

Background and framework

Procedure before the Certification Officer

3. Mr Parker (“the Applicant”) is a member of Unite the Union (“the Respondent”).
4. The Applicant first contacted the Certification Office by email on 22 November 2025, and his application was formally submitted on 18 December 2025.
5. The application was made under section 108A of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”).
6. On 25 March 2026, after correspondence with the Certification Office, the Applicant confirmed that the application comprised three distinct complaints:

Complaint 1

That on or around 7 May 2025 the union breached Section 13 of Standing Orders of the NE/302/69 Bramley branch when Branch Officers removed Mr Parker from his post as full-time convenor without first referring him to the Regional Committee as required by rule.

Complaint 2

That on or around 7 May 2025 the union breached Section 3.4 of Standing Orders of the NE/302/69 Bramley branch when some members who were not at work on 17 April 2025 had been marked off as having voted at the Leeds Headrow Company canteen on that day by Sharon Wadwell.

Complaint 3

That on or around 18 November 2025 the Union breached Rule 6 EC guidance – Rules 6.5.6 and 6.5.7 and National rule 18.7 when individuals were accredited to roles to which they were not elected by the membership in line with Unite Rules.

7. On 1 April 2026, the Respondent was notified of the application and invited to make comments.
8. On 7 April 2026, the Respondent submitted an initial response to the application, resisting the three complaints.
9. On 20 May 2026, the Certification Officer delegated the function of determining the application to me, as Assistant Certification Officer. The delegation was made in accordance with section 254 of the 1992 Act.

Case Management Meeting

10. On 26 August 2026, I held a Case Management Meeting (“CMM”).
11. Prior to the CMM, the Applicant provided his own witness statement, along with a witness statement from Mr Carl McEnroe (a colleague of the Applicant and a member of the Respondent Union). The Applicant also provided a skeleton argument which he had prepared himself.
12. Also prior to the CMM, the Respondent provided a witness statement from Mr Darren Rushworth (Unite the Union Regional Officer, North East, Yorkshire and Humber Region). The Respondent provided a skeleton argument which had been prepared by Mr Michael Potter of counsel.
13. A draft bundle of documentary evidence had also been prepared by the parties which comprised 173 pages.
14. Ahead of the CMM, I sent to the parties a proposed list of agreed facts, and a proposed list of issues to be resolved at the hearing.

15. The CMM took place by video conference. The Applicant attended the CMM and was assisted by Mr McEnroe. The Respondent was represented by Mr Michael Potter of counsel, who was accompanied by Mr Neil Gillam from the Respondent's legal department.
16. At the CMM, it became apparent that the parties had not reached agreement in respect of the draft bundle of documentary evidence. I sought the views of both parties, and, following the CMM, I issued directions on the inclusion of certain additional documents in the bundle.
17. The final bundle comprised 188 pages and was circulated on 28 August 2026.

Hearing

18. On 9 September 2026, I held a remote hearing by video conference.
19. The hearing was listed for two days. However, it concluded on the first day and accordingly, the second day was vacated.
20. At the start of the hearing, the Applicant and Mr McEnroe told me that they had not received the final amended bundle. The Certification Office checked its records, which indicated that the bundle had been sent on 1 September 2026. Nevertheless, the bundle was sent to the parties again and I confirmed with the Applicant and Mr McEnroe that they were able to access it.
21. The additional documents in the bundle were included at the request of the Applicant and his representative. My view, therefore, was that late sight of the final bundle did not appear to place them at any disadvantage.

Nevertheless, I sought the views of the Applicant and his representative, offering an adjournment to allow them time to review the bundle. The Applicant's representative confirmed that he was content to proceed without an adjournment and did not feel any disadvantage.

22. In addition to their written witness statements, the Applicant, Mr McEnroe, and Mr Rushworth gave oral evidence.
23. Throughout the proceedings, it was clear to me that all those involved cared deeply about the matters being discussed. The Applicant and his representative show considerable experience of, and commitment to, trade union activity. I am grateful to them, as I am to Mr Potter, and to Mr Rushworth, for their assistance throughout the determination of the application.

The relevant statutory provisions

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

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

Section 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.

108B Declarations and orders

(1) ...

(2) If he accepts an application under section 108A the Certification Officer—

....

(d) may make or refuse the declaration asked for, and

(e) shall, whether he makes or refuses the declaration, give reasons for his decision in writing.

(3) Where the Certification Officer makes a declaration he shall also, unless he considers that to do so would be inappropriate, make an enforcement order, that is, an order imposing on the union one or both of the following requirements—

(a) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order;

(b) to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or a similar kind does not occur in future.

(4) The Certification Officer shall in an order imposing any such requirement as is mentioned in subsection (3)(a) specify the period within which the union is to comply with the requirement.

....

(7) Where an enforcement order has been made, any person who is a member of the union and was a member at the time it was made is entitled to enforce obedience to the order as if he had made the application on which the order was made.

(8) An enforcement order made by the Certification Officer under this section may be enforced (by the Certification Officer, the applicant or a person mentioned in subsection (7)) in the same way as an order of the court.

(9) An order under section 108A(2)(e) may provide that, in relation to an application under section 108A with regard to a prescribed matter, the preceding provisions of this section shall apply with such omissions or modifications as may be specified in the order; and a prescribed matter is such matter specified under section 108A(2)(e) as is prescribed under this subsection.

Section 254 The Certification Officer

(4) The Certification Officer may delegate to an assistant certification officer such functions as he thinks appropriate, and in particular may delegate to the assistant certification officer for Scotland such functions as he thinks appropriate in relation to organisations whose principal office is in Scotland.

References to the Certification Officer in enactments relating to his functions shall be construed accordingly.

The relevant rules of the Respondent

25. The Rules of the Respondent which are relevant for the purposes of this application are as follows:

Standing Orders of the NE/302/69

3. Conduct of elections

3.4 All ballots will normally be conducted between the hours of 0500hrs and 1500hrs at the Depot, and between the hours of 0800hrs and 1500hrs at the City Centre location on the day in question. Inside Grades ballots will be conducted on a rolling program covering all shifts or by postal ballot as required.

Online ballots and varying ballot times may only be allowed in accordance with Union Rules.

Members who are unable to cast their vote at the ballot box, for whatever reason, shall not lose their entitlement to vote and will be allowed a postal vote. All applications for a postal ballot paper for the election of Branch positions will be via the Office of the servicing Full Time Officer. However; it will be their own responsibility to contact the Branch Office or Union Office, requesting a postal vote, including their pay number and address this can be by email request. The final date for the issue of

ballot papers in such circumstances shall be seven days before the ballot is due to take place.

13. Conduct of representatives

All elected representatives of the 302/69 Branch will be expected to

Conduct themselves in accordance with these Standing Orders and the Unite Rule Book at all times.

Any representative found to have breached rules and/or have brought the Branch into disrepute will be referred to the Regional Committee to be dealt with in line with Unite Disciplinary Rules.

National Rule book

18.7 Following election of a workplace representative the appropriate Regional Officer shall be informed of the election by the elected representative without delay. The Regional Officer shall ensure that the Regional Industrial Sector Committee and the Union's membership department are informed of the date of the election and the identity, constituency and contact details of the elected workplace representative.

RULE 6. LAY OFFICE: EC STATEMENT

6.5.6 Immediately following the election of any representative notification should follow in accordance with Rule 18.7 [... as above ...]

In addition, the Union's regional office should be informed and the representative's membership record should be amended to show that they are an elected representative for that workplace, and the date on which they were elected. The representative should be asked for an e-mail address which can be added to the union's database for activists so that the representative can receive relevant e-mail updates.

6.5.7 The region shall ensure that each elected representative is sent a letter confirming their representative status, and the scope of the role for which they are accredited by the union¹ and that they should attend Unite education courses. (No lay representative is accredited by the union to advise on settlement agreements.)

The Certification Officer's jurisdiction

26. Section 108A of the 1992 Act gives the Certification Officer jurisdiction to determine an application for a declaration that a trade union has breached, or threatened to breach, its rules in relation to one of the matters listed in section 108A(2).
27. The Certification Officer's jurisdiction is not a general jurisdiction to determine whether a union has acted reasonably or fairly. An application must identify one or more union rules said to have been breached. Any rules identified must relate to one or more of the listed statutory categories, and the facts alleged by an applicant must be capable of supporting an arguable case that any identified rules have been breached.
28. An Applicant must be a member of the relevant union, or have been a member of the relevant union at the time of the alleged breach, and an application must have been made to the Certification Officer inside a prescribed statutory time limit. The 1992 Act provides an alternative statutory time limit where an applicant has invoked an internal complaints procedure of the union in respect of the alleged breach.
29. Matters falling outside of the Certification Officer's defined and limited statutory jurisdiction cannot be determined by the Certification Officer. Depending on the nature of the matter, a member may instead be able to pursue a remedy through the union's internal procedures, through the courts, or through another appropriate forum.

30. In this case, I am satisfied that the Applicant is a member of the Respondent, and I am satisfied that, in respect of all 3 complaints, the application was made to the Certification Officer inside the statutory time limits.
31. Taking each complaint in turn:
- 31.1. Complaint 1 concerns an alleged breach of a rule of the Respondent relating to disciplinary proceedings. Accordingly, I am satisfied that I have jurisdiction to determine complaint 1.
- 31.2. Complaint 2 concerns an alleged breach of a rule of the Respondent relating to the balloting of members on an issue other than industrial action. Accordingly, I am satisfied that I have jurisdiction to determine complaint 2.
- 31.3. Complaint 3 concerns an alleged breach of a rule of the Respondent relating to the appointment or election of a person to office any office. Accordingly, I am satisfied that I have jurisdiction to determine complaint 3.

Agreed Facts

32. Prior to 2025, Unite the Union's branch for members employed by First Bus in Leeds covered both the Bramley and Hunslet Park depots.
33. From the 2025 triennial election onwards, the two depots split to form separate workplace branches. Bramley became branch NE/302/69.
34. In March 2025, Standing Orders were adopted for branch NE/302/69.

35. Elections for branch officers and workplace representatives took place in January and February 2025. The Applicant was elected as a workplace representative and a branch official.
36. On 5 February 2025, the Applicant emailed Darren Rushworth to inform him of the results of the elections.
37. Following the elections, the first committee meeting of the newly constituted branch NE/302/69 took place in March 2025. At that meeting, the committee selected the Applicant as Full-time Convenor.
38. The employer subsequently made a pay offer encompassing both branches. It was decided that an aggregated consultative ballot should be held across both branches.
39. The consultative ballot took place on 17 April 2025.
40. Postal votes were made available to members who could not vote in person, and any returned postal votes were posted into the ballot box on the day of the ballot.
41. 27 votes were recorded at the Bramley depot and 27 votes were recorded at the Headrow canteen.
42. The ballot result showed a rejection of the pay offer, which was communicated to Darren Rushworth.
43. Following the ballot, Carl McEnroe raised concerns with Darren Rushworth that the voting records showed some members as having cast their vote in

the consultative ballot in person when it appeared they had not actually been at work that day.

44. Darren Rushworth looked into those concerns. As part of that process, he spoke to Sharon Wadwell, Deputy Convenor in branch NE/302/69.
45. On 25 April 2025, an invitation was sent to the members of the committee for a meeting on 7 May 2025.
46. Shortly after 11:00 on 7 May 2025, Sharon Wadwell sent an email to committee members, Darren Rushworth and representatives of the employer. The email stated that a special meeting had taken place that day. It stated that six of eight committee members had been in attendance. It also stated that the two absent committee members were the Applicant and Carl McEnroe.
47. In her email, Sharon Wadwell stated that the six committee members in attendance had voted to remove the Applicant from his position as Full-time Convenor, and to appoint Sharon Wadwell in his place, and to appoint Stuart Patchett as Deputy Convenor (a post that had been occupied by Sharon Wadwell).
48. On 21 May 2025, Craig Parker submitted a complaint to the Respondent regarding his removal as Full-time Convenor and the ballot held on 17 April 2025.
49. On 13 October 2025, Craig Parker submitted a further complaint to the Respondent's General Secretary. The complaint referred to his earlier complaint about his removal as Convenor and the April 2025 ballot.

50. On 18 November 2025, an emergency committee meeting of branch NE 302/69 was held via Zoom. The minutes record that six of eight committee members were in attendance. The minutes state that the two absent committee members were Craig Parker and Carl McEnroe.
51. The minutes state that Sharon Wadwell reported to the committee that she had been seconded to an officer role within the Respondent for a 3-month period, and that, accordingly, a temporary Full-time Convenor would need to be appointed. Sharon Wadwell proposed Stuart Patchett for the role.
52. The minutes go on to state that those in attendance agreed that Stuart Patchett would act as temporary Full-time Convenor during Sharon Wadwell's secondment and that Tracey Wadwell would act as temporary Deputy Convenor.
53. Subsequently, Sharon Wadwell published an update on a social media page relating to the Branch, in which she announced her temporary secondment, and announced that Stuart Patchett would act as temporary Full-time Convener, Tracey Wadwell as Deputy Convener, and Surfraz Qayyum as Health and Safety Representative.
54. On 20 November 2025, Craig Parker sent an email to Darren Rushworth. In the email, he raised concerns about those appointments.
55. On 25 November 2025, Darren Rushworth emailed Craig Parker inviting him to a meeting with himself and the Respondent's Regional Legal Officer to discuss the matter.

Consideration and determination of the complaints

Complaint 1: removal of the Applicant as Full-time Convenor

56. Complaint 1:

That on or around 7 May 2025 the union breached Section 13 of the Standing Orders of the NE/302/69 Bramley Branch when Branch Officers removed Mr Parker from his post as full-time convenor without first referring him to the Regional Committee as required by rule.

57. The key issues for me to resolve are:

- (i) Whether the decision of 7 May 2025 was a recall or disciplinary action.
- (ii) Which rule-based procedure governed the decision.

Further findings of fact on complaint 1

58. In March 2025, at the first committee meeting of the newly elected representatives of Branch NE/302/69, the Applicant was selected Full-time Convenor by the committee. He was not elected directly to that position by the wider workplace membership.

59. On 25 April 2025, Mr Stuart Patchett (a committee-member), sent a WhatsApp message to all committee members, inviting them to an

emergency meeting at 09:00 on 7 May 2025 at the Respondent's Leeds office. Mr Patchett's message stated that he had become uncomfortable with tension in the branch and wished to rectify it. The agenda for the meeting was to be, simply, "Reps committee issues/resolution".

60. Before Mr Patchett sent his invitation, the employer had already agreed facility time (paid time off for union duties), so that members of the committee could attend a conference at the Respondent's Regional Office, beginning at 10:30 on the relevant date.
61. On 30 April 2025, the Applicant wrote to an agent of the employer, requesting an extension to the pre-agreed facility time, so that representatives could attend the meeting called by Mr Patchett at 09:00. The agent of the employer declined the request, stating that the representatives needed to be "available" to drive in the morning until 10:30. The email did not state that every representative was "required" to drive at the material time.
62. I have neither seen nor heard any evidence that the Applicant or Mr McEnroe took steps to make the committee aware that the effect of the employer's refusal of additional facility time was that they would be unable to attend; that they asked for another time to be arranged; or that they sought the postponement of the meeting. Mr McEnroe told me that this was because he believed the meeting simply would not proceed without the employer's agreement to additional, earlier, facility time.

63. When recollecting the day itself, Mr McEnroe told me that he might have seen one or two representatives at the depot before he left to drive a bus, but could not speak to the whereabouts of the other representatives before he next saw them at the Respondent's Regional Office after 11:00. Both the Applicant and Mr McEnroe told me that they believed the meeting called by Mr Patchett could not have occurred.
64. In his witness statement, Mr Rushworth stated that he had personally seen the representatives in a ground floor meeting room at the Respondent's Regional Office while he was preparing for the conference which was due to begin at 11:00. At the hearing, Mr Rushworth provided more detail, stating that he had been visiting a 'print room' which was opposite 'room 1' on the ground floor of the building. He said that in 'room 1', he saw a number of representatives, including Sharon Wadwell and Tracy Wadwell. I accept Mr Rushworth's evidence that he saw the meeting taking place, and I have neither seen nor heard any evidence which causes me to doubt his account.
65. An email included in the evidence bundle shows that at 11:23, shortly after the meeting, Sharon Wadwell wrote to 11 recipients, including the Applicant and his representative. The email records the proposals made; the identities of those who had proposed and seconded them; and the outcome of each vote.
66. The email is not formally labelled as minutes. However, it was written immediately after the meeting, and it provides a sufficiently detailed account of the proceedings. I have neither seen nor heard any evidence which causes me to doubt the accuracy of the email sent by Sharon

Wadwell. Therefore, I accept the email as an accurate and contemporaneous record of the decisions taken at the meeting.

67. Accordingly, on the balance of probabilities, I find that the committee meeting took place. Further, I find that it was attended by six of the eight committee members, meaning that the quoracy requirements established by Section 4.1 of the Standing Orders were satisfied.
68. On the basis of my treatment of the email as a record of the meeting, I find that at the meeting:
 - 68.1. Mr Patchett proposed that the Applicant be removed as Full-time Convenor because of a lack of trust and confidence arising from ongoing issues and tension;
 - 68.2. The proposal was supported by all six members present; and,
 - 68.3. The committee then voted to appoint Sharon Wadwell as Full-time Convenor and Mr Patchett as Deputy Convenor.
69. The removal of the Applicant as Full-time Convenor is not explicitly recorded as a recall, nor is there any reference to the Respondent's Right of Recall guidance. Instead, the email simply records a vote to remove the Applicant from his position as Full-time Convenor, followed by a vote to appoint Sharon Wadwell as Full-time Convenor, and a vote to appoint Mr Patchett as Deputy Convenor.
70. The invitation Mr Patchett sent referred only to tension within the branch and "Reps committee issues/resolution". The invitation did not allege that the Applicant had committed a disciplinary offence; or that he had

breached a union rule or brought the branch into disrepute. Further, I have neither seen nor heard any evidence that those present at the meeting purported to impose a disciplinary sanction. I find, therefore, that the committee's actions did not constitute the imposition of a disciplinary sanction on the Applicant.

The October 2024 process relied upon by the Applicant

71. The Applicant relies upon an earlier process followed by the former branch in October 2024. He submits that the different approach taken on that occasion demonstrates that his own removal should have been referred to the Regional Committee. It is therefore necessary for me to make limited findings about that earlier process.
72. At a meeting of branch NE/302/36 on 3 October 2024, a discussion took place under the heading "Section 13 referral". The minutes include a letter dated 23 September 2024 from Mr McEnroe to the Applicant. The letter complains about the conduct of another committee member and the effect of that conduct upon the reputation of the branch.
73. The minutes record a discussion about whether the conduct had resulted in the branch being brought into disrepute.
74. The minutes record that the chair of the meeting called for a show of hands on whether the individual should be removed from the position of interim Chair of the Branch. Ten members voted in favour of removal and five voted against.

75. The minutes also record that a second vote was taken, asking whether the matter should be referred to the Regional Committee under Rule 27. The outcome of that second vote is not recorded.
76. The committee voted on two distinct questions:
- 76.1. The first question was whether the person concerned should be removed from the position as interim Chair; and,
- 76.2. The second question was whether the conduct allegations should be referred to the Regional Committee.
77. The October 2024 process is therefore materially different to the May 2025 process. In October 2024, there was an express allegation that the person had brought the branch into disrepute, and the committee treated removal from office and disciplinary referral as two distinct questions. Therefore, the earlier process does not assist me in determining the issues arising around the later process.

The Applicant's submissions on Complaint 1

78. The Applicant submits that he was chosen as Full-time Convenor for the 2025 to 2028 electoral period and that he was removed without being informed of any disciplinary charge made against him; that he was not given an opportunity to respond to any disciplinary charge; that he was not told of any finding; and that the disciplinary matter was not referred to the Regional Committee.

79. He relies upon Section 13 of the branch Standing Orders, which requires a representative found to have breached rules, or to have brought the branch into disrepute, to be referred to the Regional Committee under the disciplinary rules. He submits that the committee's reference to a "lack of trust and confidence" means that its decision concerned his "conduct", making it disciplinary action in substance and, therefore, engaging Section 13.
80. Alternatively, the Applicant submits that the meeting held on 7 May 2025 could not have occurred because additional facility time had been refused.

The Respondent's submissions on complaint 1

81. The Respondent submits that the Applicant was selected as Full-time Convenor by the representatives' committee and that, therefore, the committee was the constituency entitled to rely upon the process set out in the Right of Recall guidance.
82. The Respondent submits that when six of eight committee members attended a quorate meeting and unanimously withdrew their confidence in him, the recall process operated.
83. Further, the Respondent submits that Section 13 of the Standing Orders does not apply to the use of the recall process. Rather, it may only apply where a representative is found to have breached the rules or brought the branch into disrepute.

84. Finally, the Respondent submits that it is commonplace for a lay committee to lose confidence in the judgement, effectiveness, or leadership of one of its members without alleging a disciplinary offence.

Conclusions on complaint 1

85. The word “conduct” may be used in a broad descriptive sense to describe the manner in which a person has behaved. It does not follow that every criticism of a representative’s conduct or performance amounts to an allegation of disciplinary misconduct.
86. A committee may lack trust or confidence in a person because of dissatisfaction with judgement; effectiveness; leadership; communication; working relationships; or any manner of other matters, without concluding that the person has committed a disciplinary offence.
87. In the case before me, the committee did not make a finding that the Applicant had breached a rule or brought the branch into disrepute. Nor did the committee purport to be punishing the Applicant for misconduct. Rather, its decision was that he no longer commanded the confidence required to continue in a leadership position selected by that committee.
88. Although the committee did not frame its first motion in the precise language of a vote “to hold a new election” as required by the right of recall guidance, its substantive action had that same effect. It withdrew support from the Convenor it had selected and went on to select a replacement from among the committee. The committee’s action was not disciplinary action, and therefore Section 13 was not engaged.

89. For the avoidance of doubt, dealing with the Applicant's alternative submission that the meeting could not have occurred:

89.1. As noted at paragraph 63, I have found that the committee meeting on 7 May 2025 did take place, that it was quorate, and that the refusal by the employer of additional facility time did not prevent it from occurring.

90. For these reasons, complaint 1 is not upheld.

Complaint 2: the consultative pay ballot

91. Complaint 2:

That on or around 7 May 2025 the union breached Section 3.4 of Standing Orders of the NE/302/69 Bramley branch when some members who were not at work on 17 April 2025 had been marked off as having voted at the Leeds Headrow Company canteen on that day by Sharon Wadwell.

92. The key issues for me to resolve are:

- (i) Whether Section 3.4, on its proper construction applies to the consultative pay ballot;
- (ii) From there, whether the facts constitute a breach of Section 3.4;
- (iii) The relevance of any response the Respondent made when the matter was raised.

Further findings of fact on complaint 2

93. A pay offer was made by the employer, and a consultative ballot of members was held on 17 April 2025.
94. Members of the Bramley branch could vote in person at the Bramley Depot or at a location known as the Headrow canteen. Postal votes were available to members unable to vote in person.
95. After the ballot, Mr McEnroe raised a concern with Mr Rushworth about apparent discrepancies in the voting records relevant to the Headrow canteen. His concern was that certain members appeared to have been recorded as voting at the Headrow canteen, while information made available by the employer indicated that they had not been at work that day. The Applicant later raised similar concerns with Mr Rushworth, alleging that the ballot was “fraudulent”.
96. Mr Rushworth investigated the matter and spoke to Sharon Wadwell, who was the supervisor of the ballot box at the Headrow canteen location. Sharon Wadwell accepted that the records were not correct, but she could not explain how the discrepancies had arisen. She went no further than conceding that an error had been made.
97. Mr Rushworth, at the conclusion of his investigation, decided that errors had occurred but that the available evidence did not establish fraud.
98. On the available evidence, I cannot determine precisely how the anomalies occurred. The ballot papers were neither marked nor numbered, and it is therefore impossible, retrospectively, to connect a particular ballot paper

with a particular member, or to determine whether an inaccurate mark on the voting record corresponded to an additional or duplicate ballot paper.

99. Further, I had no witness evidence from Sharon Wadwell or from the members whose recorded votes gave rise to the concerns.
100. Therefore, on the evidence before me, I find only that anomalies occurred. I therefore do not find that the anomalies were the product of fraud; as there is no evidence to suggest such.
101. Further discussions took place about the pay offer. A survey of members was undertaken and further information about the specifics of the pay offer was provided. Before a subsequent further ballot, the representatives agreed to recommend acceptance.
102. The Applicant and Mr McEnroe said that a similar agreement to recommend acceptance had existed before the April ballot but that some representatives had not promoted acceptance. I did not receive sufficient evidence to determine whether, or to what extent, individual representatives departed from the earlier agreement. Nor is it necessary for me to make findings on this point because that question is not part of the complaint.
103. A further ballot took place in July 2025 asking members to vote on two possible pay offer options. Mr Rushworth was directly involved in the arrangements for the second ballot. The ballot boxes were secured; absent members were informed that they could vote electronically directly through Mr Rushworth; and the final count took place under Mr

Rushworth's supervision. One of the two available pay offers was accepted by the members.

104. It is self-evident that the July 2025 ballot result was different to the April 2025 ballot result. However, there were material differences in the circumstances surrounding the two ballots, and so I cannot determine the precise reason why members voted differently. I therefore make no finding that the change in ballot outcome was attributable to the anomalies identified in the April 2025 ballot.
105. For the avoidance of doubt, it is not necessary for me to decide whether Mr Rushworth responded appropriately to the concerns raised. The issue before me is whether the facts I have found establish the alleged breach of Section 3.4.

The Applicant's submissions on complaint 2

106. The Applicant submits that Sharon Wadwell deliberately manipulated the April ballot at the Headrow canteen voting site. He submits that the disputed marks on the voting record could not have resulted from innocent error because Sharon Wadwell knew the members' circumstances and had provided postal papers to some of them. He submits therefore that the discrepancies demonstrate ballot fraud. He also submits that the relevant consideration for me is whether fraud occurred, not whether the outcome of the ballot was changed as a result of any fraudulent activity I may find.
107. The Applicant also relies upon the different result of the July 2025 ballot. He regards such a reversal as unprecedented in his experience and submits that it reinforces his concerns about the April 2025 ballot.

The Respondent's submissions on complaint 2

108. The Respondent accepts that there were anomalies in the April 2025 ballot records. However, it submits that the nature of the ballot papers as being unmarked in any way makes it impossible to identify how a particular member had voted or to connect a particular ballot paper with a particular entry on the record.
109. The Respondent submits that the anomalies do not establish that an additional paper had been introduced; that a member had voted twice; that a ballot paper had been completed for another member; or that any individual acted fraudulently.
110. Contrary to the Applicant's submission, the Respondent also submits that the potential effect of the anomalies on the outcome of the ballot is a relevant consideration, and that given the margin in this particular ballot, the anomalies could not have affected the result.

Conclusions on complaint 2

111. The explicit purpose of Section 3.4 of the branch Standing Orders is the regulation of the times and locations of ballots; the availability of postal voting; and the use of online voting.
112. It is also instructive to consider what Section 3.4 does not explicitly regulate. For example, it does not prescribe the form in which a voting record must be kept; it does not prescribe how postal votes must be recorded; it does not prescribe whether separate registers must be maintained for postal and in-person votes; and it does not prescribe how

voting records and ballot papers must be reconciled following the conclusion of a ballot. In particular, there is no explicit wording within the rule that purports to suggest that an inaccurate entry on a voting record is itself a breach of Section 3.4.

113. The distinction is important in this case. I have found that the evidence establishes that there were anomalies in the records kept for the Headrow canteen ballot box. However, the evidence does not establish that those inaccuracies corresponded to additional or duplicate ballot papers being cast.
114. It is important to distinguish between two points:
- (i) Anomalies in the voting record; and,
 - (ii) A conclusion that those anomalies amount to a breach of Section 3.4.
115. The first point is established. However, in respect of the second point, since Section 3.4 does not prescribe how those records were to be maintained or provide that an inaccurate entry is itself a breach of the rule, I conclude that the facts do not establish a breach of Section 3.4.
116. This conclusion does not mean that the anomalies were unimportant or required no response from the Respondent. The absence of an explicit provision within Section 3.4 for the regulation of such ballot irregularities does not leave the Respondent with no recourse to address such irregularities administratively, including through investigation by a paid official and closer supervision of a subsequent ballot. It is not for me to

determine whether, in this case, those steps were as extensive as they might have been, or whether further investigatory or disciplinary action should or could have followed, because the complaint does not allege a breach of a rule regulating the Respondent's investigation.

117. For these reasons, complaint 2 is not upheld.

Complaint 3: the allocation of representative roles

118. Complaint 3:

That on or around 18 November 2025 the union breached Rule 6 EC guidance – Rules 6.5.6 and 6.5.7 and National rule 18.7 when individuals were accredited to roles to which they were not elected by the membership in line with Unite Rules.

119. The key issues for me to resolve are:

- (i) Whether the provisions listed in the complaint regulate or prohibit the decisions made on 18 November 2025; and,
- (ii) if the answer to (i) is yes, whether any or all of those provisions were breached.

Further findings of fact on complaint 3

120. On 9 January 2025, Mr Rushworth wrote to the Applicant by email setting out the process for electing representatives and forming the

representatives' committee for the newly established NE/302/69 branch. In brief, the process was to be:

- (i) the available roles and the number of positions were to be advertised;
- (ii) nominations were to be made by members and would require a seconder; and,
- (iii) a ballot would only be required if nominations exceeded the number of available positions.

- 121. Mr Rushworth's email stated that, once the workplace representatives had been elected, they would form the representatives' committee, and a meeting would be convened to elect the site convenor and a deputy. His email did not identify any restriction on which committee members would be eligible to stand for the positions of convenor or deputy.
- 122. In his email to the Applicant, Mr Rushworth invited the Applicant to contact him with any questions.
- 123. On 5 February 2025, the Applicant wrote to Mr Rushworth by email, informing him that the number of nominations did not exceed the available positions.
- 124. The nominees were, therefore, elected unopposed.
- 125. The nominations notice, which was included in the evidence bundle, was titled "Workplace Rep Nominations 2025-2028". It invited nominations for four Workplace Representatives (one of whom would be the Health and

Safety Representative), together with one TULR (trade union learning representative), one Equalities Representative, one Women's Representative, one BAEM (Black and Asian Ethnic Minorities) Representative and one Schedules Representative.

126. Neither Mr Rushworth's email, nor the nominations notice stated that eligibility to serve subsequently as convenor or deputy once elected would be restricted to the four positions advertised as workplace representatives. Equally, neither document expressly stated that a person elected to one of the separately listed roles would be ineligible to serve in those positions. In fact, the nominations notice made no reference whatsoever to the roles of convenor or deputy.
127. Further, neither Mr Rushworth's email, nor the nominations notice identified separate electorates for the specialist positions. For example, neither the email nor the notice stated that only women would elect the Women's Representative or that only Black and Asian Ethnic Minority members would elect the BAEM Representative.
128. At the hearing, the parties disagreed about who would have been entitled to vote, had the election been contested. As the nominees were declared elected unopposed, no ballot took place and that question was never tested in practice. I am therefore unable to find which electorate would have voted had any of those positions been contested.
129. The election result recorded the Applicant, Mr McEnroe, Stuart Patchett and Sharon Wadwell as workplace representatives. Stuart Patchett was also identified as having been elected health and safety representative. Tracey

Wadwell was recorded as Equalities Representative and Women's Representative; S Qayyum, as BAEM Representative; B Young, as Trade Union Learning Representative; and P Kilroy, as Schedules Representative.

130. As noted above in paragraph 37, at the first meeting of the newly constituted committee of eight representatives in March 2025, the committee selected the Applicant as Full-time Convenor.
131. Mr McEnroe drafted new Standing Orders for the branch, which were adopted by the committee following its first meeting. The new Standing Orders are dated March 2025 and were not available to members when nominations were invited on 23 January 2025, or when the election results were announced on 5 February 2025.
132. Section 2.1 of the new Standing Orders describes the composition of the committee. It states:

The Committee of NE/302/69 Branch shall comprise of: -

The Secretary & Chairperson, (administrative only)

Treasurer

Equalities Officer

Four workplace reps which will include, one Full-Time Convenor (FTC), and one Deputy Convenor (DC) and two workplace reps one of which as H&S rep.

One schedules rep

One Equalities rep

One BAEM rep

One Women's rep

One TULR

133. Section 9 of the new Standing Orders provides that, at the first meeting following the elections of the Branch committee, the positions of Full-time Convenor and Deputy Convenor will be decided by a vote of the full committee.
134. The new Standing Orders do not explicitly identify which representatives would be eligible for nomination as Full-time Convenor or Deputy Convenor.
135. When nominations to be workplace representatives were invited, members were not told that eligibility to be Full-time Convenor or Deputy Convenor would depend upon the heading under which a candidate sought election, and the new Standing Orders had not yet been adopted. The representatives elected to the specialist positions nevertheless became full and legitimate members of the committee.
136. On 18 November 2025, the committee held an emergency Zoom meeting. Six of the eight committee members attended, meaning that the quoracy requirements established by Section 4.1 of the Standing Orders were satisfied. The Applicant and Mr McEnroe did not attend. Sharon Wadwell informed the committee that she had been seconded to a union officer role for three months.
137. The committee agreed that Stuart Patchett would act as temporary Full-time Convenor during the secondment and that Tracey Wadwell would act as temporary Deputy Convenor.

138. Sharon Wadwell subsequently announced to members on a social media channel titled “Bramley 302/69” that Stuart Patchett would act as temporary Full-time Convenor; Tracey Wadwell would act as temporary Deputy Convenor; and Surfraz Qayyum would undertake Health and Safety work. She stated that the remainder of the committee would continue in their existing roles.

The Applicant’s submissions on complaint 3

139. The Applicant submits that the members of Branch NE/302/69 nominated individuals for distinct positions and therefore gave each representative a limited mandate, restricted to the role to which that person had been nominated and elected. On the Applicant’s case, Stuart Patchett was elected for Health and Safety; Tracey Wadwell for Women’s and Equalities matters; and Surfraz Qayyum for BAEM matters.
140. The Applicant relies particularly on Section 2.1 of the Standing Orders. He submits that its wording restricts the Full-time Convenor and Deputy Convenor roles to within the four positions advertised as Workplace Representatives. On his submission, only one of those four representatives could occupy either leadership role.
141. The Applicant further submits that the electorate for each of the specialist representative positions was restricted to the members within the relevant constituency (for example, only women members could vote for the women’s representative). The Applicant submitted that because of this, those representatives could not be moved into other roles without a further electoral mandate.

142. The Applicant submits that Rules 6.5.6, 6.5.7 and 18.7, restrict the constituency and scope of the role to which a representative has been elected. He submits that those provisions prevent the committee or indeed the Respondent from subsequently assigning a substantially different role without a further electoral mandate from the wider branch membership.

The Respondent's submissions on complaint 3

143. The Respondent submits that Rule 6 uses "workplace representative" as an inclusive expression encompassing shop stewards, Health and Safety Representatives, Equalities Representatives and Learning Representatives.
144. Further, the Respondent submits that specialist titles do not create inferior or narrowly confined categories of representative. Each relevant person elected by Unite members at the workplace is an accountable representative of workers.
145. The Respondent also submits that specialist positions exist to secure equality and diversity within representative structures, they do not exist to prohibit their holders from representing members generally or undertaking leadership functions. The whole workplace was eligible to participate in choosing those representatives and therefore any of them, once elected, could undertake other representative roles.
146. The Respondent places considerable emphasis upon democratic and equality-based principles that it describes as foundational to Rule 6, and it characterises the Applicant's construction of Rule 6 as restrictive. The Respondent submits that such a restrictive construction would be

discriminatory and adverse to the democratic, equality-based principles the Respondent seeks to uphold.

147. Further, the Respondent refers to the fact that elected specialist representatives could be eligible for significant constitutional office within the Respondent, including, for example, the Executive Council, and argues that it would, therefore, be illogical if they could not undertake temporary leadership functions within their own branch.
148. The Respondent also submits that the November decisions did not elect new workplace representatives. They temporarily re-allocated functions among existing elected workplace representatives during Sharon Wadwell's temporary secondment. It submits that Rules 6.5.6, 6.5.7 and 18.7 concern notification and recording following election and do not regulate temporary internal arrangements made later.

Conclusions on complaint 3

149. In determining complaint 3, the starting point for me is the language of the provisions relied upon. Rule 6.5.6 requires notification immediately following the election of a representative. Rule 18.7 requires the Regional Officer; following election of a representative, to ensure that relevant bodies and the membership department are informed of the date of election and the representative's identity, constituency and contact details. Rule 6.5.7 requires an elected representative to receive confirmation of representative status and of the scope of the role for which they are accredited. Taken together, these three provisions are primarily concerned with administrative steps to be taken following a representative's election.

150. These three provisions do not regulate later decisions by an existing representatives' committee to allocate temporary internal functions among existing members.
151. Nor do any of the three provisions prescribe the particular role a representative must have been elected to in order to be chosen by a committee as Full-time Convenor or Deputy Convenor, or to take on responsibility for duties relating to health and safety.
152. Finally, nor do they purport to prohibit temporary cover, or to require a fresh workplace election whenever such temporary cover is required.
153. The decisions of 18 November 2025 do not amount to the appointment of an unelected individual as a workplace representative. Stuart Patchett, Tracey Wadwell, and Surfraz Qayyum were already elected representatives and members of the committee. The committee temporarily allocated the Full-time Convenor, Deputy Convenor, and health and safety functions during the substantive Full-time Convenor's secondment.
154. I find no prohibition in Rules 6.5.6, 6.5.7 or 18.7 to those decisions.
155. Section 2.1 is not itself one of the provisions alleged to have been breached. However, it forms a central part of the Applicant's explanation of why he says Rules 6.5.6, 6.5.7 and 18.7 were infringed. It is, therefore, important to address it.
156. I do not accept the Respondent's characterisation of the Applicant's construction of Section 2.1 as irrational, frivolous or contrived. Section 2.1 describes the committee as including "four workplace reps which will

include one Full-time Convenor and one Deputy Convenor”, before it separately lists a number of specialist representative positions. Read in isolation, that wording is capable of suggesting that the Convenor and Deputy Convenor must be drawn from the four representatives elected under the heading “Workplace Reps”.

157. However, that does not determine the proper construction of Section 2.1. I must determine not merely whether the Applicant’s interpretation is arguable, but the true and proper meaning of the relevant provisions when read as a whole and in their proper context, including alongside the national rules and guidance.
158. In my view, the wording of Section 2.1 is intended to be descriptive rather than expressly restrictive. It identifies the intended composition of the committee and states that the four workplace representatives “will include” the Full-time Convenor and Deputy Convenor. It does not say that only the four persons originally elected under the heading “Workplace Reps” are eligible to perform those functions. Nor does it say that a representative elected to one of the separately listed positions is ineligible to perform them.
159. Section 2.1 does not state that each listed role must be performed by a different representative, or that a representative may hold only the position to which they were originally elected. Indeed, it does not state what might happen if fewer members are nominated for the committee than there are positions listed. In my view, the correct construction is one that allows for a person elected to a specialist position, to remain in that position while also performing another committee function.

160. This construction is supported by Section 9. Section 9 provides that the Full-time Convenor and Deputy Convenor are to be decided by a vote of the full committee. Section 9 identifies the body which makes the selection, but it does not restrict the representatives from whom the selection may be made. I find that the absence of any express restriction in Section 9 provides relevant context alongside the absence of express words of ineligibility in Section 2.1.
161. The national guidance points towards the same conclusion, using “workplace representative” as an umbrella term including several types of specialist representative role.
162. Returning to the local context, the nominations notice was headed “Workplace Rep Nominations” and, under that heading, nominations were invited for both the four positions specifically described as “Workplace Reps” and for the specialist representative positions. The body of the notice then identified a subgroup of four positions described as “Workplace Reps”. That distinction helps to explain the Applicant’s narrower construction. However, the title and structure of the notice are also evidence that, even within this branch, “workplace representative” was used in a broader sense as an umbrella term encompassing the representative positions generally. The persons concerned were elected through that process to representative office and became workplace representatives and members of the representatives’ committee.
163. The November 2025 decisions did not introduce unelected members into the representative structure, and nor did they remove the representatives from the offices to which they had been elected. Rather, the November

decisions temporarily allocated additional committee functions among existing elected committee members during a three-month secondment.

164. Reading all of those provisions and considering all of the facts and circumstances together, I conclude that Section 2.1 describes the ordinary structure of the committee but does not impose an absolute rule of eligibility limiting the Full-time Convenor and Deputy Convenor functions to the four persons originally elected under the heading “Workplace Reps”.
165. Further, and for the avoidance of doubt, I conclude that Section 2.1 does not prohibit an existing elected member of the representatives’ committee from temporarily performing one of those functions.
166. For completeness, I also address the Applicant’s submission that the electorate for each of the specialist representative positions would have been restricted to members of the corresponding constituency. As I have explained at paragraph 129, the election was not contested, and so a ballot did not take place. Accordingly, I am unable to determine which members would have voted in a ballot. However, even if I were to accept the Applicant’s submission about restricted electorates, it would not follow that a representative elected to a specialist position was prohibited from temporarily performing another function within a representatives’ committee of which that representative was already an elected member. For the reasons set out above, I find no such restriction in the provisions relied upon by the Applicant.
167. For these reasons complaint 3 is not upheld.

Conclusion and enforcement

168. For the reasons set out in this decision, I have found that none of the Rules relied upon by the Applicant have been breached. Therefore, I refuse to make the declaration sought.
169. Since I have refused to make the declaration, there is no basis upon which to make an enforcement order under section 108B of the 1992 Act, and no consideration of enforcement arises.

A handwritten signature in black ink, appearing to read 'M: Kidd'.

MICHAEL KIDD

The Assistant Certification Officer

24 September 2026