

## University and College Union

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<b>To</b>	Branch and local association secretaries
<b>Topic</b>	<b>Implications of rule change motion</b>
<b>Action</b>	For information – to inform debate on rule change motions at Congress
<b>Summary</b>	This circular contains information about the effect of a rule change proposed to Congress 2025, for branches and delegates
<b>Contact</b>	Catherine Wilkinson, head of democratic services <a href="mailto:cwilkinson@ucu.org.uk">cwilkinson@ucu.org.uk</a>

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Dear Colleague

### **Implications of rule change to Congress: further information**

The Congress agenda includes proposals to amend the union's rules and standing orders.

The NEC's strategy and finance committee are routinely provided with information about the implications of rule changes, where their impact is particularly significant, or may not be fully apparent from the rule change as it is presented, or where there is relevant background information.

The committee decided that the information set out here should be made available to branches and delegates to inform consideration of the first rule change ordered for Congress 2025 (R1 in CBC's first report, to be renumbered in its second report).

Yours sincerely

Dr Jo Grady

General secretary

## **R1 Rule Change: Transparency**

## **University of Bath**

Insert new rule

4.2.1: The union will routinely publish information which it holds, according to a publication scheme agreed by the National Executive Committee. The scheme shall be compliant with guidance for public authorities issued by the Information Commissioner's Office under Section 20 of the Freedom of Information Act 2000, and at least as much information as is specified in the ICO's guidance shall be published.

*Purpose: UCU is not a public authority and does not fall under the Freedom of Information Act. The rule would have the effect of requiring the union to act as if it were covered by the act. The information which should be published according to a publication scheme is described by the ICO.*

1. Rule change R1 would compel the NEC to adopt a publication scheme compliant with the ICO's guidance for the publication schemes of public authorities.
2. Public authorities are funded by public money. Unions are not. They are funded by their members.
3. This rule creates an obligation to make information publicly available – not just to UCU members. So information would be available to employers, and to anyone seeking to act against the union's interests, as well as to members.
4. The ICO's model publication scheme for public authorities is appended. The ICO also has model publication schemes for different types of public authority (including higher education institutions and FE colleges), which provide even more detail.
5. Putting this into the union's rules would place a significant administrative burden on the union. And if the union were not meeting the standards for the publication schemes for public authorities, it would be in breach of its own rules.
6. There is information which is already available – especially to members, for example (and not exhaustively):
  - Financial information is returned annually to the Certification Officer and available via the CO website; accounts are issued annually as branch circulars
  - Information about the union's elections and election results is available on its website
  - Membership of the NEC and advisory committees is available on the website **to members**
  - Minutes of the NEC, HEC and FEC, and of Congress and the sector conferences, and the NEC's annual report to Congress, are already

available **to members**

- Staff pay scales are available on the website.
7. Further consideration could be given to what other information can be made available, especially to members, and how, without any change to the union's rules.
  8. The rule change presents the wholesale adoption of a scheme intended for public authorities, requiring significant resource from the union, and potentially exposing information that some would seek to use against the union. It is not a measure being adopted by other unions.

## **Appendix: ICO Model publication scheme**

### **Model publication scheme**

#### **Freedom of Information Act**

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.

- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

## **Classes of information**

### **Who we are and what we do.**

Organisational information, locations and contacts, constitutional and legal governance.

### **What we spend and how we spend it.**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

### **What our priorities are and how we are doing.**

Strategy and performance information, plans, assessments, inspections and reviews.

### **How we make decisions.**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

### **Our policies and procedures.**

Current written protocols for delivering our functions and responsibilities.

### **Lists and registers.**

Information held in registers required by law and other lists and registers relating to the functions of the authority.

### **The services we offer.**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

### **The method by which information published under this scheme will be made available**

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

### **Charges which may be made for information published under this scheme**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging

- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

### **Written requests**

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.