



To: Branch Chairs; Branch, Section and Sub Section Secretaries; RMG Area Secretaries; National Executive Committee

Motion 71 EFRA branch 2026 National Conference

Dear colleague,

The purpose of this branch circular is to begin the process of considering and implementing Motion 71 (M71) carried at National Conference.

M71 invites the exploration and debate of issues that go to the core of how Prospect conducts its democracy, how the union operates and will determine in large measure future culture. There may be a case for significant change in the relevant rules and codes, but this requires a full and open conversation within the union. This circular starts that process.

The motion was as follows:

Motion 71

General Secretary and NEC elections processes

The General Secretary and the National Executive Committee (NEC) are key to the functioning of Prospect. As stated in the rules the NEC (to whom the General Secretary is answerable) are “solely responsible for interpreting policy laid down by Conference and determining policy if no such policy exists”, and for managing and transacting “all matters and business arising in the affairs of the Union between meetings of National Conference”. It is therefore vital they comprise individuals representing the breadth of members across the union, and that elections are conducted in a way which is democratic and allows newcomers.

However, Prospect’s existing rules give advantage to incumbents when it comes to elections for both General Secretary and the NEC. Candidates’ only allowed method of campaigning is to provide an election address (1000 words for General Secretary candidates, 500 for NEC candidates). The code of conduct prohibits them from

attending Branch or workplace meetings, or using any funds in campaigning, whether the union's or their own. While this is presumably intended to not give advantage to any candidate with more money, the effect is that the incumbent(s) are likely to be better known and able to answer questions so long as they are not explicitly canvassing, while any other candidates are only able to present themselves in their election address. Branches and sections are also not allowed to invite prospective candidates to their meetings or to ask any questions of them which might inform their voting decisions. Given there is little information and lack of opportunity to ask questions, members, if they vote at all, are more likely to vote for names and faces they already know, thus giving an advantage to incumbents.

Conference instructs the NEC to establish a task-and-finish group to consider the current General Secretary and NEC elections processes with a focus on all forms of bias, including incumbency bias. This group will recommend practical and equitable measures to support the overall democracy of the process including accessibility, transparency and improved election turnout.

EFRA

Actioning M71

The future of National Executive Committee (NEC) and General Secretary (GS) election rules and supporting codes are in scope of this motion. The next GS election is not affected by this motion and will be conducted under the existing rules.

The motion instructs:

- the NEC to create a 'task and finish' group to consider the election 'processes'
- the group to focus on all forms of bias, including incumbency bias
- the group to recommend practical and equitable measures to support democracy, accessibility, transparency and improved electoral turnout.

The NEC considered M71 at its September meeting. To commence actioning the motion the NEC covered the following points:

- Because the motion did not state how the task and finish group should be composed and who should participate, the NEC had to make that decision. Therefore, the September NEC decided the composition and scope of the group (see below).
- Beyond reference to a perceived advantage to 'incumbents,' other forms of bias that were apprehended by the branch, were not specified.
- In considering the potential outputs of the group, the NEC advises branches that the only valid recommendations can be rule changes to be submitted to the 2028 National Conference. The existing national rules and codes apply, unless

or until they are altered by Conference. They cannot be embellished or changed by 'practical and equitable measures' that are not rule based.

- Whilst the main body of the motion focusses on the election codes, the instruction uses the word 'processes', which is far wider than just the codes. The NEC concluded that brings into debate all of Part 9 of the National Rules, which deal with the election of the NEC/Presidential Team, and Part 10 where it deals with the election of the GS.
- The NEC noted that these are rules and election codes applying to entirely different roles in the union. The GS and the NEC have distinct rule based and statutory responsibilities/obligations. In addition, the GS is an employee during the term of their office, and a GS employment contract/staff collective agreement applies to the post.

Branch consultation

The NEC has entitled the group to be convened as the 'M71 Group'.

The NEC has decided that M71 requires substantial consultation with branches during the latter part of 2026 into 2027.

We are commencing consultation with branches so that the M71 Group hears the breadth of opinion on the matters the motion raises and in addressing the instructions. This circular gives background so that branches and indeed members, understand the roles before subsequent discussion of how they should be elected.

Any recommendations from the M71 Group must be concluded in sufficient time in 2027, to allow for the drafting of new rules/code, their legal evaluation and NEC scrutiny of changes to be proposed to the 2028 National Conference.

Background

The roles and their election

The motion combines NEC and GS, but they are separate roles which need clarity in respect of their obligations.

The NEC governs the union and is derived from those elected by working and unemployed members every two years via national ballot. The precise duties of the NEC are described in various rules. Crucially, many NEC duties are through practical necessity delegated to the GS and through that postholder to staff.

In some unions the precise boundary of authority between the NEC and the GS has become a continued source of tension and debate, usually playing out in the electoral

platforms of internal different factions. For some factions, rule book references to NEC authority are absolute and literal, such that the GS cannot take operational decisions particularly in relation to staffing. It envisages either an almost permanent standing session of the NEC or more usually very slow decision making, where factional battles play out to delay process and union agility.

The precise meaning of aspects of the current Prospect rules, where operational management is specified as the responsibility of the GS (Rule 10.7 (1) and (2)) with governance being the NEC function (Rules 9.1 (1)-(3)) are as follows:

NEC:

9.1 (1) There shall be a National Executive Committee (in this Part referred to as "the Committee") elected in the manner hereinafter provided and which shall conduct the business of the Union in conformity with the policy from time to time laid down by National Conference and shall have such other functions as are provided by these Rules.

(2) The Committee shall between National Conferences be solely responsible for interpreting policy laid down by Conference and determining policy if no such policy exists. The Committee shall also be responsible for the interpretation of these Rules between National Conferences.

(3) The Committee shall manage and transact all matters and business arising in the affairs of the Union between meetings of National Conference.

GS:

10.7 (1) The General Secretary shall be the Union's Chief Executive Officer and shall be responsible to National Conference when sitting and at all other times to the National Executive Committee.

(2) The General Secretary's duties shall include:

(a) advising upon and implementing policy and other decisions of National Conference and the National Executive Committee;

(b) being responsible for the efficient administration and management of those powers and functions of the National Executive Committee detailed in Part 9 of these rules;

(c) ensuring that minutes and decisions of all meetings are properly recorded;

(d) presenting an annual budget to the National Executive Committee.

(e) acting as principal spokesperson for the Union;

(f) managing all offices and staff of the Union, and being responsible to the NEC and conference for finance.

(3) The General Secretary shall have power to delegate all such duties whenever necessary or desirable to do so.

(4) The General Secretary shall be responsible to the National Executive Committee for the fulfilment of all the functions of their office, including the signing of all documents and statements. The General Secretary shall attend the meetings of the National Executive Committee, shall place before it all matters requiring its attention and keep a record of the Minutes.

To date, it has not been the culture of Prospect for these boundaries to become an issue, as collegiate and positive relationships have been the norm, where the NEC is not factionalised, meaning matters are debated and resolved in good faith and with members' best interests in mind. However, M71 requires review of these rules and whether changes are needed to tighten the mutual responsibilities of the NEC and GS.

The NEC is composed of elected officers who are members of the union. Whilst the NEC does carry ultimate rule and statutory liability for certain decisions, for example around finance and industrial action authorisation, it is not responsible for the day-to-day management of the union, with respect to staffing, finance, infrastructure and general operational decisions taken every day. These are carried out in the framework of governance established by the NEC or the rules. This is manifested through the Presidential Team, full meetings of the NEC and the NEC advisory committees such as the Finance and Audit Committee.

To adopt a key analogy, the NEC are the elected 'political' governance between conferences, (the Ministers as it were) with the GS heading the union's 'civil service', composed of the staff. This analogy captures much of the spirit and practical reality of our processes and operations. Civil servants advise, Ministers 'decide,' is another means of expressing it.

GS elections

When considering the process of electing the GS, there is a legal history that branches may wish to keep in mind. In 1984 the then Conservative government introduced a requirement that every five years a GS must be elected. Prior to this many unions did not elect their GS because, taking the civil service analogy further, the GS was akin to the 'Permanent Secretary', the most senior professional postholder advising the elected NEC of the day. Therefore, the GS should 'hold the ring' advising the NEC or

other elected officers based on their professional expertise, but of itself it was not a 'political' post with an election manifesto of its own to deliver.

The requirement to elect the GS fundamentally changed the way the GS post could be filled. It meant the postholder could be elected with no prior staff experience, no prior test of executive aptitude acquired in the union or elsewhere, or demonstrable experience to undertake the role. It opened up the GS post to becoming a further battle ground for factions contesting the direction of the union. It also allowed for external political factions to seek control of unions, usually under the guise of 'giving back control' to members. Election of the GS creates the possibility for competing manifestos between elected members and an elected member of staff. Prompting the question, which manifesto prevails?

There are no other comparable roles that have senior operational executive responsibility that are open to being filled with no test of aptitude. In Prospect, the process whereby the NEC evaluates the performance of an incumbent GS prior to nominating them, or as was the case in 2012 when there was no incumbent, interviewing candidates before choosing a nominee, has been used to temper the consequences of this being a purely electoral outcome. We have also tightened who can stand as GS. Nonetheless any member of the union or employee who meets the Rule 10 criteria can stand for election and if voted in, becomes the GS at the end of the incumbent's term.

Currently there are membership and employment service provisions in the rules, along with a branch nomination threshold, for a candidate standing against an NEC nominee. Arguably by comparison to other unions, they are still a low bar to trigger an election for the most senior professional post for a five-year term. In addition, whilst the NEC process of having a nominee allows for some evaluation of GS competence and skill before nomination, other unions go further and have a process of evaluation (by the NEC) of the fitness for office of GS candidates against the job description and key attributes needed in the post.

The codes, campaigning and 'incumbency'

The GS election code of conduct and NEC code of conduct are [available here for Prospect members](#) and [here for Bectu sector members](#). The codes are plainly intended to minimise the impact of elections on the running of the union, seeking to meet the provision of democracy and the law whilst avoiding the potentially adverse impact of extensive campaigning and the often-associated rancour and distraction. Therefore, there needs to be careful consideration of any changes that are designed to enable hustings, branch campaigning and more active promotion of manifestos to the membership.

M71 proceeds on the basis that the current provisions favour incumbents. There is a presumption that 'incumbency' is detrimental and that more turnover in the NEC or in the GS post will benefit the union and its members. This proposition needs testing as part of the evidence gathering with branches to enable the deliberations of the M71 group.

The outcomes of the recent NEC elections are instructive.

2022-2024 term: 20 existing and 8 new members elected.

2024-2026 term: 17 existing and 11 new members elected.

2026-2028 term 18 existing and 10 new members elected.

These results do not immediately suggest there is significant incumbency bias arising from our existing codes and rules. The NEC elections are producing a healthy balance of continuity, bringing experience, with new members bringing fresh perspectives. It is presumably in the interest of members to have an NEC with some continuity of experience.

This sets the context for reviewing how more campaigning scope or hustings would impact the process of electing the NEC. Firstly, whilst M71 wants to achieve better turnout (as do we all) the suggestion that the election codes are the inhibitor of turnout needs to be considered carefully. It is as likely that turnout has been depressed by a postal ballot being required by law, and the real test will be what impact electronic balloting, which is now possible, has on turnout in 2028.

Secondly M71 envisages more asks of candidates to attend branches, hustings or similar to have their manifestos explored. There were 50 candidates in the 2026 NEC election. Several questions then arise:

- Are all branches expected to have hustings? Or just those who are interested, and what does that mean for representative voting outcomes?
- Does it involve mandatory invites to all candidates and what if all wish to participate?
- Who organises and runs the hustings to ensure fairness and equitable treatment of candidates?
- Are they online or in person, and when are they held? Daytime hustings could exclude some candidates without time off to attend, and evenings could impact those with caring responsibilities.

There is a major question of the time available for NEC candidates to participate in campaigning and hustings. M71 says that it presumes the codes are written as they are to prevent spending, but that is just one issue. The current codes also remove advantages that one candidate may have over another, when it comes to having the time available to campaign.

Furthermore, if rule changes enable more campaigning and hustings, there would have to be a substantial section of the new code(s) which addressed permitted behaviours,

factual content verification and use of social media, indeed if that were permitted at all. We would have to decide if union or personal expenditure was permitted. Should 'personal' finance be allowed, how do we ensure that such expenditure is not derived, for example, from a political party or other sources which may need disclosure to members? These could come from the left or the right of the political spectrum.

The GS context is different in terms of campaigning and hustings but many of the same questions posed above apply.

Further considerations apply to the future election process for the GS:

- Should the rules incorporate a fit and proper test of candidates by the NEC against the GS job description, which would determine if a candidate could stand or not?
- Are different processes needed where there is an incumbent wishing to stand again or for circumstances where there is no incumbent and a field of entirely new candidates are involved?
- Do we need to review the eligibility criteria for candidates? For example, should the ten branch threshold be increased further? Prospect continues to grow and has around 500 branches.

Composition and terms of reference of M71 Group, and branch input

The NEC carefully considered how best to compose this group. The NEC decided it will be composed of:

- The President
- 4 NEC members
- The President of each sector committee or their nominated deputy should they be unavailable for a meeting.

The General Secretary and staff will provide support as per usual practice.

The NEC agreed the terms of reference will be the instructions in M71 and based on the issues raised in this circular.

As rule changes are the sole route forward, the recommendations must dovetail with the work of the NEC rules working group when that convenes ahead of National Conference 2028.

This circular is also inviting initial input from branches by 30/10/26. Feedback can be provided at m71review@prospect.org.uk

The first meeting of the M71 Group will be before the end of 2026.

Yours sincerely,

Eleanor Wade, Prospect President

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