

# Labour Party Sexual Harassment Procedure

If you would like this procedure in an accessible format such as large print, please email [sexual\\_harassment@labour.org.uk](mailto:sexual_harassment@labour.org.uk) or telephone 0207 783 1292.

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## 1. Introduction

This document outlines the Labour Party's approach to complaints of sexual harassment and describes:

- the support available to complainants who experience this behaviour;
- the procedure the party will use to record, assess, and investigate complaints of sexual harassment; and
- the disciplinary process that is used to test evidence and adjudicate on cases of sexual harassment.

This procedure replaces the Sexual Harassment Policy and Procedure adopted by the NEC in January 2019 and should be read in conjunction with the Labour Party Code of Conduct: Sexual Harassment and Gender Discrimination (which can be found in the Labour Party Rule Book).

This procedure will be reviewed on an annual basis to ensure it continues to meet the standards of best practice. This procedure will next be reviewed on 1 October 2022.

## 2. Sexual harassment and the Labour Party

The Labour Party strives to provide a safe space for people to engage in campaigning and other political activity. The Labour Party has a zero tolerance approach to sexual harassment and will take all complaints of this nature extremely seriously. If a Labour Party member or a person involved

in our activities experiences any behaviour that they feel amounts to sexual harassment towards themselves or anyone else, they are strongly encouraged to report it to us as soon as possible using the dedicated sexual harassment complaints portal, or if unsure what to do, get advice and support from the free Independent Support Service provided by Victim Support who are independent of the Labour Party. They can explain the options available and can support the person concerned through the Labour Party's complaints process if they decide to use it.

### 3. What is sexual harassment?

Sexual harassment is a form of sex discrimination. It takes place when someone is subjected to unwelcome and unwanted sexual behaviour or other conduct related to their gender.

Harassment is defined by law in the Equality Act 2010 as:

*"Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual."*

In the case of sexual harassment, the relevant protected characteristic is sex. The Labour Party recognises that sexual harassment can be experienced by any person alongside other forms of harassment, and that black women, disabled women, lesbian, bisexual and trans women can be specifically targeted for sexual harassment. All are included and covered by this procedure.

The NEC has adopted a Code of Conduct: Sexual Harassment and Gender Discrimination. This explains the kinds of behaviour likely to be regarded as sexual harassment. Under the Equality Act 2010 and the Code of Conduct, behaviour that constitutes sexual harassment includes, but is not limited to:

- Sexual assault or rape;
- Unwelcome or inappropriate behaviour of a sexual nature. This may be either physical or verbal and includes unwelcome sexual advances;
- Unwanted physical contact such as hugging, kissing and touching;
- Inappropriate or suggestive remarks or verbal sexual advances;
- Indecent comments, jokes or innuendos relating to a person's looks or private life or being subjected to sexual jokes or propositions;
- Requests for sexual favours;
- Someone making sexually degrading comments or gestures;
- Your body being stared or leered at;
- Someone displaying sexually explicit pictures in your space or a shared space;
- Offers of rewards in return for sexual favours; and/or
- The display or circulation of pornography or indecent images.

Some of this behaviour may involve sexual violence or abuse amounting to a crime and we will always encourage complainants to contact the police where appropriate. At the other end of the spectrum, the behaviour may offend the person concerned or make them feel uncomfortable, but might be brushed off by the harasser as 'banter' or harmless flirting. It is important to remember that the impact the behaviour had on the victim is the most important factor. It is less important whether the perpetrator intended to cause that effect.

### 4. Our Sexual Harassment Procedure

The Labour Party Rule Book forms a contract between our members and the Party. The Party's complaints and disciplinary procedures are designed to determine whether a member has behaved in a way that is contrary to the Party's rules about conduct, and if so, to ensure that appropriate steps are taken against that member. A range of disciplinary sanctions are available to the Party, and the ultimate sanction that may result from the Sexual Harassment Procedure is that the member complained about is expelled from membership of the Party. The complaints and disciplinary process operates confidentially and in a way that ensures fair treatment of everyone involved. The rules apply equally to every member – whether they are a young person who has just joined the Party, or an experienced member who is an MP or other public figure.

It is important to note that the Labour Party has separate procedures and a Safeguarding Code of Conduct in relation to how it protects children and adults at risk. If you are reporting a safeguarding concern or complaint involving a child or an adult who may meet the definition of an Adult at Risk, you should contact the Labour Party Safeguarding Unit at [safeguarding@labour.org.uk](mailto:safeguarding@labour.org.uk) or telephone 0207 783 1134. You can find further information about how we keep children and adults at risk safe at [labour.org.uk/safeguarding](http://labour.org.uk/safeguarding).

### 5. Confidentiality and information security.

It is important that disciplinary action taken by the Labour Party pursuant to Chapters 2, 6, 7, 8 and/or 13 of the Labour Party Rule Book is kept confidential by the Labour Party, its members and its officers so as to maintain the integrity of any disciplinary investigations and to preserve any relevant evidence. Therefore, members must keep information, correspondence and Confidential Matters pertaining to individual disciplinary cases private and must avoid disclosing any such information, correspondence or confidential matters to any party, except in certain circumstances, including but not limited to:

- a. Where disclosure is required by law or by a legal obligation; and
- b. Where it is necessary for a member who is subject to disciplinary proceedings to make disclosure for the purpose of and in order to obtain legal advice, medical or social support, or support from close family members, trade unions.

Further information on this can be found in the Labour Party's Code of Conduct on Confidentiality and Privacy.

No member of the Labour Party, and in particular elected members with a public profile, should comment publically or on social media about on-going sexual harassment cases and all members should have due regard to the Labour Party's Social Media Code of Conduct which states:

*"We wish to build a diverse movement that reflects the whole of society, so should always consider how our actions and words may limit the confidence or otherwise exclude either those less knowledgeable than ourselves or those already under-represented in politics."*

### **6. Independent support for complainants throughout the complaint process**

The Labour Party and Co-operative Party have jointly commissioned a new Independent Support Service for complainants of Sexual Harassment to either organisation which will be fully operational as of the beginning of August 2022. Provided by Victim Support, who have a wealth of experience delivering similar schemes, the service offers support, information and advice by telephone and email where a complainant is considering reporting a complaint of sexual harassment to either the Labour Party or the Co-operative Party. Victim Support will also offer ongoing support to complainants who are in the process of going through either, or both, sexual harassment procedures, through to the conclusion of their complaint.

Initial support is available by telephone or email from 8am to 6pm Monday to Friday (excluding bank holidays) and the service will also be available to staff who wish to refer a complainant over to the Independent Support Service after speaking to them, or to arrange a call back from the service."

Staff from the Independent Support Service can provide information to complainants by telephone or email about the Labour Party's sexual harassment procedure, including how to report a complaint, the role of the Independent Investigator (see section 7.3), and the different stages of the sexual harassment procedure. They can respond to any concerns or questions the complainant may have, for example, whether the complainant can remain anonymous throughout the process or what happens during a hearing that may be held as part of the disciplinary process. The service can also provide on-going one to one telephone (non-therapeutic) support for Complainants who have made a complaint to the Labour Party which is subject to investigation and/or disciplinary action.

The Independent Support Service can also provide victims of sexual harassment or sexual assault with advice on wellbeing and how to access additional support from the NHS, police or third sector organisations. If the Complainant is not sure whether they wish to report their

complaint, the service can also signpost victims of sexual harassment or sexual assault to other organisations who can undertake investigations or offer additional support, for example, the police or Parliament's Independent Complaints and Grievance Scheme.

### 7. Stages of the Labour Party Sexual Harassment Procedure

We know that reporting sexual harassment to any organisation can be a difficult and daunting prospect. The following sections provide further details of the different stages of the Labour Party Sexual Harassment Procedure. They are intended to provide a detailed overview of the steps the party takes when it receives a complaint of sexual harassment.

If you have any questions about any stage of the process, you can contact a member of Complaints team who has had specialist training by emailing [sexual\\_harassment@labour.org.uk](mailto:sexual_harassment@labour.org.uk) or by telephoning 0207 783 1292.

1. *Contacting the Labour Party*
2. *Making a formal complaint of sexual harassment to the Labour Party*
3. *Complainant's statement and evidence gathering*
4. *Respondent's account and evidence gathering*
5. *Report Preparation*
6. *National Executive Committee (NEC) Sexual Harassment Panel*
7. *Referral to the Independent Complaints Board (ICB)*
8. *ICB Hearings*

#### 1. Contacting the Labour Party

Complainants of sexual harassment may contact the Labour Party for a number of reasons (please note that this list is not exhaustive):

- To ask for information about the sexual harassment procedure;
- To discuss an incident or a complaint they wish to report;

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- To report an incident of sexual harassment to the party but where they are unsure if they wish to make a formal complaint;
- To report a formal complaint of sexual harassment about a Labour Party member.

Any person can make a formal complaint, report an incident of sexual harassment, or ask for information, directly to the Labour Party via the Labour Party's Sexual Harassment portal which is operated by trained members of the Governance and Legal Unit.

E-mail: [sexual\\_harassment@labour.org.uk](mailto:sexual_harassment@labour.org.uk)

Phone: 0207 783 1292

(Please note if calling, you will be asked to leave a voicemail and a member of the team will return your call.)

Any person can also report a complaint to the Labour Party using the [online form](#) on the Labour Party website.

As detailed in Section 6, Complainants can contact the Independent Support Service for guidance and support..

### 2. Making a formal complaint of sexual harassment to the Labour Party

A formal complaint of sexual harassment must be a written complaint which must be submitted to the Sexual Harassment Team by emailing [sexual\\_harassment@labour.org.uk](mailto:sexual_harassment@labour.org.uk) or by submitting the complaint on the Labour Party website using the [online form](#). A formal complaint will always be investigated by the Labour Party, except in circumstances where the complainant withdraws their support for the complaint to be investigated.

A formal complaint of sexual harassment should include the following information:

1. The name, telephone and email address of the Complainant  
(So that we can make contact with them)
2. The name of the person about whom the complaint is being made (the Respondent) and any additional identifying details available
3. Details of the complaint: Who was involved? What happened? When did it happen? Where did it happen?
4. Confirmation that the Complainant wants the Labour Party to investigate the complaint.
5. Confirmation of whether they would prefer a male or female Independent Investigator (where practical, we will always agree to this request).

When a formal complaint of sexual harassment has been received, the Sexual Harassment Team will record the details confidentially and the complaint will be reported to the Head of Complaints for assessment as to what further action is required.

The Labour Party cannot accept formal complaints of sexual harassment where the Complainant is anonymous or is a third party who is not the independent advice line. This is because our formal complaint process must be fair to both the Complainant and Respondent. The Party can only investigate complaints about, and take disciplinary action against, current members of the Labour Party. Where a complaint is made about a former member, then this information will be logged and assessed to identify what further action can be taken. Every formal complaint or incident of sexual harassment reported to the party will be logged and assessed.

### 3. Complainant statement and evidence gathering

The Labour Party works with a team of highly skilled and experienced investigators when investigating complaints of sexual harassment. These investigators are independent and are not employees or volunteers of the Labour Party.

When a formal complaint of sexual harassment has been logged and assessed, the Head of Complaints will refer the complaint to the lead Independent Investigator. The Head of Complaints will refer the details of the formal complaint to the lead Independent Investigator and this information will include:

- The name, telephone and email address of the Complainant
- The name of the person about whom the complaint is being made (the Respondent) and any additional identifying details available
- Details of the complaint: Who was involved? What happened? When did it happen? Where did it happen?

- Confirmation that the complainant wants the Labour Party to investigate the complaint.
- Confirmation of whether they would prefer a male or female Independent Investigator  
\*where practical we will always agree to this request

The lead Independent Investigator will review the complaint and prepare a Terms of Reference/Investigation Plan. This plan will be shared with the Head of Complaints.

An Independent Investigator will be assigned to the case by the lead Independent Investigator and will make contact with the complainant (usually within 72 hours (not including weekends) of a formal complaint being referred to the lead Independent Investigator). The Independent Investigator will work with the Complainant to obtain a detailed written account of what has happened. The Independent Investigator will usually work with the Complainant using video technology like Zoom or Microsoft Teams or by telephone. In certain circumstances, they may meet with the Complainant in person. The written account prepared will form the Complainant's evidential statement which will then be used in any disciplinary case.

When obtaining the written account, the Independent Investigator will also identify and take copies of any additional evidence that may be available. This might include text or WhatsApp messages, videos, photos or screenshots or other documentary evidence. They will also identify any primary witnesses to incidents which have occurred. A primary witness (sometimes called an eye-witness) is defined as a witness who directly saw something and can provide a first-hand account of it. The Labour Party does not include character testimony or statements from secondary witnesses when investigating a complaint. These may be submitted to a panel of the Independent Complaints Board (ICB) directly if a case reaches that stage of the disciplinary process.

Once the complainant's statement has been drafted, the Independent Investigator will forward it to the complainant and ask them to confirm that it is a true and accurate account of what happened and contains all of the information they want to be included in the case, with any accompanying evidence. Where possible the complainant should be asked to sign and date the account (this may be done electronically where necessary) and it should include the following statement of truth:

***"I believe that the facts stated in this [name document being verified] are true. I understand that disciplinary proceedings in relation to the Labour Party rulebook may be brought against any member of the Labour Party who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth."***



The Independent Investigator, who may be assisted by members of the Sexual Harassment Team, will then make contact with primary witnesses and take witness accounts from them (where they agree).

Once the Complainant's statement has been taken and any additional evidence has been gathered, the Independent Investigator will prepare a document listing each individual allegation the Complainant has made of behaviour that meets the definition of sexual harassment detailed in the Labour Party Code of Conduct: Sexual Harassment and Gender Discrimination. This list of allegations will form those allegation(s) that the NEC Sexual Harassment Panel will consider and any notice of allegations provided to the Independent Complaints Board. Once this has been prepared, this stage of the procedure is completed.

#### 4. Respondent's account and evidence gathering

The Independent Investigator will review the evidence they have gathered and will prepare a Request for Response (**RFR**) which will be emailed to the Respondent. The purpose of a RFR is to give the Respondent an opportunity to fully respond to any allegation(s) that has been made against them. The RFR will consist of two parts:

1. The RFR will outline the allegations being made by the Complainant using the list of allegations detailed in section 3 above. Each allegation will be supported with the relevant evidence or selected sections of the complainant and/or witness statements. Selected sections and/or evidence must be sufficient to allow the Respondent to fully respond, although any selected section of a statement and/or evidence will be reviewed before the RFR is sent to ensure that any personal details which may identify the Complainant or witnesses are either removed or redacted.

The Respondent will be asked to respond to the allegations and provide any information or evidence they believe would be helpful to the investigation.

2. The RFR will also set out a series of questions to the Respondent about the allegation(s) that have been made. The Independent Investigator will prepare these questions based on their experience and training and they will be focussed on evidence or aspects of the statement or evidence the Independent Investigator believes are particularly relevant or important in the investigation.

The Respondent will be asked to respond to each individual question as fully as possible.

The RFR will include a warning to the Respondent that an adverse inference may be drawn by the Independent Complaints Board if, without reasonable excuse, the Respondent fails to respond to the RFR.

When the RFR has been prepared, it will be forwarded to the Sexual Harassment Team, and will be sent to the Respondent as part of the standard disciplinary administration process.

The Respondent will be given 14 days to submit their response to the complaint which has been made and will have the opportunity to provide their own statement in response and to submit any evidence in support of their response which might include text or WhatsApp messages, videos, photos or screenshots or other documentary evidence (this list is not exhaustive). The Respondent can also list details of any **primary** witnesses they want the investigator to contact for their account.

### 5. Report Preparation

Once the RFR and any associated evidence has been returned by the Respondent it will be forwarded back to the Independent Investigator by the Sexual Harassment Team. The Independent Investigator, who may be assisted by members of the Sexual Harassment Team, will then make contact with the Respondent's primary witnesses and take witness accounts from them (where they agree). The Complainant will not have an opportunity to review the response provided by the Respondent however if the Respondent provides evidence that the Independent Investigator feels the complainant should respond to, to assist the investigation, they will work with the Complainant to prepare an additional statement.

The Independent Investigator will then review all of the evidence gathered and prepare a report for a panel of the National Executive Committee (NEC) who have been specially trained to consider sexual harassment cases.

The Independent Investigator's report (which will be anonymised for the NEC Sexual Harassment Panel) will include:

- Their experience, training and any relevant qualifications
- Details of the Complainant and Respondent
- The specific allegations which have been made in the complaint
- Summary of the evidence
- Analysis of the evidence:
  - Uncontested facts
  - Contested facts
  - Unsubstantiated claims
- Investigator assessment and conclusions
- Investigator Recommendation for action: for example, referral to a hearing of the ICB

Once the report has been completed, the Independent Investigator will forward the finalised report, statements and evidence gathered to the Head of Complaints who will allocate the case

to a member of the Sexual Harassment Team. They will then ensure the case is prepared for a forthcoming NEC Sexual Harassment Panel.

#### 6. National Executive Committee (NEC) Sexual Harassment Panel

The purpose of the NEC Sexual Harassment Panel is to consider whether, on a balance of probabilities, there is a case to answer or there is no case to answer. A balance of probabilities means that the NEC Sexual Harassment Panel must be satisfied that on the evidence available, it is more likely than not that there is a case to answer.

When considering a case regarding a complaint of sexual harassment, it is vital that the Labour Party provides an opportunity for the case to be heard in a way that is fair to both the Complainant and Respondent. A Sexual Harassment Panel consists of up to five members of the NEC (with a minimum quorum of three) who have received appropriate training. An independent legal adviser will attend **all** panel meetings to advise the NEC Sexual Harassment Panel.

The NEC Sexual Harassment Panel will receive a copy of all of the statements and evidence gathered during the investigation and a copy of the Independent Investigator's report. The investigator's report, statements and other material given to the NEC Sexual Harassment Panel will be anonymised so that its members do not know the identity of the individuals involved.

It is important to recognise that the NEC Sexual Harassment Panel is not the stage of the sexual harassment procedure at which evidence is heard orally, and the evidence provided to the NEC Sexual Harassment Panel will not be tested or challenged. *It is not the role of the NEC Sexual Harassment Panel to judge the truthfulness, or otherwise, of the evidence which has been presented, this is rightly the role of the Independent Complaints Board who can hear evidence which can be tested and challenged by the Complainant and Respondent and a panel of the ICB.*

To decide this, the NEC Sexual Harassment Panel will consider the following two questions on a balance of probabilities:

1. Has evidence of the Respondent's alleged behaviour or conduct been provided to the NEC Sexual Harassment Panel?

The behaviour or conduct may be evidenced in the account of the Complainant, in documentary evidence provided, in the accounts of witnesses or the account of the Respondent or in other evidence submitted to the NEC Sexual Harassment Panel.

2. Does the NEC Sexual Harassment Panel believe that the Respondent's alleged behaviour or conduct meets the definition of sexual harassment (as outlined in the Labour Party Code of Conduct: Sexual Harassment and Gender Discrimination)?

*“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”*

If the NEC Sexual Harassment Panel determine the answers to question one and question two are yes, then there is a case to answer and it **must** refer the case to the Independent Complaints Board for a hearing.

If the NEC Sexual Harassment Panel finds that the answer to question one is ‘no’, this means that they have determined that there is no evidence of the Respondent’s alleged behaviour or conduct on the balance of probabilities. Accordingly, the NEC Sexual Harassment Panel should find that there is no case to answer.

If the NEC Sexual Harassment Panel finds that the answer to question one is ‘yes’ but the answer to question two is ‘no’, then it may find that there is no case to answer in relation to an allegation of sexual harassment. However, they may opt to refer the case to an alternate disciplinary procedure or to take some other action (for example, an NEC Formal Warning).

The difficulty in deciding whether there is a case to answer can arise when the NEC Sexual Harassment Panel finds that there is some evidence, but it may be of tenuous character, for example, because of inherent weakness or vagueness or because it is inconsistent with other evidence. Sexual harassment cases can be particularly difficult because it is often one person’s word against the others, and cases may relate to events from some time ago.

Where the NEC Sexual Harassment Panel believes that the strength or weakness of the case depends on:

- the view that must be taken of a complainant, respondent or witness's reliability, honesty or credibility;
- conflicting accounts of events which can only be properly determined by oral evidence; and/or
- other matters which are within the province of the Independent Complaints Board,

the NEC Sexual Harassment Panel **must** refer the case to the Independent Complaints Board.

The NEC Sexual Harassment Panel must be able to evidence and should document fully on what basis they have reached their conclusions. Where the recommendation of the Independent Investigator is not followed, the NEC Sexual Harassment Panel **must** provide a detailed written decision explaining the reason(s) why.

Where possible, the Sexual Harassment Team will notify the Complainant and Respondent personally of the decision. The Complainant and Respondent will also receive a written copy of the record of the decision.

### 7. Referral to the Independent Complaints Board (ICB)

When a case has been heard by an NEC Sexual Harassment Panel and referred to the ICB, the decision will first be reviewed by an independent lawyer from the Independent Review Board (IRB) before it can be ratified and referred to the ICB. Each review will be assessed against the Labour Party's policies, procedures and processes, including its Principles of Good Practice in Disciplinary Decisions. Once that decision has been verified and confirmed, this will be returned to a member of the Sexual Harassment Team. They will prepare a notice of allegation(s) and bundle of evidence, which will be submitted to the Secretary of the ICB. The notice of allegation(s) will:

- a. Identify the rule(s) the Respondent is alleged to have breached;
- b. Concisely state the behaviour alleged to constitute the breach; and
- c. Contain an indexed list of the evidence relied on in support of each allegation.

The Secretary of the ICB will then coordinate the actions required to arrange for the case to be determined by a panel of the ICB. Such proceedings will be determined in accordance with the ICB's Procedural Rules.

## **8. Membership action against a Respondent**

Throughout each stage of the Sexual Harassment procedure, the investigators and staff involved will carefully consider what action is required to keep the Complainant and any witnesses safe, and to ensure that the safety and wellbeing of all members of the Party are protected.

When the Labour Party receives a formal complaint of sexual harassment, or an incident of sexual harassment is reported, the Head of Complaints will carefully assess whether immediate action is needed in relation to the Respondent. The Head of Complaints, or a member of the Sexual Harassment Team who has been allocated the case, may prepare a recommendation for administrative suspension of the Respondent's membership. This recommendation will be reviewed by the Executive Director of Legal Affairs or the Director of Governance and Legal, either of whom is empowered to authorise suspension on behalf of the NEC.

Where a disciplinary investigation is opened, suspension is likely to be "in the immediate interests of the Party" if it is necessary for one or more of the following purposes:

- (1) To protect the investigation, for example, where there is a real concern that the respondent may influence witnesses if allowed to attend meetings or to continue to hold an influential office;
- (2) To protect individuals concerned, for example, where there is a credible allegation of bullying, harassment or intimidation; or
- (3) To protect the reputation of the Labour Party against real or lasting damage. The question is whether the allegations are so serious, and/or so publicly known, that the Party cannot afford to have the respondent involved in its activities, or playing a public role in its name, while the investigation proceeds.

Once the NEC Sexual Harassment Panel has heard the case, and where they refer the case to the Independent Complaints Board, they may also impose an administrative suspension where they feel it is necessary for one of the above reasons and where one is not currently in place.

When a Respondent is administratively suspended, they may be told the basis for why they have been suspended but until a Request for Response is sent out they will not be asked to respond to the allegations. Any administrative suspension will be regularly reviewed to ensure it is still necessary to fulfil the purpose for which it was required when issued.

## **9. Frequently Asked Questions**

### *Can I make an anonymous complaint of sexual harassment?*

Any person can make an anonymous complaint of sexual harassment to the Labour Party. You can email [sexual\\_harassment@labour.org.uk](mailto:sexual_harassment@labour.org.uk), telephone 02077831292 or contact the independent advice line. The Labour Party will log all complaints and assess what action can be taken in response to any complaint made. We will not be able to formally investigate anonymous complaints of sexual harassment as the complainant must be willing to provide their name and contact details to our sexual harassment team and may be required to give evidence at any subsequent disciplinary hearing.

### *Can I report an incident of sexual harassment that happened to somebody else?*

Any person can make a complaint of sexual harassment to the Labour Party. You can email [sexual\\_harassment@labour.org.uk](mailto:sexual_harassment@labour.org.uk), telephone 02077831292 or contact the Independent Support Service. The Labour Party will log all complaints and assess what action can be taken in response to any complaint made. Where we receive a third party complaint, we will see if it is possible to make contact with the person who is alleged to have been the victim of the behaviour or conduct alleged. If this is not possible, we will consider what other action is available to us to respond to the complaint appropriately.

### *Who will be able to find out if I have made a complaint of sexual harassment?*

The Sexual Harassment Team is made up of Labour Party staff who are trained and accredited investigators. They will work closely with you and maintain the strictest confidence in relation to your details and your complaint. They will share information with the team of Independent Investigators we use who will make contact with you to take your statement. Constituency Labour Parties are not involved in any sexual harassment investigation.

When an investigation report is prepared for the NEC Sexual Harassment Panel, all personal details are redacted/removed to ensure that you are not identifiable.

If your complaint is heard at a hearing of a panel of the ICB, you would need to give permission for your identity to be made known to the ICB panel. At this stage of the process, any statements and evidence will also be provided un-redacted to the Respondent in the case who will, therefore, know who has made the complaint against them.

The Labour Party does not provide any information or disclosures to third parties except where it is required to by law. The Labour Party will not share information about the case publicly unless, as a result of a breach of confidentiality, it becomes necessary to correct inaccurate reports. In that case, we will only release the minimum information necessary to make the correction. The Labour Party may also disclose information in order to comply with its safeguarding obligations.

*What will the Respondent/person complained about be told?*

Once you have made an informal or formal complaint to the Labour Party, the Head of Complaints will undertake a risk assessment to identify if any actions are required to protect you or other members. In some circumstances, it may be necessary to suspend the Respondent's membership of the Labour Party to protect other members. If this is the case, we will let you know before any action is taken.

If membership suspension is determined not to be necessary, the Respondent will be informed of the complaint made against them when they are sent a Request for Response (see section 4).

*What does the Independent Investigator do?*

The Independent Investigator will work with you to obtain a detailed written account of what has happened. The Independent Investigator will usually work with you using Zoom or Microsoft Teams or by telephone and in certain circumstances may meet with you in person. The written account prepared will form your evidential statement which will then be used in any disciplinary case.

*Can I give a Character Witness?*

The Labour Party Sexual Harassment procedure does not collect character witness or Secondary witness evidence. If a case is heard at an ICB Hearing, the ICB Panel will not generally permit a party to call a character witness. A Respondent against whom a charge is proved may provide written attestations of character for consideration by the panel when it makes its decision on disciplinary measures.

*What is the likely outcome if I make a complaint of Sexual Harassment about a member?*



The ultimate sanction available to the Labour Party is to expel a member, which means to end their membership of the Labour Party. This would prevent them from attending meetings, standing for an elected position or representing the Labour Party.

Other sanctions might include a suspension of their membership, for example, for a period of one or two years, or an NEC Formal Warning about their behaviour.

The level of sanction applied will depend on a range of factors including the evidence available, the seriousness of the behaviour alleged and any aggravating or mitigating factors.

### 10. Glossary

**Complainant:** The “complainant” means the individual against whom the Respondent’s alleged conduct was directed (for example, on a charge of harassment or bullying, the alleged victim of that conduct).

**Independent Complaints Board (ICB):** Its principal responsibility is to hear cases that cannot be determined by the NEC and in respect of complaints involving age, disability, gender reassignment or identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. The ICB may also determine appropriate sanctions for cases adjudicated by the NEC and hear appeals where members are expelled or suspended by the NEC pursuant to Chapter 6 of the Labour Party Rule Book.

**Independent Review Board (IRB):** This reviews disciplinary decisions made by the NEC under Chapter 6 of the Labour Party Rule Book in respect of complaints involving age, disability, gender reassignment or identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

**National Executive Committee (NEC):** The National Executive Committee, subject to the control and directions of Party Conference, is the administrative authority of the Party. Between Annual Conferences, the NEC is the ruling body of the Party.

**Respondent:** The “respondent” is the person against whom a complaint has been made. In order for the Labour Party’s Sexual Harassment Procedure to apply, the Respondent must be a member of the Labour Party.

**Sexual Harassment:** Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

**Sexual Harassment Team:** Members of the Governance and Legal Unit who may be involved in the management or response to complaints of sexual harassment reported to the party.

## **Labour Party** Sexual Harassment Procedure

These team members have had additional training in how to respond to complaints of sexual harassment.