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Circular: 2025HOC0057BS

Date: 4th February 2025

To: All Members

Dear Brother/Sister,

General Secretary Election: Ballot Result

Following the Fire Brigades Union's (FBU) declaration of the General Secretary election outcome on 14 January 2025, it has come to our attention that 3,155 members were not initially sent ballot papers when the election opened. In the course of the election process 96 of these members requested a ballot paper when they became aware they had not received one, but this still meant 3059 members did not receive a ballot paper.

In the Union's view the accidental omission by the independent scrutineer to send ballot papers to those members is likely to be a breach of sections 50 (1) and/or 51 (4) of the Trade Union and Labour Relations (Consolidation) Act (TULRCA).

This is notwithstanding the fact that the independent scrutineer has issued a statutory declaration in accordance with section 52(2) TULRCA confirming that it is satisfied that there are no reasonable grounds for believing there was any contravention of a requirement imposed by or under any enactment in relation to the election. It should be noted that this declaration was given before it had been identified by either the independent scrutineer or the FBU that this error had occurred.

In light of these developments the FBU's Executive Council sought urgent legal advice and has determined that the appropriate course of action is to bring this matter to the Certification Officer's attention and invite her to exercise her powers under sections 55(1)(b) and 55(5A) TULRCA to issue a declaration of non-compliance in regard to those statutory provisions. The FBU recognises that as a consequence of that the Certification Officer will need to determine whether or not to make an enforcement order pursuant to section 55 (5A) TULRCA. The enforcement order may require that the ballot is re-run.

At present as there is no declaration by any relevant authority that the election should be declared void, Bro Wright remains as General Secretary whilst the FBU seeks assistance from the Certification Officer. There are a number of potential means of resolving this issue and we urge all members to refrain from engaging in speculation whilst the Union exercises the proper channels to determine a way forward. Once the union has had direction from the Certification Officer it will update members immediately.

We wish to stress that this error occurred as a result of a simple but unfortunate oversight from the independent scrutineer, which was missed by the union when final ballot figures were exchanged. The Union wishes to apologise unreservedly to our membership for this. The two candidates in the election

Bro's Wright and Bro Wrack have been written to by the Union and we have apologised to them for any distress and/or inconvenience this has caused.

Yours in solidarity,

A handwritten signature in black ink, appearing to be 'B. Selby', with a stylized, cursive flourish at the end.

Ben Selby

Assistant General Secretary