

Ensuring a democratic choice in Labour Leadership elections - when there is a vacancy

The Labour Party Rule Book 2017 Chapter 4 Elections of national officers of the Party and national committees, Clause II Procedural rules for elections for national officers of the Party, Section 2 Election of leader and deputy leader, Subsection B Nominations, (i) (Page 14) reads as follows:

'In the case of a vacancy for leader or deputy leader, each nomination must be supported by 10 per cent of the combined Commons members of the PLP and members of the EPLP. Nominations not attaining this threshold shall be null and void.'

Amendment

Delete: 'by 10 per cent of the combined Commons members of the PLP and members of the EPLP'

Replace with: 'by nominations from: a) 10 per cent of the combined Commons members of the PLP and members of the EPLP; or b) 10 per cent of the affiliated national trade unions; or c) 10 per cent of Constituency Labour Parties'

Supporting argument

There is a growing consensus in the Labour Party that members should have a stronger role in party decision-making, and that they should not be denied a democratic choice in Labour leadership elections. Currently Labour MPs and MEPs are the only party members who can nominate a candidate for the election of Leader or Deputy Leader. In effect MPs and MEPs have a veto over who party members can choose as they can restrict who is allowed to be a candidate in the election. A candidate who would be the overwhelming choice of party members can be kept off the ballot paper.

In September 2017 Labour Conference passed an NEC-backed rule change to reduce the threshold from 15 percent to 10 percent of Labour MPs and MEPs. Whilst this is welcome, the current arrangements continue to have the potential to exclude key strands of political opinion in the Labour Party from being represented in future elections. Furthermore, CLPs and trade union affiliates continue to be excluded from any role in making nominations and putting candidates on the ballot, which is inconsistent with the desire for the Labour Party to represent its members and affiliated organisations.

A rule change proposal that is due to be discussed at 2018 Labour Conference, to allow candidates to get on the ballot by achieving a minimum threshold from either MPs, CLPs, or

affiliated organisations, has been submitted by 20 CLPs, demonstrating an enthusiasm for enhancing the role of members and affiliated organisations in leadership elections. This rule change would introduce parity between MPs, trade unions and members of the Labour Party, at the same time as ensuring that all the main strands of political thinking within the Labour Party are represented in future leadership elections.

Electing the General Secretary

The existing rule reads:

Chapter 1, Clause VII, 1.C.i

“There shall be a General Secretary of the Party who shall be appointed in accordance with the provisions set out in procedural rule Chapter 4.II.4.A below. The General Secretary shall act as secretary to the NEC.”

Chapter 4, Clause II.4.A

“The General Secretary shall be elected by Party conference on the recommendation of the NEC and shall be an ex-officio member of Party conference. S/he shall devote her or his whole time to the work of the Party and shall not be eligible to act as a parliamentary candidate. S/he shall remain in office so long as her/ his work gives satisfaction to the NEC and Party conference. Should a vacancy in the office occur, for whatever reason, between Party conferences, the NEC shall have full power to fill the vacancy subject to the approval of Party conference.”

Proposed change:

Amend Chapter 4, Clause II.4 to read:

A The General Secretary of the Party shall be elected in accordance with the provisions set out below for a term of up to five years, at the discretion of the NEC. The General Secretary shall be accountable to the NEC for the implementation of its decisions and the management of all Labour Party staff. The NEC shall have the power to terminate the employment of the General Secretary, provided that its decision is supported by an absolute majority of its members.

B The first election under these rules shall be initiated no more than three years and four months after this rule is introduced. The General Secretary at that time shall be entitled to apply and, if s/he does so, shall be entitled to be included as a candidate in the ballot. Thereafter, no later than 4 years and eight months after the previous election of the general secretary, and in the event of a casual vacancy or a decision to give notice of the termination of the appointment of the current general secretary, the NEC shall initiate the process for electing a general secretary.

C In order to ensure a wide choice of applicants, each NEC member may choose up to 4 applicants for interview, at least two of whom shall be women, and the eight candidates with the most support shall be interviewed. Following the interviews, each NEC member may support two candidates, one of whom must be a woman, of whom the top four shall go forward to a national one member one vote (OMOV) ballot of all members of the party to be conducted in line with guidelines issued by the NEC.

D The candidate with the most votes in that ballot shall be declared elected General Secretary at the subsequent Party conference and shall be an ex-officio member of Party conference. S/he shall devote her or his whole time to the work of the Party and shall not be eligible to act as a parliamentary candidate. Should a vacancy in the office occur, for whatever reason, between Party conferences, the NEC shall have full power to fill the vacancy on a temporary basis pending the outcome of a new election.

And the NEC shall make necessary consequential amendments.

Supporting Argument

The choice of General Secretary fundamentally influences the type of party that Labour aspires to be. The General Secretary takes key decisions over the staffing structure, recruitment policy, and the allocation of resources. The development of key initiatives, including digital campaigning, canvassing techniques, community organising, and the development of campaigning materials, all depend on the party staff, who are accountable to the General Secretary. Key Labour Party structures such as the regional offices are directly accountable to the General Secretary, and the effective and transparent functioning of key democratic institutions, including the National Executive Committee and the Leadership's office, depend heavily on constructive input from the party staff. Allowing members to elect the General Secretary will increase democratic accountability through all areas of the party, allowing them greater say over what party they actually want Labour to be - a closed, technocratic, solely electoralist party which is vulnerable to capture by elite interests, or a party rooted in local communities and struggling alongside social movements to redistribute power and wealth.

Popular rule change proposals should not have to wait three years to be discussed at Conference

Current rule

(Labour Party Rulebook 2018, Chapter 3, Clause III, Rule 2, Section H, page 17)

'When Party conference has made a decision on a constitutional amendment, no resolution to amend the constitution or rules of the Party having the same or a similar primary objective shall appear on the agenda of the three following annual party conferences, except such resolutions to amend the constitution and rules that are in the opinion of the NEC of immediate importance.'

Amendment

Add 'or which receive over 5 submissions from CLPs and affiliated organisations' onto the end of the sentence.

Supporting Argument

The Three Year rule is an important rule that serves to ensure that Conference does not repeatedly debate issues which have already been addressed in recent years. However, it has also been employed to prevent important debates on party reforms, regardless of how much they are desired by the members or trade union affiliates, thus entrenching institutional rigidities in the party. As a result, Conference delegates are often discouraged debating key proposals on the basis that if they lose the vote they will be off the agenda for a number of years, forcing them to act primarily on the basis of political calculation rather than open debate and discussion. This rule change would allow constitutional amendments which clearly resonate with the party membership to secure a waiver to the three year rule and to be debated at Conference. It should be noted that the NEC already has the right to waive the three year rule if it deems them an issue to be of immediate importance, so this proposal merely seeks to extend that waiver to rule changes which are of demonstrable importance to the membership.

Constitutional amendments - debated in year of Submission

The Labour Party Rule Book 2018, Chapter 3 Party Conference, Clause III (Procedural Rules for Party Conference), Conference rule 2 – agenda.

Amendment

Add at end after Sub-clause H, a new Sub-clause I as follows:

‘All constitutional amendments submitted by affiliated organisations and CLPs that are accepted as in order shall be timetabled for debate at the first annual party conference following their submission.’

Supporting Argument

Currently, due to the obscure and outdated ‘1968 convention’, CLPs who submit rule changes have to wait until the following year’s Conference until they can have the rule changes debated, unlike the NEC, which can decide to have rule changes debated at Conference with a week’s notice. This rule change would mean that CLPs can submit constitutional amendments and debate them at conference in the same year, which would allow members to respond to events more quickly, rather than waiting an entire year. This rule change would therefore allow members to make sure proposed constitutional amendments respond to current needs.

A democratic selection process for the 21st century

The Labour Party Rule Book 2018. Chapter 5 Selections, Rights, and Responsibilities of Candidates for Elected Public Office.

Replace Chapter 5, Clause IV, section 5 and 6 with the following and renumber existing section 7 accordingly:

- 5 If a CLP is represented in Parliament by a member of the PLP, that MP shall indicate, no later than 30 months after the last general election, or by an earlier specified date if the NEC believes that there is a significant prospect of an early general election, whether or not s/he wishes to stand for re-election.
- 6
 - A If a sitting MP has not indicated by that date that s/he wishes to stand for re-election, if s/he has indicated s/he wishes to retire, or if there is no sitting Labour MP, the NEC shall agree a timetable for a selection process for that constituency, candidates shall be invited to express interest in the selection and a Shortlisting Committee shall be appointed in line with procedural guidance to be issued by the NEC.
 - B In line with that timetable, party units and affiliates may make nominations in accordance with NEC guidance, and in doing so may interview interested candidates or not as they see fit. Any decision to invite some of the interested candidates to interview by party units must be made at a meeting to which all members of that unit have been invited, in accordance with party rules and with an explanation of the decisions that will be made at it.
 - C In a constituency without members branches, the Shortlisting committee may choose either to establish temporary branches based on ward boundaries, for the sole purpose of making nominations in line with (B) above, or to hold an all-member meeting in which case any candidate receiving at least one quarter of the votes cast shall be treated as a nomination.
 - D After the closing date for nominations, the Shortlisting Committee shall present a shortlist of nominated candidates to all members of the CLP who are eligible to vote (in accordance with Clause I.1.A above). That shortlist must reflect the requirements of the NEC to ensure that candidates are representative of our society in accordance with Clause I.E.i above, and be subject to the requirement that any candidate who has received nominations from party branches representing over half of the CLP membership, or from more than half the affiliates and party units other than branches shall be included, subject to meeting eligibility criteria.
7.
 - A If a sitting MP has indicated by that date that s/he wishes to stand for re-election, the NEC shall agree a timetable for a selection process for that constituency, candidates shall be invited to express interest in the selection and a Shortlisting Committee shall be appointed in line with procedural guidance to be issued by the NEC.
 - B In line with that timetable, party units and affiliates may make a single nomination each

in accordance with NEC guidance, and in doing so may interview interested candidates or not as they see fit. Any decision to shortlist some of the interested candidates for consideration by party units for nomination must be made at a meeting to which all members of that unit have been invited, in accordance with party rules and with an explanation of the decisions that will be made at it. Whether party units make nominations following interviews or based on candidates' applications, the sitting MP must be considered alongside and on equal terms to other candidates. If party units choose not to invite other candidates, then the sitting MP shall not attend the nomination meeting.

- C In a constituency without members branches, the Shortlisting committee may choose either to establish temporary branches based on ward boundaries, for the sole purpose of making nominations in line with (B) above, or to hold an all-member meeting in which case any nomination receiving at least one third of the votes cast shall be treated as a nomination.
- D If the sitting MP receives both (i) nominations from party branches with a combined membership of more than two thirds of the CLP membership, and (ii) nominations submitted by more than two thirds of the affiliates and party units other than branches submitting nominations, then the sitting MP shall be automatically reselected.
- E Where the sitting MP is not automatically reselected, the Shortlisting Committee shall present to all members of the CLP who are eligible to vote in accordance with Clause I.1.A above a shortlist of nominated candidates. That shortlist must reflect the requirements of the NEC to ensure that candidates are representative of our society in accordance with Clause I.E.i above, it must include the sitting MP and it must be subject to the requirement that any candidate who has received nominations either from party branches with a combined membership of more than one half of the CLP membership or from more than half of the affiliates and party units other than branches making nominations shall be included, subject to meeting eligibility criteria.
- F If the said MP is not selected as the prospective parliamentary candidate s/he shall have the right of appeal to the NEC. The appeal can only be made on the grounds that the procedures laid down in the rules and the general provisions of the constitution, rules and standing orders have not been properly carried out. The NEC must receive the appeal by the date on which they consider endorsement of the parliamentary candidate for the constituency.

Supporting Argument

The existing trigger ballot mechanism does not provide adequate accountability between sitting MPs and party members, at the same time as requiring members to organise on a solely negative basis in order to have a meaningful choice in selections in seats with a sitting MP. This state of affairs has contributed to growing mistrust and division across the party. This alternative proposal would benefit all parties, by allowing sitting MPs the opportunity to demonstrate that they have overwhelming support amongst both party members and affiliated organisations, and party members and affiliated organisations would have a meaningful choice of who represents

them once in each term of Parliament.

Charter of Members' Rights

The Labour Party Rule Book 2018. Section A. Chapter 2 Membership Rules.

Amendment

Insert into a new Clause IV under Chapter 2 of the Rule Book:

There shall be a Charter of Members' Rights to guarantee the rights of Labour Party members. The Charter of Members' Rights shall be drafted by the National Executive Committee and shall be approved by Conference, following full consultation. They shall then be appended to the party rules and may subsequently be amended by Party conference.

Supporting Argument

A Charter of Members' Rights is necessary to remake the Labour Party so that it is structurally and culturally coherent with democratic socialist principles. Given the massive potential of the incredible expansion of the party membership in recent years, it is necessary to ensure that the talent, creativity, and commitment of the members is fully harnessed. This Charter would outline key members' rights which should be protected under Labour's Constitution.

Labour Party Ombudsperson

The Labour Party Rule Book 2018. Section A. Chapter 1 Constitutional Rules Amendment

Include in a new Clause IV under Chapter 2 of the Rule Book:

There shall be a Labour Party Ombudsperson, appointed by the National Executive Committee.

The Labour Party Ombudsperson shall deal with complaints alleging a breach of (a) the Charter of Members' Rights, and (b) the Labour Party Code of Ethics, in accordance with procedures approved by the National Executive Committee.

The Labour Party Ombudsperson shall be a Labour Party member and shall be appointed by the National Executive Committee. The Labour Party Ombudsperson shall be appointed to serve for a non-renewable fixed term, which shall not exceed two terms of five years each.

The Labour Party Ombudsperson shall be independent and impartial; shall be remunerated in accordance with a sum approved by the National Executive Committee; and shall not be removed from office while continuing in membership of the Party except for misconduct or incapacity, following a resolution of the National Executive Committee approved by Conference. S/he shall be allocated an appropriate amount of staff and other Party resources in order to carry out his or her duties.

The Ombudsperson shall report to the National Executive Committee on the patterns of complaints received by him or her, and the outcomes of those complaints. S/he shall make recommendations to the NEC as to practice or potential rule changes. However, he or she shall not report on individual complaints and the NEC shall have no oversight as to the investigation or outcome of individual complaints. The Ombudsperson's report to the NEC shall be posted on the Labour Party website and circulated to CLP secretaries.

The Ombudsman and all staff working on Ombudsman matters shall maintain confidentiality in respect of each complaint received, the investigations and outcome.

Supporting Argument

The existing rules set out the duties and restrictions on members of the Labour Party but recent experience of top down management of the Party has demonstrated that these rules, and the Party as a whole, would now benefit from a Charter of Members' Rights and an official Code of Ethics concerning the running of the Party.

The enforcement of these rights and duties and the investigation of complaints as to their breach will need to be underpinned by the work of an independent ombudsperson. It is essential that the ombudsperson is accountable to the NEC and that their work does not cut across other NEC functions. However, the ombudsperson must personally be truly independent and command widespread support and command widespread support across the party as a whole.

Code of Ethics

The Labour Party Rule Book 2018. Section A. Chapter 1 Constitutional Rules Amendment

Include in a new Clause IV under Chapter 2 of the Rule Book:

There shall be a Labour Party Code of Ethics which shall apply to all Labour Party members, Labour Party officers, Labour Party employees, Labour Party contractors and Labour Party representatives. They shall then be appended to the party rules and may subsequently be amended by Party conference.

Supporting Argument

Remaking the Labour Party so that it can transform the lives of millions of people will only be possible if there is a fundamental cultural change instigated throughout the length and breadth of the party. This cultural change needs to be built on commitments by all actors in the party to mutual respect, engagement and participation, transparency, and accountability. The objective of this Code of Ethics is to establish a basis for this cultural transformation.

Standing orders for the democratic and inclusive running of Party Conference

Labour Party Rule Book 2018, Chapter 3 Party Conference, Clause III. Procedural rules for Party Conference, 1. Conference rule 1 – Annual Party Conference.

Amendment

Add after sub-clause F. (on page 16) an additional sub-clause:

G. The NEC will draw up Standing Orders for Party Conference that will outline procedures for: the conference timetable, procedure in debate, motions, composite motions, emergency motions, withdrawal and remittance of motions, reference back, point of order, chairs ruling, suspension of Standing Orders, voting, including full procedures for card votes, ending debate and the role of the CAC. These Standing Orders will be presented to the first session of each Party Conference in a CAC report for agreement by the conference. They shall then be appended to the party rules and may subsequently be amended by Party conference.

Supporting argument

Annual conference is the supreme policy making body of the Labour Party. Therefore it is essential that it is conducted according to democratic principles. Unfortunately this has not proved to be the case in recent years. The conference chair has ignored calls from delegates for procedural matters to be referred back to the Conference Arrangements Committee. And the conference chair has also ignored legitimate calls from delegates for card votes on important matters without any explanation and in contravention of the Party rule-book. It is therefore necessary to democratise conference proceedings so that the rights of delegates are upheld in accordance with Party rules. This means we need proper conference standing orders laying out the procedure for how conference should be run to ensure that the democratic rights of delegates are upheld.