

2023 NEC Election - Procedures

Introduction

1. This document contains the procedure for electing our National Executive Council (NEC). It is based on the UNISON rule book (as amended at the UNISON conference in June 2022) and the current laws that apply to union elections. This procedure was approved by the NEC Development and Organisation Committee of UNISON on 21 September 2022 and by the NEC on 13 October 2022. This procedure is designed to ensure that we meet the UNISON rule book's aim: "To seek to ensure that members, activists, representatives and staff are treated with dignity and respect at all times when participating in the union's democratic structures."

Appointing the Returning Officer and agreeing a timetable

2. At least three months before the election, the NEC will appoint an independent, qualified Returning Officer who will act as scrutineer under the Trade Union and Labour Relations (Consolidation) Act 1992. UNISON has entered into a three-year contract with Civica Election Services to carry out these duties.
3. The NEC will agree a timetable to include:
 - a. the period when nominations for elections must be received
 - b. the date when ballot papers will first be sent to members who are entitled to vote
 - c. the date by which members must return their filled-in ballot papers, and
 - d. the date the result of the election will be announced.

Timetable

4. The timetable for the election, as agreed with the Returning Officer, is set out in the election timetable (Appendix A). The period of office for successful candidates will be from the end of National Delegate Conference on Friday 16 June 2023 until the end of National Delegate Conference on Friday 20 June 2025.

Eligibility for candidates

5. Eligibility of members standing as candidates:
 - a. To be eligible for nomination to the NEC, a prospective candidate must have been a full member of UNISON for at least three months before the date on which the election procedure is published.
 - b. Throughout the election process, prospective candidates must remain full members, and continue to meet the requirements of the seat for which they are standing.
 - c. The Returning Officer may rule on the eligibility of any prospective candidate at any time during the process.
6. A member shall be a candidate for election for a regional seat only if they have been nominated by at least two branches within their region. No member is entitled to be a candidate for an election in a region other than the one in which they are a member.
7. A member shall be a candidate for election for the Black members' seats only if they have been nominated by at least two branches or regional Black members' self-organised groups.
8. A member shall be a candidate for election for the disabled members' seats only if they have been nominated by at least two branches or a regional disabled members' self-organised group.

9. A member shall be a candidate for election for the young members' seats only if they:
 - a. are aged 26 or under when the period of office ends on Friday 20 June 2025; and
 - b. have received two nominations from any branches, or regional young members' forums, or National Young Members' Forum.

10. A member shall be a candidate for election for a service group seat only if they have been nominated by at least two branches which contain members from that service group.
 - a. Only members of that service group should be present and take part in deciding nominations for each service group within a branch. Those nominations should then be confirmed at a quorate nominating meeting. If they are not confirmed, or if no recommended nomination is received, then no nomination will be made for that particular service group by the nominating body.
 - b. No member may be a candidate in any service group other than that in which they are a member.

11. At the start of the period of office, a low pay reserved seat holder (in line with Rule Q of our rule book) must be a female earning less than a basic hourly rate of £11.80 in their current post. (This amount is based on the median earnings defined by the Annual Survey of Hours and Earnings, in November 2022.) This rate excludes all supplements, e.g. London Weighting Allowance, London Living Wage supplement, recruitment supplements, overtime, etc. Proof will be requested to ensure candidates' eligibility in this regard.

12. Only members from specified categories, such as female seats and low pay reserved seats, can be nominated for those seats.

13. A member can only stand as a candidate for one seat, which must be within their relevant region, service group, self organised group or constituency.

14. No member who holds a seat on a Service Group Executive (SGE) can hold a seat on the NEC as a service group representative at the same time. If elected as a service group representative on the NEC, a member will be deemed to have resigned their seat on the SGE from the commencement of the period of office for the NEC seat they have been elected to.

15. Candidates must comply with all relevant GDPR and data protection legislation and guidance. All prospective candidates are advised to complete the mandatory UNISON Data Protection e-learning module found at <https://e-learning.unison.org.uk>

NEC constituencies

16. The constituencies for the NEC are attached (Appendix B) to this procedure.

Election procedure, candidate and nomination applications

17. On the date set out in the timetable the election procedure and all relevant guidance will be:
 - Available to download from UNISON's website, and
 - Available from the Member Liaison Unit on request.

Submitting candidate applications

18. Submitting candidate applications and nominations:
- All candidate applications, photographs and election addresses for this election must be made via the CES online portal at: www.cesvotes.com/unisonNEC2023
 - All nominations must be submitted via the CES online portal. Nominating bodies will receive an email with a unique link and codes to access the secure nomination website.
19. A member is not treated as a prospective candidate until their candidate application has been submitted online via the CES online portal by the deadline set out on the timetable, and checks have been carried out to ensure they fulfil the eligibility criteria as laid out in paragraph 5 of this procedure.
20. If a candidate later wants to withdraw from the election, they must do so, in writing or by email, by the date set out in the timetable.
21. Candidate applications, election addresses and photographs must be submitted via the CES online portal. Email or paper copies cannot be accepted. For those encountering problems with the CES online portal or with access problems, please contact CES via email: Support-CESvotes@civica.co.uk or by phone to 020 8889 9203.

Processing candidate applications

22. Only candidate applications submitted by the deadline set out in the timetable will be accepted.
- An email will be sent to the candidate to tell them their candidate application has been received.
 - Candidate applications submitted via the CES online portal which are incomplete or incorrect will be referred back to the prospective candidate and the regional secretary.
 - The Member Liaison Unit will conduct eligibility checks to ensure that the candidate is eligible to stand for the seat for which they have applied and that they fulfil the eligibility criteria.
23. At the end of the nomination period, as laid out in the timetable, the Returning Officer will decide whether prospective candidates are eligible to stand in this election. If the prospective candidate is not eligible to stand, the candidate will be told why they are not eligible and have the opportunity to appeal.
24. Candidates will receive an email no later than the date set out in the timetable, to confirm whether or not they are eligible to stand in the election.

Election addresses and photographs

25. All eligible candidates may submit:
- An election address.
 - A photograph.
- These will be included in the ballot pack.
26. The election address should be no longer than 500 (five hundred) words in total. The 500 word limit does not include the list of nominating bodies, although this list will be included within the ballot pack. Any words over the limit will not be included in the election address.

27. Photographs must be a recent head and shoulders shot of the candidate, either black and white or colour. An electronic version of the photo must be uploaded via the CES online portal. The photograph must not contain the UNISON corporate identity or logo (or anything which in the opinion of the Returning Officer may be identified as such).
28. No photographs should be sent by email or post. No photographs will be returned. All photographs will be deleted/destroyed at the end of the election.
29. Candidates for seats elected by voters in Cymru/Wales may submit a Welsh version of their election and/or nomination address. The candidate may choose the primary language to which the 500 word limit will apply. The Welsh version must be provided by the candidate and must be an exact translation of the English text.
30. In line with the Trade Union and Labour Relations (Consolidation) Act 1992, the contents of the election address, including spelling and grammar, are the candidate's responsibility. Neither the Returning Officer nor any UNISON employee will be allowed to correct or change any election address, except as necessary where the election address is longer than the word limit.
31. Election addresses should not contain statements that:
- go against our aims and objectives (as set out in Rule B)
 - are discriminatory, racist, sexist or abusive or
 - include false accusations against members or union staff.

Any election addresses that contain these kinds of statements will be treated as a disciplinary offence under UNISON's rule book.

32. UNISON will not be responsible for any civil or criminal liability arising from publishing, copying or distributing individual election addresses. This liability will rest with the individual candidate.
33. Election addresses must be submitted via the CES online portal no later than the deadline set out in the timetable.
34. Election addresses and photographs can be submitted separately to the candidate application, but must be submitted by no later than the deadline set out in the timetable.
35. For those encountering problems with the CES online portal or with access problems, please contact CES via email on: Support-CESvotes@civica.co.uk
36. Emails will be sent to candidates to confirm whether their election addresses and photographs were received by the deadline set out in the timetable.

Nomination meetings

37. Nominations can be made by branches, regional self-organised groups, and regional and the national Young Members' forums which fall within the relevant region or constituency and service group. Nominating bodies may only nominate up to as many candidates as there are seats available in each constituency relevant to that nominating body (Appendix B).
38. The nominating process:
- a. Voting to decide which candidates to nominate must take place during the nomination period, as set out in the timetable.

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- b. Once a nominating body has held a nominating meeting, they must fill in the online nomination submission, including the date of the meeting, the type of meeting, the number of people who attended, and the quorum (the minimum number of people needed to make that meeting valid).
- c. Nominating bodies can agree their nominations online if their approved rules and standing orders allow them to hold online meetings
- d. Within a nominating body, only the members of the service group, region or regional self-organised group for which nominations are sought can take part in the nominating process including any voting to decide which candidates to nominate. Those nominations should then be confirmed at a quorate nominating meeting [NB Nominations may be invalidated if evidence is received demonstrating a breach of this rule].
- e. Nominations will only be accepted if they are submitted via the CES online portal. They must be authorised by either the secretary or chair of the relevant nominating body via the declaration online. The names and UNISON membership numbers of the secretary or chair must match those recorded on the RMS membership system.
- f. If the nomination submission has been authorised by another elected officer of the nominating body, an explanation of the reasons why should be given. Details of another elected officer of the nominating body – for example, a vice chairperson or assistant secretary – should be included, with an explanation of the need for the substitute(s).
- g. Where only one of these posts is filled, the authorisation of another elected officer of the nominating body is needed – i.e. two verifications are required.
- h. Nomination submissions must be filled in online via the CES online portal by the date set out on the timetable and nominating bodies will receive an acknowledgement of receipt by email.
- i. A nomination helpline will be open on the dates set out in the timetable.

Submitting nominations

39. Nominations must be received by the deadline. Then:
- a. An email will be sent to the nominating body to tell them that their nomination has been received.
 - b. Nominations received by CES which are incomplete or incorrect will be referred back to the nominating body by the Member Liaison Unit as soon as reasonably practicable with a copy to the candidate and regional secretary.
40. At the end of the nomination period, the Returning Officer will decide if nominations are valid and whether candidates are eligible to contest this election. If the nominated candidate is not eligible to stand, the candidate will be told why they are not eligible.
41. Nominating bodies will receive an email, no later than the date set out in the timetable, to inform them if their nomination is invalid and state the reason(s) for that decision.

Appeals

42. If a candidate or nominating body wants to appeal against the Returning Officer's decision, they should do so in writing by the date set out in the timetable. They must give full details of the reasons for their appeal and provide documents to support this.
43. Appeals should be sent to the Returning Officer at Civica Election Services:
Phone: 0208 365 8909

Email: unison@cesvotes.com

44. The Returning Officer will make a final decision on appeals by no later than the date set out in the timetable.

Nomination helpline

45. UNISONdirect will run a nomination helpline during its opening hours as set out on the UNISON website, on the dates set out in the timetable, to provide information to nominating bodies and prospective candidates.

Phone: 0800 0 857 857

Text phone: 0800 0 967 968

46. UNISONdirect can confirm whether a nomination submission has been received. However, nominations should not be considered valid until written confirmation has been received from the Member Liaison Unit.

Notice of the election

47. A notice will be published on the UNISON website detailing how the ballot will be carried out, by the date set out in the timetable.

Entitlement to vote

48. All eligible members who are included on our membership system three months before the date set out in the timetable for voting to start will be entitled to vote.

Ballot paper and the method of voting

49. Ballot papers will be sent to each member's home address (or any other address they have given in writing), as shown on our membership system. The ballot pack includes a prepaid envelope for returning the ballot paper(s) to the scrutineer. All voting will be by post.

Members who have not received ballot papers

50. Members who have not received a ballot paper by the start of the voting helpline should contact the UNISONdirect ballot helpline during its opening hours as set out on the UNISON website.

Phone: 0800 0 857 857

Text phone: 0800 0 967 968

Campaigning

51. UNISON recognises that campaigning, in whatever form, is a vital part of any election process. The following sections of this document include guidance for those branches and candidates who are involved in elections. The aim is to encourage members to participate in the election by campaigning in support of their favoured candidates, and to make sure that everyone is clearly aware of their responsibilities and the limits set to allow fair elections to take place.

Access to data

52. For the purposes of seeking nominations and later for campaigning during the election, eligible prospective candidates can ask the Member Liaison Unit for an electronic copy of the contact details for relevant nominating bodies. This will be provided free of charge and only become available from the date set out on the timetable. Data will not be issued until candidate eligibility checks have been completed.

53. These contact details may be used for the period of the campaign but must be destroyed immediately at the close of the ballot as set out in the timetable. If candidates use data to contact nominating bodies, this must be done in a way that complies with UK GDPR and data protection requirements at all times, as set out in the candidate data sharing agreement. Any unauthorised use of this data or failure to destroy this data may result in action being taken and may also breach data protection requirements.
54. These contact details will only be issued to eligible prospective candidates.
55. Nominating bodies must not allow candidates, or their supporters, to have access to any membership data. This means that branch or workplace registers of members, including phone lists, email lists, home addresses, software for campaign activities such as MCT or other unison phone banking tools or any other contact details provided by or stored by UNISON or an employer must not be used for election purposes. Any unauthorised use may breach data protection requirements.

Campaign procedure for nominating bodies and candidates

56. Nominating bodies may make nominations through a regular meeting (eg branch committee meeting), an AGM or special general meeting.
57. Any nominating body that invites a candidate to speak at a meeting of the nominating body about their involvement in the election must also invite all the other candidates contesting the same seat(s). Candidates can appoint a representative to attend these meetings and speak on the candidate's behalf. It is the responsibility of the prospective candidate to advise the nominating body of the name of their designated representative.
58. Nominating meetings must adhere to the principles agreed by the NEC including following Government health advice and not disadvantage any prospective candidates.
59. Prospective candidates or their representatives must not visit nominating bodies or workplaces to 'canvass' (persuade people to vote for them or against an opponent) without the nominating bodies' permission and unless the same opportunity has been offered to all other prospective candidates contesting the same seat(s). This does not prevent candidates or their representatives from campaigning in areas accessible to the general public (eg by distributing leaflets outside workplaces).
60. To ensure that UNISON remains an independent and representative trade union where all members have the right to fully and fairly participate, no nominee or candidate shall invite or accept any donation or contribution in money or kind from any provider of goods or services to UNISON, or any employer in which UNISON organises.
61. Candidates are encouraged to seek support (including donations) from other UNISON members. UNISON members may campaign in support of their preferred candidate(s) providing they do not use UNISON resources to campaign.
62. UNISON funds, property or resources (as set out in section 62 d) cannot be used to support campaigning for any particular candidate, except in the following circumstances.

- a. Nominating bodies are encouraged to tell their members about the nomination(s) through their usual methods of communication (for example, branch newsletters, websites and social media resources). A statement per candidate or for a group of candidates may be produced, it should only explain why the nominating body has nominated the candidate. It should not take the form of asking members to vote for the candidate. A photograph of the candidate who has been nominated may be included.
- b. To hold meetings (as explained in this procedure).
- c. To provide candidates with a copy of the contact details for all nominating bodies from the Member Liaison Unit (as explained in this procedure).
- d. 'UNISON funds, property or resources' include (but are not limited to):
 - UNISON funds
 - UNISON facility time
 - Any resources as set out in the relevant employer's facilities agreement (including workplace email accounts).
 - The UNISON corporate identity or logo (or anything which in the opinion of the Returning Officer may be identified as such)
 - UNISON branch, regional or national secretarial, administrative and office facilities, including stationery, laptops and mobile phones
 - UNISON data, such as phone lists, email lists, home addresses or any other contact details provided by or stored by UNISON or as provided to UNISON by an employer. For the avoidance of doubt, UNISON data may not be used for communications from candidates (including incumbents) to members of branches during an election period.
 - UNISON publications, UNISON websites and UNISON social media, including branch and self organised groups (SOGs). For the avoidance of doubt, images of, or references to candidates (including incumbents) must not be associated with encouragement to members to use their vote.
 - The paid time of UNISON employees including branch employed staff expenses for travel and subsistence (food and drink), except for hustings.

Number of candidates

63. If the number of eligible nominated candidates is no more than the number of seats for the constituency concerned, those candidates will be considered to have been elected uncontested.

Voting system

64. The method of electing members will be by a simple majority of those voting in the election for each seat (or seats).

65. In the event of a tie, if the number of 'top-tied' candidates exceeds the number of seats then a further election will be run for those candidates who tied to determine who is elected to those seats.

Complaints about elections

66. If you want to make a complaint about the election you must write to the Returning Officer (by email to unison@CESvotes.com) by no later than the deadline set out in the election timetable. You should include any documents that support your complaint and state which paragraph(s) of the procedure you believe may have been breached.

67. The Returning Officer will decide whether a complaint is upheld.
68. Any complaint that is upheld by the Returning Officer may result in action being taken by UNISON, which may include disciplinary action under the UNISON rule book and the Returning Officer has the right (if they consider it reasonable) to ask for all or part of the election to be held again.

The result of the election

69. The result of the election will be announced on the date set out in the timetable and published as soon as possible and notified to members through UNISON's normal methods of communication no later than three months after receiving it.

Questions and contact information

70. If you would like any information or further explanation about this procedure or the election, you can contact the Member Liaison Unit using the details below.
Phone: 0207 121 5399
E-mail: elections@unison.co.uk

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Timetable

16 December 2022	Election procedure published.
9 January 2023	Prospective candidates may submit applications via CES online portal Prospective candidates may request a list of nominating bodies Prospective candidates may start to seek nominations from nominating bodies Nomination period opens Nomination helpline opens
13 February 2023	5pm - Nomination period closes Deadline for online nominating body submissions and prospective candidates' applications to be made via the CES online portal Nomination helpline closes Deadline for candidate photographs and election addresses to be submitted via CES online portal
6 March 2023	Deadline for nominating bodies and prospective candidates to be told about candidate applications and nominations that are not valid Deadline for candidates to withdraw from the election
13 March 2023	5pm - Deadline for nominating bodies and prospective candidates to submit relevant appeals to the Returning Officer, where the Returning Officer has decided candidate applications and/or nominations are not valid
27 March 2023	Deadline for any appeal decisions by the Returning Officer
10 April 2023	Voters are told details about the election (Notice of election)
17 April 2023	Voting starts Voting papers are sent to members
Date 2023	The start of the voting helpline for members
Date 2023	The end of the voting helpline for members
19 May 2023	Voting ends
26 May 2023	5pm - Deadline for written complaints and supporting evidence to be sent to the Returning Officer
2 June 2023	Deadline for the Returning Officer to investigate and respond to complaints
8 June 2023	The candidates are told the results The results are published

Successful candidates will take office at the end of National Delegate Conference on Friday 16 June 2023. Their term of office will run until the end of National Delegate Conference on Friday 20 June 2025

National Executive Council election 2021 - 2023

Constituencies

Regional representatives – each region shall elect representatives according to the following table:

Regional membership (see note 1)	Number of representatives	Conditions
Less than 100,000	2 + 1 low pay reserved seat (see note 2)	1 female, 1 male
100,000 or more and less than 150,000	3 + 1 low pay reserved seat	2 female, 1 male
150,000 or more	4 + 1 low pay reserved seat	2 female, 1 male, 1 general seat

Black members' seats – 4 representatives (1 male, 2 female and 1 low pay reserved (see note 2) seat) will be elected from a national constituency that covers all regions.

Disabled members' seats – 2 representatives (1 general and 1 female seat) will be elected from a national constituency that covers all regions.

Young members' seats – 2 representatives (1 general and 1 female seat) will be for members aged 26 or under on their last day of office on **Friday 20 2025** and will be elected from a national constituency that covers all regions.

Service group seats – each service group shall elect representatives according to the following table:

Service group membership (see note 1)	Number of representatives	Conditions
Less than 25,000	1	General seat
25,000 or more and less than 100,000	2	At least 1 female
100,000 or more and less than 300,000	3	2 female and 1 male
300,000 or more	4	2 female, 1 male 1 general seat

Note 1: Based on an RMS extract from September 2022.

Note 2: Low pay reserved seats are seats reserved for female members earning less than a basic hourly rate of £11.80 and are listed in the election procedure as low pay reserved seats (see paragraph 11).

Constituencies

Based on data extracted from RMS on September 2022, regions, service groups and self-organised groups are entitled to the following NEC seats:

Region All branches in a relevant region may nominate	General	Female	Male	Low pay reserved
Eastern	-	1	1	1
East Midlands	-	1	1	1
Greater London	-	2	1	1
Northern	-	1	1	1
Northern Ireland	-	1	1	1
North West	1	2	1	1
Scotland	1	2	1	1
South East	-	1	1	1
South West	-	1	1	1
Cymru/Wales	-	1	1	1
West Midlands	-	2	1	1
Yorkshire and Humberside	-	2	1	1
Service group All branches with members in a relevant service group may nominate	General	Female	Male	Low pay reserved
Community	1	1	-	-
Energy	1	-	-	-
Health	1	2	1	-
Higher education	1	1	-	-
Local government	1	2	1	-
Police & justice	1	1	-	-
Water, environment & transport	1	-	-	-
Black members All branches and regional self-organised groups may nominate	General	Female	Male	Low pay reserved
	-	2	1	1
Disabled members All branches and regional disabled members self-organised groups may nominate	General	Female	Male	Low pay reserved
	1	1	-	
Young members All branches, national and regional young member forums may nominate	General	Female	Male	Low pay reserved
	1	1	-	