

LIBERAL DEMOCRATS:  
INDEPENDENT COMPLAINTS PROCESS AND GUIDANCE  
01/08/2022

**LIBERAL DEMOCRATS:**  
**INDEPENDENT COMPLAINTS PROCESS**  
**VERSION 01/08/2022**

## **PART 1: Complaints process rules**

This is the complaints process adopted by the Federal Conference of the Liberal Democrats (“**the Party**”). The way to amend it is set out in **Part 4 – Administration**. If a word is capitalised, that means it has a definition, which is included in **Part 5 – Definitions and Glossary**.

### **1. Making and recording a Complaint**

- 1.1. Any person can only make a Complaint using the standard complaints form on the Party’s website.
- 1.2. The Standards Office will not accept complaints which do not fall within the definition of a ‘Complaint’ under these rules. If a person is not sure whether their complaint meets the criteria they may contact the Standards Office for advice and/or review the flow chart at **Appendix 1 – Who should I report a complaint to?**. Decisions of the Lead Adjudicator on whether a Complaint meets the criteria or not are final.
- 1.3. The Standards Office will (a) acknowledge all Complaints and send the person making the Complaint a copy of these rules and (b) record all Complaints in a comprehensive Complaint management system, including whether there are any other Complaints against the same Respondent for the same or similar events or conduct.
- 1.4. Any written communication about a Complaint sent by any person to an Adjudicator allocated to that Complaint or to the Senior Adjudicators’ Team or to the Standards Office, shall be added to the records for that Complaint.

### **2. Initial steps to a Complaint**

- 2.1. The Standards Office will send a list of Complaints received to the Lead Adjudicator on at least a weekly basis, with a recommendation as to whether each Complaint received should be:
  - 2.1.1. dismissed (with or without a Warning);
  - 2.1.2. sent back to the Complainant to ask for more information;
  - 2.1.3. sent to the Senior Adjudicators’ Team to decide whether to suspend the Respondent’s membership of the Party, before proceeding to a Panel hearing;  
or
  - 2.1.4. sent to a Panel hearing without suspension being considered.
- 2.2. The Lead Adjudicator will confirm or change the recommendations made for each Complaint and the Standards Office will inform the parties to the Complaint of the Lead Adjudicator’s decision.
- 2.3. If the Complaint relates to potentially criminal conduct, or the conduct of either a member of the Party who is also a member of staff employed by the Party, or a member who is a Parliamentarian, Senator, or an elected representative as a member of the Party’s group in the London Assembly, or to a breach of data protection rules (including GDPR), or electoral law (including PPERA), or where the Complaint is also being investigated by a regulatory or other disciplinary body, extra steps need to be considered at this point before the Complaint can be dealt

with under this complaints process. These extra steps are set out in more detail in **PART 2 – Extra Steps.**

### **3. Dismissal (under 2.1.1)**

- 3.1. The Complainant can appeal in writing within 7 days of receiving notice from the Standards Office of the decision to dismiss their Complaint. This appeal will be considered by the Review Panel at their next meeting.

### **4. More information needed (under 2.1.2)**

- 4.1. The Standards Office will ask the Complainant to provide further information and evidence to support the Complaint. If the Standards Office does not receive this within 7 days of asking, the Complaint will be closed.
- 4.2. If the Standards Office does receive further information and evidence within 7 days the Standards Office will apply paragraph 2.1 again.

### **5. Suspension (under 2.1.3)**

- 5.1. The Senior Adjudicators' Team will consider whether to suspend a person's membership when the Standards Office recommends they do so or at any other time they consider appropriate. The Senior Adjudicators' Team will take into account the relevant articles of the Federal Constitution and, if applicable, the Constitution of the relevant State Party or SAO when making their decision.
- 5.2. If the Senior Adjudicators' Team decide to suspend a person's membership the suspension will be effective immediately.
- 5.3. The Senior Adjudicators' Team will ask the Standards Office to inform all affected parties of the suspension. This could include the suspended person's local, regional and state parties, relevant candidates' chairs, and Party HQ, including the press and membership teams. This list is not exhaustive and a decision will be made on a case by case basis and to what is considered necessary.
- 5.4. The decision to suspend can be reviewed by the Senior Adjudicators' Team at any point after it has been taken. The suspension shall automatically be lifted only when the complaints process and any appeals have been fully concluded.

### **6. Panel (under 2.1.3 or 2.1.4)**

#### *Respondent's evidence and opportunity to make a Counter-Complaint*

- 6.1. The Respondent will be given 14 days from the day they are informed that the Complaint is being sent to a Panel to send the Standards Office a written response and produce any evidence of their own, and, if they choose to, to make a Counter-Complaint.
- 6.2. If the Respondent makes a Counter-Complaint, this Counter-Complaint will be heard by the same Panel as the primary Complaint.

#### *Panel meeting on the papers*

- 6.3. Once 14 days has gone by, the Panel Chair will hold a meeting of the Panel to review the Complaint(s), any Counter-Complaint(s), responses and evidence.

- 6.4. After considering the documents, the Panel will decide whether to hold a hearing, in which case they should set a hearing date at least 14 days in the future, or to dismiss the Complaint(s) or Counter-Complaint(s) on the basis of the written evidence only. The Standards Office shall tell all parties to the Complaint of the Panel's decision and the hearing date (if any).
- 6.5. If a Panel decides to hold a hearing, they may request that before the Panel hearing an Investigator interviews the Complainant, the Respondent and any witnesses named in the papers, reviews the evidence provided, and produces a report summarising the Complaint(s) and any Counter-Complaint(s) and any evidence provided.
- 6.6. If the Complaint is dismissed, the Panel will set out its reasoning in full in writing and this will be shared with all parties. The Respondent and Complainant have a right to appeal this decision within 7 days of receiving notice of the dismissal. Any appeal shall be heard by the Review Panel at their next meeting.

#### *Panel Hearings*

- 6.7. At least 7 days before the Panel hearing, the Panel Chair will send the parties a running order for the hearing. An example running order is given in **Appendix 3 – Panel Hearing Running Order Example**.
  - 6.8. If a Complainant or Respondent wants the Panel to ask any questions of the other parties or witnesses, they should submit these in writing no less than 48 hours before the Panel hearing.
  - 6.9. If a Complainant or Respondent asks for extra support at a Panel hearing, the Panel shall consider any support requested and apply the Party's safeguarding procedures on Party events where appropriate. If a Complainant or Respondent wants to bring a person with them to the Panel hearing to provide emotional support they may do so as long as that supporter is a member of the Party, and that supporter may not speak at the Panel hearing.
  - 6.10. At the Panel hearing the Panel members will ask questions of both parties and any witnesses, and allow the Complainant and Respondent to explain their position, set out their evidence, and respond to each other's statements.
  - 6.11. Once the Panel hearing has finished, the Panel should decide whether to uphold the Complaint, including full written reasoning and any sanctions that apply, within 7 days.
  - 6.12. The Standards Office will send the Complainant and Respondent copies of the Panel's decision promptly and may publish Panel decisions, reasoning and sanctions as necessary.
  - 6.13. If a Panel upholds a Complaint the Respondent and/or the Complainant may notify the Standards Officer that they intend to appeal within 7 days of receiving the Panel's decision.
7. Appeals

#### *Appeals against dismissals*

- 7.1. A Review Panel will meet at least once a month to consider appeals made in writing against decisions to dismiss (under either of paragraph 3.1 or 6.6). The decisions of a Review Panel will be final.
- 7.2. If the Review Panel overturns a decision under paragraph 3.1, it will set out in writing its reasoning and whether the Complaint should be dealt with under paragraph 2.1.2, 2.1.3 or 2.1.4 instead.
- 7.3. If the Review Panel overturns a decision under paragraph 6.6, the Standards Office will appoint a new Panel to consider the Complaint at a Panel hearing.
- 7.4. If the Review Panel upholds a decision to dismiss a Complaint it may choose to set out its reasoning in full in writing.

*Appeals against upheld Complaints and/or sanctions*

- 7.5. An Appeals Panel will meet at least once a month to consider appeals against Panel decisions to uphold Complaints made under paragraph 6.13. The decisions of an Appeals Panel will be final.
- 7.6. The Appeals Panel will consider all the evidence previously submitted to a Panel in relation to the Complaint and decide whether there is any evidence that (a) the decision made by the Panel was obviously incorrect, or (b) the decision did not take into account relevant evidence available to it, or (c) the Panel applied a sanction which was disproportionate to the harm caused. If the Appeals Panel decides one or more of these criteria are met, they may amend the Panel's decision but if none of them are met they will uphold the Panel's decision.
- 7.7. The Appeals Panel will set out their decisions in writing within 14 days of meeting to consider the appeal.
- 7.8. The Standards Office will send the Complainant and Respondent copies of the Appeals Panel's decision promptly and may publish Appeals Panel decisions, reasoning and sanctions as necessary.

## **PART 2 – Extra Steps**

### **1. Complaints against Party staff**

1.1. Where any Complaint is made about the conduct of a member who is employed in any capacity by the Party or any Party body (including, but not limited to the Federal Party, any State Party, the office of any elected representative or parliamentary or council group, or any AO or SAO) the Standards Office shall refer the Complaint to the relevant employer to consider whether it relates to events taking place, or their conduct when acting, in the course of their employment. If so, the Complaint will not be dealt with under this complaints process, and will, instead, be dealt with as an employment matter in accordance with that member's terms of employment. If not, the employer shall inform the Standards Office within 10 working days and the Complaint shall be dealt with under this complaints process.

### **2. Complaints against Parliamentarians and other elected representatives**

2.1. Where any Complaint is made about the conduct of a member who is a Parliamentarian, Senator, or an elected representative as a member of the Party's group in the London Assembly, the Lead Adjudicator shall refer the Complaint to the Chief Whip (or nearest equivalent) of that group for investigation under that group's standing orders to consider whether it relates to events taking place, or their conduct when acting, in the course of their role as a Parliamentarian or elected representative. If not, the referee shall inform the Standards Office within 10 working days and the Complaint shall be dealt with under this complaints process. If so, the referee shall apply their standing orders or procedures first before this complaints process applies (subject to paragraph 2.2).

2.2. Three months after any such referral the Standards Office shall write to the referee requesting a report as to the progress of their investigation and, if a final decision has been made, (i) a report of the findings of their investigation, (ii) the final decision reached within their own procedure and (iii) a recommendation as to any additional sanction to be applied under this complaints process. The Standards Office shall then report any response to the Senior Adjudicators' Team and to the CEO.

2.3. If the referee provides a report and final decision within a month of delivery of the Standards Office's written request under paragraph 2.2, the Complaint shall be referred to the Senior Adjudicators' Team who shall appoint a Panel, which shall make its decision as to whether to uphold the Complaint based on the report the Standards Office has received.

2.4. If no Complaint has been made under this system, and instead a complaint is made directly to any of the bodies listed directly in paragraph 2.1 then:

2.4.1. if the body complained to considers that the complaint relates to events taking place, or the conduct of the Parliamentarian or elected representative when acting, in the course of their role as Parliamentarian or elected representative and their final decision recommends a sanction which can be

applied under this complaints process, they shall inform the Standards Office on completion of their investigation of their final decision and the recommended sanction and provide a copy of their investigation report to the Standards Office. The Standards Office shall then register a Complaint in the case management system against the Parliamentarian or elected representative (with the body complained to as Complainant) and refer the matter to the Senior Adjudicators' Team who shall appoint a Panel, which shall make its decision as to whether to uphold the Complaint based on the report the Standards Office has received; or

- 2.4.2. if the body complained to considers that the complaint does not relate to events taking place, or the conduct of the Parliamentarian or elected representative when acting, in the course of their role as Parliamentarian or an elected representative but there are grounds for a Complaint under this complaints process they can refer the person making the complaint to this complaints process.

### 3. Complaints against elected councillors

- 3.1. Where any Complaint is made about the conduct of a member who is an elected councillor who is part of a recognised Liberal Democrat council group (a **Group**), the Lead Adjudicator shall contact the Group via any of its officers and ask them to confirm within 10 working days that all three of the following conditions are met:

- 3.1.1. **Power under the standing orders:** the Group's standing orders contain a process for the Group to handle complaints against their members; and

- 3.1.2. **Capacity:** the Group considers either (a) that it has the capacity to deal with the complaint, or (b) the group does not have the capacity to deal with the complaint but it has requested that the regional or state party identify another council group (the **Nominated Group**) which is able to deal with the complaint and this request has been agreed to by the relevant regional or state party and the Nominated Group. Reasons why a Group may not feel able to deal with a complaint include – without limitation – a complaint involving all the members of the Group who could run the group's internal complaints process, or incapacity among Group members who would otherwise be required to run the process; and

- 3.1.3. **Relevance:** the subject matter complained about relates to events taking place, or the respondent's conduct when acting, in the course of their role as an elected councillor.

- 3.2. If the Group confirms within 10 working days that all three conditions are met, the Group shall apply their standing orders or procedures first before this complaints process applies. However, if any or all of the conditions in 3.1.1, 3.1.2 or 3.1.3 are not met, or the Group fails to confirm within 10 working days whether they are met, or if the response is that the Group does not wish to deal with the complaint, the Complaint shall be dealt with from that date under this complaints procedure.

- 3.3. If confirmation is given under 3.1, three months after receiving this confirmation the Standards Office shall write to the Group (or if 3.1.2(b) applies, to the Nominated Group) requesting a report as to the progress of their investigation and, if a final decision has been made, (i) a report of the findings of their investigation, (ii) the final decision reached within their own process and (iii) a recommendation as to any additional sanction to be applied under this complaints process. The Standards Office shall then report any response to the Senior Adjudicators' Team.
- 3.4. If the Group (or if 3.1.2(b) applies, the Nominated Group) provides a report and final decision within a month of delivery of the Standards Office's written request under paragraph 3.3, the Complaint shall be referred to the Senior Adjudicators' Team who shall appoint a Panel, which shall make its decision as to whether to uphold the Complaint based on the report the Standards Office has received. In the event that a report and final decision are not provided within one month, the Complaint shall be dealt with from that date under this complaints procedure.
- 3.5. If no Complaint has been made under this system, and instead a complaint is made directly to a recognised Group then unless the standing orders of the Group contain an alternative process:
- 3.5.1. if the Group considers that the complaint relates to events taking place, or the conduct of the elected councillor when acting, in the course of their role as an elected councillor and their final decision recommends a sanction which can be applied under this complaints process, they shall inform the Standards Office on completion of their investigation of their final decision and the recommended sanction and provide a copy of their investigation report to the Standards Office. The Standards Office shall then register a Complaint in the case management system against the elected councillor (with the Group as Complainant) and refer the matter to the Senior Adjudicators' Team who shall appoint a Panel, which shall make its decision as to whether to uphold the Complaint based on the report the Standards Office has received; or
- 3.5.2. if the Group considers that the complaint does not relate to events taking place, or the conduct of an elected councillor when acting in the course of their role as an elected councillors but there are grounds for a Complaint under this complaints process they can refer the person making the complaint to this complaints process.

#### **4. Investigation of complaints by other regulatory or disciplinary bodies**

- 4.1. If, at any point during a complaints process before a Panel has been convened, the Senior Adjudicators' Team is made aware that a regulatory or disciplinary body is also investigating the event or conduct giving rise to a Complaint, the Senior Adjudicators' Team may decide to delay the next steps in the relevant Complaint until that body has completed its investigation. The Senior Adjudicators' Team will review decisions under this paragraph on a monthly basis.



## 5. Criminal matters

### *Reporting*

- 5.1. Any person who believes a crime may have been committed should report it to the police.
- 5.2. Where the Lead Adjudicator or Senior Adjudicators' Team suspects a crime may have been committed but it has been reported using the standard complaints form, the Standards Office shall report it to the head of HR and the CEO who shall, in order to comply with the Party's duty of care to its members and to members of the public, make sure that it is reported to the police.
- 5.3. In accordance with legal advice, where the Head of HR or CEO intends to report a suspected crime to the police, they should seek the consent of the Complainant and, if different, the victim, to disclose full details of the allegation to the police. If the Complainant and/or victim does not consent, the Head of HR shall provide a limited report to the police which covers the nature of the allegation, the identity of the Respondent, and the identity of the alleged victim. The Head of HR will not share this information with the Respondent and does not need the consent of the Respondent to make a report to the police.
- 5.4. Whilst the Party will not investigate such allegations while a police investigation is ongoing (and for the avoidance of doubt, where the police fail to confirm under paragraph 4.9 the Party will deem any police investigation to have concluded) it will consider other Complaints against the same Respondent which are, in themselves, not criminal but which may be linked to criminal conduct.

### *Suspension, in the case of alleged criminal behaviour*

- 5.5. In instances where a member has been accused of criminal behaviour, the Senior Adjudicators' Team shall determine whether or not to suspend the member pending the outcome of any police investigation.
- 5.6. The Senior Adjudicators' Team shall review any such suspension quarterly thereafter, until conviction, the end of any police investigation or, if they determine that this complaints process should apply following any of conviction, the end of police investigation, or police failure to confirm, the end of that complaints process, including any appeal.

### *Conviction*

- 5.7. Where a Complaint has been made and the member has been convicted of a criminal offence relating to the event or behaviour giving rise to the Complaint, the Senior Adjudicators' Team shall have the right to expel the member immediately on confirmation of the conviction or refer it to a Panel hearing. Where the member has evidenced to the Standards Office that they have appealed against such conviction to the relevant higher courts, the Senior Adjudicators' Team may decide to wait to make their determination until such appeal is concluded. In this case, if the member is suspended, they shall remain suspended until such appeal is

concluded and the Senior Adjudicators' Team may also decide to suspend them at any point during this process.

*End of Police investigation*

- 5.8. If the police inform the Party that conduct reported to them is not criminal or that their investigation has concluded without charge, the Party will investigate the Complaint under this complaints process.

*Police failure to confirm*

- 5.9. If the police do not confirm to the Party whether or not they are taking action within 6 months from the date a report is made to them, then the Standards Office shall contact them to request confirmation. If the police do not confirm within 1 month of the Standards Office's request, the Party will investigate the Complaint under this complaints process.

**6. Data protection and electoral law**

- 6.1. If the Lead Adjudicator considers that the subject matter of a Complaint relates to data protection law or electoral law they may inform the Head of Compliance and/or the Party's data protection officers of the Complaint in order to ensure compliance by the Party with electoral law, including PPERA, and/or data protection law, including GDPR.

## **PART 3 – Guidance and explanatory notes**

This section is intended to help people involved in Complaints to understand the rules set out in **Part 1 – Complaints Process Rules**. If there is a conflict between any part of this section and any part of Part 1, Part 1 will take precedence.

### **1. Anonymity**

Sometimes Complainants and witnesses will want to remain anonymous – by this we mean they want personal or identifying information about them not to be shared with other parties to the Complaint. People will always be required to give their name and contact details to the Party or the Complaint cannot be accepted by the Standards Office.

However, the Senior Adjudicators' Team has to balance someone's request for anonymity with the duty to properly investigate the details of a Complaint and it is often necessary to share details with the Respondent to allow that to happen.

If a person asks to be kept anonymous, the Senior Adjudicators' Team will consider the request and will allow it only where the person making the request has shown good cause (this may include but is not limited to, if a person is concerned about their personal safety, their privacy or their job and employment prospects).

If the Senior Adjudicators' Team decide not to grant anonymity to a Complainant, the Complainant will be given the choice to proceed without anonymity or to withdraw their Complaint. If the Senior Adjudicators' Team decide not to grant anonymity to a witness or any other person, that person will be given the choice to proceed without anonymity or to withdraw their evidence. The Respondent will not be told anything about a Complainant or witness who decides to withdraw.

Where any personal or identifying information about any party or witness to a Complaint is shared with any other party or witness, they are expected to keep such information confidential and to respect the privacy of the individuals concerned. The Party will take any misuse of this information to harass, bully or intimidate Respondents, Complainants or witnesses very seriously indeed. The Party will also report any potentially criminal harassment, bullying or intimidation of which it is made aware to the police.

### **2. Confidentiality**

While a Complaint is being considered by this complaints process, it is important that people who are not involved in the Complaint do not try to interfere with the process. One of the best ways to ensure that no-one tries to do this is for the parties to the Complaint to keep the details about the Complaint confidential until a decision has been made and all appeals are complete.

However, people can also find the complaints process stressful and talking to people about that can help. Parties to a Complaint can, therefore, tell other people that they have made a Complaint, or that they are involved in a complaints process as a witness, or that they have had a Complaint made against them. They should try to limit the number of people they speak to, to close friends or family. It is not appropriate for people involved in those Complaints to make social media posts or publicise them via the media until they have been brought to a conclusion.

The Party has a duty of care to its members and to members of the public, and to allow it to exercise that duty of care the Party may need to tell people inside the Party and others about a Complaint while it is ongoing. For example, the Party may need to tell local, regional or state party or AO or SAO executives if a member in their area or organisation

has been accused of a serious offence or is making vexatious Complaints, or candidates' chairs or others, if the Complaint involves an approved candidate who has been or may be selected to represent the Party.

Once a complaints process has concluded, where a Complaint has been upheld the Panel will suggest who to tell and how these parties should be informed about the outcome and any sanction imposed. At this point, it is no longer necessary to maintain confidentiality about the details of the Complaint and parties may make these public.

This section is in addition to and subject to any restrictions made to protect anonymity in accordance with paragraph 1 above.

### **3. Evidence**

Decisions taken under this complaints process will be made on the balance of probabilities – i.e. is it more likely than not that the behaviour complained about occurred, and was capable of bringing the Party into disrepute. To make this decision, the Panel must have all the information put before them clearly.

The Panel may choose to ask an Investigator to look at the evidence and interview parties in very difficult or complex cases. In these cases, the Investigator will act as a neutral third party and produce a report summarising the Complaint(s) and any Counter-Complaint(s) as well as any evidence in support or against either side. However, **in most cases** the parties will be expected to produce their own evidence and there will be no separate investigation.

This means it is the Complainant's responsibility to be prepared to explain their Complaint and back up anything they say to the Standards Office, the Lead Adjudicator and any Panel with evidence.

Complainants will need to produce evidence to support each part of their Complaint and name any witnesses they want to call at the same time they fill in the online Complaints form. If they do not provide this evidence and information, the Lead Adjudicator may give the Complainant seven days to submit more information but if they fail to meet this deadline the Complaint will be dismissed and will not be reconsidered except in exceptional circumstances.

It is also the Respondent's responsibility to explain and produce evidence to support their defence against a Complaint and to support any Counter-Complaint they make. If a Respondent thinks a Complaint is baseless, vexatious and/or should be dismissed, they will need to explain to the Standards Office, Lead Adjudicator and any Panel why and support this with evidence, and not simply to state that this is the case.

Useful evidence can include emails or other written correspondence, screenshots of social media posts or other online activity, photographs, video or other visual evidence, or evidence given by eye-witnesses.

### **4. Timelines, Extensions and Postponements**

Best practice is for Complaints to be dealt with as swiftly as possible. The ideal timeline of a full Complaints process, from initial filing of the online complaints form to the decision from a Panel, should be around 6 weeks (assuming enough evidence is submitted alongside the original Complaint, and the parties all meet the deadlines for their responses). Any appeal would be in addition to this.

To assist with the swift resolution of a Complaint, parties to a Complaint are expected to comply with timelines set for them in this complaints process. An extension to the timeline will be allowed only in exceptional circumstances, such as where witnesses who could provide evidence which might sway the outcome of the Complaint are unavailable for a Panel hearing. Examples of what may constitute exceptional circumstances include death of a close friend or family member, serious illness, pre-existing commitments the cancellation of which would incur significant costs (e.g. a wedding, holiday or surgery), severe emotional or physical distress, and/or reputational damage.

Applications for an extension in the timeline must be sent to the Standards Office in writing and shall then be considered by the relevant Panel or Appeals Panel (as applicable), whose decision shall be final.

## **5. Representation**

The Party's complaints process is not a legal process: it relates to the membership of an organisation. The Standards Office, the Senior Adjudicators' Team, the Panel, any Appeals Panel or Review Panel and any Investigator will always speak with any person going through the process directly, rather than a representative, unless the Senior Adjudicators' Team has agreed in writing that they can deal with a named representative.

Members may request advice from a legal professional at any stage of the process. Members may choose a supporter who has legal training at any Panel or Appeals Panel hearing, as long as that supporter is a member of the Party and does not speak at the hearing.

## **6. Process Mentors**

Some people may find this complaints process confusing to navigate. If a Complainant or Respondent asks the Standards Office for guidance on how the system works or what the rules mean, the Standards Office can provide a Process Mentor. A Process Mentor is a volunteer who is not trained to provide emotional support and does not advocate or represent the person they are assisting. Their role is limited to assisting that person to understand these rules and guidance.

## **7. Resignation of parties to the Complaint**

Respondents or Complainants may seek to resign their membership of the relevant State Party or SAO before the complaints process is complete.

If a member submits a resignation, then this should be taken into account as appropriate in the process. For example, if a party to the Complaint resigns before the Complaint has been investigated and subsequently refuses to cooperate with the investigation process, other witnesses should be sought where possible but if they cannot be the Complaint should be dismissed.

If the Respondent resigns before the Panel has made its decision, then the Complaint will be closed but a flag will be placed on the Respondent's federal party membership record and the relevant local, regional and/or state party or SAO membership teams will be informed so that they are aware there is an outstanding Complaint against this person. If the Respondent tries to re-join the Party the complaints process will start up again from the point at which it stopped.

## **8. Patterns of behaviour**

A Panel will take into account evidence of patterns of behaviour by the same Respondent when considering any Complaint in a few different ways.

### *Previous Upheld Complaints*

If a Complaint has previously been upheld against a Respondent and a second similar Complaint is also upheld, the Panel will take into account this evidence when choosing whether to impose heavier sanctions than they otherwise might for individual Complaints, to reflect the additional damage done by the pattern of behaviour to the wellbeing of its members and the public and to the reputation of the Party.

Where the Senior Adjudicators' Team decides to link Complaints under one complaints process (see paragraph 2.3 of the main complaints process) one Panel may be called to look at all of these Complaints at the same time. In the Panel decision notice, the Panel should make clear their decision in response to each separate Complaint. This will allow the Party more easily to identify patterns of behaviour.

### *Warnings*

The Lead Adjudicator or a Panel might not think one act in itself is sufficiently serious to merit a Panel hearing or a sanction, but they may think that if the person did something repeatedly or when combined with other behaviour reported to the Party it would cause greater concern. In such circumstances, rather than simply dismissing the Complaint, the Lead Adjudicator or Panel may decide to issue a Warning.

If any new Complaint is upheld against the same Respondent in future, the Warning would then be taken into account by the Lead Adjudicator or Panel in deciding what decision and any sanction to apply.

## **9. Vexatious Complaints**

If a person appears to be making a vexatious Complaint – i.e. a Complaint which the person making it is aware has no merit and they are making it with the intention to cause the person complained about distress or personal or professional difficulty – the Lead Adjudicator will take this into account when considering whether to dismiss the Complaint.

If a person makes multiple vexatious Complaints, the Lead Adjudicator may prohibit them from making Complaints for a certain period. During this period, such a person may apply in writing to the Lead Adjudicator for consent to lodge a Complaint and the Lead Adjudicator will take into account the details provided in considering whether to accept this Complaint.

The Lead Adjudicator may also choose to publish to Conference the details of the number and nature of vexatious Complaints.

## **10. Sanctions**

### *What is a sanction?*

If a Panel upholds a Complaint it should explain what sanction – i.e. penalty for the behaviour the Complaint relates to – should apply to the Respondent.

Possible sanctions include (but are not limited to) any one or more of the following:

- revocation of membership and expulsion from the relevant State Party or SAO;
- suspension of membership of the relevant State Party or SAO for a fixed period or until after a specific event has occurred (for example, completion of additional training);
- ban from standing for or holding external office as a Liberal Democrat either permanently, for a fixed period or until after a specific event has occurred;
- ban from holding office within the Party permanently, for a fixed period or until after a specific event has occurred;
- recommendation to the relevant State Party candidates' chair that the member is removed from the approved list of candidates, either permanently, for a fixed period or until after a specific event has occurred;
- mandatory training (in which case a timetable for completion of such training shall be scheduled at the time of request);
- request for an apology to be given (in which case the date by which such apology should be given shall be scheduled at the time of request);
- a Warning.

If the sanction requires the Respondent to do something (such as undertake training or give an apology) the Panel should state the deadline for completing this, which shall always be at least 14 days after the decision is communicated to the Respondent. The Panel shall also include a further sanction if the Respondent does not do what is required in the time set unless a reasonable excuse can be given (e.g. if no training providers were providing relevant courses before the deadline).

### *Appeals and sanctions*

Where a Panel has recommended a sanction but the Respondent appeals, the sanction will be dealt with in one of two ways:

- For something that has ongoing effect (like removal from a local party committee or suspension of the right to stand as a candidate on behalf of the Party) the sanction will be applicable immediately from the Panel decision being published, and will remain in force, unless and until an appeal overturns the sanction.
- Where a sanction requires a specific action (like undertaking training or writing an apology) (a) the timeline set for completing that sanction will start to run immediately from the Panel decision being published, (b) if the Respondent makes an appeal, the timeline will be suspended until the outcome of the Appeals Panel is published, and (c) unless the Appeals Panel overturns the sanction, the timeline will start again immediately from the Appeals Panel decision being published.

## **11. Informal resolution**

This complaints process is not designed to provide informal resolution of Complaints. Where members are interested in informally resolving issues with another member, they should contact the Standards Office to ask for support. The Standards Office may put them in touch with pastoral care support and/or support from appropriate party bodies – such as their local, regional or State parties, Lib Dem LGA, or ALDC – to assist as appropriate.

## **PART 4 - Administration**

### **1. Amendments to this complaints process**

#### **1.1 Consultation**

When considering any amendments to this document, the Federal Board shall consult the State Parties and any other relevant Party bodies including Associated Organisations or Specified Associated Organisations in advance of making changes.

Where substantial amendments to this complaints process are being proposed, the Federal Board shall also consider how best to consult the membership as a whole.

#### **1.2 Decision**

The final decision on any amendments to this complaints process shall be made by the Federal Board.

#### **1.3 Reporting**

The Federal Board shall include in its report to Conference any amendments it makes to this complaints process.

#### **1.4 General Elections**

During the period of any UK, Scottish or Welsh General Election the Federal Board, in the case of a U.K. General Election, and the Scottish and Welsh Executives, respectively, in the case of a Scottish or Welsh General Election, may make temporary amendments to this complaints process to ensure urgent decisions are made with expedition during the campaign and less urgent matters can be postponed until after polling day. Such changes will be set out in any General Election Protocol or regulations established by the Federal Board or Scottish or Welsh Executive, respectively.

### **2. Reports to Conference**

The Lead Adjudicator shall submit an annual report to each autumn Federal Conference which shall include for each year:

- information on the numbers of Complaints;
- the number of Party members suspended;
- the number of cases appealed to the Review Panel and the Appeals Panel;
- the number of cases ongoing and the number concluded;
- the number of concluded Complaints which were dismissed, referred back for additional information and referred to a Panel;
- the average number of days taken to conclude each complaints process; and
- the sanctions imposed, if any, in each concluded case.



## PART 5 – Definitions and Glossary

<p><b>Appeals Panel</b></p>	<p>The panel of 3 Adjudicators appointed to consider an appeal against a decision made by a Panel.</p>
<p><b>Adjudicator</b></p>	<p>An Adjudicator is a person trained to sit on a panel determining whether sanctions should be imposed. Each Panel is made up of three Adjudicators and may impose sanctions on members who are deemed to have brought the Party into disrepute. There will be a list of at least 40 individuals who undergo a robust approvals process. Adjudicators are permitted to stand as candidates or hold local government elected posts for the Party or hold office at a Local Party or Associated Organisation level but cannot otherwise hold public office or office elsewhere in the Party.</p>
<p><b>Bringing the Party into Disrepute</b></p>	<p>The Party can be 'brought into disrepute' under Article 3.8 of the Party's Federal Constitution ("the Constitution") by something a member does (an 'act'), by something a member does not do (an 'omission'), or by a number of acts and/or omissions by a member taken together (a 'course of conduct') which would substantially lower the Party's reputation in the mind of a fair, objective and right-thinking observer.</p> <p>A few examples of behaviour that could bring the Party into disrepute are breaches of the Constitution, its policies or the Members' Code of Conduct, or behaviour described in any of the grounds for revocation of membership set out in Article 3.8 of the Constitution, as follows:</p> <ul style="list-style-type: none"> <li>(a) material disagreement, evidenced by conduct, with the fundamental values and objectives of the Party;</li> <li>(b) conduct which has brought, or is likely to bring, the Party into disrepute;</li> <li>(c) standing against the candidate of the Party in any election to public office;</li> <li>(d) membership of or support for another political party in Great Britain;</li> <li>(e) a breach of the standards set out in Article 3.1(b) of the Constitution; or</li> <li>(f) discrimination against another person on the basis of a protected characteristic as defined in the Equality Act 2010.</li> </ul>

	However, these are not the only kinds of behaviour Panels will consider.
<b>CEO</b>	The Chief Executive Officer of the Federal Party.
<b>The Complainant</b>	<p>The Complainant is:</p> <p>(i) a person bringing a Complaint about a member's behaviour; or</p> <p>(ii) where the Complaint is made by the executive of a Party body such as a Local, Regional or State Party or an AO or SAO, that Party body.</p> <p>Where the Complainant is a Party body, the executive of that Party body shall identify a person who shall act as the Party body's representative in the Complaint.</p>
<b>Complaint</b>	<p>A Complaint is an allegation by any Complainant about the behaviour of a member of the Party. This may include criminal behaviour, although the Standards Office shall advise a Complainant where there are circumstances in which the Complaint shall be referred to the police.</p> <p>Certain types of Complaints are not covered by this process and will be referred to other Party bodies. These include:</p> <ul style="list-style-type: none"> <li>a) Complaints against a person who is not a member of the Party at the time the Complaint is reported to the Party, even if they were members when the behaviour took place;</li> <li>b) Complaints about data management or breach of data protection rules, including GDPR, which will be referred to the Data Protection team in Party HQ;</li> <li>c) Complaints that are not about individual members. A few examples are: <ul style="list-style-type: none"> <li>a. Party bodies or local, regional or state parties (which should be dealt with in accordance with the body's constitution or standing orders);</li> <li>b. council groups (which should be dealt with under the group's standing orders); or</li> <li>c. constitutional issues (the complaint should be made to the FAP);</li> </ul> </li> </ul>

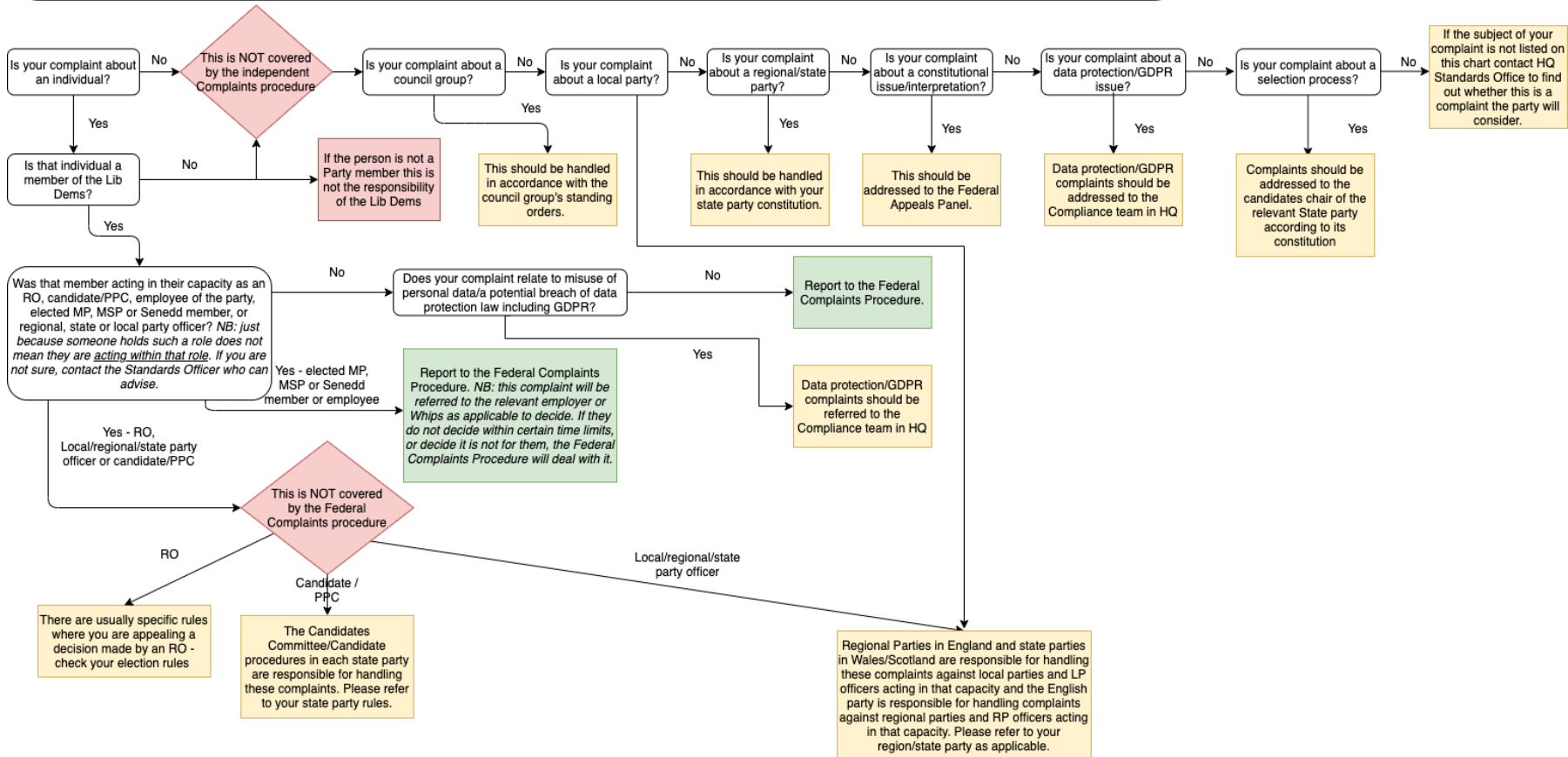
	<p>d. selection processes (which should be sent to the relevant Party's candidates' chair);</p> <p>d) Complaints about Party employees acting in that capacity, which should be sent to their employer; or</p> <p>e) Members acting in their capacity as returning officers (which should be dealt with under the relevant election rules).</p> <p>Even if a complaint is a Complaint within these rules, it may be dismissed if the behaviour it relates to could not, on the balance of probabilities, bring the Party into disrepute.</p>
<b>Counter-Complaint</b>	A Complaint made by a Respondent in response to a Complaint made about them.
<b>Investigator</b>	Investigators are trained to investigate Complaints referred to them without giving favour to either side and are tasked with presenting the Complaints they have investigated to a Panel, where it is determined that the Complaints are serious enough to warrant such action. As with Adjudicators, Investigators permitted to stand as candidates or hold local government elected posts for the Party or hold office at a Local Party or Associated Organisation level but are otherwise barred from holding public office or office elsewhere in the Party.
<b>The Lead Adjudicator</b>	The Lead Adjudicator is responsible for the smooth running of the complaints process and for reporting to Conference. They are a point of contact for Adjudicators with questions about this procedure and any issues arising as a result of applying the procedure, to the extent these are not covered by or are not clear to that Adjudicator from reading this procedure and the associated guidance.
<b>Panel</b>	The panel of 3 Adjudicators appointed to consider a Complaint.
<b>The Senior Adjudicators' Team</b>	<p>The Lead Adjudicator is supported in this task by 3 Senior Adjudicators, 1 from each State Party. Together all are known as the "Senior Adjudicators' Team". Where the Senior Adjudicators' Team is required to make a decision they should aim to do so by majority vote. Where a majority cannot be achieved, the Lead Adjudicator shall have the deciding vote. If any members of the Senior Adjudicators' Team is ill or unavailable then the remaining members should be considered quorate.</p> <p>Where this procedure and guidance places a duty on the Lead Adjudicator to make a decision and the Lead Adjudicator is temporarily unable to respond or make the decision (e.g. due to ill-health, holiday or absence) the Standards Office shall refer that decision to the Senior Adjudicator for the State Party of the Respondent for them to make the decision instead of the Lead Adjudicator. The members of the Senior Adjudicators' Team may delegate their tasks, or any of them, to other Adjudicators. It is expected that no member of the Senior Adjudicators' Team will serve</p>

	a term of more than 5 years.
<b>Process Mentor</b>	A Process Mentor is an individual chosen by the Party to provide support to Respondents going through the complaints process to help them understand this complaints process. The Standards Office shall ensure Process Mentors receive adequate training on navigating the complaints process and that they have access to any relevant guidance.
<b>Pastoral Care</b>	The People Team at Party HQ will be able to provide pastoral care by way of support over the phone or by directing individuals to appropriate services.
<b>Respondent</b>	The Respondent is the Party member about whom a Complaint has been made.
<b>Review Panel</b>	A panel of three Adjudicators trained to deal with appeals in relation to decisions to dismiss Complaints. The Review Panel shall meet on a regular basis to consider any referrals made to them in the period since their last meeting.
<b>Standards Office</b>	The Standards Office are members of Party staff responsible for overseeing the administration of the Party's complaints process, including publishing information and guidance on it on the Party's website.
<b>Warning</b>	A note issued by the Lead Adjudicator or a Panel to a Respondent to make the Respondent aware that, while they believe a Complaint either does not relate to matters which risk bringing the Party into disrepute, or (in the case of the Lead Adjudicator) that it is inappropriate (as too inconsequential) to be referred to a Panel in and of itself, if a further Complaint were to be received in relation to the same or very similar behaviour, it is more likely to be referred to a Panel and/or is more likely to be upheld by a Panel.

## APPENDIX 1: WHO SHOULD I REPORT A COMPLAINT TO?

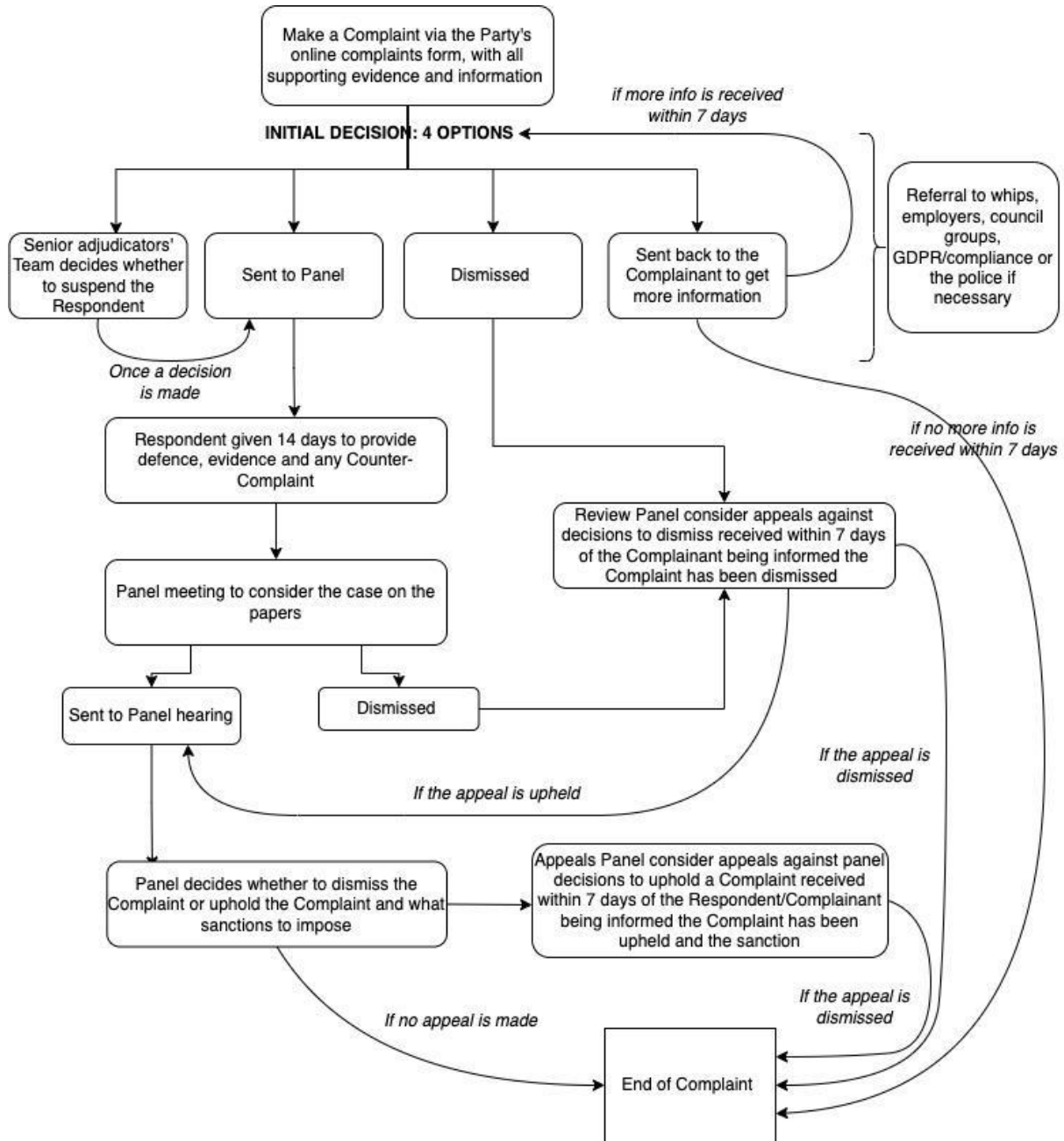
The independent complaints procedure deals with complaints against individual members, whose actions could bring the party into disrepute. If your complaint is not of that kind but instead relates to other rights of appeal to State Party Appeals Panels or the Federal Appeals Panel or rules and procedures properly created by those State Parties, these systems remain in full effect and should be used instead.

This means this procedure does not apply where the complaint is about how a party process works - such as the candidate approval process, candidate selections or deselections, elections to internal bodies (including the decisions of a returning officer acting in the course of their role), acceptance or refusal of new members. It cannot be used to determine questions about how to interpret the party's rules or constitutions. It also does not apply where the complaint is against a party body rather than an individual - such as a local party, party committee, regional party or state party. This process does have a role where the complaint is against an employee or elected official / representative of the party acting in that capacity, where their behaviour could bring the party into disrepute, but only after certain other processes have been completed.



## APPENDIX 2 – FLOWCHART OF THE PROCESS

**Preparation:** before making a complaint on the online complaints file, check Appendix 1 to see if the complaint will be accepted into this process or should be reported to a different person.



### **APPENDIX 3 – PANEL HEARING RUNNING ORDER EXAMPLE**

*NB: the standard format suggested below can be amended by the Panel at their discretion.*

1. Introductions
2. Complainant provides a brief summary of the Complaint and evidence as submitted.
3. Questions from the Panel to the Complainant and any witnesses on the Complainant's evidence.
4. Respondent provides a brief summary of their defence to the Complaint and evidence as submitted, and a brief summary of any Counter-Complaint and evidence as submitted.
5. Questions from the Panel to the Respondent and any witnesses on the Complainant's evidence.
6. Questions from the Panel to the Complainant in relation to any Counter-Complaint and any witnesses on the Respondent's evidence in relation to the Counter-Complaint.
7. Both Complainant and Respondent are given the opportunity to make any final submissions to the Panel.
8. Panel adjourns.

## APPENDIX 4 – CASE STUDIES (FACTS DRAWN FROM REAL COMPLAINTS)

**CASE STUDY 1: no evidence produced** A Complainant puts in a Complaint alleging a party member is bullying and harassing them. However, they provide no evidence to support their claim with their initial Complaint. The Lead Adjudicator decides to ask for more information and the Complainant is informed of that. 7 days later the Complainant sends an email saying it is not their job to investigate and the Party has to do it and refuses to provide any further evidence of their claims.

*Actions: The Complaint will be dismissed for lack of evidence. While the Complainant will have 7 days to appeal to the Review Panel if they still refuse to provide any further evidence of their claims the Review Panel would dismiss the appeal.*

**CASE STUDY 2: not a Complaint capable of bringing the Party into disrepute** A Complainant complains that a Lib Dem in their local party has called them an idiot on Twitter and has also tweeted that they disagree with the Party's policy on nuclear disarmament. He produces screenshots of the tweets, but no other evidence of poor behaviour by the Respondent.

*Actions: this is not a Complaint about actions which are capable of bringing the Party into disrepute so it will be dismissed at the first hurdle.*

**CASE STUDY 3: not a Complaint at all** A Complainant has complained that the Lib Dem council group in their area is acting inappropriately in supporting a planning policy proposal put forward by the council's Labour group, which forms the small majority on the council.

*Actions: This is not a Complaint for the purposes of this process – a complaint against a Council group is not a Complaint about an individual member. It might be possible to make a complaint under the Council group's standing orders but as the group are acting in their role as a Council group, within their discretion, we would not expect any complaint to be upheld by this process either.*

**CASE STUDY 4: the potentially criminal complaint** A complaint has been made of sexual impropriety by a member at the bar at Party Conference. The Complainant has given all the details including the names of two eye-witnesses along with their Complaint and the text message from the Respondent the next morning accepting that they had touched the Complainant but saying it was 'just banter' and 'all in fun'.

*Actions: The Standard Office would send this as an urgent referral to the Lead Adjudicator, who would:*

- *consider whether to report the potential sexual offence to the police (which it should be)*
- *set up a meeting with the Senior Adjudicators' Team to consider suspension of the Respondent*
- *prepare to hold a Panel once the necessary criminal steps have been undertaken*

*The Complainant should be referred to Pastoral Care.*

*If the Respondent is convicted of a criminal sexual offence, the Senior Adjudicators' Team may expel them immediately on confirmation of the conviction. If they are not convicted (either because they are found not guilty or because they are not charged) or if the police take more than 6 months to confirm if they intend to prosecute, the matter may be referred to a Panel hearing.*



*The Complainant may need additional support at the hearing, including a right not to give evidence in the same place as the Respondent.*

**CASE STUDY 5: The vexatious Complainant** The same Complainant that complained under Case Study 3 comes back with a second Complaint against their local Council group alleging that three leaders of the group are harassing and bullying them personally. They provide emails that appear to show the Respondents have sent abusive messages to them including death threats.

When the Respondents are informed about the messages they are able to get independent Council officers who were on the relevant chain of emails to confirm that the messages have been amended post-delivery to introduce the abusive wording and the death threats.

*The Complaint would be dismissed at the first possible point after the Respondent's evidence was brought forward (which would generally be at the Panel meeting to consider the papers). The Complainant would have the right to appeal the dismissal but they should not expect to be successful with the Review Panel. The Respondents may make a Counter-Complaint, which we would expect to be upheld by the Panel and a sanction imposed on the Complainant for falsifying the emails.*

*The original Complaint would be recognised as a vexatious Complaint and the Lead Adjudicator may decide to prohibit the Complainant from putting in another Complaint for a certain period of time without their prior permission.*

**CASE STUDY 6: The refusenik Respondent** The Complainant puts in their Complaint on bullying, supported by some evidence in the form of messages and one eye witness. The Respondent is given the opportunity to respond but refuses to do so on the basis there is no case to answer. A Panel hearing is called and the Respondent attends but refuses to participate – only saying 'no comment' whenever they are asked a question.

*Actions: the Panel has to look at the evidence actually presented to it, and therefore would uphold the Complaint and apply an appropriate sanction. The Respondent may appeal only on a limited basis – they do not get another 'bite of the apple' by asking the Appeals Panel to consider evidence they did not present to the original Panel, when they have refused to cooperate up to that point.*

**CASE STUDY 7: the complex bullying Complaint** The Complainant, who has a protected characteristic, puts in a Complaint that they are being bullied by their local party chair. The Respondent has failed to invite them to various local party meetings and when they were invited the Respondent speaks over them and undermines them and their ideas. The Complainant believes this is caused or at least exacerbated by their protected characteristic. Other members of the local party executive are willing to act as witnesses to this behaviour.

On contacting the Respondent, the Respondent submits a Counter-Complaint that the Complainant is difficult to deal with, and was not invited to meetings because they have previously upset other members of the local party by shouting at these meetings. They also have the support of witnesses who are local party members.

*A Panel should be called with a full hearing, allowing all parties to make their case. If necessary, the Panel may request that an investigator review the evidence and produces a comprehensive report.*

*Depending on the outcome, sanctions may be applied to both sides. The Standards Office or Panel may recommend that an independent person is asked to intervene if the issue goes beyond the individuals involved and is making it difficult for the entire local party to function as a unit.*