

LABOUR PARTY COMPLAINTS POLICY

Complaints Policy

Introduction

The Labour Party is committed to ensuring that its members' conduct reflects its values and complies with its rules. People may want to tell us when they believe our members have demonstrated behaviour that is not aligned with our rules, values and expectations as a Party. We believe dealing effectively with all such complaints is essential to ensuring we have an open and transparent commitment to Labour values and we can continue to learn and improve.

This Policy sets out how complaints will be dealt with, ensuring concerns raised are considered and any resulting changes or improvements made, where required.

The Policy seeks to address the need for clarity and transparency in relation to how the Labour Party handles complaints. Its purpose is to ensure a consistent, clear and focused approach is taken by all staff involved in handling complaints and is used in conjunction with specific staff training and guidance.

The Policy

The Labour Party's Complaints Policy ensures that:

- a) Users of the service can expect clarity and consistency**
- b) Complaints will be managed in accordance with best practice**
- c) Staff will feel empowered to take responsibility and handle member complaints effectively and consistently in accordance with agreed procedures**
- d) Complaint themes and outcomes will be captured and used as insight to drive improvement across the membership**

What is a complaint?

A complaint is any expression of dissatisfaction with the behaviour or action demonstrated by a Labour Party member, which also evidences a breach of its rules and/or conduct requirements.

Who can complain?

Anyone who has been affected by the behaviour, action or conduct of a member of the Labour Party, can raise a complaint; they don't need to be a Labour Party member themselves.

If the behaviour, action or conduct was not specifically directed at the person raising the complaint, we will still consider the complaint but we will be unable to update them due to the requirements for confidentiality and data protection. (In this instance, the person raising the complaint will be referred to as a third party, not a complainant.)

1. Our guiding principles

All complaints are taken seriously, dealt with appropriately and where necessary acted upon.

We will:

- Show understanding to the complainant, responding clearly and appropriately to the circumstances
- Provide an outcome as soon as possible
- Keep the complainant informed about the complaint's progress
- Make sure our response addresses all elements of the complaint and provides explanations for any decisions made or actions taken
- Use complaint information in a positive way to try to prevent similar occurrences in the future

All complaints and outcomes (regardless of whether an investigation proceeds) will be recorded to ensure that we can learn and can report on and analyse our complaint handling processes.

2. What this Policy covers

a. Complaints covered under this policy:

Complaints can be raised where one or more of the Labour Party's rules and/or the Party's National Executive Committee's (**NEC**) codes of conduct have been breached.

A complaint could be (but not limited to) in relation to any of the following:

- A member has discriminated against someone on the basis of that person's protected characteristic(s)
- A member has bullied, harassed, and/or intimidated someone
- A member has sexually harassed someone
- A member has exhibited clear racist behaviour or has incited racism, including antisemitism and/or Islamophobia

- A member has exhibited clear homophobic, sexist and/or transphobic behaviour
- A member has harassed, intimidated and/or otherwise abused someone/people online (for example, via social media)
- A member has openly campaigned against the Labour Party
- A member has engaged in criminal activity

Every complaint will be considered on its individual merits and, after an initial assessment, a decision will be made on whether the complaints procedure should be implemented. In accordance with the Labour Party's agreed procedures, such decisions will be made by its Governance and Legal Unit (**GLU**).

b. Complaints not covered by this Policy:

There may be occasions where someone has submitted a complaint but it isn't appropriate to follow the Complaints Policy. They will be advised of this at the earliest possible opportunity and given information about any alternative procedure (if applicable).

Details of the exclusions to the Complaints Policy are contained in Appendix 1 to this Policy.

3. Complaint handling

i. Procedure

There are essentially three different complaint handling procedures, for complaints relating to: sexual harassment, discrimination based on a protected characteristic such as antisemitism and all other complaints. The procedures for all complaints are very similar but the sensitivities around sexual harassment and antisemitism mean that there is an independent overview of the process.

A member of staff within the GLU will firstly assess a complaint to see if it merits investigation and shouldn't be excluded (see Appendix 1 to this Policy). If the complaint is to be investigated, then the evidence supplied with the complaint will be considered. If more information is required then they will attempt to obtain this, either through independent research, from the complainant or from the member being complained about (also known as the respondent). Once they have enough information, or they can obtain nothing more, a decision will be made as to whether the member has breached the Labour Party's rules and/or conduct requirements.

At the outcome of the complaint investigation, a report will be written and a recommendation will be made to the NEC. The NEC can make a decision themselves or refer the complaint to the National Constitution Committee (NCC) for their

decision. Cases that involve witnesses, which cannot be determined on the written evidence alone, will be referred to the NCC.

ii. Outcome

The potential outcomes of a complaint are:

- No further action
- Issue a reminder of values to the member
- Issue a reminder of conduct to the member
- Issue a formal warning to the member
- Require the member to undergo an education or training programme
- Suspend the member for a defined period of time
- Restrict some or all of someone's membership rights for a defined period of time (for example, the ability to be, or to seek selection as an elected representative of the Party)
- Expel someone from Party membership
- 'Auto-exclusion' (e.g. if the member has become automatically ineligible to be a Labour Party member by joining another political party)

4. Complaint resolution involvement

Generally, those involved in trying to resolve complaints will be staff employed by the Labour Party. However, there are times when independent people will be commissioned to be involved. Mostly, this will be due to sensitivities around the subject matter and in order to ensure that the complainant's interests are protected, for example, in complaints about sexual harassment. In all circumstances we will explain the nature of any independent involvement in our processes to complainants and respondents, and the same standards of confidentiality shall apply as if the investigation were being conducted by a member of Labour Party staff.

5. Timeliness

The Labour Party is committed to trying to ensure that complaints are dealt with in as timely a manner as possible. Complaints, where the issues are more complex, or they require more detailed investigation will undoubtedly take longer than those that are more straightforward. However, we will always prioritise those complaints that are clearly more urgent.

6. Suspending complaints

Complaint investigations may be suspended if the complaint is subject to, in particular, any of the following procedures:

- Safeguarding of vulnerable adults and/or children
- Court proceedings
- Criminal proceedings
- Standards investigations (for example in local government)

A manager in the GLU will make the decision to suspend and/or to continue a Party investigation.

7. Discontinuing complaints

The Labour Party can decide to stop the investigation or review of a complaint if the complainant fails to respond to requests for information. This will only happen if contact has been attempted at least three different times over a period of (at least) two months, no response has been received and it is not otherwise possible to investigate the complaint without the input of the complainant. The decision to discontinue a complaint will be made by a manager and the complainant informed accordingly.

8. Withdrawing complaints

A complaint may be withdrawn verbally or in writing at any time by the complainant. Where this occurs, the appropriate manager or another member of the GLU will write to the complainant confirming the withdrawal and advising them that if their intention has been misunderstood, to let us know as soon as possible.

9. Re-opening complaints

A complainant can request that their complaint is re-opened if:

- We have misunderstood their intention to withdraw their complaint
- Their complaint was discontinued due to their non-response, but the complainant can explain why this was and is now able to engage with staff

A manager in the Governance and Legal Unit will consider and, if appropriate (for example, if it is proportionate and reasonable in all the circumstances), authorise the reopening of the complaint.

10. Unreasonable behaviour or vexatious complaints

The inclusion of this section within this Policy is to ensure that individuals who pursue complaints in an unreasonable manner or where we deem them to be persistent or vexatious, are dealt with appropriately, whilst ensuring that other complainants or Labour Party staff are not adversely affected. Examples of unreasonable behaviour are detailed in Appendix 2 of this Policy.

It is not possible to devise a single strategy to deal with complaints that are pursued unreasonably, or which are persistent or vexatious, as each case must be looked at on its own merits. If the Labour Party considers that a complainant's behaviour is unreasonable, the following procedure will be followed:

- We will inform the complainant, in writing, why we feel their behaviours or actions are unacceptable
- We will give them the opportunity to change their behaviours within a reasonable timescale before taking any further action

- Should the behaviours persist, evidence of these will be gathered and presented to a manager in the GLU
- The manager will review the evidence and then decide on any restrictions to be applied to the complainant and how long these should last

The Labour Party can apply restrictions in the ways the complainant can access its complaint services, which may include one or more of the following:

- The Labour Party will take no further action on their complaint
- The complainant's use of the Labour Party's complaints system will be limited to a single point of contact
- The Labour Party will not respond to any further contact, unless legally obligated to do so
- Legal action may be taken, including injunctions and/or court orders

The complainant will be notified of any restrictions applied to them in writing within five working days of the decision.

There is no right of appeal to the Labour Party regarding the implementation of this section of the Policy. Information concerning the restrictions will be shared with relevant staff. This information will also be registered on the complainant's member record (if appropriate) whilst restrictions are in place.

Monitoring and Review

This Policy will be reviewed annually and in accordance with current Labour Party procedures and legislation.

The Policy will also be monitored in line with feedback received from staff and stakeholders, and alongside the complaints procedure and guidance provided.

Indicators of success will include:

- Positive feedback from users of the Policy
- A continuing trend of learning and improvement within the Labour Party
- Empowered and efficient staff

Appendices

1. Exclusions from the Complaints Policy

- i) **Comments on Labour Party policy or strategy** - this type of feedback can be submitted to your National Policy Forum Representative, and you can find out who that is [here](#).
- ii) **Appeal process against a decision made by the NEC**
- iii) **Not agreeing with a decision made in respect of a complaint**
- iv) **Complaints about elected representatives that specifically relate to the way in which they carry out their duties as an elected representative** - these are subject to the jurisdiction of the relevant standards body
- v) **Political decisions relating to the composition of the Shadow Cabinet, the Parliamentary whip and/or the business of the Parliamentary Labour Party**
- vi) **Complaints about or by Party staff or other personnel issues** (such as disciplinary or grievance) or recruitment and selection process – these will normally be dealt with under internal HR policies and procedures
- vii) **Allegations of fraud, theft, corruption or other criminal activity about a member** – any serious concerns about a member should be reported to the Police
- viii) **Complaints about data protection or subject access requests** – email dataprotection@labour.org.uk to report a data breach or to make a subject access request in relation to the personal data the Labour Party holds about you
- ix) **Complaints that have already exhausted our process** – if the same complaint has received a final written decision
- x) **Complaints that are already part of legal or Court proceedings, claims for compensation or standards committees', investigations or hearings** – we will not consider a complaint while these proceedings are ongoing. We may choose to suspend a complaint until the external proceedings are complete.
- xi) **Complaints that do not constitute a breach of the Labour Party's rules or conduct requirements**

2. Vexatious complaints and unreasonable behaviour

A complaint could be considered to be pursued unreasonably or to be persistent or vexatious where the person demonstrates (without limitation) any of the following behaviours:

- Persists in pursuing a complaint where the Complaints Policy has been fully and properly implemented and exhausted
- Raises an unacceptable number of complaints about one, or several, members that are considered to be unjustified, trivial and/or malicious
- Refuses to accept a decision made on a complaint, repeatedly arguing points with no new evidence or insufficient evidence
- Refuses to accept that certain issues are not within the scope of the Labour Party's complaints procedures
- Introduces trivial or irrelevant information which they expect to be considered and commented on
- Sends repeated, persistent and/or abusive communications in connection with the same complaint (or with minor additions or variations) or makes / publishes derogatory statements about staff and/or members
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint has been addressed or is groundless)
- Makes, or has made, excessive demands on the time and resources of staff
- Has harassed, used threats to intimidate, or been personally abusive, offensive or aggressive on repeated occasions, despite being informed that this is unacceptable
- Knowingly provides falsified information
- Publishes unacceptable, derogatory information or statements about the Labour Party, and/or its members and/or staff
- Has made a number of contacts and/or use of a 'scatter gun' approach by pursuing complaints with several staff members (or email addresses) of the Labour Party, despite being informed that this is not necessary