

The Forde Report
Category 2A - Mapping of Recommendations and Analysis

Disciplinary Processes

Page number	Recommendation number	Recommendation	Analysis	Action	Responsible unit/team
Reform of the Party's disciplinary processes					
116	3	Complaints should be appropriately logged, and electronic records updated at each stage of the complaint.	2A	The first part of this recommendation is complete and the second part will be resolved by the new Labour People System which allows us to dynamically manage records for members and supporters. The system began operation in July this year, and will continue to be rolled-out throughout 2023. In the meantime, the Party's Governance and Legal Unit (GLU) have appropriate systems in place to keep accurate records of decisions taken in the intervening period.	GLU
116	4	Complainants and respondents should be given full and up to date information about the progress of the complaint and the information required at each stage.	2A	In line with our Complaints Policy, we provide updates to first party complainants only. We consider this continues to be a proportionate and appropriate (in terms of compliance with our confidentiality obligations) way forward. The new Labour People system will also assist us in continuing to ensure that updates are provided to first party complainants.	GLU
116	7	Guidance to case examiners should be formulated and made available on the Party website and should cover time-limits, indicative sanctions and conduct of hearings.	2A	The Party already publishes its Complaints Policy and Complaint Handling Handbook on its website (since 2021). Service levels are being further considered, some of this as part of the interim review of the Independent Complaints Process which will conclude in early 2023 (and will publish its findings on the Party's website).	GLU
117	8	Complaints should be processed as far as reasonably practicable in accordance with the time limits we propose in the detailed recommendations; and only in exceptional cases should it take more than nine months to dispose finally of any such complaint.	2A	Caution needs to be expressed with arbitrary time limits for all complaints, given certain types of complaints take longer to investigate than others (for example, sexual harassment complaints take longer than a complaint relating to a single tweet). Accordingly, we do not recommend one time limit for all types of complaints. However, this is forming part of our existing consideration on the issue of service levels and will be considered as part of the aforementioned interim review.	GLU
2. Process					
120	2.7	Where there is an absence of evidence or if the investigating caseworker/case manager concludes that the conduct alleged does not breach Party rules in relation to conduct, or the case is vexatious, the case can be concluded as long as cogent reasons are given in writing for so doing, and communicated to both the complainant and the respondent.	2A	This is being further considered, though it may require rule changes to facilitate this.	GLU
3. Right of appeal					

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123	3.1	<p>which make provision for various reforms, including the establishment of an IRB in cases involving accusations of discrimination. The Party will need to be vigilant that those new procedures, when combined with the further reforms we recommend in this report, deliver a system which, as far as is practicable, enshrines the core principles of Article 6 of the European Convention on Human Rights, including in particular:</p> <ul style="list-style-type: none"> • an entitlement to a fair and public hearing within a reasonable time by an impartial panel; • a presumption of innocence until proved otherwise according to law; • minimum rights for any party facing a complaint, including the right: <ul style="list-style-type: none"> - to be informed promptly, in a language which the person understands, and in detail, of the nature and cause of the complaint made against that person; - to have adequate time and facilities for the preparation of any response to the complaint; - to mount a defence to the complaint in person or through legal assistance freely chosen; and - to examine or to have examined witnesses whose evidence supports the complaint or complainant and to obtain the attendance and examination of witnesses on behalf of the person facing complaint under the same conditions as witnesses against that person. "We note the new arrangements, approved by the Party at its Conference in 2021, which make provision for various reforms, including the establishment of an IRB in cases involving accusations of discrimination. The Party will need to be vigilant that those new procedures, when combined with the further reforms we recommend in this report, deliver a system which, as far as is 	2A	This will be considered as part of the interim review of the new independent complaints process which will report in early 2023.	GLU
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4. Systems					
123	4.5	The Directorate should use recorded service for all postal correspondence.	2A	A financial analysis will need to be conducted (based on current complaints statistics) to see if this is proportional to the cost. The overwhelming number of complainants and respondents engage via email, and we already accommodate those who cannot by accepting correspondence in the post.	GLU
123	4.6	Time limits (including those we recommend above specifically in relation to hearings before a Complaints and Disciplinary Panel) should be set for each stage of the investigation. We would suggest: <ul style="list-style-type: none"> • Respondent to reply to the complaint within 28 days; • the period between initial complaint and the decision by the case examiners (whether or not to refer to a hearing) should not normally exceed three months; and • the period between the initial complaint and final resolution should not normally exceed nine months. 	2A	As per the above, service levels are under current consideration as part of the interim review of the Independent Complaints process.	GLU
124	4.7	If any allegation is found proved which is likely to warrant a sanction the Panel should hear submissions from the member of Directorate staff responsible for presenting the case, and from the respondent, as to appropriate sanction. Matters of previous character, Party service and mitigation including references can properly be considered at this stage.	2A	This may be worth further investigation, though it may require rule changes to facilitate this.	GLU

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124	4.8	The Panel should then retire and consider the appropriate sanction, weighing the culpability of the proven conduct, aggravating and mitigating circumstances, proportionality and the Party's indicative sanctions guidance.	2A	In practice, this is already done by the NEC, the National Constitutional Committee (NCC) and/or the Independent Complaints Board (ICB). However, we will consider whether anything else is missing.	GLU
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Party culture

Page number	Recommendation number	Recommendation	Analysis	Action	Responsible unit/team
Reform of Party culture					
125	1	Behaviour change is required at all levels of the Party. Senior leadership should consistently demonstrate respectful behaviour.	2A	This is on-going work, not least considered in line with the implementation of suitable recommendations from the Forde Report.	HR/GLU/GSO
125	4	The Code of Conduct should be adapted for staff and incorporated into employment contracts.	2A	A separate code of conduct will be developed for staff which will form part of their employment contracts.	HR

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3. ACAS states that a clear policy statement that 'sets out expected behaviour for all employees' is good practice. We agree, and consider therefore that the adapted Code of Conduct for staff that we recommend should also cover:					
126	3.1	the Party's commitment to supporting and treating everyone fairly;	2A	To be considered as part of the work outlined in 125.4 - code of conduct for staff.	HR
126	3.2	the kind of behaviour expected of employees;	2A	To be considered as part of the work outlined in 125.4 - code of conduct for staff.	HR
126	3.3	discrimination and the law and what is not acceptable;	2A	To be considered as part of the work outlined in 125.4 - code of conduct for staff.	HR
126	3.4	social media policy, both for personal and Party social media accounts (including group messaging services such as WhatsApp);	2A	To be considered as part of the work outlined in 125.4 - code of conduct for staff.	HR
126	3.5	the expectation for HQ and regional staff to regard their role as akin to the civil service and as an electoral machine;	2A	To be considered as part of the work outlined in 125.4 - code of conduct for staff.	HR
126	3.6	detail of where to find the procedures for resolving any problems experienced by the staff; and	2A	To be considered as part of the work outlined in 125.4 - code of conduct for staff.	HR
126	3.7	the Party's disciplinary process.	2A	To be considered as part of the work outlined in 125.4 - code of conduct for staff.	HR

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Social Media Policy					
127	2	In order to minimise the risks referred to above, we recommend the Party develops and implements as soon as possible a revised policy on the use of all social media platforms by Party staff.	2A	To be considered as part of a feasibility study surrounding the proposed staff social media policy. This is complex as not all Party staff are also Party members, thereby the Social Media Policy code of conduct will not automatically apply to those who aren't. And for those who are, then we must treat members fairly (vis-a-vis our contractual obligations in the Rule Book) but, of course, employees have layered on top of that an employment relationship. It may be that those contracts require amendment to allow for this, or rather that our existing employment contracts and/or policies give us the latitude to make this change right now. Analysis will need to be done to understand this.	HR
127	3	"It should: • set out the standards of behaviour expected from Party staff when engaging in social media; and • apply to all staff and all forms of social media, irrespective of how, where or when the platforms are accessed."	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
127	4	Social media use for Party business should be confined to the Party's IT equipment and communications resources.	2A	This will require further analysis, to ensure that the Party's digital and other functions are not unnecessarily impeded.	HR
127	5	Clear guidelines and restrictions should be established to ensure social media use is consistent with – for example – the Party's values and other policies.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy. GLU to be involved to the extent this touches on member disciplinary procedures (pursuant to the Rule Book).	HR

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127	6	The consequences of non-compliance with the revised staff social media policy – particularly as regards disciplinary action – should be set out clearly.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
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1. Scope of revised social media policy

127	1.2	Staff and unions should be consulted on the proposals for the revised staff social media policy referred to in our first core recommendation.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
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127-128	1.3	<ul style="list-style-type: none"> • apply to all Party staff (including permanent, temporary and contract workers employed or engaged by the Party, whether on a voluntary or paid basis) and any third party organisations engaged on Party business. (For the avoidance of doubt, the reference to 'staff' includes those employed by the Party in HQ and the regions, and in LOTO, as well as those employed by the Shadow Cabinet and paid for under Short Money); • provide a framework for using any and all forms of social media (whether currently in existence or developed in the future), including but not limited to Facebook, LinkedIn, Twitter, YouTube, Instagram, WhatsApp, all other social networking sites, and all other sites with the facility to post user-generated content, including blogs; • be designed to apply to content: <ul style="list-style-type: none"> • on both publicly-accessible platforms and closed or private social media forums; and • which takes the form of messages sent in groups, as distinct from private messages exchanged between only two individuals; • be applicable to social media use for purposes associated with the Party as well as personal use that may affect the Party in any way, and to use both inside and outside of working hours; • apply to the personal social media accounts of staff as well as any staff accounts linked to the Party; • be applicable irrespective of whether the social media platforms are accessed using Party IT facilities and equipment or otherwise (including personal equipment belonging to staff) – although see also the recommendation regarding devices below; • apply to content generated by staff members themselves and content generated by others but re-shared or 're-tweeted' by staff members in a manner which could be interpreted as the relevant staff member endorsing the content; and • once published, be circulated to all staff, promoted internally and made easily 	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
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128	1.5	Party business should be conducted on devices issued by the Party.	2A	This is current policy, but we will consider whether this needs strengthening.	HR
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128	1.6	Use of social media (in particular, WhatsApp groups) to discuss work matters on personal devices outside of Party systems should be prohibited.	2A	This is current policy, but we will consider whether this needs strengthening.	HR
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128	1.7	The Party should review its other policies to ensure consistency with the revised staff social media policy, which should itself be reviewed at regular intervals to reflect the continuously evolving nature of social media.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
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128	1.8	The Party may wish to review its policy for those individuals authorised to use social media on behalf of the Party itself. If a member of staff is representing the Party online, appropriate rules should be set for what information they may disclose and the range of opinions they may express.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
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2. Compliance with related policies

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128	2.1	The staff social media policy should reflect the overarching principle that social media should never be used in a way which breaches any of the Party's other policies, including any policies on bullying and/or discrimination. If a social media post would constitute a breach of another policy in another forum, it should be considered a breach of that policy in an online forum. For example, staff should be prohibited from using social media to breach any obligations they may have relating to confidentiality or data protection, to defame or disparage anyone or breach any other laws or ethical standards.	2A	We will review this in line with the wider work going on regarding members on this issue.	HR
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3. Restrictions on use					
128	3.1	While we recognise that social media platforms are widely used in Westminster for a variety of purposes, staff should be required to consider carefully on a case-by-case basis whether social media platforms are appropriate communication tools for the particular purpose at hand and, if so, which particular platform is most appropriate.	2A	We will review this in line with the wider work going on regarding members on this issue. We have carried out a training needs analysis which led to the development of the Operation Change Training Plan. This was not identified as a priority area.	HR

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4. Guidelines for responsible use					
129	4.1	A balance should be struck to ensure staff do not feel 'gagged', and feel protected against online bullying, and that the Party feels confident its reputation will be upheld. Our primary concerns relate not to the use of social media as a mode of communication per se, but to the content of such communications.	2A	This will need to be considered in accordance with the Party's existing employment policies.	HR
129	4.2	<p>The staff social media policy should provide clear guidelines for responsible use of social media, including the following:</p> <ul style="list-style-type: none"> • Social media use should be consistent with the Party's values of treating all people with dignity, courtesy and respect. • Social media use should champion diversity and inclusion, such that everyone feels welcome to take part in discussion about the Party, country and world. • Staff should have regard to the need to act carefully and responsibly to protect the Party's image and reputation. Staff should avoid social media communications which might be construed in a way that could damage the Party's reputation, even indirectly. Clear guidelines should be set for employees on what they can and cannot say about the Party. • Use of language or content which has the potential to exclude or alienate others should be avoided. • Any criticism should be based on policy and political actions and not constitute personal attacks on individuals. • Those with privilege – due to their experience, position within the Party or status in society – should have particular regard to how their use of social media may be experienced or felt by others. • Members of staff should consider themselves personally responsible for what they communicate via social media. Before posting content, staff should bear in mind that postings might be available to be read by anyone and for an indefinite period of time. • Members of staff in any doubt about the appropriateness of any post should refrain from making it. 	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR

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129-130	4.3	<p>including:</p> <ul style="list-style-type: none"> • Creating or transmitting material that might be defamatory or incur liability for the Party. • Posting messages, status updates or links to material or content that is inappropriate. Content that should be regarded as inappropriate includes: pornography, racial or religious slurs, derogatory gender-specific comments, information encouraging criminal activity or terrorism, or materials relating to cults, gambling or illegal drugs. It should extend to any text, images or other media that could reasonably offend someone on the basis of race/ethnicity, age, gender, gender- identity, religious or political belief, nationality, disability, sexual orientation or any other characteristic protected by law. • Social media for any illegal or criminal activities. • Sending offensive or harassing material to others via social media. • Sending or posting messages or material that could damage the Party's image or reputation. • Discussing colleagues without their approval. • Posting, uploading, forwarding or linking spam, junk email, chain emails and messages. • Making comments which the Party deems abusive, offensive, obscene, vulgar or violent. • Abusing, threatening, stalking, harassing or in any way attacking other users on the platforms. • Posting any content that is offensive or derogatory toward others with regard to race/ethnicity, age, gender, gender- identity, religious or political belief, nationality, disability, sexual orientation, or any other characteristic protected by law. • Using any language or content that is disruptive, misleading, deceptive, unlawful or fraudulent. • Trolling. 	2A		
				To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR

Page number	Recommendation number	Recommendation	Analysis	Comments	Responsible unit/team
5. Compliance with the policy					
130	5.1	The Party may wish to reserve the right to monitor staff activities on its IT resources and communications systems (in accordance, of course, with data protection laws).	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
130	5.2	The staff social media policy should include clear guidance on how to raise any queries regarding the policy and/ or report misuse of social media.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
130	5.3	It should also deal with how any such allegations will be investigated by the Party, including a requirement for any member of staff suspected of committing a breach of the policy to cooperate with the Party's investigation, which may involve providing relevant passwords and login details.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
130	5.4	Likewise, the policy should set out the consequences of non-compliance; for example, that a breach may result in disciplinary action in accordance with the Party's disciplinary procedures. For this purpose, the Party should apply the same standards of conduct in online matters as it would in offline matters.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
130	5.5	We recommend provision is made for the Party to require members of staff to remove or amend postings which are deemed to constitute a breach of the policy and, on a related note, that failure to comply with such a request may in itself result in disciplinary action.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR
130	5.6	Whether one instance of misuse of social media platforms constitutes a breach of the social media policy giving rise to disciplinary action – or whether a pattern of conduct is required – should be considered on a case-by-case basis.	2A	To be considered as part of the feasibility study surrounding the proposed staff social media policy.	HR

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130	5.7	The Party should consider whether disciplinary action should be time-limited so that, for example, staff are not unduly prejudiced by historical use of social media platforms.	2A	To be considered in further detail.	HR
130	5.8	If the Party uses social media platforms for recruitment purposes, this should also be reflected in the staff social media policy (and any recruitment policies). For example, if the Party accesses social media platforms to perform due diligence on candidates in the course of recruitment (acting in accordance with its data protection and equal opportunities obligations) it should say so explicitly when sending application forms or interview invitations. We recommend such practices should be time-limited to, say, three years, so that, for example, applicants are not unduly prejudiced by historical use of social media platforms.	2A	To be considered in further detail.	HR
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Recruitment and Management of Staff					
131	5	The Party should create formal development/promotion frameworks for staff within each directorate setting out the skills and experience required at each level and for each post.	2A	We are developing plans to put this in place. We will begin this work in the Nations and Regions because this is the largest overall team.	HR/GSO/Nations and Regions
131	8	There should be a formal staff wellbeing plan, which informs meetings between line managers and those who report to them.	2A	This is in place but we will review it and identify areas for improvement.	HR
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2. Induction					
132	2.1	New staff should be required to undertake a comprehensive induction programme, covering the Party's history (including its recent history, and its struggles with the issues we have investigated), and the structure and operation of the organisation as a whole, as well as the individual directorate within which they work.	2A	We are reviewing this and we recognise that this is an area where improvements can be made.	HR
134	3	"The enhancement of information cooperation that we should be encouraged through the introduction of the following measures: <ul style="list-style-type: none"> • the contribution of both LOTO and HQ in staff inductions (whether the role is for LOTO, HQ or a regional office); • the regular exchange of information; and • the provision of spaces for physical learning and cross-pollination." 	2A	This will tie to recommendation 2b on page 134 of this category.	HR/GSO/Nations and Regions
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3. Staff Development					
132	3.2	Structured learning and development opportunities should be provided in line with those requirements.	2A	We are in the process of implementing this recommendation. The Operation Change Training Plan is now being implemented and other training continues to be provided through our learning management system and external providers, for example, unconscious bias training.	HR
132	3.3	Salary bands should be published alongside those frameworks.	2A	We will publish the new pay rates for 2023 in December. We will update this document on an annual basis following each pay settlement.	HR

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133	3.1	<p>The review of staff well-being should be informed by a formal staff wellbeing plan which includes provisions covering:</p> <ul style="list-style-type: none"> • workplace mental health and stress; • working from home; • pregnancy, childbirth and parenthood; • support for disabled employees; • safeguarding; and • the “long hours culture”. 	2A	To be considered in further detail.	HR
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4. Staff retention					
133	4.2	Exit interviews should be conducted with all departing members of staff, and the results recorded and analysed, with a view to taking any necessary action.	2A	Arrangements are in place but we recognise that we need to improve take up and feedback. We will put plans in place to achieve this.	HR