

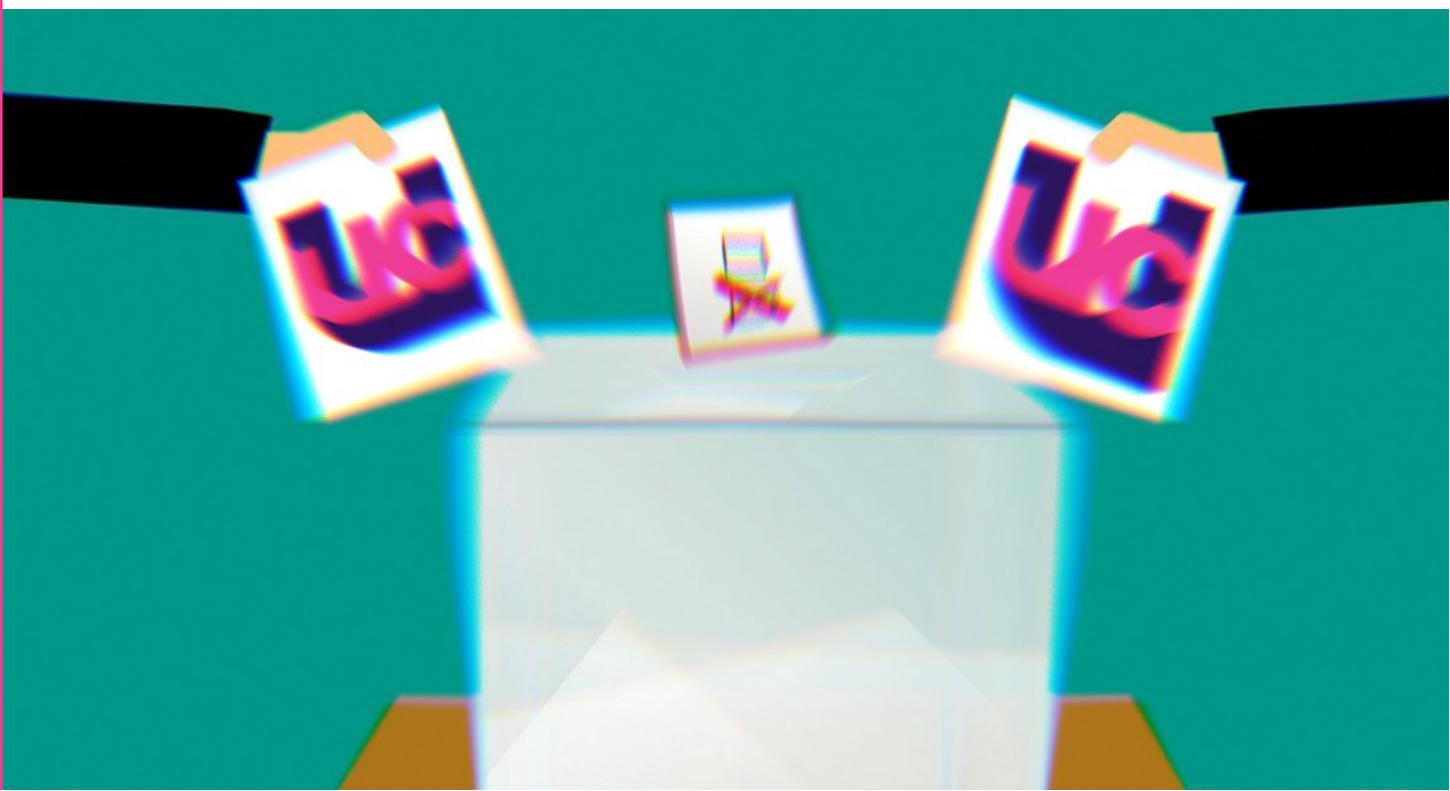
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# OPENING UP UCU'S DEMOCRACY COMMISSION

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## Introduction

UCU's May 2018 Congress voted for a motion to elect a special '[Democracy Commission](#)' with a mandate to review UCU's democratic structures and recommend changes to them. The passing of this motion testified to the emergence of a larger, more engaged and dynamic union, in which grassroots work by ordinary members and new modes of organising were central to the successes of the 2018 USS pensions strike. Many members felt that some of the governance structures of UCU and their attendant bureaucracy, as articulated in the [Rulebook](#), were no longer in line with their democratic needs.

With a special Congress about to meet on Saturday 7 December 2019 to vote on the Democracy Commission's [recommendations](#), now is a good time to look back and consider how far the Commission has satisfied the mandate given to it by Congress eighteen months ago. Readers who are less familiar with UCU's democratic structures may wish to start by reading [#USSbriefs23](#) by Rachel Cohen, and [#USSbriefs74](#) by Kirsten Forkert and Nick Hardy.

## Background to the Democracy Commission

The immediate context for the Congress motion establishing the Commission were concerns about the manner in which the largest strike in the history of UK higher education had been suspended. The motion noted 'concerns from many branches and members about the processes behind the consultative ballot on the USS offer of 23rd March'. In particular, members felt that the UCU General Secretary (GS) Sally Hunt had published that offer without leaving sufficient time to inform or consult with UCU's other elected negotiators. Furthermore, subsequent consultations within branches, the representation of these consultations at a branch reps' meeting chaired by the elected President of UCU, Joanna de Groot, and the report on the outcome of that meeting to UCU's Higher Education Committee (HEC) were all conducted hurriedly, leaving little room for careful consideration of the offer. Additionally the minuting of these meetings was poor and branch reps were denied a formal vote. Once the e-ballot opened, the GS's email communications to members regarding the offer received much criticism for repeating inaccurate claims and suggesting that members' rejection of the offer would have considerable negative implications (for a detailed account of criticism over these emails see [#USSbriefs11](#)).

Looking at the process as a whole, it is clear that the structures of communication and accountability within UCU allowed for potential misuse and made democratic deliberation difficult: there was little transparency or scrutiny over decisions made by officials and UCU committees at different stages in the process, including the GS, the National Executive Committee (NEC), the HEC (Higher Executive Committee) as well as by branch committee delegates sent to attend meetings. This general lack of transparency is presumably why the Congress motion establishing the Commission mentioned the accountability of 'elected representatives' in general.

The need for a review of democracy within UCU was reinforced by the extraordinary events of the June 2018 Congress that voted to set the Commission up. Congress was repeatedly [shut down](#) after UCU staff walked out to hold emergency meetings in response to various motions, and the elected President and Vice President refused to allow it to continue. The staff walkouts and the consequent shutdowns of Congress had been formally endorsed in advance by a meeting of UCU's National Executive Committee, and they were also approved retrospectively by the GS herself in an email to all members. These events made it even clearer that the relative roles and powers of the elected GS, unelected UCU officials and elected NEC members needed scrutiny.

In this context, Congress [motion B19](#) highlighted 'the lack of inter-election mechanisms by which to recall or hold elected union representatives to account', and the Democracy Commission which was set up in its wake identified [five](#) areas for work:

- recall (of elected representatives and GS) and triggers (for recall);
- accountability and transparency;
- structural issues/implications, including the role of paid officials;
- conduct of disputes;
- engagement and representation (including gaps in representation and ability to access union structures).

This was a broad remit with the potential to radically transform the union and democratise its structures. It opened up possibilities for a number of democratising interventions which could include: setting up more inclusive communication channels with and from members; rethinking the interaction between elected representatives and non-elected, ordinary members; rethinking how UCU's branches and national structures might relate to its regional and devolved national structures; balancing the representation of branches and of the membership as a whole; and enabling the union to empower new members to take part and use their skills and experience to further its objectives. Furthermore such democratising initiatives could ensure that women and disabled, BME, LGBT and migrant members participate fully and effectively in all of UCU's democratic structures — rather than being sequestered in their own specific representative committees.

## Reviewing the Commission

Now that the Commission's final recommendations have been [published](#) and tabled for the special Congress on 7 December, it is possible to judge how well the Commission has done its job. It appears that, of all the aforementioned possibilities, the Commission has concentrated almost entirely on one particular set of measures: how to increase the accountability of the General Secretary. While increasing accountability of this role is important, the Union is a complex organisation with many elected bodies and levels of representation which all merit scrutiny and democratisation. Yet the Commission tabled no comparable measures for any other elected representatives. Furthermore, little or no consideration has been given to how UCU branches themselves function as democratic organisations, to the relationship between democracy and equality, to new ways of involving members in the union's activities, or to any of the other questions listed above. The [minutes](#) reveal that some of these issues were indeed discussed, but any such discussion was brief and had no impact on the recommendations that were eventually tabled.

The Commission's recommendations fall under the following headings:

1. NEC instructions to General Secretary (GS) and procedure for investigating any breach of instructions by the GS
2. Ordering of motions by Congress Business Committee — criticism of GS
3. GS term of office
4. Limit on consecutive GS terms
5. Officers of the union (removal of Honorary Treasurer and Immediate Past President)
6. Role descriptions for the union's officer roles
7. Reporting of GS, president and vice president activities
8. Setting up new role of deputy general secretaries
9. Oversight of recruitment, appointment and remuneration of UCU's senior officials
10. Curtailment of Congress
11. Election of alternative Congress chair
12. Negotiation with staff during the course of Congress
13. Dispute committees

## Recall measures

The published minutes reveal that the Commission had initially focused exclusively on developing a recall mechanism for the GS, until legal advice made clear that it would be difficult to implement such a mechanism without infringing the GS's rights as an employee of the union. Surprisingly, the Commission did not also investigate the possibility of mechanisms for recalling elected NEC members or branch committee members. Unlike the GS, other elected representatives are not UCU employees, so there is no legal obstacle to developing a recall mechanism for them. Yet the Commission did not attempt to do so.

## **Curtailing the powers of the GS**

The Commission further focused on developing means for curtailing the powers of the GS. These include:

- limiting the GS's term of office to three from five years;
- placing a limit on the number of consecutive GS terms of office (three terms);
- allowing an investigation of the GS's conduct to be triggered by a quorum of four regional committees.

At first sight these proposals look like a step in the right direction if the aim is to make the GS more accountable to the membership. However, in reality, regional committees are far from the most appropriate means of ensuring such accountability: these roles are not usually contested and the quorum for them to hold votes is very low. What this means in effect is that it could be possible for a total of around twenty self-selecting regional committee members to trigger an investigation into the conduct of a GS who was elected in a ballot of about 24,000 UCU members. No consideration was given to balancing the strength of the respective democratic mandates. The focus on curtailing the powers of the GS was not accompanied by provisions to increase member participation in, or knowledge of, regional committees, despite the considerable powers that would be bestowed upon them by the Commission's recommendations. Indeed, there has been very little consideration overall of how elected representatives other than the GS might be made more accountable.

## **Structural changes to UCU's democratic organisation**

The Democracy Commission has recommended the creation of two posts for elected Deputy General Secretaries (who would, like the GS, be employed by UCU). The Commission has provided no reason for why it considers two deputies necessary. Contrasting with this, it recommends that voting rights are removed from the Honorary Treasurer, also providing no clear explanation. By concentrating more power among the highest ranks of union leadership, these recommendations appear to run counter to the philosophy of dispersing decision making power from the union leadership to elected bodies such as the NEC which otherwise runs through the Commission's report. Furthermore, they would entail a fundamental restructuring of the organisation and the way it is staffed, and significant additional staffing costs. Such profound transformations should not be adopted without careful consideration of their implications.

## **Addressing democratic deficit: the role of the GS and that of the NEC**

Many of the immediate concerns surfacing in the aftermath of the April 2018 ballot which ended that phase of the USS dispute focused on the then GS's actions. However motion B19 seized on that initial focus as a springboard, an opportunity to initiate a broader and much needed project: that of simplifying union bureaucracy, increasing transparency in the processes of governance and in communications, and ensuring that union officials are

accountable to members. While changes to the role of the GS may well be part of this project, a focus on the GS alone, to the exclusion of any other officials or bodies, is far from sufficient if the objective is to democratise a complex organisation.

Addressing the democratic deficit in the Union as it currently stands requires addressing bodies and officials beyond the GS. The NEC is perhaps the most prominent of these. It is difficult for ordinary members to inform themselves about how the NEC and its two main subcommittees (FEC and HEC) function. In some respects, the NEC has a larger role to play in UCU governance than the GS, while being less visible. For example, members of the NEC and its subcommittees determine the trajectory and progress of industrial action and, while the GS is rightly bound by decisions made by these bodies, there is currently no mechanism in place for their members to be bound by or accountable to anyone. This means that the members who elect NEC representatives cannot in any way control how those representatives vote once they take up their committee posts—in fact, they cannot even *find out* how they voted, because voting records from NEC and its subcommittees are not kept, let alone published. Essentially there is no transparency and no room for member-led democratic control of the NEC. Yet the recommendations of the Democracy Commission do not include any proposals to increase NEC transparency and accountability.

## Implications

What will happen if the Commission's recommendations are approved?

- Any GS would only be able to serve a term of three years in the first instance and a maximum of nine. This means that they will probably need to start campaigning for their next election after just 18 months in the post, and then repeat the cycle every 2–3 years.
- Any GS could be subject to incessant investigations into their conduct by UCU's regional committees, made up of UCU members who are themselves rarely elected in contested elections and not held accountable in any way.
- The addition of two Deputy General Secretaries would be costly and it is unclear what their function would be, or how having three elected union leaders would help deal with a democratic deficit at the grassroots of the organisation.
- The addition of new officials will incur additional annual expenses to UCU in the neighbourhood of £200,000.

Meanwhile, as the role of the General Secretary is diminished, the roles of UCU's other bodies, that are subject to little or no transparency, will remain unchanged. Elected representatives on the NEC will continue to have supreme influence on negotiating stances, the freedom to reach agreements with the staff union, convene (or not convene) meetings as they see fit and potentially override the results of branch consultations. The Democracy Commission has provided no process for recall of NEC representatives, nor a requirement for the NEC to consult with members or provide a record of their votes.

Additionally, since the broader democratic deficit of Union bodies and procedures is not being addressed, any new panels or other bodies established to exert control over the GS and officials are likely to be characterised by a significant democratic deficit themselves.

### **Recommendation 13: dispute committees**

There is only one recommendation that might change this state of affairs, but it is in itself a problematic one. Recommendation 13 proposes a rule change to create dispute committees comprising one delegate per branch. Dispute committees would meet regularly and enjoy total control over the conduct of the dispute for which they have been convened, overriding all other elected representatives. However, the installation of these committees may potentially exacerbate rather than attenuate the democratic deficit. If each branch sends one delegate, then a branch of sixty members will have as much representation as a branch of two thousand members. Furthermore, no mechanism is proposed for ensuring that the delegate for each branch is chosen democratically by that branch's members—in fact, the recommendation provides for the possibility that delegates will be 'nominated' rather than 'elected' by their branch. Nor is there any mechanism for ensuring that delegates will vote and act in accordance with their branch's wishes, or even for recording how they vote—so branches that send delegates will be unable to find out whether their delegates are representing them adequately.

An amendment currently tabled for the December Congress may address the disproportionality of 'one branch, one vote' if passed ([R6](#)). However, there is still no guarantee that the proposed dispute committees will be better at representing the membership as a whole than the structures that currently exist, notably the democratically elected NEC. Indeed given the possibility that their members will be nominated rather than elected and the lack of transparency in their decision-making processes, there are reasons to believe that they may be worse.

### **Paths not travelled**

How might the Commission have thought more broadly and imaginatively about democracy in UCU? Two avenues were considered by the Commission and eventually ignored:

- **Close engagement with members and branches** by Commission members while the Commission was doing its work, with members visiting branches to discuss their proposals and seek feedback. In the end, this did not happen, and the Commission instead operated behind closed doors.
- **Comparative analysis** by commissioning a report on other unions' structures, and seeing what has worked and what hasn't in different contexts. This possibility was raised and dismissed in the Commission's [first meeting](#).

If there is a consistent line of thinking in the Commission's recommendations, it is this: a desire to limit the powers of the General Secretary at the expense of other

representatives who will be elected—or perhaps, in the case of dispute committees, ‘nominated’—by much smaller constituencies and via much less openly and vigorously contested processes. As they stand, these recommendations do little to address the lack of democratic accountability which besets the governance of our union, because this is a structural problem and as such extends far beyond the role of the GS. If the aim of the Democracy Commission is to democratise our union, the multiplication of committees seems an odd way of achieving this aim. As a union we have not thought enough about how power devolves from members to branches to regions, national committees and the GS. The Commission, by proliferating groups and representatives may end up exacerbating rather than attenuating this problem.

## Conclusion

In these last 18 months we have witnessed unforeseen and potentially seismic changes in our union: a renewed sense of purpose; the swelling of our ranks with new members; a determination to refuse the inevitability of market competition and to begin instead to redirect our labour towards each other. This spring we witnessed a record turnout for the GS election and, more recently, a dramatic increase of nominations for the elections to the National Executive Committee that will take place in February 2020. These are hopeful changes, fermented in the pickets of the 2018 strike and represented by the unprecedented mobilisation of striking members whose spontaneous cry of ‘no capitulation’ on that morning of 12 March 2018 marked the emergence of a demand for a new kind of democratic governance for our union. The Congress of 7 December 2019 has been called to answer this demand. Congress delegates need to consider whether the answer will open up our union to its future or whether it will leave it tethered to its past.

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