

Protocol governing the appropriate interaction with the leadership of the Labour Party in the Labour Party's disciplinary and complaints processes

Introduction and purpose

1. The Labour Party wishes its members, and the wider public, to have confidence in the handling and discharge of its disciplinary and complaints processes.
2. Currently, the Labour Party's processes stipulate that the NEC shall determine the outcome of any disciplinary process launched under the Labour Party's Rule Book (which forms a contract between its members). Whilst some of the NEC's investigatory powers are delegated to the General Secretary and other officials of the Labour Party,¹ the outcome of any such processes are the decision of the NEC, the NCC and/or the ICB – not the leadership of the Labour Party.²
3. In the interests of transparency and to avoid any possible concerns as to bias or accusations of political interference, the Labour Party wish to agree and implement a protocol to govern the appropriate involvement of the Labour Party's leadership in the Labour Party's disciplinary processes (this **Protocol**). This Protocol applies to the national Labour Party, given the national Labour Party is responsible for the administration and discharge of the Labour Party's disciplinary and complaints processes.
4. This Protocol establishes the parameters that govern the involvement of the Labour Party's leadership in the Labour Party's disciplinary processes. Such parameters are intended to ensure that:
 - a. any involvement by the leadership will only be legitimate for the purposes, and subject to the limitations, set out in this Protocol; and
 - b. the leadership of the Labour Party is not involved in deciding the outcome of any complaints.

Key principles

5. The intention of this Protocol is to establish a transparent and responsible process that governs the involvement of the Labour Party's leadership in the Labour Party's disciplinary processes.

¹ Pursuant to Chapter 1.VIII and Chapter 6 of the Labour Party Rule Book 2022 (as may be amended from time to time).

² See Chapter 2.I.11 of the Labour Party Rule Book 2022 (as may be amended from time to time).

6. The Labour Party Rule Book is clear that the Leader of the Labour Party must assist the NEC to “uphold and enforce the constitution [and] rules ... of the Party”.³ This means that the Leader of the Labour Party is actually required to involve themselves with the disciplinary procedure generally, to ensure it adequately upholds the values of the Labour Party and is effective in its operation.
7. Accordingly, it must be the case that both the Labour Party's Leader and Deputy Leader must be able to provide leadership to Labour Party staff, including by indicating what is acceptable and what is not, both in terms of substance (for example, zero tolerance for all forms of racism, including antisemitism, and misogyny and sexual harassment, bullying or abuse) and by having and discharging responsibility for ensuring that the disciplinary process is effective in realising those values. This Protocol does not seek to prevent or discourage such leadership.
8. For the avoidance of doubt, nothing in this Protocol shall prevent the Labour Party Leader and/or Deputy Leader from exercising any rights afforded to them under the Labour Party's disciplinary processes where they are themselves the complainant or respondent in a particular complaint.

No involvement in the outcome of an investigation

9. The Labour Party is unequivocal that neither the Leader nor the Deputy Leader of the Labour Party shall be involved in deciding the outcome of any complaints initiated under the Labour Party's processes. It is agreed and understood that this would be neither legitimate nor appropriate.

Legitimate purposes for discussions between the Party and the leadership

10. The key legitimate purposes for which interaction is appropriate includes the following:
 - a. where it is deemed necessary to protect the integrity of the investigation;
 - b. to protect individuals concerned in the investigation (for example, where there is a credible allegation of bullying, harassment or intimidation); or
 - c. to protect the reputation of the Labour Party against real or lasting damage.

³ See Chapter 1.VII.1.A.v of the Labour Party Rule Book 2022 (as may be amended from time to time).

11. It is difficult to be precise as to each and every example where interaction between the Labour Party's leadership and the Party officials conducting an investigation are appropriate. However, this Protocol sets out examples of appropriate interaction.

An investigation involving a member of the Parliamentary Labour Party

12. The Parliamentary Labour Party (**PLP**) is the parliamentary body of the Labour Party in Parliament. The Leader and Deputy Leader of the Labour Party are also the *ex officio* leader and deputy leader of the PLP.⁴
13. In the context of an allegation of misconduct against a member of the PLP, this brings into play two different factors: (i) the Labour Party membership of the individual in question (which is the purview of the Party itself, given this interfaces with the Labour Party's disciplinary and complaints system); and (ii) the parliamentary whip of the individual in question (which is the purview of the Leader, as administered by the Labour Chief Whip).
14. Accordingly, when it is necessary to investigate an allegation against a member of the PLP, it will be necessary, proportionate and appropriate for there to be interaction and discussion about such member between the following individuals:
 - a. appropriate members of GLU involved in the investigation of the relevant complaint;
 - b. the General Secretary of the Labour Party;
 - c. the Leader's office (which shall, for the avoidance of doubt, include the Leader of the Party and other appropriately senior staff in that office);
 - d. the Deputy Leader's office (which shall, for the avoidance of doubt, include the Deputy Leader of the Party and other appropriately senior staff in that office); and/or
 - e. the Labour Chief Whip's office (which shall, for the avoidance of doubt, include the Labour Chief Whip and other appropriately senior staff in that office).
15. Pursuant to such conversations, the relevant individuals may discuss both the nature of the allegation and appropriate sanctions at such time (which may include the launching of an investigation and/or an administrative suspension

⁴ See Chapter 1.VII.1.A.i of the Labour Party Rule Book 2022 (as may be amended from time to time).

from Labour Party membership on the one hand and the temporary removal of the Labour Party Whip on the other hand). However, at all times during such conversations, the general duties of confidentiality that the Labour Party owes to a complainant (pursuant to the terms of the Labour Party Rule Book and wider legal obligations (for example, pursuant to GDPR and the Data Protection Act 2018)) must be upheld and maintained.

16. Such conversations will be considered appropriate to ensure a coordinated and robust response from the Labour Party to any such allegation, in furtherance of the legitimate purposes set out in this Protocol. This is for the following primary reasons:
 - a. The occurrence of these conversations does not go to, nor affect, the outcome of the complaint. Any resulting investigation would be led by relevant officers of the Labour Party in the usual way; and
 - b. A failure to discuss relevant individuals could cause embarrassment to the reputation of the Labour Party and actually risk prejudicing the investigation (for example, if an MP was suspended from Labour Party membership but retained the Labour Whip, thereby causing damage to the Labour Party's public reputation and damaging the integrity of the resulting investigation). Allowing for appropriate dialogue between relevant individuals helps to ensure that the Labour Party's rules are appropriately upheld.

An investigation involving an office holder other than a member of the Parliamentary Labour Party

17. The purpose of the Labour Party is to organise and maintain in Parliament and in the country as a political Labour Party⁵ and it shall bring together members and supporters of shared values to promote the election of Labour Party representatives at all levels of the democratic process.⁶
18. Accordingly, when it is necessary to investigate an allegation against a Labour Party member that is also a councillor, a council leader, a mayor, a police and crime commissioner, a member of the Scottish Parliament and/or a member of the Welsh Parliament (Senedd Cymru) (or a candidate for any of the preceding positions), it will be necessary, proportionate and appropriate for there to be interaction and discussion about such member between the following individuals:

⁵ See Chapter 1.1.2 of the Labour Party Rule Book 2022 (as may be amended from time to time).

⁶ See Chapter 1.1.3 of the Labour Party Rule Book 2022 (as may be amended from time to time).

- a. appropriate members of GLU involved in the investigation of the relevant complaint;
 - b. the General Secretary of the Labour Party (or, as appropriate, the General Secretary of the Scottish Labour Party and/or the General Secretary of Welsh Labour (Llafur Cymru));
 - c. the Leader's office (which shall, for the avoidance of doubt, include the Leader of the Party and other appropriately senior staff in that office);
 - d. the Deputy Leader's office (which shall, for the avoidance of doubt, include the Deputy Leader of the Party and other appropriately senior staff in that office);
 - e. where it involves an elected official (or candidate) in Scotland, the Leader of the Scottish Labour Party (which shall, for the avoidance of doubt, include the Leader of the Scottish Labour Party and other appropriately senior staff in that office); and/or
 - f. where it involves an elected official (or candidate) in Scotland, the Leader of the Welsh Labour Party (which shall, for the avoidance of doubt, include the Leader of the Welsh Labour Party and other appropriately senior staff in that office).
19. At all times during such conversations, the general duties of confidentiality that the Labour Party owes to a complainant (pursuant to the terms of the Labour Party Rule Book and wider legal obligations (for example, pursuant to GDPR and the Data Protection Act 2018)) must be upheld and maintained.
20. Such conversations will be considered appropriate to ensure a coordinated and robust response from the Labour Party to any such allegation, in furtherance of the legitimate purposes set out in this Protocol. This is for the following primary reasons:
- a. The occurrence of these conversations does not go to, nor affect, the outcome of the complaint. Any resulting investigation would be led by relevant officers of the Labour Party in the usual way; and
 - b. A failure to discuss relevant individuals could cause embarrassment to the reputation of the Labour Party (at a local, regional and/or national level) and risks damaging the ability of the leadership to uphold the obligations ascribed to them under the Labour Party's Rule Book. Allowing for

appropriate dialogue between relevant individuals helps to ensure that the Labour Party's rules are appropriately upheld.

Dealing with the media

21. Public scrutiny of the Labour Party's disciplinary and complaints processes is inevitable. Given the fact that the Labour Party's leadership are also high-profile MPs, it is inevitable that the Leader and Deputy Leader may be asked to publicly comment on a particular investigation that the Labour Party is undertaking or about the state of the Labour Party's disciplinary and complaints systems more generally.
22. In either case, it will be considered necessary, proportionate and appropriate for there to be interaction and discussion between the following individuals:
 - a. appropriately senior members of GLU either involved in the investigation of a particular complaint or involved in overseeing the overall disciplinary and complaints systems;
 - b. the General Secretary of the Labour Party;
 - c. the Leader's office (which shall, for the avoidance of doubt, include the Leader of the Party and other appropriately senior staff in that office); and/or
 - d. the Deputy Leader's office (which shall, for the avoidance of doubt, include the Deputy Leader of the Party and other appropriately senior staff in that office).
23. For the avoidance of doubt, such conversations may occur either prior to a media appearance (for example, as part of a briefing for a subsequent interview with broadcast media) or following a media appearance (for example, following the Leader or Deputy Leader's appearance on a radio show where they are quizzed on the status of an on-going investigation involving a well-known Labour Party member).
24. In the case of a particular investigation that is on-going, it will be considered appropriate for relevant individuals to discuss both the nature of the allegation and the status of the investigation at such time (and, where appropriate, to receive a report back on progress made in such investigation). It may also be considered appropriate for the Leader to request a briefing from relevant Labour

Party staff on the status of a particular case, in furtherance of their duties and obligations under the Labour Party Rule Book.⁷

25. In the case of a discussion on the state of the Labour Party's disciplinary and complaints systems more generally, it will be considered appropriate for relevant individuals to discuss resources that support the GLU's investigation of such complaints, any backlogs and other related procedural questions.
26. At all times during any such conversations, the general duties of confidentiality that the Labour Party owes to a complainant (pursuant to the terms of the Labour Party Rule Book and wider legal obligations (for example, pursuant to GDPR and the Data Protection Act 2018)) must be upheld and maintained.
27. Such conversations will be considered appropriate to ensure a coordinated and robust response from the Labour Party, in furtherance of the legitimate purposes set out in this Protocol. This is for the following primary reasons:
 - a. The occurrence of these conversations does not go to, nor affect, the outcome of any complaint. Any such investigation is led by relevant officers of the Labour Party in the usual way; and
 - b. A failure to address questions about a high-profile case or on the Labour Party's processes more generally could cause acute embarrassment to the reputation of the Labour Party and impairs the ability of the leadership to adhere to the obligations ascribed to them under the Labour Party's Rule Book. Allowing for appropriate dialogue between relevant individuals helps to ensure that the Labour Party's rules are appropriately upheld.

Effectiveness of this Protocol

28. This Protocol was prepared by the Governance and Legal Unit and approved by the Leader of the Labour Party, the Deputy Leader of the Labour Party, the General Secretary of the Labour Party and the Labour Chief Whips (in both the House of Commons and House of Lords) with effect from the Effective Date. This Protocol shall take effect on the Effective Date and shall be reviewed periodically (and no less than once a calendar year) for appraisal, necessary amendment and subsequent re-approval.
29. A copy of this Protocol shall be made available on the website of the Labour Party as soon as is reasonably practicable following its approval and/or re-approval.

⁷ See Chapter 1.VII.1.A.v of the Labour Party Rule Book 2022 (as may be amended from time to time).