

FEDERAL APPEALS PANEL

IN THE MATTER OF AN APPEAL BETWEEN:

Nigel Scott

Appellant

–and–

**(1) Federal Complaints Process Review Panel
(Chair - Carole O'Toole)**

Respondent

RULING

Catherine Smart
Case Manager
12th March 2024

RULING

1. The appeal is dismissed
2. Parties are to make any submissions about publication of this ruling by 4pm on 19th March 2024.

BACKGROUND AND REASONS

3. James Bedchamber wrote an opinion piece which was published in Lib Dem Voice on 19th March 2023 titled "It's time for gender critical people to leave".
4. The Appellant made a complaint against Mr Belchamber claiming that the piece created a hostile, offensive and intimidatory atmosphere for party members who took a different view to the writer.
5. The issue was considered by the Lead Adjudicator and dismissed on the grounds that the article fell into the category of robust and passionate debate and did not cross the line into the plainly offensive nor risk the reputation of the Liberal Democrat Party.

6. The Appellant appealed and the case was considered by the Review Panel The Panel dismissed the appeal on the grounds that the comments and arguments supplied by the Appellant did not materially affect the reasoning given by the LA in his ruling.
7. The Appellant then Appealed to the FAP.

GROUND OF APPEAL

8. The ground for an appeal to the FAP must satisfy at least one of the following three criteria:
 - a. there was a serious failure of process or reasoning that was likely to render the determination of the complaint unsafe or unsatisfactory in all the circumstances
 - b. relevant evidence, which could not have been adduced at the time of the determination of the complaint, has since come to light which is likely to render the determination of the complaint unsafe or unsatisfactory in all circumstances
 - c. the sanction determined was manifestly excessive or manifestly lenient in all the circumstances.
9. The Applicant relied only on the first ground for appealing, specifically saying he was not using the other two.
10. It should be noted that the FAP process is not a re-hearing of the merits of a case but a consideration of one or more of the criteria above.

OVERALL CONCLUSIONS

11. Having read the papers considered by the Review Panel and the submission from the Applicant, I see no reason to differ from the conclusion come to by the Review Panel, that the comments and arguments supplied by the Appellant did not materially affect the reasoning given by the LA in his ruling that the article fell into the category of robust and passionate debate.
12. I therefore dismiss the Appeal.

12th March 2024