

# **Liberal Democrats Disciplinary Procedure**

*A Guide to the Process for Local and Regional Parties*

# Introduction

Dealing with disciplinary issues within the Party can be one of the most time-consuming and unrewarding aspects of holding Party office.

It is also very important. In the past, there have undoubtedly been people in the Party who caused problems and who deserved to have their membership revoked. There were also people against whom false allegations were made and who deserved to have that declared publicly. Finally, there were people who, whilst they did a lot of good work, were unsuitable to be in certain positions. The Disciplinary Procedure is designed to filter those people out and to take appropriate action in order to protect the Party.

The Party has, in recent years, overhauled many aspects of its Membership Rules and has introduced a new Disciplinary Procedure with new sanctions. It now allows for the appointment of investigators to investigate complaints fully and it aims to ensure that complainants are tied down to stating what precisely their complaint is and what they want done about it.

Dealing with disciplinary issues need not be difficult providing that the rules are followed.

This guide, which is written by Geoff Payne and produced by the English Party, hopes to make the process as simple and as easy to follow as possible.

It deals only with complaints made against individual Party members under the Membership Rules which might lead to their membership of the Party being revoked. Other parts of the Rules (Council Group discipline for example) are worthy of guides in themselves and are not considered here.

This guide is up-to-date as at January 2013.

# Ten Things to Remember about the Disciplinary Procedure

The following points should always be followed when dealing with disciplinary issues. They should help you ensure a pain-free process!

## 1 Read the rules!

There is no substitute for this. They can be found on and downloaded from the Party website. They are not re-produced here because they are subject to change but they should be read in detail when an issue looks like it might blow up.

Particular areas to consider are:

*Federal Constitution, Article 3* (membership, revocation and refusal, subscriptions),  
*English Constitution, Article 2* (membership, revocation and refusal, sanctions),  
*English Membership Rules* (these set out the Disciplinary Procedure in detail).

## 2 Do not be afraid to start the process

Experience shows that the longer things have been left and issues allowed to fester and drag on, the worse they get. That has the effect of entrenching the positions of those involved, making mediation and conciliation far less likely and widens the scope of the complaint when you eventually do have to deal with it.

Remember that membership revocation is now not the only sanction available. Members who breach the rules can be barred from standing for Party or public office, can be prohibited from dealing with data and can be reprimanded.

## 3 Ensure that the complaint is precise

Sometimes, feelings are running so high that people complaining about other members want to throw in a huge number of issues when making a complaint. That can cause the process to become unwieldy to the point that the issues cannot be investigated and dealt with in the time available. Under the Rules, complainants have to set out in writing a number of things. This should be rigorously enforced. There is a suggested form at the end of this guide that you can use if you wish.

What is required from a complainant is;

- (a) The grounds for starting procedure (disrepute, material disagreement, standing against the Party etc),
- (b) Why the grounds are made out,
- (c) A summary of facts behind complaint,
- (d) Details of people who can substantiate it,
- (e) What the complainant wants done about it.

## 4

### **Ensure that the complaint relates to the rules**

In the past, Party Bodies could waste a lot of time investigating broad, unsubstantiated allegations about the conduct of a member. Remember that the grounds for membership revocation are very precise. No-one can be the subject of disciplinary action for conduct that others may not approve of but which does not meet any of the tests in the rules for membership revocation.

They are defined as;

- (a) Material disagreement evidenced by conduct with the fundamental values and objectives of the Party,
- (b) Conduct bringing the Party or which is likely to bring the Party into disrepute,
- (c) Standing against the Party in a public election
- (d) Membership or support of another party in Great Britain.

Bringing the Party into disrepute has proven to be a very difficult area in the past. There are particular types of conduct that are presumed to bring the Party into disrepute unless the opposite is proven.

That conduct is:

- (a) Convictions that are not spent for an offence of dishonesty, violence or a sexual offence,
- (b) Acting in breach of any Postal Vote Code of Conduct agreed by the Party with the Electoral Commission,
- (d) Acting in a manner that would bring the Party into disrepute were it to have become publicly known but which did not become known either by chance or by agreement with the member concerned.

## 5

### **Consider where the complaint is best dealt with**

The Rules allow for complaints to be dealt with at one of a number of tiers of the Party. They are Local Parties, Liberal Youth, Regional Parties and the English State Party.

Some issues might not be suitable for a Local Party where the members of the Local Party Executive may be too close to what is going on. Traditionally those issues have been dealt with by Regional Parties which can be more remote and impartial.

The English Party tends to deal with the most serious and heavy disputes that occur and which cannot be dealt with by Regional Parties or issues that might normally have wide-ranging ramifications across the Party. It does not normally deal with the more minor ones.

## 6

### **Set a timetable right at the start and stick to it**

The process has to be dealt with according to a timetable. You have 14 weeks to complete it and the clock starts ticking from the first receipt of a complaint.

If you exceed the time, no further action can be taken. That means that a guilty person cannot be dealt with and they will be free to go and cause trouble elsewhere. It also means that an innocent person is deprived of the opportunity to have their innocence declared publicly and the cloud of suspicion may remain unfairly over them.

If you are likely to run out of time for reasons beyond your control, you can apply to the English Appeals Panel for more time. Contact David Allworthy at Headquarters if this is something you think you will need to do.

It is worth remembering that the English Appeals Panel has granted a standing extension of time where various public elections are scheduled to occur in the middle of the process. Do not automatically assume you can rely on this - always seek advice from David Allworthy if you think you are going to need to seek an extension.

At the end of this guide, there is a timeline you can complete. Fill in the dates for completing each stage and stick to them. That way, you can guarantee you will not run out of time.

## 7

### **Keep everyone informed**

The person being complained about will be anxious about the process and will want to see matters resolved. Likewise, the person making the complaint will want to see it properly investigated.

Where the Rules require you to notify people of things, make sure that you do. It is also good practice to provide factual updates of the stage that you have reached to appropriate people. Keep them factual and never deal with the merits of any dispute until it is dealt with.

## 8

### **Keep an open mind and act fairly**

The Disciplinary Procedure is designed to ensure that those who break the rules are dealt with and that those who have not are not subject to any sanction.

A complaint is just that - a complaint - and never a finding of guilt. Be sure to always keep an open mind until you have heard the evidence and never do anything to give anyone the impression that you have not.

At the Disciplinary Meeting, you must ensure that nothing irrelevant to the charges is said at any stage. You must not let any evidence from any witness be given where that witness' evidence has not been notified to the person being complained of. Everyone must be given a fair and equal opportunity to question witnesses, make statements and contribute. All decisions must be by secret ballot.

## 9

### **Follow the flow chart and get it right the first time!**

Do not be tempted to take any shortcuts with this process and do not, under any circumstances, breach any of the rules.

There is a flow chart on the following pages which you can print out. It breaks the process down into seven stages. Identify the date by which you will complete each of them and plot your route through the chart right at the outset of the process as far as you can.

Failing to follow the Rules properly will only lead to appeals, which are time consuming, resource-intensive and keep everyone in suspense for much longer than is necessary.

## 10

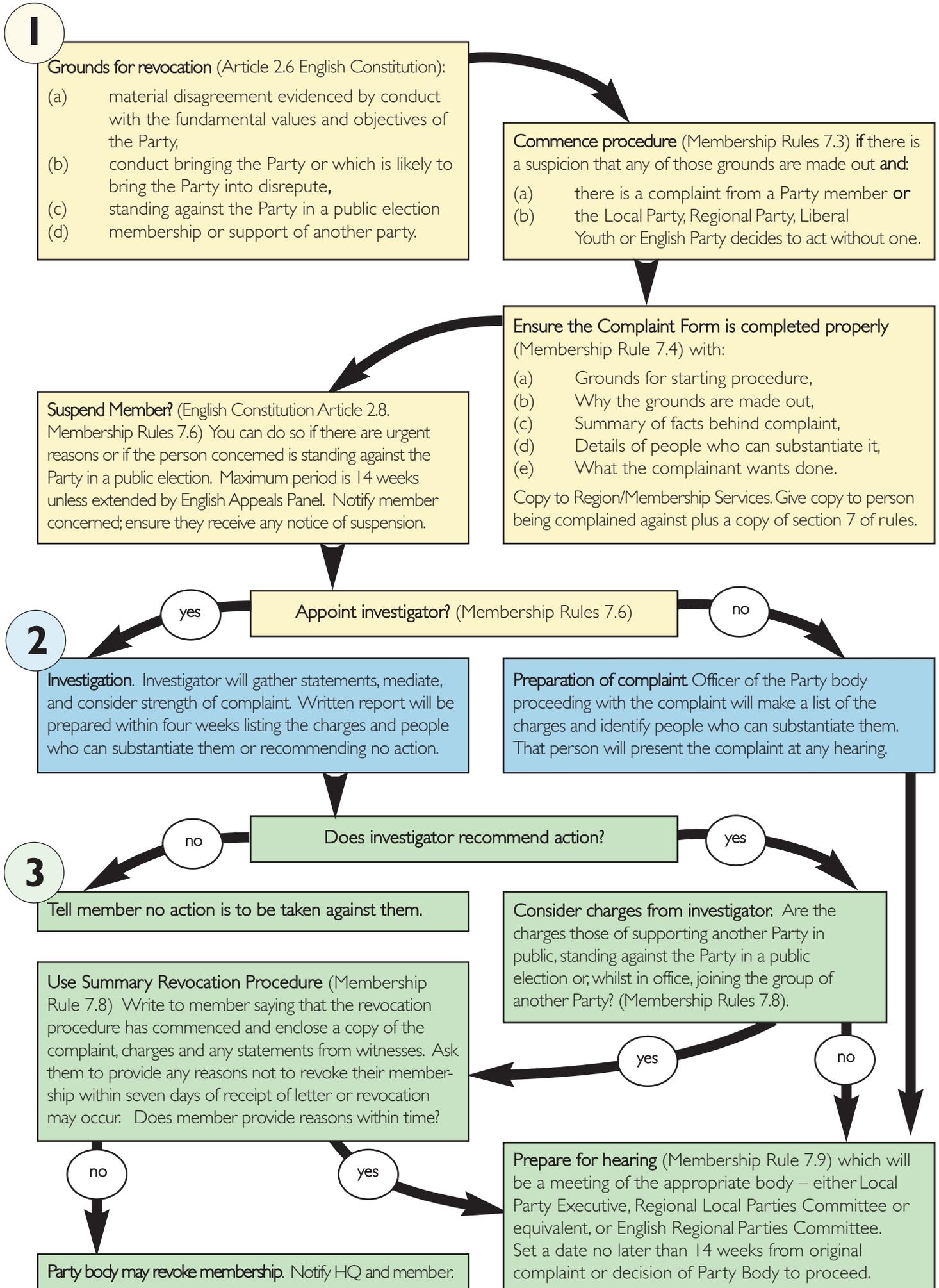
### **Ask for advice if in any doubt**

There are staff members at Headquarters who are extremely experienced in dealing with these issues. David Allworthy is the best point of contact.

There are also officers of the English Party who can help. Many of them have dealt with disciplinary issues before. Local Party officers who need advice can also contact their Regional Party for assistance.

Most problems can be solved if advice is sought at an early stage.

# Disciplinary Procedure Flow Chart



5

**Hold Disciplinary Hearing (Membership Rule 7.9):**

Start with presentation of complaint;

- (a) Investigator or Party Officer presents charges,
- (b) Investigator or Party Officer calls witness,
- (c) Person being complained about may question,
- (d) Members of Disciplinary Meeting may question,
- (e) Repeat process with all other witnesses,

There must be no evidence called that has not been notified to the person being complained about in advance (unless they agree) or which is not relevant to the charges.

Then hear the reply to the complaint:

- (a) Person being complained about gives account,
- (b) Investigator or Party Officer may question them,
- (c) Members of Disciplinary Meeting may question,
- (d) Repeat process with any witnesses called by the person being complained about.

Hear closing statements from:

- (a) Investigator or Party Officer presenting complaint,
- (b) Person being complained against or representative.

Investigator/Local Party Officer and person being complained about/representative must leave the room.

4

**Give four weeks notice of the meeting to person being complained against (Membership Rule 7.9). You must:**

- (a) tell them date, time and place of the meeting,
- (b) copy them the original complaint, charge(s) and copies of any written witness statements taken - *you must not allow any witnesses to be called whose statements have not been served,*
- (c) tell them that they may attend the meeting, speak and be represented or, if they represent themselves, be supported by a friend,
- (d) that they can appeal against adverse findings,
- (e) if they do not attend, the meeting may proceed anyway if you have done the above.

Copy the papers to members of the Disciplinary Meeting.

**Consider Verdict (Membership Rule 7.9):**

Discuss and vote on each charge **separately**. Consider whether it is proved **beyond a reasonable doubt**. *There must be nothing irrelevant said.* After the discussion, hold a **secret ballot** of the members of the Disciplinary Meeting.

**Remember:** for any non-spent offence of dishonesty, violence or sexual offence, or breach of the Postal Vote Code of Conduct, or where the conduct complained of would have brought the Party into disrepute had it been known about but, by good fortune or agreement, it did not, you can, if you wish, presume that the Party has been brought into disrepute. Seek advice before the meeting if in any doubt.

no

Are any of the charges proved?

yes

Inform Membership Services and person being complained against. Close the file.

**Consider sanction (Membership Rule 7.10). You may:**

- (a) Revoke membership,
- (b) Bar the person from any or any particular Party Office permanently, for a specific period or pending training,
- (c) Bar the person from standing for any or any specific political office in the name of the Party permanently, for a specific period or pending training,
- (d) Bar access to Membership data permanently, for a specific period or pending training,
- (e) Reprimand the member.

Inform Membership Services and person being complained against. Notify their right of appeal to the English Appeals Panel within one calendar month to the Secretary of the Party Body that dealt with the complaint.

yes

Is there an appeal to the Secretary within the time limit?

no

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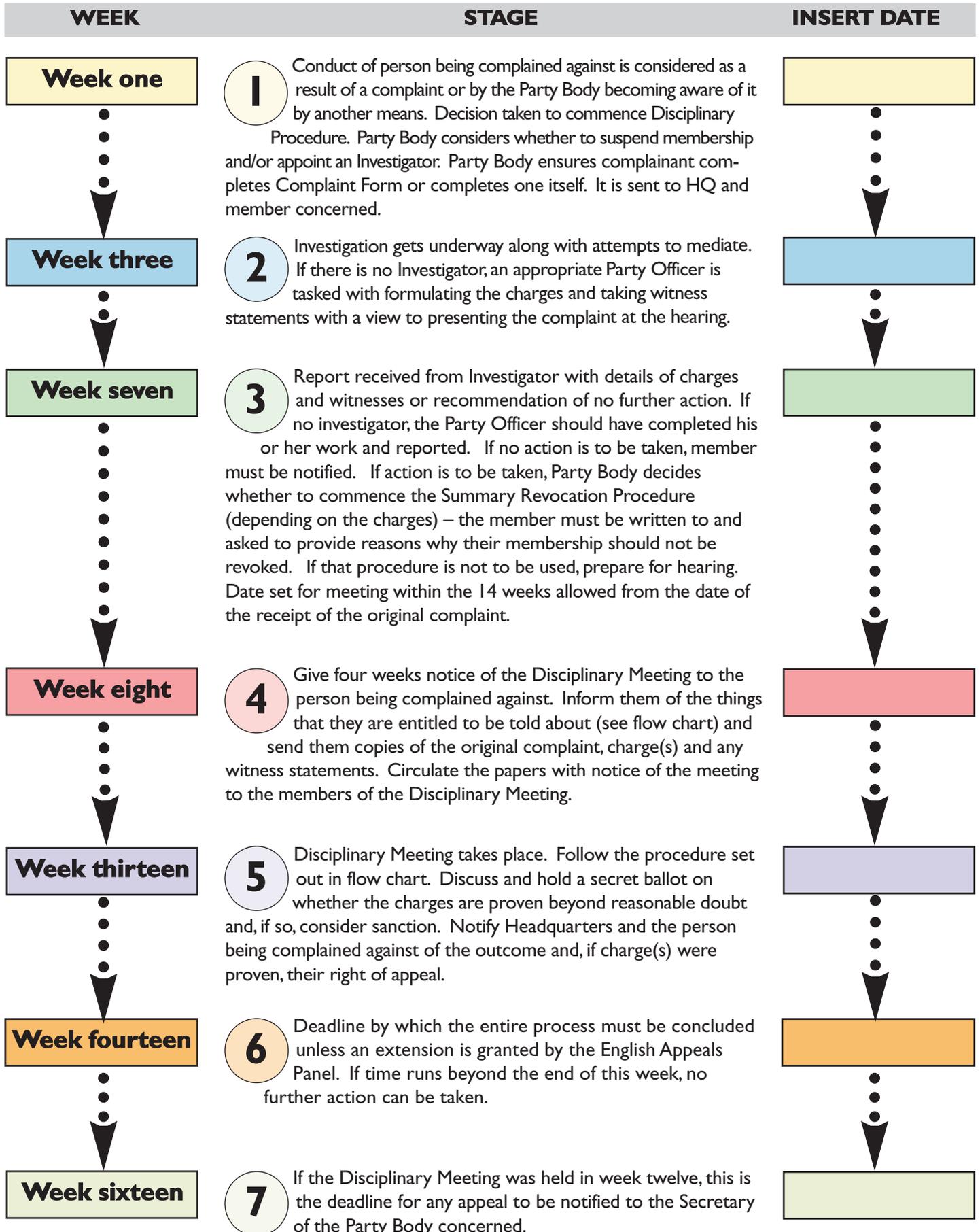
Inform Headquarters about the appeal and provide copies of all of the relevant papers if requested.

7

Close the file. Note that the person found guilty may not comply with the sentence so retain the papers.

# Disciplinary Process Timeline

This chart sets out the latest time by which you should ideally complete each stage of the Disciplinary Process. You should fill in the dates to the right by reference to the colour coding in the boxes. If at any stage, you fear you cannot complete the process in time, apply to the English Appeals Panel for an extension. Remember that if you run out of time, no further action can be taken.



# The Role of the Investigator

*The job of Investigator is an important one. This page sets out the main things to remember about the role.*

## 1 Be independent

An investigator must be independent and, in particular, cannot be a member of the same Local Party as the person being complained against. It is better if the person concerned knows none of the protagonists in the dispute.

## 2 Obtain all of the relevant material

Before doing anything further, the investigator should ensure that he or she has a copy of the complaint and any material provided by the complainant in support of it. That will allow the investigator to easily identify the parties to the dispute.

## 3 Read the Rules

Pay particular attention to Rule 7.6 of the Membership Rules but ideally, you should read through the entirety of Section 7. Article 3 of the Federal Party Constitution and Article 2 of the English Party Constitution are also essential reading for any investigator.

## 4 Gather statements from the parties

Contact the complainant and those named as being able to substantiate the complaint and take statements from them. Ensure that the statements contain all relevant material but keep them brief and to the point where possible. Take copies of any supporting documents they refer to.

Contact the person being complained against and take a statement from him or her setting out their side of events. Ask if they know of anyone who can substantiate their version and take statements from those people in the same way. Obtain any supporting documents.

## 5 Try to conciliate if you can

Conciliation is important as it can avoid the need for a hearing and will prevent acrimony. There are occasions where compromise is perfectly possible and agreements can be reached. On other occasions, however conciliation will be impossible. Try and achieve it if you can, but do not be too optimistic and spend an unreasonable amount of time chasing a solution that the parties will never accept.

## 6

### **Evaluate the evidence you have gathered carefully**

When you have gathered all of the evidence you reasonably can, consider the statements and the material you have amassed and decide whether to take any action. Does the evidence tend to show that any the grounds contained in the constitution (including those cited by the complainant) are satisfied? When assessing that, a useful question to ask yourself is whether there is a realistic prospect (i.e. a 51% chance) that any of those grounds are made out. If so, you should then consider whether the case is potentially serious enough to warrant any of the sanctions contained in the Membership Rules being imposed.

If you think that action should be taken, you will need to write out the formal charge(s) in the form of a list. You should then set out the details and statements of all of the people you have spoken to who can substantiate the complaint and send your report to the relevant Party Body. It will later be sent to the person being complained against.

If not, you should recommend they take no further action.

## 7

### **Present any charges at the Disciplinary Hearing**

If the Party Body decides to proceed, the investigator is the one who will present the evidence at the Disciplinary Hearing. You will introduce the charges briefly and then call in turn each witness who can support any or all of them. The meeting will follow the procedure contained in the flow chart.

## 8

### **Work as quickly as you can**

You should try and work as rapidly as possible. The rules say that you must present your report to the relevant Party Body within four weeks of your appointment. Do not lose time!

## 9

### **Strive to be fair**

At the hearing, do not try and get the person being complained against found guilty at all costs. Always be fair and present the evidence for the charges dispassionately.

## 10

### **The end of your role**

It is for the Disciplinary Meeting to decide on guilt and sanction. When the evidence is over, you should leave the room when the person being complained against is asked to do so.

# Complaint Form

*Use this form to complain about a Party member. All sections should be completed as fully as possible.*

Name, Address, Telephone Number, Local Party and Membership Number of complainant:

Name, Address, Telephone Number, Local Party and Membership Number (where known) of person being complained against:

Grounds for commencing the Disciplinary Procedure (refer to Article 2.6 of the English Party Constitution):

Details of why the ground(s) are made out (continue on a new sheet if required):

Summary of Facts relevant to the complaint (continue on a new sheet if required):

Details of people who can substantiate the complaint:

Action that the complainant wants taken:

Signed:

Date:

Date received:

