

POLITICAL FUND BRIEFING NUMBER 3: WHY IS A POLITICAL FUND NEEDED?

Our second briefing provided answers to 13 common questions we know members have regarding the political fund and why we need to ballot members on whether or not the SoR should have a political fund. This briefing looks in more detail at why it is essential members vote to create a political fund for the first time in the Unions history. The ballot will begin early next year.

The decision to campaign for a political fund was taken by delegates at the 2015 Annual Delegates Conference who voted unanimously in favour of a motion proposed by London Region, seconded by Northern Ireland and fully supported by UK Council.

Legislation has been in place for over 20 years with the 1992 Trade Union and Labour Relations Act requiring unions to have a separate fund to finance any activity that may have the consequence, even if unintended, of influencing the way people may vote either for a particular political party or candidate or not to vote for a particular political party or candidate. Up until now the UK Council of the SoR, made up of elected members from each region, has not seen the need to establish a political fund believing, correctly, that the Union could operate effectively and within the law without the need for a political fund.

However a more recent piece of legislation, the 2014 Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act, combined with proposals expected to be part of the 2016 Trade Union Act has changed things. Both of these pieces of legislation put union finances under the microscope. In fact the discussion at the 2015 ADC could not have been more timely as the combined impact of the 1992 Act with the two new pieces of legislation makes it more likely that in carrying out its normal activities to represent and advocate on behalf of members the SCoR could now be challenged legally by those who do not like what we say.

The “Lobbying Act” places new responsibilities on trade unions in relation to campaigning. Since 2000 Trade Unions and other civil society organisations have been defined as “Non-party campaigners” “under the legislation that governs elections in the UK as regulated by the Electoral Commission. Changes made by Part II of the Lobbying Act 2014 have significantly increased the likelihood that for the first time the Society will be required to register and report expenditure to the Electoral Commission if our long-established campaigning is not to be curtailed during what are known as “regulated periods” in the run-up to specific UK elections and referendums. Members at the 2015 Annual Delegates’ Conference (ADC) foresaw the potential challenge to the Society’s lawful campaigning activity that any registration with the Electoral Commission without a political fund in place could generate.

In addition the proposals contained in the 2015 Trade Union Bill, which is expected to become law and thus the Trade Union Act in 2016, include giving, for the first time, employers and other outside parties the right to report trade unions to the government appointed regulator, the Certification Officer. Previously only members of trade unions could bring complaints but now employers, unhappy with the work unions are doing, can report that union to the Certification Officer who will be given the new power to instigate a full investigation. In addition concerned members of the public could also bring a complaint under the proposed new legislation.

The decision therefore to ballot members on whether or not to establish a political fund is a response to the combined impact of the three pieces of legislation and particularly the “Lobbying Act” 2014. Creating a political fund will ensure that the SoR can carry out its normal activities fully in accordance with the requirements of legislation and is a matter of good governance. It will mean we can continue to make robust arguments on behalf of members without compromising what we say or how we say it just because it may have the potential to influence how people choose to vote even though this would clearly not be its purpose.

For example, campaigning for better pay and conditions or for improved training are activities that will be protected with the creation of a political fund. In fact most of the work we do to look after the interests of members as individuals, or as teams at work or as part of the radiography community will be protected from legal challenge with the creation of the political fund as will our work on behalf of members’ patients.

So the fund, which would be better described as a campaign fund, is needed so that we can carry on as we are. It is not to allow new, more political, objectives to be pursued but rather to ensure that what we currently do is not deemed unlawful in the future. The SoR has never shied away from robustly standing up for members and for making sure politicians of all political persuasions hear our voice. We have a proud reputation of doing this and the decision to ballot members on the creation of a political fund is to enable us to carry on exactly as we are doing in full compliance with the changing legal framework.

And to emphasise this point the rules of the political fund will include a clause saying the fund cannot be used to affiliate the union to any political party including the Labour Party. These will replicate the rules agreed at the Extraordinary General Meeting in October. More detail of what the fund will and will not be used for will be included in the fourth briefing and the final briefing will look at the cost of contributing to the Fund if established and the arrangements for members to opt in to contributing to the fund.

The ballot itself will begin early in the New Year. It is a legal requirement that a political fund can only be set up following a ballot of all members. At present legislation also requires this mandate from members to be renewed every 10 years. Although there are no rules concerning the turnout in such a ballot clearly we want as many members as possible to participate to ensure the outcome is fully reflective of members’ views.

If you have further questions please refer to the Q&A briefing issued earlier, the website and your National or Regional Officer or your UK Council member or email Paul Moloney on PaulM@sor.org.