



Matt Wrack General Secretary
Bradley House, 68 Coombe Road,
Kingston-upon-Thames, Surrey KT2 7AE
fbu.org.uk | @fbunational
020 8541 1765 | office@fbu.org.uk

Circular: 2024HOC0135MR

Date: 8 March 2024

To: **All Members**

Dear Brother/Sister

Setting the record straight: false and inaccurate claims regarding FBU rules and processes

The union has been made aware of various claims made on social media regarding an issue which was recently considered by the FBU Executive Council.

This arises from an anonymous blog site, also linked to **X** (formerly Twitter), recently publishing several misleading blogs relating to a complaint/allegation made by an individual against two officials of the FBU. It is not common practice for the union to respond to anonymous social media posts but in this case we feel it necessary that members are provided with the facts.

Background

1. In February 2022 an individual (who is an FBU member and also directly linked to the blog mentioned above), wrote to National Officer Bro la Torre demanding the sum of £10,000 and threatening to bring a claim of libel/defamation against him if he failed to pay.
2. Bro la Torre refused and sought legal advice. He was advised that he would be able to defend the claim vigorously.
3. The individual began proceedings against Bro la Torre. On the 14th April 2022 Thompsons wrote to the individual informing him that any proceedings against Bro la Torre would be vigorously contested.
4. Bro la Torre, did not request support or funding from the FBU at any time. Although he was being advised by Thompsons solicitors, this was on the understanding he would self-fund any costs incurred.
5. On 6 July 2022, the Executive Council was informed through a legal report given by the union's legal officer Bro Rowe, that Bro la Torre had instructed Thompsons on a private basis and that on the 28th February 2022 they (Thompsons) replied on his behalf denying the individual's claim for damages.

6. Upon hearing this report the Executive Council discussed the case in detail, including the individual's pattern of behaviour towards Bro la Torre and decided unanimously that:
 1. *The EC agree that the union will fund the initial stage of Bro la Torre's defence, the challenge on jurisdiction, and to continue support subject to review at each stage of the process.*
7. To be clear this decision was **not** asked for or sought by Bro la Torre. He **did not** speak during the debate. The General Secretary also **did not** speak or make any recommendation on the issue the Executive Council discussed.
8. Following Bro la Torre's denial of the individual's claim for damages the individual discontinued his claim against Bro la Torre the evening before the claim was due in court for a decision on jurisdiction.
9. The individual was eventually ordered to pay all of Bro la Torre's costs to a sum in the region of £29,000.
10. The individual attempted to challenge and appeal this decision but he was unsuccessful. The individual has now paid the cost order and neither Bro la Torre nor the union were required to fund any costs of defending the claim, that Bro la Torre's defence argued to be spurious and vexatious throughout.

The "allegations"

- a. Shortly after the award of costs against him, the individual decided to bring internal complaints through the FBU against Bro Wrack and Bro la Torre.
- b. The individual did not previously raise any such complaint through union policy, the union's disciplinary procedure, or otherwise. The individual previously made no allegation of discrimination, harassment or bullying. Instead, the individual chose to pursue the matter through the civil courts with claims of libel/defamation and to demand a sum of money.
- c. A hearing before the Executive Council was scheduled for 22 February 2024 for the case to be heard.
- d. Prior to this legal advice was sought and was presented to the Executive Council. This legal advice was provided by John Hendy KC and Nicholas Toms, both senior barristers specialising in employment and trade union law.
- e. The advice was clear that the allegations made against Bro la Torre and Bro Wrack were not valid under the FBU rules. The allegations were, they concluded, wholly spurious and without merit.
- f. The legal advice advised that the union should not progress or consider the complaints further; stating that to do so would place the FBU at serious risk legally and reputationally.
- g. The Executive Council debated the advice and decided **unanimously** to halt all proceedings and dismiss the complaints as invalid.

The argument in brief

The allegations made by the individual related to the provision of legal support to Bro la Torre. As explained above, neither Bro Wrack nor Bro la Torre played **any part whatsoever** in that decision. The decision was taken by members of the Executive Council alone, without a recommendation from the General Secretary and without seeking his advice.

It will be obvious to all FBU members, that to attempt to discipline employees (no matter how senior) for actions taken by their employer (the Executive Council) without their participation would be highly unusual, if not perverse.

In any case, the Executive Council was fully entitled under the rules of the FBU [see Rule C3 especially Rule C3 (6)] to make its decision to support Bro la Torre in his defence against a legal attack on an official and against the demand for £10,000.

Avoiding the arguments by misdirection

The arguments against the case were put so clearly that the Executive Council decided unanimously to dismiss any case and to proceed no further. Nevertheless, the anonymous author of the blog now attempts to divert attention from this by making personal attacks on the characters of John Hendy and Nicholas Toms.

- John Hendy KC is, without question, the best known trade union lawyer in the Britain today. He has represented trade unions in high profile cases since the 1970s and has been described by the press as “the barrister champion of the trade union movement.”
- Nicholas Toms is a well-known employment and trade union lawyer with decades of experience, including many cases for the FBU. He advised our union in the Grenfell Tower inquiry and, as long ago as the 1990s, was winning high profile FBU cases, including winning reinstatement orders for victimised FBU members.

Both barristers are required to give their best professional and legal advice. There is no question that that is precisely what they did. Instead of answering any of the points raised, the anonymous author of the blog attempts to divert attention by questioning their character.

The above, are the facts of the matter. We now hope that the union does not have to waste further time or resources responding to a blog that appears to devote an unhealthy level of time and attention seeking to personally attack a number of serving FBU officials.

The FBU will focus all efforts on achieving an acceptable pay award for 2024, campaigning for Fire & Rescue Service issues in the upcoming election, addressing the threats from contaminants and further developing campaigns in the best interests of FBU members.

Yours in Unity,

A handwritten signature in black ink, appearing to read 'Mark Rowe', with a stylized flourish at the end.

Mark Rowe
National Officer

MR/jr