

*Liberal Democrat Parliamentary Party Respect Policy
Based on the recommendations of the Morrissey Review
and the House of Commons Respect Policy*

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ANYONE WHO HAS BEEN THE SUBJECT OF BEHAVIOUR THAT COULD CONSTITUTE A CRIME IS STRONGLY ENCOURAGED TO MAKE A COMPLAINT TO THE POLICE. THE CHIEF WHIP IS REQUIRED BY STANDING ORDERS TO TAKE ACTION REGARDING ALLEGATIONS OF CRIMINAL ACTIVITIES.

“Whether you are an elected representative of the Liberal Democrats, a member of staff working for the Liberal Democrats or its elected representatives, a volunteer, or a member of the public, you are entitled to be treated with dignity, courtesy and respect.

Members, and others employing staff, must not discriminate against, victimise, harass or bully any member of staff.

Any complaint about the improper treatment of a member of staff, a volunteer or a member of the public will be investigated and, if found to have a basis, may lead to disciplinary proceedings in accordance with the Standing Orders of the Parliamentary Party of the Liberal Democrats.”

How do we define bullying and harassment?

Bullying and harassment is behaviour that makes someone feel intimidated or offended. Some examples of bullying or harassing behaviour include: spreading malicious rumours; unfair treatment; picking on someone; regularly undermining a competent worker; denying someone’s training or promotion opportunities.

It is important to remember that bullying and harassment can happen in different ways. For instance: face-to-face; by letter; by email; by phone; by social media.

Whilst bullying itself is not against the law, harassment is unlawful under the Equalities Act 2010. This provides legal protection for certain characteristics. These include age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

The Act also clearly defines harassment using the example of two people, A and B. A harasses B if A engages in unwanted conduct related to a relevant protected characteristic, and the conduct has the purpose or effect of: (a) violating B's dignity; or (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

A also harasses B if A engages in unwanted conduct of a sexual nature, and the conduct has the purpose or effects described above.

To decide whether A’s conduct has that effect, there are certain things that must be taken into account: (a) the perception of B; (b) the other circumstances of the case; and (c) whether it is reasonable for the conduct to have that effect.

Remember, the perception of behaviour is very important to determining whether or not harassment has occurred.

Discrimination and Victimisation

The Equalities Act also proscribes discrimination and victimisation. Discrimination occurs if A treats B less favourably than they would treat others because of one or more of the protected characteristics listed above. In addition, discrimination can also occur if A treats B less favourably than others because of their marital or civil partnership status. (There are exceptions to do with age, where A can demonstrate that the treatment of B is a proportionate means for achieving a legitimate aim.)

Victimisation occurs where A treats B detrimentally because B does what is termed in law as ‘protected acts’. For the purposes of this grievance procedure, which should be considered in terms of the Equalities Act 2010, these include: raising a grievance; giving evidence or information in connection with a grievance proceeding;

doing any other legitimate thing to support a grievance procedure; making an allegation (whether or not express) that A or another person has contravened the Respect Policy.

It should be noted that giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.

A. Grievance Procedure: For Your Staff, Interns and Volunteers

Grievances

- 1) Grievances can arise in many different ways and for many reasons. Issues that may cause grievance include: terms and conditions of employment; health and safety; work relations; bullying and harassment; new working practices; working environment; organisational change; discrimination.

Informal Resolution

- 2) In line with ACAS guidance, employees should aim to settle most grievances informally with their line manager. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly. Liberal Democrats should strive to have an open policy for communication and consultation so that problems and concerns can be raised and settled as a matter of course. If you feel that informal resolution could benefit from independent input, there is a pool of mediators available to assist.

Formal Complaint

- 3) If attempts to resolve a grievance informally fail, mediation efforts prove unsuccessful or informal resolution be inappropriate due to the nature of the grievance, you should raise the matter formally with the Chief Whip (or, if the Chief Whip is the subject of your complaint, the Deputy Leader) as your grievance manager within seven days of the last attempt to mediate your concerns. You should set out the details of your grievance formally and fully in writing.

Independent Co-Investigator

- 4) For the purposes of the investigation, the Chief Whip (or, if the Chief Whip is the subject of your complaint, the Deputy Leader) may appoint an independent co-investigator from outside the Parliamentary Party at their discretion. The appointment of the independent co-investigator must follow consultation with all concerned parties. The Chief Whip (or Deputy Leader, if appropriate) remains the sole grievance manager.

Grievance Meeting

- 5) Your grievance manager will convene a grievance meeting with you within seven days of receiving your formal complaint. Every effort should be made by all parties concerned to attend that meeting.
- 6) At the grievance meeting, you should explain your grievance and set out how you think it should be resolved. A member of the mediation pool should be asked to take notes.
- 7) If your grievance manager thinks it is necessary, they may adjourn the meeting to allow time to investigate your concerns, including interviewing the subject of your grievance. Any such investigation, which is at the discretion of your grievance manager, should be recorded in a formal note and made available to both you and the person you have complained about.

Companions explained

- 8) If the complaint is about an issue where a duty is owed to you by your employer, you are statutorily entitled to bring a companion to the meeting. For example, if the dispute is about the number of hours you are working and the number of hours specified in your contract of employment, you are entitled to bring a companion.

- 9) You should make a request for a companion to your grievance manager. If the complaint is not about the sort of duty explained in 7 above, you may still ask your grievance manager if you can be accompanied. Permission will be granted at the discretion of your grievance manager.
- 10) Your companion may be a.) Colleague, b.) A trade union representative or c.) A member of the mediation pool who hasn't been involved at an earlier stage. The law expects your request for a companion to be reasonable. For instance, it would not be reasonable to ask a colleague from the constituency to be your companion if such a request would prejudice the timetable for a timely resolution of your grievance. Nor should they be someone who could be reasonably regarded as prejudicing the grievance meeting.
- 11) Your companion is allowed to address the grievance meeting to put your case, to sum up, and to respond on your behalf to any views expressed at the meeting. You and your companion are entitled to confer during the meeting. However, your companion does not have the right to answer questions on your behalf, address the meeting if you do not wish them to or prevent the subject of your complaint from explaining their case.

Outcome

- 12) Following the grievance meeting, your grievance manager must decide on what action, if any, should be taken. For instance, they may feel it is necessary to convene a further meeting to explain their decisions. You should be told of any decisions in writing, within seven days of the grievance meeting and, where appropriate, that letter should set out what action will be taken to resolve your grievance. The letter from your grievance manager should also set out the appeals process.

Appeal

- 13) If you (or the person/persons complained about) are not satisfied with the outcome of the grievance meeting, you (or they) are entitled to appeal the outcome.
- 14) If you (or the person/persons complained about) wish to make an appeal, you (or they) should set out the grounds for appeal in writing. The letter of appeal should be submitted to the Deputy Leader (or, if your complaint is about the Chief Whip or the Deputy Leader, the two Deputy Leaders in the House of Lords) as the appeal manager within seven days.
- 15) The appeal manager will convene an appeal hearing with you within seven days of receipt of your letter of appeal. Every effort should be made by all invited parties to attend that meeting. A member of the mediation pool should be asked to take notes.
- 16) The appeal manager must deal with any appeal impartially. Following the guidelines in stages 7-10, you may be accompanied by a companion.

Resolution

- 17) Following the appeal hearing, the appeal manager will communicate the outcome within seven working days, including what action, if any, should be taken.

Confidentiality

- 18) Confidentiality is of prime importance when handling any grievance, but particularly those relating to bullying or harassment. All parties to a grievance procedure should make every effort to maintain that confidentiality. All parties should also recognise that it may, in certain circumstances, be necessary to make the outcome more widely known if, for instance, the conclusion of the grievance process results in disciplinary action.

Timeliness

19) Formal proceedings relating to employment are bound to be stressful for all parties concerned. It is very important that deadlines are adhered to and that meetings and actions occur in a timely fashion.

Retaliatory conduct

20) Retaliatory conduct towards those who raise grievances is expressly prohibited. Such conduct will be regarded as grounds for disciplinary proceedings.

B. Grievance Procedure: Party Members and Members of the Public

- 1) In the first instance, members of the party and members of the public who wish to raise a grievance against a Member of Parliament or a member of their staff (whether employed or voluntarily engaged) are encouraged to seek an informal or mediated resolution to their concerns via the Pastoral Care Officer.
- 2) If informal attempts to resolve the issue and mediation are unsuccessful, party members should raise a formal complaint with the Pastoral Care Officer.
- 3) The Pastoral Care Officer may seek information from any parliamentary party officeholder or member to inform his or her decisions.
- 4) The Pastoral Care Officer may use whichever appropriate party processes are at their disposal to effect a resolution to the grievance raised.
- 5) Alternatively, the Pastoral Care Officer may make a formal request for a process under A. above.