

| Page number | Recommendation number | Recommendation | Action completed in different way (pre-Forde Report and under the EHRC process) |
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| <i>Reform of the Party's disciplinary processes</i> | | | |
| 116 | 1 | The Party should operate with a standalone Regulatory and Disciplinary Directorate (Directorate) which should be professional and impartial and separate from other aspects of the Party's organisation. | <p>Complete with thorough professionalisation of GLU following EHRC report.</p> <p>Under the EHRC Action Plan the professionalising of the complaint handling process was transformative.</p> <p>This started with thorough professional training of all staff involved in handling complaints and has led to a greater emphasis on transparency such as publication of the first Complaints Handbook and detailed instructions on how to make a complaint being published on the website. Complaints data and summaries of case decisions are now published (appropriately anonymised). We have developed dedicated pages to report antisemitism complaints as well as strengthening our social media guidelines and due diligence checks on candidates and published a protocol governing the Leadership's interaction with discipline and complaints.</p> |
| 116 | 2 | The Head of the Directorate should have substantive experience of regulation and be capable of designing, overseeing and implementing a fair and transparent system. | Complete with thorough professionalisation of GLU following EHRC report (as above) |

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| 116 | 5 | Allegations should be screened initially by a panel of two case examiners, one of whom should be a lay member. The Party may wish to draw for these purposes from the pool of qualified and experienced lawyers that it is currently recruiting for its IRB and ICB. However it is important that the pool from which such lay members are chosen should be broad and diverse – in both the demographic and ideological sense – so as not to be subject to accusations of factional discrimination. The lay member need not be a lawyer, but should have knowledge and experience of regulation and regulatory systems. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above) |
| 116 | 6 | Cases should be referred to a full hearing before an NEC Complaints and Disciplinary Panel only where both case examiners conclude that (i) there is a realistic prospect of a full hearing finding the allegation(s) proved and (ii) the appropriate sanction falls outside of their sanctioning powers. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
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| 1. Structural and staffing | | | |
| 118 | 1.1 | Recruitment for the head of the Directorate should be open and transparent. | Complete with thorough professionalisation of GLU following EHRC report (as above) and through external advertisement. |
| 118 | 1.2 | All positions within the Directorate should be openly advertised and an NEC Panel should oversee all interviews and appointments. The Panel should consist of NEC members and senior staff. | Complete with thorough professionalisation of GLU following EHRC report (as above). |

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| 118 | 1.3 | The head, and staff, of the Directorate should have no wider responsibilities and should report only to the General Secretary and the appropriate committee of the NEC (for example, a “rules and disputes committee” (RDC)). | Complete with thorough professionalisation of GLU following EHRC report (as above). |
| 118 | 1.9 | The head of the Directorate should be supported by a qualified deputy or deputies with a background in regulation and, therefore, capable of devising protocols reflecting best practice as defined by other regulators and the courts. In exceptional cases (for example, when the complaint concerned is particularly serious, high profile or otherwise sensitive) the head of the Directorate, or a deputy, may present a matter to a Complaints and Discipline Panel. | Complete with thorough professionalisation of GLU following EHRC report (as above). |
| 118 | 1.11 | Caseworkers should be responsible for the investigation of complaints and the presentation of cases referred to a full hearing of a Complaints and Discipline Panel. However, a caseworker who has investigated a matter should not then present the case to a Complaints and Discipline Panel if it is referred to them for full hearing. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 118 | 1.14 | The role of case examiners is set out in paragraphs 2.8 et seq. Any person appointed as a case examiner in a given matter should not sit as a member of the Complaints and Discipline Panel in the same case. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 119 | 1.15 | A member of the Party’s IT staff should also be appointed as the Directorate’s dedicated IT and data protection manager to be responsible for the collation of auditable records of complaint progression and outcome. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |

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| 2. Process | | | |
| 120 | 2.3 | <p>An initial assessment of any complaint received – and of any submissions made about it by the respondent – should be required to determine whether interim action is needed. In general, this should take place at a hearing before two case examiners (one of whom should be a lay member). However, in those rare cases in which the nature of the complaint (e.g. its seriousness) requires action to be taken before a hearing is convened, the merits of that decision shall be reviewed at a hearing to be held – again before two case examiners, one of whom should be a lay member – not more than six weeks after the suspension is first imposed. The same case examiners should also determine whether to continue the suspension pending disposal of the substantive complaint. Any decision about interim action should be made with full written reasons given and communicated both to the complainant and the respondent</p> | <p>Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above).</p> |
| 120 | 2.4 | <p>Once the complaint has been logged and summarised, the respondent should be written to with a summary of the complaint (we suggest within 7-14 days) and asked to respond (we suggest within 28 days thereafter) with any relevant evidence they are prepared to disclose.</p> | <p>Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above).</p> |

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| 120 | 2.7 | <p>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.</p> | <p>Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above).</p> |
| 121 | 2.8 | <p>A panel of two case examiners, including one lay member, should consider whether:</p> <ul style="list-style-type: none"> • there is a realistic prospect that a Complaints and Discipline Panel will find the allegation proved (the First Test); and • the appropriate sanction falls outside of their sanctioning power (the Second Test). | <p>Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above).</p> |
| 121 | 2.9 | <p>The case examiners' sanctioning powers should be to:</p> <ul style="list-style-type: none"> • order no further action; • issue a warning as to future conduct; or • impose a requirement to undergo training/education. | <p>Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above).</p> |
| 121 | 2.1 | <p>Only if both case examiners consider that the First Test and the Second Test are satisfied should the matter be referred to a full hearing.</p> | <p>Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above).</p> |

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| 121 | 2.11 | A warning as to future conduct should only be issued if the case examiners conclude there is evidence suggesting that a formal response is needed but the respondent should be told if this is being contemplated and be allowed to provide comments or request an oral hearing be held. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 121 | 2.12 | Where there is disagreement between case examiners the head of the Directorate should review the decision and determine whether or not action needs to be taken and should give written reasons for their decision to both the respondent and the complainant. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 121 | 2.13 | The head of the Directorate should have a right of review if any party to a case alleges that the decision of the case examiners is materially flawed either wholly or in part; there is new information which may have led wholly, or in part, to a different decision; and the head of the Directorate considers that the review is necessary to protect the reputation of the Party, or to prevent injustice to the parties. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 121 | 2.14 | If a decision is to be reviewed then all parties should be notified and asked to make representations. If new information is received it shall be disclosed to all parties and any further inquiries it prompts shall be undertaken by a caseworker reporting to different case examiners. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 121 | 2.15 | If a review of the sort referred to in paragraph 2.13 is upheld, and the head of Directorate disagrees with the case examiners, the head of Directorate should have the same sanctioning powers as the case examiners (see paragraph 2.9 above). | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |

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| 121 | 2.16 | Whilst a case is proceeding, only the fact of a case having been started (or an administrative suspension pending investigation having been imposed) should be informed to LOTO, other senior politicians, or the public. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 122 | 2.17 | Once matters have been referred to a full hearing of a Complaints and Discipline Panel, appropriate steps should be taken to ensure that there are no conflicts of interest or records of potentially prejudicial comments – such as to disqualify any member of that Panel from hearing the case. The final preparations may mean refining statements and charges which should be date and time specific, where possible. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 122 | 2.18 | In some cases, there could be a need for case management dealing with issues of disclosure, length of hearing and order of witnesses, by way of example. A case manager, independent of the case should hear submissions from both sides and then set time specific directions. These can be conducted by telephone conference in most cases. Consideration should be given in particularly complex cases to the appointment of a legally qualified case manager. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 122 | 2.19 | At least 28 days before the hearing, the head of Directorate, or their deputy, should send a Notice of Hearing detailing the allegations, any facts upon which the allegations are based and a bundle of evidence. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). These are the duties of the Board Secretary. |

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| 122 | 2.2 | No less than 14 days thereafter, the respondent should be required to file a witness statement in relation to any disputed allegations or facts as well as a schedule of admitted facts and allegations and the basis of any admission. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 122 | 2.21 | At least seven days before the hearing, if so advised, the person assigned to present the case (who may be a caseworker, case manager or (although rarely) the head of the Directorate or a deputy, should serve a skeleton argument in response upon the hearing panel and the respondent. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB. As above. |
| 122 | 2.22 | The hearing should be chaired by an individual with substantive experience of regulation, and regulatory systems, and consideration should be given to appointing a person who is independent of the NEC. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 122 | 2.23 | Consideration should be given to appointing a legally qualified chair of a Complaints and Discipline Panel in any complex case where the respondent is at risk of suspension or expulsion from the Party, or where the Respondent relies on a legally complex defence. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 122 | 2.24 | The caseworker or case manager responsible for presenting the matter should set out the background to the complaint and provide details of the investigation, followed by any factual or expert witnesses. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 122 | 2.25 | The respondent should then present their case, give evidence and call witnesses. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |

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| 122 | 2.26 | At the conclusion of the respondent's case, the Panel should retire to consider their decision on the facts and produce a short reasoned decision supporting their factual determinations. The decision should be recorded in writing and made available to the complainant and the respondent. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
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4. Systems

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| 123 | 4.1 | Subject to paragraph 4.2, the fact of a complaint being in the disciplinary process and the stage it has reached in that process, and any forward dates for hearings/appeals should – except in abnormally delicate circumstances – be available to Party members and the media. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB (as above). |
| 123 | 4.2 | Any health issues should be dealt with in private unless any party or witness wishes to place a health issue or issues into the public domain. | Complete with thorough professionalisation of GLU following EHRC report and introduction of IRB and ICB. (as above). |
| 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. | Complete. With the introduction of the IRB and the ICB this action is considered not appropriate. (as above) |
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1. Scope of revised social media policy

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| 127 | 1.1 | We set out below our recommended revised policy for staff. The Party should also conduct a review of its social media policy for Party members, albeit the policy for members will necessarily be less stringent than that for staff. | Complete under EHRC report. This is published on the website. https://labour.org.uk/members/my-welfare/rules-and-codes-of-conduct/coc-social-media/ |
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