

The Labour Party Complaints Policy

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Introduction

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

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

The purpose of this Policy is to ensure a consistent, clear and focused approach is taken by all staff involved in handling complaints and is used in conjunction with specific staff training and guidance.

The Labour Party Complaints Policy ensures that:

1. Individuals who engage with the complaints and disciplinary process can expect clarity and consistency and to be treated fairly.
2. Complaints will be managed in accordance with best practice
3. Staff are empowered to take responsibility and handle complaints effectively and consistently in accordance with agreed procedures
4. Complaints are dealt with proportionately
5. Complaint themes and outcomes are captured and used as insight to drive improvement across the membership

What is a complaint

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

Who can complain

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

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

Our guiding principles

All complaints are taken seriously, assessed and dealt with appropriately.

We will:

- Show understanding to the complainant, responding clearly and appropriately to the circumstances
- Provide an outcome as soon as possible
- Keep a first party complainant informed about the complaint's progress
- Make sure our response addresses all elements of the complaint and provides explanations for any decisions made or actions taken
- Use complaint information in a positive way to try to prevent similar occurrences in the future
- Treat complaints confidentially and require that those involved in making a complaint or investigation also treat their complaint and any information provided by the Party confidentially, regardless of whether they are a member of the Party or not.

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

What is covered by the Complaints Policy

This policy covers complaints about members who have allegedly:

- discriminated against someone based on that person's protected characteristic(s)
- bullied someone
- sexually harassed someone
- exhibited racist behaviour or has incited racism, including antisemitism and/or Islamophobia
- exhibited homophobic, sexist and/or transphobic behaviour
- harassed, intimidated, and/or otherwise abused someone/people in person or online (for example, via social media)
- supported another political party or independent candidate.
- engaged in criminal activity
- otherwise breached the Party's rules or associated codes of conduct or procedures

Making the decision to investigate

When we receive a complaint, the Complaints and Disciplinary team in the Governance and Legal Unit will make an initial assessment of the complaint to determine whether the allegation should progress to formal investigation.

Firstly, they will check that a complaint has been made against a current member of the Labour Party.

Secondly, they will assess whether the alleged behaviour meets the threshold for investigation by applying the Assessment Threshold Test.

The Assessment Threshold Test is:

1. Are there reasonable grounds to believe that the member complained about has breached the constitution, rules and standing orders of the Party or any NEC Codes of Conduct;
2. Do any of the exclusions contained in Appendix 1 to this Policy apply;
3. Would an investigation under the Party's disciplinary procedure be a reasonable, and proportionate way to handle the complaint. Factors that may be considered when assessing this include:
 - a. the impact and/or harm that has, or could have been caused, to an individual and/or the Labour Party;
 - b. Whether previous complaints have been recorded about the same member;
 - c. What facts need to be established and whether they are in dispute;

- d. When the incident took place, and whether evidence is still likely to be available;
- e. If there is a risk of further incidents occurring if the Party does not act.

In some circumstances, the Governance and Legal Unit may conclude that it would not be reasonable and proportionate to determine the complaint under the Party's disciplinary procedures, but they may forward the complaint to the Regional Director for local resolution. In such cases a first party complainant will be notified of the action the Party will take in response to their complaint.

Thirdly, they will consider whether the complaint has been or is being considered by a different body (e.g. by the police or by Parliament's Independent Complaints and Grievance Scheme).

How does the Party investigate complaints

Procedure

There are three different complaint handling procedures which can be pursued depending on whether the complaint relates to: 1) sexual harassment, 2) discrimination based on a protected characteristic such as antisemitism or Islamophobia, or 3) any other complaint. The procedures for all complaints are very similar but the sensitivities around sexual harassment and complaints relating to protected characteristics mean that there is additional independent overview of the process.

A member of staff within the Complaints and Disciplinary team will firstly assess a complaint, apply the assessment threshold test and decide if the complaint requires investigation and shouldn't be excluded (see Appendix 1 to this Policy). If the complaint is to be investigated, then the evidence supplied with the complaint will be considered. If more information is required then they may write to the complainant requesting further information, attempt to obtain further information through their own research, from the complainant, witnesses, or from the member being complained about (also known as the respondent).

Once they have taken reasonable and proportionate action to gather enough information, or they can obtain nothing more, the investigation stage of the complaints process is concluded.

At the outcome of the complaint investigation, a report will be written, and a

recommendation will be made for a panel of the National Executive Committee (NEC) Complaints and Disciplinary Sub-Committee. The NEC will adjudicate on the matter and can decide themselves or refer the complaint to the Independent Complaints Board (ICB) (in the case of complaints involving protected characteristics) or to the National Constitutional Committee (NCC) (in respect of all other complaint types) for their decision. Cases that involve witnesses, and which cannot be determined on the written evidence alone, will be referred to the ICB or the NCC (as applicable).

Outcome

The potential outcomes of a complaint are:

- No further action
- Refer matter to the regional or national office, or another team for resolution
- Issue a reminder of values to the member
- Issue a reminder of conduct to the member
- Issue a formal warning to the member
- Require the member to undergo mandatory training
- Suspend the member for a defined period
- Restrict some or all of someone's membership rights for a defined period (for example, the ability to be, or to seek selection as, an elected representative of the Labour Party)
- Expel someone from Labour Party membership
- Membership termination (e.g. if the member has stood against a Labour Party candidate in an election)

Complaint resolution involvement

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

Timeliness

The Labour Party understands that it is in the interests of all parties to deal with matters fairly and expeditiously. Where the issues raised by a complaint are complex, or they require more detailed investigation, those complaints will take longer to determine. We prioritise our resources based on urgency and impact. The Labour Party will keep both the complainant and the respondent informed about the progress of complaints.

Suspending complaints

Complaint investigations may be suspended if the complaint is subject to any of the following procedures (this list is not exhaustive):

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

A manager in the Complaints and Disciplinary team will make the decision to suspend and/or to continue a Labour Party investigation.

Discontinuing complaints

The Labour Party can decide to stop the investigation or review of a complaint if the complainant fails to respond to requests for information. This will only happen if contact has been attempted on at least two occasions (for example where a complainant has been asked to complete a witness statement); no response has been received, and it is not otherwise reasonable or proportionate to investigate the complaint without the input of the complainant. The decision to discontinue a complaint will be made by an investigator with a second investigator or manager confirming the decision is correct. The complainant will be informed accordingly.

The Labour Party may also decide to stop the investigation or review of a complaint if information comes to light during an investigation that would have altered the initial decision to investigate. Decisions to stop investigations once they have commenced are reported to the NEC.

Where an investigator or other Party staff member is subject to abusive, threatening or

harassing conduct from a complainant, the Party may decide to pause or stop the investigation of their complaint. The decision to discontinue a complaint on these grounds will be made by a manager.

Where the Party has verifiable information that a complainant or another individual involved in the complaints and disciplinary process threatens to release, releases, or expresses an intention to release to the press, or otherwise make public, confidential information about a complaint or an investigation, the Party may take action under the Code of Conduct of Confidentiality and Privacy. Any such conduct may also constitute unreasonable behaviour as defined below.

Withdrawing complaints

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

Re-opening complaints

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

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

A manager in the Complaints and Disciplinary team will consider, if it is proportionate and reasonable to authorise the reopening of the complaint.

Unreasonable behaviour or vexatious complaints

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

If the Labour Party considers that a complainant's behaviour is unreasonable, the following procedure will be followed:

- We will inform the complainant, in writing, why we feel their behaviours or actions are unacceptable
- Should the behaviours persist, evidence of these will be gathered and presented to a manager in the Complaints and Disciplinary team
- The manager will review the evidence and then decide on any restrictions to be applied to the complainant and how long these should last
- The Labour Party can apply restrictions in the ways the complainant can access its complaint services, which may include one or more of the following (this list is not exhaustive):
 - The Labour Party will take no further action on their complaint
 - The complainant's use of the Labour Party's complaints system will be limited to a single point of contact
 - The Labour Party will not respond to any further contact, unless legally obligated to do so
 - Legal action may be taken, including injunctions and/or court orders

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

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

Political organisations and compatibility with Labour Party membership

At a meeting of the NEC held on 20 July 2021, the NEC considered, determined and confirmed that the following four organisations constituted "political organisations" for purposes of Chapter 2, Clause I.5.B.v of the Labour Party Rule Book:

1. Labour in Exile Network
2. Socialist Appeal
3. Labour Against the Witchhunt
4. RESIST: Movement for a People's Party (Resist)

The NEC further confirmed that membership of any of the above organisations was incompatible with membership of the Labour Party, pursuant to Chapter 2, Clause I.5.B.v of the Labour Party Rule Book, and that examples of “support” for any of the above organisations for purposes of Chapter 2, Clause I.5.B.v of the Labour Party Rule Book may include:

- a. Membership of any of the four organisations;
- b. Standing for election to the steering committee of the relevant organisation;
- c. Participating in an all member’s meeting of the relevant organisation;
- d. Participating in a working group of the relevant organisation;
- e. Contributing written material to the website of the relevant organisation;
- f. Donating to the relevant organisation;
- g. Encouraging others to join the relevant organisation;
- h. Participating in an event organised or hosted by the relevant organisation; and/or
- i. In the case of Socialist Appeal, selling and/or writing for the Socialist Appeal newspaper, running Socialist Appeal street stalls, and/or describing oneself as a supporter of Socialist Appeal.

At a meeting of the NEC held on 29 March 2022, the NEC considered, determined and confirmed that the following three organisations constituted “political organisations” that are inimical with the aims and values of the Labour Party in accordance with Chapter 2, Clause I.5.B.v of the Labour Party Rule Book:

1. Socialist Labour Network
2. Labour Left Alliance
3. Alliance for Workers’ Liberty (since the period when it voluntarily deregistered with the Electoral Commission on 23 September 2015)

The NEC further considered and confirmed that, amongst other things, the following acts constituted examples of “supporting” the above-mentioned political organisations pursuant to Chapter 2, Clause I.5.B.v of the Labour Party Rule Book:

- a. Membership of any of the relevant political organisations;
- b. Standing for election, and/or being elected, to the executive, national and/or steering committee and/or group of any of the relevant political organisations;
- c. Being a delegate to, and/or a member of, any organising group of any of the relevant political organisations;
- d. Attending or participating in a working group of any of the relevant political

- organisations;
- e. Attending or participating in any conference and/or event organised or hosted of any of the relevant political organisations (online or offline);
 - f. Contributing material to the website, YouTube channel or other online channels of any of the relevant political organisations;
 - g. Describing oneself as a member and/or supporter of any of the relevant political organisations;
 - h. Being an individual signatory or supporter of any of the relevant political organisations;
 - i. Publishing material on or for the website of any of the relevant political organisations;
 - j. Promoting material (online or offline) published by and bearing the logo and/or branding of any of the relevant political organisations;
 - k. Donating or otherwise providing any financial assistance (or any financial contribution) to any of the relevant political organisations;
 - l. In the case of Alliance for Workers' Liberty, selling the Solidarity newspaper, contributing to the Solidarity newspaper or Alliance for Workers' Liberty website;
 - m. In the case of Alliance for Workers' Liberty, Alliance for Workers' Liberty events, including (but not limited to) its annual conference, Ideas for Freedom, or any other meetings organised by them (but excluding debating with members of the organisation); and/or
 - n. In the case of Alliance for Workers' Liberty, promoting or contributing content to any online meeting, podcast, or livestream organised by the Alliance for Workers' Liberty (but excluding debating with members of the organisation).

Alternative Complaint Procedures

The Police

Where a complaint could amount to a criminal offence, we encourage complainants to contact **the police**.

If a Respondent has been convicted of an indictable offence, a sexual offence and/or an offence against a child, the Respondent will cease to be a member eligible for membership of the Party pursuant to Chapter 2.1.5.B.ix of the Labour Party Rule Book. However, we can investigate complaints even if no criminal proceedings are planned or concluded. The Complainant may choose not to report the matter to the

police or alternatively prosecutors may have decided not to prosecute the matter. The complaint may nevertheless meet the threshold for investigation under the Labour Party's Complaints Procedure as misconduct under the Labour Party Rule Book is wider than the criminal law and subject to the balance of probabilities standard.

The Independent Complaints and Grievance Scheme

The Independent Complaints and Grievance Scheme (ICGS) is Parliament's independent mechanism for handling complaints of bullying, harassment, or sexual misconduct. Where a complaint appears to fall within the scope of the ICGS scheme, the Party will direct the complainant to the ICGS.

The ICGS helpline provides advice, support, and signposting about incidents of bullying, harassment, or sexual misconduct on the Parliamentary Estate, in constituency offices or while undertaking parliamentary work. Any member of the Parliamentary community can contact the helpline, particularly anyone looking to make a complaint, anyone who has a complaint made about them, witnesses, or anyone providing support to another colleague. You may remain anonymous when contacting the helpline, and only when making a formal complaint will you need to provide your name. A trained Independent Sexual Misconduct Advisor (ISMA) is available to provide personal support to anyone contacting the helpline about their experience of sexual misconduct. The ISMA can support you throughout the complaints process.

ICGS helpline telephone number: 0808 168 9281 Email address:

support@icgshelpline.org.uk

Opening Hours 9am–6pm Monday to Friday. Outside of these hours you can leave a message, and your call will be returned the next working day.

Further information about the ICGS can be found [here](#).

If a complainant progresses their complaint about a Labour Party member through the ICGS process, the Labour Party will pause its own investigation into the same complaint. This pause does not stop the Party taking any risk management or membership action(s) in response to the complaint that has been made. Once the ICGS process has concluded the Labour Party will assess whether further action is required pursuant to the Complaints Policy and this Sexual Harassment Procedure.

Monitoring and Review

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

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

Indicators of success will include:

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

Appendices

I. Exclusions from the Complaints Policy

- I. Complaints about Labour Party policy can be submitted through the National Policy Forum website [here](#).
- II. Complaints about services provided by the Government – these should be directed to the relevant Government department
- III. Complaints about the complaints process
- IV. Complaints about elected representatives that specifically relate to the way in which they carry out their duties as an elected representative – these are subject to the jurisdiction of the relevant standards body
- V. Political decisions relating to the composition of the Cabinet, the Shadow Cabinet when the Party is in opposition, the Parliamentary whip and/or the business of the Parliamentary Labour Party
- VI. Complaints about or by Party staff, IPSA employed staff, or other employment related issues (such as disciplinary or grievance) or recruitment and selection processes – these should normally be dealt with under the relevant HR policies and procedures
- VII. Complaints about data protection or subject access requests – information about your data subject rights and how to submit a data protection complaint can be found at: [Data subject rights – The Labour Party](#)

- VIII. Complaints that have already been assessed or investigated pursuant to this Complaints Policy
- IX. Complaints that concern substantially the same conduct as a complaint made previously
- X. Complaints that are already part of legal or Court proceedings, claims for compensation or standards committees', investigations or hearings – we will not consider a complaint while these proceedings are ongoing. We may choose to suspend investigating a complaint until the external proceedings are complete
- XI. Where the time and resource required to investigate a complaint is not proportionate to the conduct complained about, or to the sanction that might be imposed, were the conduct subsequently be found to be proven

2. Vexatious complaints and unreasonable behaviour

The Labour Party may determine that a complaint is vexatious or unreasonable where the complainant:

Procedural abuse:

- Continues pursuing complaints after proper procedures have been exhausted
- Refuses to accept decisions without providing new evidence
- Pursues matters outside the scope of Labour Party complaints procedures

Excessive or inappropriate complaints:

- Makes an unacceptable number of unjustified, trivial, or malicious complaints
- Repeatedly makes the same complaint despite previous resolution
- Introduces irrelevant information expecting detailed consideration
- Uses a "scatter gun" approach across multiple staff members

Unacceptable conduct:

- Sends repeated, persistent, or abusive communications
- Harasses, threatens, intimidates, or is personally abusive toward staff/members
- Makes excessive demands on staff time and resources
- Knowingly provides false information
- Makes derogatory public statements about the Labour Party, its members, or staff

Confidentiality breaches:

- Threatens to release or releases confidential complaint information to media or public