

LIBERAL DEMOCRATS:
COMPLAINTS PROCEDURE AND GUIDANCE
FINAL VERSION - AGREED BY FEDERAL BOARD ON 14/09/2019

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Complaints Procedure

This is the complaints procedure of the Liberal Democrats. The procedure for its amendment is in paragraph 11 of the Interpretations section below.

1. Definitions / Glossary

1.1 Adjudicator

An Adjudicator is an individual trained to assess the severity of a Complaint and to sit on a panel determining whether sanctions should be imposed. Each Complaints Panel is made up of three Adjudicators and may impose sanctions on individuals 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 and whose names are reported to Conference. Some Adjudicators will receive specialist training in handling cases relating to allegations of inappropriate sexual conduct, bullying, harassment or abuse of power. Adjudicators are permitted to stand as candidates for the Party or hold office at a Local Party level but are barred from holding office elsewhere in the Party.

1.2 Appellant

The person or persons appealing against a decision of a Complaints Panel, which may be the Complainants or the Respondents in the original Complaint or, in exceptional circumstances, the Senior Adjudicators' Team, acting on behalf of the Party.

1.3 Bringing the Party into Disrepute

Generally, the Party will be 'brought into disrepute' under Article 3.7(b) of the Party's Federal Constitution ("the Constitution") by any course of conduct, act or omission on the part of a member that would substantially lower the Party's reputation in the mind of a fair, objective and right-thinking observer. Specifically, this includes breaches of the Constitution, its policies, the Members' Code of Conduct, or any of the criteria set out in evidenceArticle 3.7 of the Constitution for revocation of membership, as follows:

- (a) material disagreement, evidenced by conduct, with the fundamental values and objectives of the Party;
- (b) conduct which has brought, or is likely to bring, the Party into disrepute;
- (c) standing against the candidate of the Party in any election to public office;
- (d) membership of or support for another political party in Great Britain;
- (e) a breach of the standards set out in Article 3.1(b) of the Constitution; or
- (f) discrimination against another person on the basis of a protected characteristic as defined in the Equality Act 2010.

1.4 Chief Executive

The Chief Executive Officer of the Federal Party at any time.

1.5 The Complainant

The Complainant is (i) any person bringing a Complaint regarding a member's behaviour or (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. 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.

1.6 Complaint

A Complaint is an allegation by any Complainant in respect of the behaviour of a member of the Party. This may include criminal behaviour, although Complainants shall be made aware of the circumstances in which Complaints shall be referred to the police.

1.7 Complaints Panel

The panel of 3 Adjudicators appointed to determine a Complaint.

1.8 Federal Appeals Panel

The Federal Appeals Panel as constituted under Article 21 of the Constitution.

1.9 Independent Person

Independent Persons are Party members with no personal connection to the event or conduct giving rise to the Complaint or to any of the individuals involved. They are appointed to provide independent advice and are also trained in mediating disputes to bring Complaints to an informal resolution. Such training shall either be provided by the Party or, if provided by a third party body, shall be evidenced to the Party by the Independent Person. Independent Persons may hold office within the Party at any level.

1.10 Investigator

Investigators are trained to impartially investigate Complaints referred to them and are tasked with presenting the Complaints they have investigated to a Complaints Panel, where it is determined that the Complaints are serious enough to warrant such action. There will be a list of at least 15 individuals who undergo a robust approvals process and whose names are reported to Conference. As with Adjudicators, Investigators are permitted to stand as candidates for the Party or hold office at a Local Party level but are barred from holding office elsewhere in the Party.

1.11 Lead and Senior Adjudicators

The Lead Adjudicator does not sit on Complaints Panels or adjudicate on individual Complaints but is responsible for the smooth running of each complaints procedure and for reporting to Conference. The Lead Adjudicator is supported in this task by 3 Senior Adjudicators, 1 from each State Party, who are selected from the list of Adjudicators. Together all 4 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.

1.12 Party Mentor

A Party Mentor is an individual identified by the Party to provide personal support to Respondents going through the complaints process, in a similar manner to the support provided by the Pastoral Care Officer to Complainants. The Standards Officer shall ensure Party Mentors receive adequate training on navigating the complaints procedure and that they have access to any relevant guidance.

1.13 Pastoral Care Officer

The Pastoral Care Officer is a staff role. They are a point of contact for those deciding whether or not to raise Complaints, and can provide signposting, confidential support and advice to Complainants.

The Pastoral Care Officer provides or arranges personal support to Complainants going through the complaints procedure. This means that they are not in a neutral position in relation to the complaints procedure and so they are not involved in the administration of the complaints procedure. This is the responsibility of the Standards Officer.

1.14 Respondent

The Respondent is the Party member about whom a Complaint has been made.

1.15 Standards Officer

The Standards Officer is the member of Party staff responsible for overseeing the administration of the complaints procedure, including publishing information and guidance on the complaints procedure from time to time on the Party's website.

2. Reporting

2.1 Complaint management system and Online form

Any person with a Complaint may make a Complaint using the standard complaints form on the Party's website. The Standards Officer will administer a comprehensive Complaint management system to record all Complaints received on the standard complaints form. Any written communication about a Complaint sent by any person to an Adjudicator, Investigator or Independent Person allocated to that Complaint or to the Senior Adjudication Team or to the Standards Officer shall be added to the records for that Complaint and made available to the Complainant and Respondent.

2.2 Party Officers

To ensure both a consistent approach and the use of a comprehensive Complaints management system any Party Officer to whom a Complaint is made will pass it on using the standard complaints form.

2.3 Linked Complaints and Multiple Complaints

When the Standards Officer becomes aware that a Complaint has been made about the same or similar events or conduct against the same Respondent as a Complaint already entered into the comprehensive case management system they shall note that the

Complaints are linked on the records of each relevant Complaint in the comprehensive Complaints management system and inform the Senior Adjudicators' Team of that link.

If the complaints procedure is ongoing for the original Complaint, the Senior Adjudicators' Team shall decide whether to deal with each additional Complaint under a new complaints procedure or to bring the new Complainants in as additional Complainants within the ongoing complaints procedure.

Where 2 or more Complaints have been made and upheld by a complaints procedure about the same or similar events or conduct against the same Respondent within a period of 3 years or fewer, the Complaints Panel shall take this into account when determining the level of sanction applicable.

2.4 Complaints against Party staff

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 Officer 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 procedure, 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 Officer within 10 working days and the Complaint shall be dealt with under this procedure.

2.5 Complaints against elected representatives

Where any Complaint is made about the conduct of a member who is an elected representative the Standards Officer shall refer the Complaint to:

- (a) in the case of members of the party's group in the House of Commons, House of Lords, Scottish Parliament, Welsh Assembly, European Parliament or London Assembly, the Chief Whip of that group for investigation under that group's standing orders, or
- (b) in the case of councillors or elected mayors the appropriate Standards Commissioner,

to consider whether it relates to events taking place, or their conduct when acting, in the course of their role as an elected representative. If not, the referee shall inform the Standards Officer within 10 working days and the Complaint shall be dealt with under this procedure.

The Standards Officer shall report any such referral to the Senior Adjudicators' Team, to the Chief Executive and to the Complainant.

Three months after any such referral the Standards Officer shall write to the person to whom they referred the Complaint 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

procedure. The Standards Officer shall then report any response to the Senior Adjudicators' Team, to the Chief Executive and to the Complainant.

2.6 If the person to whom the Standards Officer referred the Complaint provides a report and final decision within a month of delivery of the Standards Officer's written request and recommends a sanction under this complaints procedure to the Standards Officer, the Complaint shall be referred to the Senior Adjudicators' Team who shall proceed to apply the Expedited Complaints Procedure to the Complaint based on the report and recommendation the Standards Officer has received. If the person to whom the Standards Officer referred the Complaint does not so provide a report or final decision or recommend a sanction under this complaints procedure to the Standards Officer, the Party will investigate the Complaint under this complaints procedure. Investigation of complaints by other regulatory or disciplinary bodies

If, at any point during this complaints procedure before a Complaints Panel has been convened (see paragraph 5.2.3.1.), 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 complaints procedure until that body has completed its investigation. The Senior Adjudicators' Team will review decisions under this paragraph on a monthly basis.

3. Criminal matters

3.1 Reporting

Any person who believes a crime may have been committed should report it to the police. Where the Standards Officer suspects a crime may have been committed but it has been reported using the standard complaints form, the Standards Officer shall report it to Head of HR who shall report it to the police as required in order to comply with the Party's duty of care to its members and to members of the public.

In accordance with legal advice, where the Head of HR 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 accused, and the identity of the alleged victim. The Head of HR will not share this information with the accused and does not need the consent of the accused to make a report to the police.

Whilst the Party will not investigate such allegations while a police investigation is ongoing it will consider those of unacceptable behaviour which are, in themselves, not criminal but which may be linked to criminal conduct.

3.2 Suspension in the case of alleged criminal behaviour

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. The Senior Adjudicators' Team shall review any such suspension quarterly thereafter, until conviction (see paragraph 3.3 below), the end of any police investigation (see paragraph 3.4 below) or, if they determine a complaints

procedure should follow any of conviction, the end of police investigation, or police failure to confirm (see paragraph 3.5), the end of that complaints procedure.

3.3 Conviction

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 determine if the matter warrants immediate referral to a Complaints Panel hearing. In such cases, an expedited complaints procedure shall come into effect. Where the member has evidenced to the Standards Officer that they have appealed against such conviction with the relevant higher courts, the Senior Adjudicators' Team may decide to suspend their determination until such appeal is concluded. In this case the member shall remain suspended until such appeal is concluded.

3.4 End of Police investigation

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 procedure.

3.5 Police failure to confirm

If the police do not confirm to the Party whether they are taking action (under either paragraphs 3.3 or 3.4 above) within 6 months from the date the Standards Officer makes a report to them, then the Standards Officer shall contact them to request confirmation. If the police do not confirm within 1 month of the Standards Officer's request, the Party will investigate the Complaint under this complaints procedure.

4. Determination

4.1 Standards Officer

Once a Complaint has been received, the Standards Officer shall refer any Complaint to the Lead Adjudicator and to the Senior Adjudicator for the State Party of the Respondent. Any one of the Lead Adjudicator, the Senior Adjudicator for the State Party of the Respondent and the Standards Officer may, if they consider it appropriate, refer a Complaint to the Senior Adjudicators' Team so that a decision can be made about whether to suspend the membership of the Respondent.

4.2 Suspension

At any point after the Senior Adjudicators' Team is informed that a Complaint has been submitted using the standard complaints form, the Senior Adjudicators' Team may decide to suspend the Respondent. The Complaints Panel, once convened (see paragraph 5.2.3.1.), may also take the decision to suspend the Respondent. In deciding whether to suspend a Respondent the decision shall be taken in compliance with the relevant provisions of the Federal Constitution read alongside and with the relevant provisions of the State Party of which the Respondent is a member.

Any suspension by the Senior Adjudicators' Team shall take effect immediately upon the decision being made. It shall be reviewed by the Senior Adjudicators' Team following any investigation and by the relevant panel following any hearing. Any suspension by the Complaints Panel shall then be reviewed by the relevant panel following any hearing. The

suspension shall automatically be lifted when the complaints procedure concludes, unless otherwise stated in the final panel's decision.

4.3 Adjudicator

The Standards Officer will pass any Complaint received to the Lead Adjudicator who shall, within 3 working days of receipt of the Complaint, appoint an Adjudicator by random allocation from a list of available Adjudicators who have received training appropriate to the subject matter of the complaint in a manner independent from interference by executive bodies.

The Adjudicator shall then determine which of the following courses of action to follow:

4.3.1. Dismissal

The Adjudicator shall dismiss the Complaint where they believe it either does not relate to matters which risk bringing the Party into disrepute, or it is inappropriate (as too inconsequential) to be referred to a Complaints Panel or for Informal Resolution.

4.3.2. Referral to Informal Resolution

The Adjudicator shall refer a Complaint for Informal Resolution where, even if proved, there is little risk on the balance of probabilities that the event or conduct which is the subject of the Complaint would be serious enough to bring or to have brought the Party into disrepute.

4.3.3. Referral to Investigator

Subject to paragraph 4.3.4, the Adjudicator shall refer a Complaint to an Investigator where, if proved, there is at least a reasonable risk on the balance of probabilities that the event or conduct that is the subject of the Complaint would be serious enough to bring or to have brought the Party into disrepute.

4.3.4. Expedited Complaints Procedure

The Adjudicator shall refer a Complaint immediately to the Senior Adjudicators' Team for an expedited complaints procedure if the Adjudicator decides that the Complaint has been submitted with sufficient evidence to make a determination without a separate investigation.

5. Complaint Path – Informal Resolution

5.1 Independent Person

If an Adjudicator refers a Complaint for Informal Resolution, that Adjudicator shall appoint an Independent Person within 1 week. If the Complaint relates to a Local Party matter, the Independent Person may not be a member of the Local Party of either the Complainants or the Respondents. If the Complaint relates to a Regional Party matter the Independent Person may not be a member of the Regional Party of either the Complainants or the Respondents.

5.1.1. Interviews

The Independent Person shall seek to interview both parties and any witnesses within 2 weeks from their appointment. This may be done face-to-face or remotely, either by video call or phone call. The Independent Person shall, through such interviews, ascertain the seriousness of the situation, and determine the desired outcomes for all parties.

5.1.2. Meetings

Once the initial interviews have taken place, the Independent Person will, if they think it appropriate, seek to arrange a meeting with the parties together within 2 weeks of completion of the initial interviews to achieve resolution. Prior to this meeting, the Independent Person will ensure that both parties are aware of the other's aims and will provide written guidance to them as to the behaviour expected of both.

5.1.3. Resolution

If resolution is not achieved at the meeting between the parties, or the Independent Person has determined it is not appropriate to hold such a meeting, the Independent Person shall seek to achieve resolution no later than 2 months following the referral of the matter to them. The Independent Person shall keep a written record of all discussions, meetings and any progress and shall provide it to the Standards Officer as they think fit during the Informal Resolution process, or within 2 weeks of resolution being achieved.

5.1.4. Extensions

If no resolution is achieved within 2 months following the referral of the matter to the Independent Person, and if, in the opinion of the Independent Person, the matter remains susceptible to Informal Resolution, they shall ask both parties if they agree to an extension (of no more than an extra 2 months).

5.1.5. Referral

Where the Complainant or Respondent refuses consent to an extension, the Independent Person shall refer the matter to the Lead Adjudicator who shall appoint an Adjudicator by random allocation from a list of available Adjudicators who have received training appropriate to the subject matter of the complaint to determine whether the Complaint should proceed to a Complaints Panel hearing or if the Complaint should be dismissed. Where the Adjudicator chooses to dismiss the Complaint, the Complainant may appeal to a second Adjudicator (also appointed by the Lead Adjudicator), whose determination shall be final. Where the Adjudicator chooses to refer the Complaint to a Complaints Panel, the Respondent may appeal to a second Adjudicator (also appointed by the Lead Adjudicator), whose determination shall be final.

The Independent Person may at any point determine that the Complaint cannot be resolved by Informal Resolution. If so, the complaints procedure from paragraph 5.2 onwards shall apply, except that, (i) if the Investigation has already been carried out before the Independent Person was appointed, no second Investigation is required, (ii) once an investigation has been carried out, a report from the

Independent Person shall be appended to the Investigator's report, and the Complaint shall proceed directly to a Complaints Panel hearing.

5.1.6. Resolution

Where all parties are content with the outcome of this process (for example, a verbal apology), the Independent Person shall inform both parties and the Standards Officer in writing of the outcome and the matter shall be considered closed.

5.2 Complaint Path – Standard Formal Process

5.2.1. Investigation

If an Adjudicator determines that a Complaint should be referred for investigation they shall appoint an Investigator, whose role will be to gather evidence impartially and to prepare a report on the facts of the case, insofar as possible, for the Complaints Panel to consider at a hearing. During the course of this investigation the Investigator shall be expected to interview each of the affected parties (i.e. Complainants and Respondents and any witnesses). The Investigator shall accept written submissions where individuals are unavailable for interview.

5.2.2. Investigator's Report

The Investigator should complete their report within 21 days of the Complaint being referred to them and provide it to the Adjudicator who originally considered the matter. The Investigator may request additional time to complete their report in exceptional circumstances, in which case the original Adjudicator may provide that the deadline for the completed report is extended for up to a maximum of an additional 21 days. That report shall include a recording or a written record of each interview and any written submissions with evidence that the written record has been approved by the interviewee as a true report of any such interview. Their report must state each ground of the Complaint and which evidence supports which ground. The report shall also recommend one of the following actions:

5.2.2.1. Dismissal

If the Investigator believes the Complaint should be dismissed, the original Adjudicator shall determine whether or not to dismiss the complaint.

5.2.2.2. Referral to Informal Resolution

If the Investigator believes that the Complaint should be referred to Informal Resolution, the original Adjudicator shall determine whether or not to refer the matter for Informal Resolution.

5.2.2.3. Progress to Panel Hearing

If the Investigator believes that the Complaint should be referred to a Complaints panel hearing, the original Adjudicator shall determine whether or not to refer the matter to a Complaints panel hearing.

5.2.2.4. Appeals

All determinations by an Adjudicator must be made within three days of the Adjudicator receiving the Investigator's report.

Either Complainants or Respondents may appeal to the Lead Adjudicator against any decision made under paragraphs 5.2.2.1-5.2.2.3. within three days of the decision being notified to them. In such cases, the Lead Adjudicator shall appoint a second Adjudicator who shall also review the Investigator's report. The second Adjudicator may also make any of the determinations under 5.2.2.1-5.2.2.3. The decision of the second Adjudicator shall be final.

5.2.3. Panel Hearing

5.2.3.1. Panel convened

If the Adjudicators determine that a Complaints Panel hearing should be convened, the Standards Officer shall convene a Complaints Panel hearing for between 14 and 21 days from the Adjudicator notifying the Standards Officer of their final determination. The Complaints Panel shall consist of 3 Adjudicators appointed by the Lead Adjudicator by random allocation, in a manner independent from interference by executive bodies. The Complaints Panel shall see an un-redacted version of the Investigator's report.

5.2.3.2. Communication

Once a Complaints panel hearing has been convened, the Standards Officer shall inform the Complainants, Respondents and any key witnesses in writing of the date of the Complaints panel hearing, and shall, at the same time, provide the Complainants and Respondents with a copy of the Investigator's report which, as far as possible without compromising the Investigator's conclusions, shall exclude identifying details which are not relevant to the investigation relating to any witnesses.

5.2.3.3. Attendance

Complainants and Respondents may either attend in person or be represented by another Party member. If they attend in person, they may be accompanied by another person. The Pastoral Care Officer shall publish guidelines on and ensure suitable and appropriate safeguarding measures.

5.2.3.4. Postponement

The Complaints Panel may in exceptional circumstances and at its sole discretion at the request of the Complainants and/or Respondents postpone a Complaints Panel hearing.

5.2.3.5. Evidence

At the Complaints Panel hearing, the Investigator shall present their report. Where appropriate, witnesses shall be asked to give evidence directly to and may be questioned by the Complaints Panel. The Complainants and

Respondents or their representatives may address and may be questioned by the Complaints Panel. Complainants and Respondents or their representatives shall have a right of reply once all evidence has been presented, but they may not question witnesses or the other party to the Complaint.

No new evidence may be presented at the Complaints Panel hearing, except at the discretion of the Complaints Panel.

The Complaints Panel shall make an audio or video recording of the Complaints Panel hearing.

5.2.3.6. Panel decision

The Complaints Panel may decide (a) to dismiss the Complaint; or (b) to uphold the Complaint, in which case the Complaints Panel shall decide what sanction should apply to the Respondent. The standard of proof the Complaints Panel applies in a decision will be the civil standard of proof: i.e. on the balance of probabilities. The Standards Officer will publish a list of all possible sanctions in the guidance to this complaints procedure. The Complaints Panel shall send its written decision, setting out its conclusion and any sanction to the Standards Officer within 7 days of the Complaints Panel hearing. The Standards Officer shall provide the Complainants and the Respondents with a written copy of the decision along with information on the grounds and procedure for appeal. The Standards Officer shall also provide the Senior Adjudicators' Team with a written copy of the decision.

5.3 Complaints procedure – Expedited Complaints Procedure

If an Adjudicator refers a Complaint to the Senior Adjudicators' Team under paragraph 4.3.4 above, the Senior Adjudicators' Team shall decide if sufficient evidence has already been provided so that the Complaint does not require separate investigation. If the Senior Adjudicators' Team decides there is sufficient evidence, a Complaints Panel hearing shall be convened as soon as practicable, and always within 21 days of the decision of the Senior Adjudicators' Team. The Senior Adjudicators' Team shall make every effort to support the Standards Officer in ensuring such an expedited complaints procedure is completed within 4 weeks.

6. **Appealing**

6.1 How to appeal a Complaints Panel decision

6.1.1. Appeal form

Either the Complainants, the Respondents, or the Senior Adjudicators' Team (who may appeal on behalf of the Party in exceptional circumstances) may appeal against the Complaints Panel's decision within 14 days of receiving a copy of the decision, by completing the standard appeals form on the Party's website. The Standards Officer will record all appeals received on the standard appeals form in the comprehensive Complaints management system.

6.1.2. Reasons for Appeal

Appeals may be made on any of the following grounds:

- That there was a serious failure of process;
- That the Complaints Panel decision was manifestly against the weight of the evidence;
- That relevant evidence which was not available at the time of the Complaints Panel hearing has since come to light;
- That the sanction determined by the Complaints Panel was manifestly excessive or lenient in nature.

6.1.3. Appeal determination

The Standards Officer will pass any appeal received to the Chair of the Federal Appeals Panel who shall, within 3 days of their receipt of the notice of appeal, appoint a member of the Federal Appeals Panel by random allocation, in a manner independent from interference by executive bodies. The individual Federal Appeals Panel member must have no personal connection to the parties to the Complaint or personal involvement in the subject of the Complaint. The Standards Officer shall provide them with a copy of the Complaints Panel's decision and the audio or video recording of the Complaints Panel hearing.

The Federal Appeals Panel member shall determine within 7 days of being appointed whether or not the appeal meets any of the criteria set out in paragraph 6.1.2. If they decide that it does not, the original Complaints Panel decision shall stand. In such instances, the Appellant shall have the right to appeal to a second member of the Federal Appeals Panel, similarly appointed, whose decision shall be final.

If the Federal Appeals Panel member determines that the matter should proceed to appeal, they shall inform the Standards Officer.

6.2 Appeals Panel hearing

6.2.1. Panel convened

The Standards Officer shall, within 14 days of the Federal Appeals Panel member informing them that a matter is to go to appeal, convene an Appeals Panel hearing consisting of three members of the Federal Appeals Panel. The Appeals Panel hearing shall take place within 28 days from the Adjudicator notifying the Standards Officer of their final determination. These shall be appointed in a manner independent from interference by executive bodies. The Standards Officer shall provide these members of the Federal Appeals Panel with the Complaints Panel's decision and the audio or video recording of the Complaints Panel hearing.

6.2.2. Communication

The Standards Officer shall inform the Complainants, Respondents, the Senior Adjudicators' Team and any witnesses in writing of the date of the Appeals Panel hearing.

6.2.3. Attendance

The Complainants and Respondents may either attend in person or be represented by another Party member. If they attend in person, they may be accompanied by another person. The Pastoral Care Officer shall publish guidelines on and make suitable and appropriate safeguarding measures.

6.2.4. Postponement

The Appeals Panel may, in exceptional circumstances and at its sole discretion at the request of the Complainants, the Respondents or, where they are the Appellant, the Senior Adjudicators' Team, postpone a panel hearing.

6.2.5. Evidence

At the hearing, the Appellant shall present their case. Both the Appellant and any relevant witnesses may be called to give evidence directly to the Appeals Panel and shall only be questioned by members of the Appeals Panel. The Appeals Panel shall always ensure the Respondents and Complainants in the original case are questioned, where they are in attendance.

6.3 Appeals Panel decision

The Appeals Panel shall decide whether:

- The decision of the Complaints Panel is upheld;
- The decision of the Complaints Panel is upheld, but the Appeals Panel feels it is appropriate to give feedback to the original Complaints Panel and to the Standards Officer regarding any minor failure of process;

- The Complaint is remitted to a new Complaints Panel for redetermination on the grounds of a serious failure of process;
- The Complaints Panel's determination of fault is upheld but the sanction proposed by the Complaints Panel is altered; or
- The Complaints Panel's determination is reversed (and if necessary, a sanction is applied).

Where an appeal has been made on the basis of a serious failure of process, the Appeals Panel shall only remit the Complaint to a new Complaints Panel hearing for redetermination where it believes that the procedural error was so serious that it substantially affected the fairness of the original proceedings.

Where an appeal has been made on the basis of relevant evidence coming to light which was not available at the time of the hearing, the Appeals Panel shall only decide in the Appellant's favour if it believes that the relevant evidence would, on the balance of probabilities, have led to a decision in the Appellant's favour had the Complaints Panel heard that evidence. Where it believes it would not have altered the outcome it shall uphold the decision of the Complaints Panel.

Where the Complaint is remitted to a new Complaints Panel hearing no member of the previous Complaints Panel shall sit on the new Complaints Panel, and the process shall recommence from paragraph 5.2 above.

All decisions by the Appeals Panel are final.

6.4 Communication

The Appeals Panel shall make its decision on the date of the Appeals Panel hearing and shall inform the Standards Officer of its decision in writing. The Standards Officer shall provide a written copy of the decision to the Complainants, Respondents, their representatives and the Senior Adjudicators' Team within 3 working days of the Appeals Panel hearing.

6.5 Appeal against a decision made under Articles 3.6 (failure to admit to membership), 3.7 (revocation of membership) or 18.3 (removal from the list of candidates) of the Constitution

6.5.1 Appeal Procedure

Where:

- (i) an enrolling body refuses to admit a person to membership of the Party in terms of Article 3.6 of the Constitution;
- (ii) a State Party revokes a member's membership of the Party in terms of Article 3.7 of the Constitution; or
- (iii) a State Candidates Committee removes a member's name from the list, in terms of Article 18.3 of the Constitution,

such a refusal, revocation or removal (as the case may be) may be appealed and the procedures set out in paragraphs 6.1-6.4 shall apply, and:

- (a) the Appellant shall be deemed to be the person affected by the determination appealed against;
- (b) the enrolling body, State Party or Committee against whose decision the appeal is made shall be deemed to be the Complaints Panel and deemed to be the Respondent;
- (c) the meeting, or other forum where the determination was made shall be deemed to be the Complaints Panel hearing (and there shall be no requirement for an audio or video recording of the meeting or other forum where the determination was made);
- (d) the decision to refuse, revoke or remove shall be deemed to be a Complaints Panel decision and the revocation or removal shall be deemed to be a sanction of such Complaints Panel; and
- (e) the reasons given by the enrolling body, State Party or Committee for the determination appealed against shall be deemed to be a Complaint.

6.5.2 Representation of the Respondent

At an Appeals Panel hearing, the Respondent may be represented by any one or more of its members or by another Party member.

6.5.3 Evidence gathering

When the Standards Officer informs the parties of the Appeals Panel hearing date, they shall also request that the Respondent provide a written statement explaining the basis of their determination and setting out any arguments and evidence they wish to have considered. Such a written statement must be provided to the Standards Officer at least 7 days before the Appeals Panel hearing. On receipt, the Standards Officer shall provide copies of such written statement to the Appeals Panel members and the Appellant as soon as possible and in any event no later than 5 days before the Appeals Panel hearing date.

Interpretation

The paragraphs below are intended to assist members of the Party in the interpretation and application of the complaints procedure explained above. If there is a conflict between any part of these paragraphs and any part of the complaints procedure, the complaints procedure shall take precedence.

1. Anonymity

Complainants, Respondents and witnesses will often ask (including for reasons of personal safety and privacy) for their details to be anonymised.

However, the decision to anonymise must be balanced with the need properly to investigate the details of a Complaint and there are commonly circumstances in which details of the Complainants and any witnesses need to be shared with the Respondents during the complaints procedure.

For example, often it will not be possible to fully investigate a Complaint without providing personal details about the Complainants to the Respondents. In such cases, if the Complainants have requested anonymity the Investigator should make the Complainants aware of the details they may need to share with the Respondents and allow the Complainants to decide whether they wish to prioritise their anonymity or continuing the Complaint. If the Complainant prioritises their anonymity, then the investigation and the complaints procedure as a whole may have to cease and the complaint may be marked as "withdrawn" on the comprehensive Complaint management system.

For those Complaints which progress to a Complaints Panel hearing, there will need to be a further consideration of the extent to which witnesses' details, in particular, can remain anonymous in advance of the hearing. In the most sensitive cases, the Senior Adjudicators' Team shall determine the extent to which names and details can continue to be withheld and, in doing so, will seek to strike an appropriate balance between the Complainants' or witnesses' request for anonymity and the Respondent's ability to submit a defence in the absence of full details of the allegations. It will not usually be possible to provide anonymity at the Complaints Panel hearing, but this will again be determined by the Senior Adjudicators' Team.

There are a number of ways in which individuals' anonymity can be protected following a Complaint. Examples include: Complainants' and witnesses' names and personal details being redacted from any details of the Complaint provided to Respondents and their representatives; and not sharing Respondents' and Complainants' names and personal details with potential witnesses or interviewees during the investigation stage. Further measures may also be taken, depending on the Complaint, and shall be subject to agreement between the Complainants or witnesses, the Pastoral Care Officer and the Senior Adjudicators' Team. The Standards Officer shall be informed of, and monitor the application of, any such decisions.

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 may consider any breach of confidentiality as a disciplinary matter, itself and will consider any misuse of such information to harass, bully or intimidate Respondents, Complainants or witnesses as grounds for an expedited complaints procedure and shall expect serious

sanctions to be imposed. 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 complaints procedure is ongoing, details relating to that Complaint and the procedure are confidential. This means they should only be shared with those persons required to have access to the information (which will normally be limited to the Chief Executive, Standards Officer, the Head of HR and Compliance (if required), the Pastoral Care Officer (if required), the Lead Adjudicator, the Senior Adjudicators (if required), any Adjudicators, Investigator or Independent Person directly involved in administering the Complaint, and any member of the Federal Appeals Panel (if required), the Complainants, the Respondents and witnesses (as required)). In exceptional circumstances, the Party may agree to share information about Complaints more widely (such as to allow the Party to comply with its legal or regulatory obligations). In such cases, the Party will limit the information shared to what it considers necessary to comply with its obligations.

The Party requests that Complainants, Respondents, witnesses or any other member who becomes aware of the Complaint maintain confidentiality and not share information about the individuals involved or events or conduct that are the subject of the Complaint while any complaints procedure is ongoing (including any appeals). This is to allow the complaints process to move forward efficiently and effectively and to protect all parties involved from avoidable emotional distress and reputational damage. Where an individual breaches confidentiality while a complaints process is still ongoing that, in itself, may be grounds for a further complaint.

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

3. Extensions and Postponements

An extension to the timeline shall 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 interview within the timeframe. Such extensions shall be provided for Complainants or Respondents only in the most exceptional circumstances. Examples of what may constitute exceptional circumstances include death of a close friend or family member, serious illness or pre-existing commitments the cancellation of which would incur significant costs, severe emotional or physical distress and/or reputational damage.

Applications for an extension in the timeline must be communicated to the Standards Officer and shall then be considered by the relevant panel, whose decision shall be final.

4. Legal representation

The Party's complaints processes are not legal processes: they relate to the membership of an organisation. As such the Party shall always communicate directly with any person going through the complaints process until that process has been exhausted. Members may request advice from a legal professional at any stage of the process, and may choose a representative who has legal training at any Complaints Panel or Federal Appeals Panel hearing.

5. Rights of Appeal

Both Complainants and Respondents may apply to appeal a decision. In exceptional circumstances, where it is deemed that the Party's reputation is at risk, the Senior Adjudicators may appeal on behalf of the Party.

6. Suspension

Suspension of the Respondent's membership of the relevant State Party is a neutral act which protects both parties to the Complaint as well as the Party as a whole while the necessary steps in the complaints procedure are undertaken.

Suspension of the Respondent's membership should be agreed by the members of the Senior Adjudicators' Team, including in cases of urgency (as referred to in paragraph 7 of the Constitution). If any member of the Senior Adjudicators' Team is unavailable (e.g. if they are hospitalised or out of the country) then the decision may be made by the Lead Adjudicator with the input of the available Senior Adjudicators.

7. Expedited Complaints Procedure

The expedited complaints procedure described in paragraph 5.3 should be used for all complaints where factual information has been presented to the Party which has been evidenced. Common examples of this are screenshots or copies of publicly posted messages which breach the Constitution or Members' Code of Conduct, evidence of criminal convictions which are confirmed by official sources, or evidence that the Respondent has applied to stand against a candidate of the Party as confirmed by local electoral services.

8. Resignation of parties to the Complaint

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

While the relevant State Party may accept such resignations, this should not alter the application of the complaints procedure, as the Party must ensure it investigates all complaints properly to determine whether there is a complaint to answer and properly protect the public and Party members in future.

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. If the Respondent resigns before the decision of the Complaints Panel has been made, the Complaints Panel should take this into account when considering any sanction (i.e. taking into account that most sanctions would not be enforceable).

9. Linked Complaints and Multiple Complaints

Adjudicators will take into account evidence of patterns of behaviour by the same Respondent when considering any Complaint. If a Complaint has previously been upheld against a Respondent and a second similar Complaint is also upheld, the Adjudicators 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 to

the wellbeing of its members and the public and to the reputation of the party by the pattern of behaviour.

Where the Senior Adjudicators' Team decides to link Complaints under one complaints procedure (see paragraph 2.3 of the main complaints procedure) the Adjudicators will nevertheless make a determination on each Complaint separately, which will be recorded by the Standards Officer separately on the comprehensive Complaints management system. This will allow the Party more easily to identify patterns of behaviour.

10. Support

10.1 Complainants

10.1.1. Pastoral Care Officer

The Pastoral Care Officer shall be the first point of contact for any Complainants requiring support.

10.1.2. Panel hearings

Additional support may be provided to any Complainants attending a Complaints or Appeals Panel hearing, notably in cases relating to allegations of inappropriate sexual conduct, bullying, harassment or abuse of power. In such cases, provision shall be made for the Complainants to give evidence remotely should they so choose. Complainants may request the presence of the Pastoral Care Officer at a panel hearing or, where the Pastoral Care Officer is unavailable, a suitable alternative who may provide the Complainants with personal and practical support. This shall be in addition to the Complainants right to be accompanied by another person.

10.2 Respondent

10.2.1. Party Mentor

Where requested by a Respondent, the Standards Officer shall provide a Party Mentor to provide them with personal support and advice on navigating the process.

10.2.2. Panel Hearings

Respondents may request the presence of their Party Mentor at a panel hearing. This shall be in addition to the Respondent's right to be accompanied by another person.

10.3 Safeguarding

In cases where there are concerns around safeguarding, provision shall always be made for relevant individuals to give evidence remotely, should they so choose. In such instances, the Pastoral Care Officer shall always be present to offer support to relevant individuals and ensure that any further measures are put in place as required.

11. Sanctions

The possible sanctions for an offence include, but are not limited to any one or more of the following:

- revocation of membership and expulsion from the relevant State Party;
- suspension of membership of the relevant State Party 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).

12. Amendments by Federal Board

12.1 Consultation

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

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

12.2 Decision

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

12.3 Reporting

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

13. Reports to Conference

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

- information on the nature and numbers of Complaints;
- the number of Complaints which were dismissed, referred to Informal Resolution referred to a Complaints Panel via Investigation, or referred to a Complaints Panel under an expedited process;

- the number of Party members suspended;
- the number of cases appealed to the Federal Appeals Panel;
- the number of cases ongoing and the number concluded;
- the average number of days taken to conclude each complaints procedure; and
- the sanctions imposed, if any, in each concluded case.