

***Effective Collusion between NUJ General Secretary and the Certification Officer.***

***Distribution Proviso***

The author and publisher has restricted access to this series of articles to National Union of Journalists (NUJ) and International Federation of Journalists (IFJ) members (also named parties) pending investigation of alleged criminal activity and legal action under: Trade Union and Labour Relations (Consolidation) Act 1992; Solicitors' Code of Conduct 2007; Solicitors Act 1974; Administration of Justice Act 1985; Courts and Legal Services Act 1990; Fraud Act 2006; Employment Equality (Age) Regulations 2006; Vienna Convention on Consular Relations; and, Universal Declaration of Human Rights.

This proviso in no way restricts NUJ and IFJ members from releasing excerpts (with accreditation) to interested third parties including news media. Separate exposés cover unethical and illegal activities by London Freelance Branch officials in a consort with National Executive Council officers.

Independent investigation by law enforcement agencies involves an alleged pattern or practice of joint and several illegal or criminal activities by: National Union of Journalists (NUJ) executives, lawyers, and staff; National Executive Council (NEC) officers; and, London Freelance Branch (LFB) officials.

The author has little personal knowledge of other branches and chapels which do not form part of intended civil and criminal complaints; therefore, he has no opinion on their activities. Adverse comments, all verified and validated to insure accurate reporting, meet legal requirements.

***Introduction***

Paul Trummel “the Complainant” filed two complaints “the Complaints” against National Union of Journalists (NUJ). David Cockburn, Certification Officer, Certification Office for Trade Unions and Employers' Associations delayed investigation and adjudication for five months by illegal stonewalling. By that, Cockburn effectively granted NUJ officers and officials impunity to extend a seven-year pattern of illegal activity for another year.

Cockburn had adequate time and full cooperation to adjudicate the complaint. Given an opportunity to mitigate the delays, he responded with more self-serving gobbledegook and requested “an appropriate response”: a response suitable to a political purpose. He has again used ambiguous language to evade resolving a specific issue which arguably defines as obstruction of justice for political expedience. The facts indicate that he had no intent to process the complaint in the first place.

General denials form no part of the adjudication process. Cockburn must substantiate his reasons for refusal or delay by citing precedents and provide the name of a person, email address, and statute under which the Complainant can appeal his decision. His delaying tactics can only interpret as political given the involvement of three Labour ministers and a civil servant, arguably accessories after the fact to international crimes, who form an integral part of the issues.

David Miliband MP, Secretary of State for Foreign and Commonwealth Affairs; Sir Peter Ricketts, Permanent Under-Secretary and Head of the Diplomatic Service; Sir Nigel Sheinwald, British Ambassador to the United States; Jack Straw MP, Secretary of State for Justice and Lord Chancellor; and Gareth Thomas MP, Parliamentary Under-Secretary of State, Department for International Development colluded in a cover-up of HM Foreign and Commonwealth Office dereliction with Jeremy Dear, General Secretary, National Union of Journalists.

[\[Without Let or Hindrance\]](#)

Although Cockburn acknowledged the Complaint, which meets all the legal requirements, and a plethora of supporting documents, he again stonewalled by threatening to strike out the Complaint on grounds that it failed to supply basic information for an “arguable complaint”. In plain English, he used a veiled threat to dispose of the Complaint without due process by attacking genre instead of addressing content.

Since the filing, Jeremy Dear, General Secretary, National Union of Journalists (NUJ); David Rotchelle, Chair, London Freelance Branch (LFB); and Philip Sutcliffe, Vice-Chair (LFB) illegally manipulated rules for political expedience. Sutcliffe, LFB National Executive Council (NEC) officer, compounded their machination by orchestrating additional LFB election anomalies prior to the NUJ Annual Delegate Meeting (ADM) 2009 scheduled for Southport, Merseyside (19 Nov 09).

Dear, Rotchelle, and Sutcliffe (in a consort with other officers and officials) perverted the course of justice by misusing their dues-funded positions for personal gain. They colluded to manipulate elections to maintain an illegal *status quo* and to cover up misappropriation of public funds by withholding access to financial and other records. Cockburn effectively supported their illegal activities by delaying and denying justice. Their joint and several actions show an illegal pattern or practice which has adversely affected trade union member rights under the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act). [\[The Act\]](#)

### ***Credential Validation - David Cockburn***

A disingenuous merry-go-round and false and misleading statements by Cockburn opened the door to investigation of his published professional and academic credentials. Appointed as Certification Officer (01 Aug 01) and re-appointed for additional three-year periods in 2004 and 2007, he claims that he previously worked in private practice as a solicitor for 29 years after graduating from London School of Economics (LSE) with a masters degree in industrial relations.

[\[Curriculum Vitae\]](#)

David Cockburn (SRA #105868) worked (pre 1995 until 31 Jul 01) for Pattinson Brewer, a personal injury and employment law firm which claims jargon-free legal advice as one of its primary attributes. Admitted to the roll of solicitors of England and Wales (16 Jun 75), Cockburn neither holds a current practising certificate nor does he appear on the Law Society list; however,

he has no findings or orders against him by Solicitors Disciplinary Tribunal (SDT).

Organizations cited in Cockburn's *curriculum vitae* verified that he holds or held positions as: Chairman of the Code Compliance Panel of PhonepayPlus (premium rate service regulator); Treasurer of Institute of Employment Rights (00 Feb 89) until his appointment as Certification Officer (01 Aug 01).

Terisa E Chaw, Executive Director, The National Employment Lawyers Association (NELA) did not, or would not confirm, that Cockburn chaired NELA or specify the dates of that appointment and confirm him as a member in good standing.

Jean Hughes, Co-ordinator, Industrial Law Society (ILS) refused to verify published information. Mary Elizabeth Stacey, ILS Chair (SRA # 137524) neglected to respond to a similar inquiry which leaves Cockburn's claims open to question. Stacey formerly worked as Head of Equality, Thompsons Solicitors - the law firm currently under retainer by NUJ solicitors and now under a Solicitors Regulation Authority (SRA) investigation on issues connected with the Complaint. Stacey refers to herself as a solicitor; however, she no longer holds a practising certificate but remains on the roll. SRA classifies her as "a non practising solicitor". She has no SDT complaints filed against her.

Importantly, Cockburn's dubious claims to judicial and academic qualifications require validation and explanation. An obscure semantic shuffle of the Employment Tribunals Act 1996 gives new meaning to the term "employment judge". Chairmen of employment tribunals and former ambulance chasers with undergraduate law degrees can now call themselves judge.

However, for Cockburn to refer to himself as "professor " and "visiting professor" at a university when he does not possess a terminal degree or a university appointment arguably construes as fraud by false representation under the Fraud Act 2006. A representation defines as false when a person knowingly uses untrue and misleading academic qualifications on any system or device designed to receive, convey, or respond to communications. Middlesex University neglected to respond to two requests for verification of Cockburn's academic status. [\[Professor\]](#)

### ***The Certification Officer***

The Certification Officer holds responsibility for: maintaining a list of trade unions and employers' associations; ensuring compliance with statutory requirements; keeping annual returns available for public inspection; determining election, balloting, and trade union rules complaints; ensuring observance of statutory requirements governing mergers; overseeing political funds and finances; certifying trade union independence.

With several exceptions, duties imposed by the Act apply to all trade unions. Refusal or willful neglect to comply with rules classifies as a prosecutable offence. Cockburn holds a responsibility to enforce the provisions of the Act except for prosecutions for theft or fraud. He can also appoint

inspectors to investigate allegations of financial irregularities in the affairs of a trade union which he has not done in the case of serious misappropriation of public funds by NUJ.

The Act provides that any member of a trade union can file a complaint with the Certification Officer claiming a breach or threatened breach of the Act or a trade union's rules for a declaration:

- (a) the appointment or election of a person to, or the removal of a person from, any office;
- (b) disciplinary proceedings by the union (including expulsion);
- (c) the balloting of members on any issue other than industrial action;
- (d) the constitution or proceedings of any executive committee or of any decision-making meeting;
- (e) such other matters as may be specified in an order made by the Secretary of State.

### ***The Merry-go-Round***

At a meeting with Shanta Halai, Operations Support Manager and Gerard Walker, Assistant Certification Officer, the Complainant confirmed his suspicions that they had stonewalled on instructions by a supervisor and not by their own volition: a typical political ploy in bureaucratic environments. Cockburn distanced himself by placing himself on a judicial pedestal instead of addressing the issues as certification officer.

Cockburn has specific functions that he must perform under the Act. Arguably for political expedience, he has not recorded two specific complaints against National Union of Journalists (NUJ) and delayed due process by a pattern and practice of obstruction to evade his responsibilities. He imposed a media blackout by excluding details relating to the Complaint from his annual report. That allowed him to orchestrate a merry-go-round to evade his responsibilities by not recording them and effectively granted impunity to NUJ by not following mandated procedures. [*Annual Report 2008-09*]

Those procedures include his responsibility to deal with two complaints, one of which he arbitrarily declined:

1. NUJ denied access to accounting records by frustrating the issues through fraud and deceit; and,
2. NUJ neglected to ensure that its president, general secretary and members of its executive are elected to those positions in accordance with the Act.

Cockburn has not dealt with complaints by an NUJ member about a breach of NUJ rules which relates to the appointment of officials and election of officers, the constitution, and proceedings of an executive committee. Moreover, NUJ has not informed its members how they can complain should they have concerns that some irregularity occurred in the financial affairs of the trade union. The Act specifically mandates that:

A member who is concerned that some irregularity may be occurring, or has occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further,

obtaining clarification and, if necessary, securing regularisation of that conduct.

The member may raise any such concern with such one or more of the following as it seems appropriate: the officials of the union, the trustees of the property of the union, the auditor or auditors of the union, the Certification Officer (who is an independent officer appointed by the Secretary of State) and the police.

Neither Cockburn nor Dear have complied with the Act. They have not permitted the Complainant to raise concerns and have frustrated filing of complaints by stonewalling and in the case of Dear, record withholding. Under the Act, Cockburn can give a direction to NUJ to produce relevant documents and explanations of them. He has not done so although repeatedly advised of the circumstances of the withholding. [[Silent Withholding](#)]

In addition, Cockburn may appoint inspectors to investigate NUJ financial affairs and to report on them if one or more of the following circumstances apply:

that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully;

that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management;

that the organisation concerned has failed to comply with a duty under the Act relating to its financial affairs; or,

that a rule of the organisation relating to its financial affairs has not been complied with.

The Complaints involve all four of those circumstances; however, Cockburn has neither appointed investigators nor given orders to NUJ to cease and desist its fraudulent practices. He brazenly reported in the annual report that during the reporting period he "did not find it was necessary to use his powers under section 37A of the 1992 Act to require documents to be produced by any trade union". Instead, he used his staff as proxies to create an illegal merry-go-round and obstruct due process using identical ploys to those used by Dear to frustrate the Complainant.

Cockburn claimed at the end of the last reporting year that he had only three enquiries outstanding; however, the Complaint remains conspicuous by its absence from that list. He stated that over the past year he determined twenty-nine complaints. Twenty-three of those complaints alleged that a union had breached its own rules and the other six related to breaches of statutory provisions. The Complaints fall into both categories but do not appear on the list which arguably classifies as a fraudulent omission to evade responsibility.

David Taylor, Certification Office acknowledged receipt of the Complaints on 19 March 2009; therefore, Cockburn should have listed them with their status in the annual report that covered the period 1 April 2008 to 31 March 2009. Cockburn grievously omitted the Complaint from the annual report submitted to a government minister which requires investigation as a serious breach of the Act.

The omission certainly construes as false and misleading and the intention disingenuous. As required by the Act, Cockburn submitted the annual report (08 Jul 09) over his personal signature to The Rt Hon Lord Mandelson, Secretary of State for Business, Innovation and Skills; with a copy to Ed Sweeney, Chair, Advisory, Conciliation and Arbitration Service (ACAS).

Using his usual gobbledegook, Cockburn ambiguously states that he received two enquiries concerning elections about which his office presently corresponds with complainants. He then contradicts himself by claiming that he received seven applications relating to elections, one of which he determined and the other six he dismissed as “inappropriate”. He does not name the complainants, cite precedents, or provide legitimate reasons for arbitrary delays and dismissals.

Cockburn boasted about the number of hits on his web site article dealing with member exclusion from a statutory election appealed to Employment Appeal Tribunal; however, he again studiously avoided mention of the Complaints. Arguably, that reference to his web site opened the door to complaints under laws that prohibit prior restraint by public actors using media blackouts to evade their responsibilities. Cockburn used ploys similar to those used by Jeremy Dear who imposed a seven-year media blackout covering the same issues which Cockburn has evidently buried.

### ***Access to Accounting Records***

The Act provides members of trade unions with a right of access to accounting records. When a union fails to comply, the member has the option of applying to the court or to the Certification Officer. Cockburn has authority to make an order and enforce it in the same way as an order of a court; however, he has neglected to meet his responsibility to convene a hearing.

The Act requires him to make a determination within six months; however, five months have elapsed without him taking action on multiple reports of document withholding and alleged fraud by NUJ which also confounds filing of criminal complaints.

The Act states that the complainant must belong to NUJ or have held membership at the time of the alleged or threatened breach; however, the Certification Officer may not consider an application if the claimant has applied to a court in respect of the same matter. Similarly, once the Certification Officer has received a complaint the same matter may not receive consideration by a court. Using this proviso, Cockburn and Dear have, either jointly or severally, created a Catch-22 that evades personal responsibility to address the issues.

Members cannot complain to the Cockburn if they have applied to a court in respect of the same matter, even if the person subsequently withdraws the application to the court. Similarly, once an application has been made to Cockburn, the claimant may not then apply to the court. This loophole allows denial and obstruction of justice by forcing premature procedural decisions: contempt prior to investigation. This play figures prominently in *The Solicitors' Little Book of Dirty*

*Tricks* given to all lawyers on admission to the bar.

For example, a Catch-22 allows disingenuous court proceedings which result in unlawful findings that present a dilemma from which the Complainant has no legal escape. A Complainant who refuses to accept a finding will probably languish in jail for contempt of court; conversely, one who accepts an unlawful order will probably end up in jail for committing unlawful acts. [\[Kafkaesque Experiences\]](#)

### **Conclusion**

Instead of resolving problems related to multiple rule violation, the latest responses from both Dear and Cockburn exacerbate the situation. They constitute another attempt to stonewall access to records and to correct balloting and election violations. Silent withholding of documents classifies as an ethical violation which constitutes a crime when it involves fraud, denial of due process, or discrimination in providing member services.

The Act requires elections of certain officers and all NUJ executive council officials by postal ballot of the members conducted in accordance with statutory provisions. If officials or officers wish to remain in their position for more than five years, then they must submit to reelection procedures. NUJ must ensure that no-one takes up a position as a member of its executive committee, or as its general secretary without election to that position. Nor may anyone remain in such a position for more than five years without re-election.

Individual NUJ members have the statutory right to apply to Cockburn for a declaration that NUJ has failed to comply with one or more of the relevant provisions of the Act. He must then determine any such application and give written reasons for his decision. Cockburn can then accept or deny the declaration sought. Any finding by him would remain subject to appeal on any question of law to the Employment Appeal Tribunal (EAT).

Although Cockburn has powers to deal with breaches of NUJ rules governing elections and certain other matters, he has neglected to use them despite repeated reports of alleged criminal activity and election fraud. Those powers now require a public hearing for the Complainant and NUJ to express their claims and allow refutation.

The Act provides that Cockburn issue an enforcement order to Dear that imposes on the union one or more of the following requirements:

- (a) to secure the holding of an election in accordance with the order.
- (b) to take such other steps to remedy the declared failure as the Certification Officer may specify in the order.
- (c) to abstain from such acts as the Certification Officer specifies with a view to securing that a failure of the same, or similar kind, does not occur in the future.

Reasonable NUJ members must ask:

How do we enforce our rights in a despotic oligarchy led by an unelected sociopath who ignores law and rules to collude with government ministers and officials for political expediency?

Solidarity among journalists, that existed several decades ago, no longer exists. Too many of them have followed their mothers' politically correct admonition: "If you cannot say something nice about somebody else then say nothing". Moreover, media trade unions have become politically correct private clubs for a media elite giving only lip-service to ethical behavior. It seems that fear of losing money and jobs have taken precedence over journalism ethics. [\[The Fifth Estate\]](#)

#### *Related Web Pages*

Silent Withholding

[Contra Cabal 880-43-00](#)

Jeremy Dear, General Secretary, NUJ - Open Letter #1

[Contra Cabal 880-43-01](#)

John Toner, UK Freelance Organiser, NUJ - Open Letter #2

[Contra Cabal 880-43-02](#)

Trade Union and Labour Relations Complaint - David Cockburn

[Contra Cabal 880-43-03](#)

Public Inquiry

[Contra Cabal 880-46-00](#)

© Copyright 2009 by Paul Trummel

All Rights Reserved: 04 August 09/17:42

Edition: #880-43-03/09-0816-1853

Feedback: [Webspinner@ContraCabal.org](mailto:Webspinner@ContraCabal.org)