

Reports to Conference

Autumn 2021



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¹ This report has been updated since initial publication. The [original text is available here](#).

Federal Committee Reports

Federal Conference Committee - Nick Da Costa (Chair)

The Federal Conference Committee is responsible for organising our two annual conferences. It is an independent committee but subject to the control of the Federal Board in terms of finance and resources.

Firstly, I would like to thank our previous Chair, Geoff Payne, who stood down as Chair and FCC member at the end of May. Geoff has been a member of this committee for 18 years having previously served as a member, Vice Chair and then Chair. He has always been a champion of the importance and sovereignty of Conference and was instrumental in launching our online Conference. He will be sorely missed by many of us, and we would like to wish him the best of luck in his future endeavours.

I am delighted to have been elected as the new Chair of the Federal Conference Committee, which in my view is one of the best roles in our party. I hope to be able to meet with some of you during the Conference weekend via the virtual networking function, and hopefully in the future in person too.

We also welcome a new member to the Federal Conference Committee, Keith Melton, who joins us following a recount. We all look forward to working with him. Chris Adams has been elected to the vacant position of Vice Chair of Federal Conference Committee and will chair the General Purposes Sub-Committee.

Submission of Motions

You can read a copy of my report regarding the preliminary agenda selection meeting on the Ad Lib section of the party website or on Lib Dem Voice (<https://tinyurl.com/yxnm4tat>). We received some very interesting motions – 38 policy motions, 11 business motions, five constitutional amendments and two standing order amendments – on a range of different topics. Unfortunately, we cannot always select all the motions submitted to the Conference Committee and I would like to thank those members who take the time to write and submit motions on a range of topics. I would welcome members whose motions may not have been selected to reach out to FCC members, party bodies, local government, Parliamentarians and other members to discuss their motions and refine them to submit for future conferences.

Leaders' Speech

At this Conference we will be having our first in-person Leaders' Speech with an audience, whilst it is not comparable to the large auditorium at a physical conference, this gives us an opportunity to examine the feasibility of hybridisation of some elements of the conference experience.

Online Conference – Autumn 2021

We announced in Spring that Autumn 2021 would continue to be a virtual conference. As I write this report the number of COVID cases is unfortunately again increasing in the community, so the decision we took in Spring seems a sensible one, despite the lifting of restrictions on 19th July. We, of course, are desperately looking forward to an in-person meeting when the situation allows.

We will, again, be using Hopin to run our conference; the system allows us to operate an auditorium complete with voting, fringe events, full training and exhibition space. There is also the networking function, that allows people to meet and chat together.

Although we were grateful for the almost overwhelmingly positive feedback and the lessons learned over two online conferences, we have listened and responded to some of the points raised in our feedback. Therefore, we have made a number of changes:

1. We now have the ability to choose which event areas we have the chat, polls and Q&A activated within, this means that fringes can hold their own polls as well throughout their events, if they want it.
2. Based on the feedback from Party Bodies we have also looked at how bookers can request people's contact details during a fringe session. We will have a solution to this whereby fringe bookers can set up a poll in their session to request people share their contact details, which the Conference Team can then share with the relevant fringe organisers. More information on this will be provided to our fringe bookers.
3. We appreciate that exhibitions do not work as well as they do in a physical conference. Exhibitions are an important aspect of conference, where our party bodies and corporate bookers are able to engage and network with party members. With this in mind, we have reviewed the exhibition offer and reduced the price for this.

Some of the changes we made at the Spring Conference will be carried over to this Autumn Conference, including the compendium Agenda document which will be updated daily online with the relevant sections relating to

Conference Extra and Conference Daily. We've continued to allow longer sessions for fringes and, based on the feedback from the previous Conference, had record attendance at the Fringe meetings.

We have selected an agenda that we think is interesting, diverse and contains a wide range of different agenda items that attendees will want to debate. This is our chance to discuss the pressing issues that we face, and our chance to influence and determine the policy of our party. Please do have your say.

All of the debate items on the agenda are open to amendment, and amendments should be submitted through the website (https://www.libdems.org.uk/conference_submissions), the deadlines for which are at the end of this report. If you are thinking of submitting an amendment or an emergency motion and would like assistance, you can submit a request for drafting advice before 13:00 on 23 August. Amendments and Emergency Motions will be considered by the Conference Committee at its meeting in September.

Once again, we have set aside time for emergency motions. Those are motions on matters that have arisen since the original motions deadline of 30 June. Again, those will be selected by the committee in September and if more motions are selected than time available on the agenda an email ballot will be undertaken using the Mi-Voice system, so please do keep an eye out for that.

We will need Speakers Cards to be submitted much earlier than they would be at a physical conference so that we can plan debates most effectively. If you want to speak at Conference, you must complete and submit an online Speaker's Card by, at the latest, 4pm on the day before the debate.

If you are called to speak at this conference, the experience will be similar to the past two conferences. You will be contacted in advance by our production staff and talked through what will happen and given the opportunity to test your equipment. They will help you make the most of your speech.

We welcome your feedback in every aspect of conference. After the event, there will be an online survey sent through to everyone who registered. We are keen to know how you thought it went, so please do complete the survey.

Spring and Autumn 2022

Events in relation to the pandemic are moving very fast and we are amid another spike in cases. We are very conscious that there have not yet been any announcements regarding Spring or Autumn 2022, and ordinarily we would have announced details at least with regards to Spring Conference. The COVID pandemic has made things much harder to predict, and the Conference Committee will be meeting immediately after this Conference to review Spring and hopefully Autumn 2022. The FCC has also set-up a Hybrid Working Group which is looking at the feasibility and practicability of delivering a hybrid conference. We will provide the details as soon as events allow.

Thanks

I would like to express my thanks to the brilliantly hard-working staff who work in the Conference Office: Susannah Murray, Wilma Robinson and Daiva Buoziene. This momentous task of organising conference would not be possible without them. I would also like to pass my thanks to Mike Dixon,

Sian Waddington, Greg Foster and other staff at party HQ, and also thanks to the staff in the Whips' Office.

A huge amount of work goes into the agenda, and I would like to thank Christian Moon and Joseph Wright and the team of policy researchers, and our designer, Mike Cooper in that regard.

The Stewards, Moderating and HQ support teams are an essential part of conference, and although are not visible, they are hard at work behind the scenes making sure that all is running well and that we have an enjoyable conference. I would like to thank them all as well as Mike Ross and Jodie Frapple, our Chief Steward and Deputy Chief Steward.

Thanks are also due to our magnificent British Sign Language interpreters as well as to Hopin, the team at Vivid Productions and Chris Dann who have made it all happen technically.

Finally, but by no means least, Conference would not be possible without the dedication and passion of the members of the Federal Conference Committee, and I would like to express my thanks to all of them.

Next set of deadlines for Conference

- Drafting Advice deadline for amendments and emergency motions: 13:00 23rd August 2021
- Amendments and Emergency motions deadline: 13:00 6th September 2021

Federal Policy Committee - Lucy Nethsingha & Jeremy Hargreaves (Vice Chairs)

The Federal Policy Committee (FPC) is responsible for researching and developing policy and overseeing the Federal Party's policy-making process. This includes producing policy papers for debate at Conference and drawing up (in consultation with the parliamentary party) the Federal election manifesto for Westminster elections.

The FPC has 29 voting members: the Party Leader, fifteen members directly elected by party members, six Parliamentarians, the Party President, two councillors, three state party reps and one representative from the Federal Campaigns and Elections Committee. It is chaired by the Leader.

Committee priorities

FPC's responsibility is to oversee the party's policy-making process. We are keen to do this in a way which contributes most effectively to the party's political success – we want to develop policy which meets the party's political needs and demonstrates our approach to voters, to win us votes. We have followed closely the party's research into messaging and policy needs and interests of our key voters, and are putting that at the centre of our work.

Policy development

This conference marks the end of a large programme of policy development work across a number of areas, some of it dating back to before the last General Election.

Crucially, we are bringing a motion and short paper to this conference setting out the party's core principles and values. This is based on several rounds of consultation with party members on this over the last year. We thank especially Alyssa Gilbert, helped by Duncan Brack, for their work leading this. This sets out our core purpose – why we exist, and at the most fundamental level what we seek to achieve.

At a level down from this we are also bringing a motion and paper setting out our core present political platform – a kind of version of our current policy manifesto. This sets out our core story and appeal to voters, backed up by a relatively small number of concrete policies to embody and portray our approach.

We have developed these two projects in conjunction with each other, and also with the Federal Board's strategy for the party. It's hoped that together these three pieces of work set out who we are and what we're seeking to achieve (our principles and values), how we're planning to try and achieve it (the party strategy) and the core messages and policies which communicate and embody our approach (the policy platform / manifesto motion).

Moving to some specific policy areas of interest, our working group on the Nature of Public Debate, under the chairmanship latterly of Martin Dickson and of Daisy Cooper before her election to Parliament, has completed its work on some crucial and challenging questions for liberals about the nature of society in the twenty first century, and we are very pleased to bring their proposals to this conference. We think they contain some very strong Liberal Democrat answers to some difficult and fascinating questions.

We committed last autumn to carry out some work on what regional power structures in England ought to look like in the context of a Federal UK. A

working group chaired by John Shipley and with very strong input from the English party has done impressive work on this very difficult set of questions, in particular in finding common ground on areas such as which powers should sit at the regional level in England. The motion contains some options for conference to decide on about the constitutional status of England and its regions within the UK.

A small working group under the leadership of Duncan Brack has followed up our 2019 paper on the whole topic of tackling Climate Change, by looking at the specific question of how a carbon pricing arrangement might work. This group has done excellent work in this pretty technical area, and our motion to conference proposes different approaches to this suitable to the different key sectors here. This continues our party's tradition of moving beyond mere flag-waving about the need to tackle climate change to actual concrete practical policies to do so.

A working group chaired by Paul Noblet has done a huge amount of work looking at what a detailed model for implementing Conference's commitment to introducing a Universal Basic Income (UBI) could look like. They have also consulted quite widely within the party on this. The central challenge remains finding an approach which achieves the aims of this policy, at a cost which does not prevent us from making any spending commitments in any other areas and which does not pose an insurmountable political challenge in terms of the scale of tax rises implied. We have found the work done by the group on this immensely valuable and have asked it to consult the party more widely at this conference on the possible options it has found, with the intention of bringing final proposals to conference in 2022.

Finally, we have started the programme of work about how the UK's relationship with the EU can be brought as close as possible, with the long

term goal of EU membership, which Spring conference mandated to us. We envisage this taking the form of a sequence of motions to conference making proposals in specific areas, and we have proposed the first of these to this conference, on the live topic of forging closer cultural and educational links between the UK and the EU. We plan to bring a further piece of work on the UK rejoining the Single Market, to Spring conference. We will also be running a consultation session at this conference about the future work of this programme.

Future policy development

Following the research carried out by the party into our target voters and messages and the need for policies aimed at them, we have started to think about our future policy development programme. We are also drawing on our work in 2020 about the possible shape of the UK and the world following this phase of the pandemic. At the time of writing we are mulling over the top priorities to flow out of this work and how we can most successfully approach tackling them. The clear aim of this is to develop policies which support key messages aimed at the voters we are most keen to attract, in all parts of the country.

There are also a number of specific policy areas where we want to do further work, and we have also received a couple of requests to carry out specific policy development work.

We will be considering this and plan to commence work on these areas in the autumn.

Our existing working group developing policy on the Natural Environment has been re-invigorated under its new Chair, Richard Benwell, and is starting up again after a substantial pause.

Working with the rest of the party

We continue to report on our meetings through our committee page on Facebook, at www.facebook.com/groups/federalpolicycommittee and on Lib Dem Voice, and if you are interested in following our work as it develops you may find it of interest to follow these.

We are very pleased to have been invited to be part of the Party Bodies Forum, comprised of SAOs, AOs and others, and are working hard to use this as an effective way of working with these party interest groups to support them engaging as much as possible in policy development.

We also remain very keen to work as closely as possible with other federal committees. As well as the campaigns committee (FCEC), we are pleased to have been able to co-ordinate some of our key motions for this conference with the Federal Board's party strategy work.

We are also keen to do anything else we can to support policy discussion across the party, either on our own work programme or on other topics, and welcome any suggestions about how we can do this further.

Personnel

Members of policy working groups play a very significant and unsung role in developing party policy. Working group chairs in particular take on a very significant task in steering topics through the party. We thank them all again for all their contributions, patience and insight.

FPC vice chair Sally Burnell has stepped down from this role, and we thank her for all her work and the very significant contribution she made. FPC has elected Cllr Lucy Nethsingha in her stead, as one of the vice chairs.

Joe Wright has joined the party's staff as Policy Manager, and we are very grateful to him and Christian Moon, Head of Policy, for their huge hard work in supporting the very large programme of work which we have had under way over the last year and are bringing to this conference.

Finally we would like to thank the members of FPC for their ongoing commitment to a very large and imaginative programme of work, with the committee continuing extremely well-attended and frequent meetings throughout the pandemic. We were very pleased to hold an in-person awayday this summer and look forward to continuing to work together, both online and physically together.

Federal Board - Mark Pack (President)

Sarah Green's brilliant victory in the Chesham and Amersham by-election showed just how much political potential there is for us in holding the Conservative government in Westminster to account for its many failings. Our challenge is to be able to replicate that more widely and outside by-elections too.

Since the Board report to the Spring Conference, the Federal Board, and its Steering Group, has continued to focus on three priorities: improving our grassroots campaigning, our diversity and our use of technology.

Underpinning all this is the challenging set of findings from the independent review headed up by Dorothy Thornhill into the 2019 general election. Progress in implementing its recommendations are regularly reported and scrutinised by the Board and Steering Group. This is not a report that's being left on the shelf to gather dust; it's kept open on everyone's desks to guide what we do.

Supporting our grassroots campaigning

In the May council elections we started to see the benefits of our investment in a large network of local campaign support staff.

The Thornhill Review into the 2019 election identified that in many places we under-performed as the local electoral opportunity was bigger than our local campaign organisation and skills could seize. It takes time to build up and train local campaign organisations, which is why the Board gave that network of support staff such a priority right from the start of this Westminster Parliamentary cycle.

That we made net council gains even in such a tough national environment was a sign of progress - and made it the first time we've had net gains three years in a row since the time of Charles Kennedy.

Many thanks to everyone in state and regional parties, along with ALDC, who have worked together to produce this expanded and integrated support network.

Traditionally, we have only run post-election reviews after general elections. This time, to ensure we learn from both the successes and disappointments of the May elections, the Federal Communications and Elections Committee (FCEC) has kicked off several different streams of work to investigate and apply the lessons.

Improving the party's data and technology

Now that we have a Chief Technology Officer (CTO, Duncan Gough) in place, it's been possible to understand much better the current state of our technology and how to improve what we get from it.

Central to this is the conclusion that improving our use of data is where there is the most benefit to be had over the next few years. Making data synchronise better between systems, improving the quality of data and making it easier to meet our regulatory requirements will all help campaigners win more votes and so win more elections.

The plan therefore is to improve our use of our core systems such as Connect and Salesforce rather than to change them. Sustained incremental improvements in them will bring more benefits than scrapping one of the big systems and starting again with a new one.

Some of these changes will directly impact the work of local volunteers, such as Data Officers and those who run local email campaigns, so do watch out for more news on specific projects and features as they are launched.

Making the party more diverse

This is important for reasons both of principle and pragmatism. It's important because it's bringing our values to life - genuinely giving every member and supporter the best chances to participate as they wish in the party. It's also important because more diverse organisations perform better, and for us specifically there's a huge electoral opportunity that the Thornhill Review identified.

We therefore invested in working with external experts to help create a clear diversity strategy, with specific actions. The focus on the latter is particularly important as there's a mini-shelf full of previous diversity reports followed by a very mixed record of action and change. The work is being overseen by the Federal People Development Committee (FPDC) but it is a challenge for us all.

At the time of writing, the recommendations and plan are being finalised. I encourage everyone, whatever your role in the party, to look at them carefully and see how you can contribute to their success. Changing our culture and performance so that we are a more diverse and inclusive organisation is something for all of us.

An important part of this is the diversity of our Parliamentary Party in Westminster. We have made welcome progress on some fronts but still have much more work to do. A new support programme is therefore now being developed for candidates from Black, Asian and minority ethnic

backgrounds. It will provide intensive support to candidates who are selected in our most winnable Westminster Parliamentary seats.

Getting the best candidates

Selecting Parliamentary candidates is primarily a matter for the state parties. However, where there are common needs and challenges, the Federal Party can assist and Alison Suttie, chair of the Joint Candidates Sub-Committee, is playing a key role in this.

Over the last year, this has included getting additional legal advice to identify the limits on what action we can take to continue to improve the diversity of our elected Parliamentarians. This was shared with the state parties, and it is good to see how constructively they are taking the challenge of finding effective ways to act within the law.

In addition, the Federal Party has also put together an improved process for checking the bona fides of would-be applicants. It's important that where, for example, someone has made discriminatory comments on social media, this is picked up early on so that, depending on the circumstances, either their application does not proceed or they can be helped to learn from and atone for their mistakes. Only discovering a problem with a journalist rings up in the middle of a selection or an election doesn't serve anyone well.

So an improved checking service has been put together, which can be adapted and used for a variety of purposes including normal candidate selections, Parliamentary by-elections or appointments to sensitive party roles. Exactly how and when such checks are used is up to those who run each of those processes, but by having a common basic process provided for use across the party the Federal Party can make everyone's task easier and more efficient.

Developing our messaging and strategy

Following the consultation sessions at our last two conferences, the Board has submitted a motion on party strategy.

It's deliberately shorter and simpler than many of its predecessors as traditionally they've ended up like a conference Christmas tree with everyone hanging their favourite ideas on it. It can end up to be a collection full of things to catch everyone's eye. But for the key role of a strategy - setting priorities that involve not saying 'yes' to everything - they have often ended up being of limited use.

So if on reading the motion you see good things missing from it, that's not a mistake, it's deliberate. Good strategies require priorities. Not everything can count as a priority.

Alongside developing the strategy work, important work has been underway to develop and improve our messaging. This is firmly rooted in research into what voters think, are most concerned about and most motivated by. The sweet spot for our messaging is what fits with our values and what most sways voters. As the Thornhill Review found, that voter perspective has been too often missing from our discussions.

Improving the way the Board is run

At our June meeting, we reviewed progress on the Steering Group pilot one year on. We decided to make some changes to how the pilot works, such as improving the flow of information from the Steering Group meetings to the full Board. We agreed to ask Autumn Conference to approve a plan to consult with stakeholders about the future structure of the Federal Board and bring plans to Spring Conference next year, continuing the Steering Group pilot in the meantime.

One reason for picking spring next year is to give enough time to properly explore variations and put a considered set of plans to conference. The other is that we have a very large volume of other business to put to this conference, as you can see from the agenda.

Board business at conference

Alongside this report and the above governance business, the Board also has the following items at this conference:

- *Party strategy* - our once-per-Parliament strategy motion. Details in the main agenda.
- *Complaints process* - as required under Article 23 of the constitution, the Board is reporting to Conference variations in the complaints process to simplify it, speed it up and otherwise improve it as suggested by members via a consultation after Spring Conference 2021. Please see the end of this report for an introduction explaining the variations as well as the full wording.
- *Implementation of the Party Body Review Group report* - a business motion and a constitutional amendment. Details in the main agenda.
- *Young Liberals age limit* - a constitutional amendment based on consultation with YLs. Details in the main agenda.
- *Election regulations for Vice President responsible for working with ethnic minority communities* - the Board has decided to put options to conference on this so that members can decide on a couple of key choices over how elections for this post should be run. Details in the main agenda.
- *Membership subscription levels for 2021 and related business* - this is a motion, with details in the main agenda.

Questions and updates

As well as the formal opportunity to ask questions of this report at conference, everyone is very welcome at any point in the year to send questions to president@libdems.org.uk.

You can see more about who is on the Board up on the party website at www.libdems.org.uk/federal_board and my monthly reports on our work appear in the AdLib section at www.libdems.org.uk/adlib. Regular reports from other federal committees also appear there.

Thank you

The work of the Board would not be possible without the support of staff, and in particular our company secretary Jack Coulson and Georgia Potter, executive assistant to the CEO and President. Thank you to Jack, Georgia and all their colleagues for their dedication and professionalism over what has been such an unusual and challenging year.

The Complaints process - Foreword

Earlier this year, the Party published a consultation to gather views on the independent complaints process. The Disciplinary Sub Group (DSG) and the Senior Adjudicators Team (SAT) have drafted a new simplified process to address the concerns. Some of the changes represent a significant departure from the current rules, but we feel this is essential to bring about the change that needs to be delivered.

Speed of handling complaints

The biggest issue is delay, and we identified that this was rooted in three main aspects of the process.

1. There are several steps, with several personnel involved in each complaint. We propose to streamline the process by removing the role of the Original Adjudicator, and having the complaint referred directly to the panel chair to determine and action next steps.
2. Investigation of complaints is hugely time consuming, and we do not have enough resource to cope with the volume being referred. Taking into account the capacity and constraints of the system, we propose that parties provide the information and evidence they want to rely on.
3. The system experiences bottlenecks of linked claims when an initial complaint is met with counter and additional complaints. We propose that parties consolidate their complaints within a fixed timetable.

Clarity in relation to the process

This proposal divides the process into clear stages:

1. Initial Review

2. Submission of evidence and parties responses
3. Panel Review
4. Panel Hearing
5. Outcome
6. Appeals

We set out clearly what options are open to an Adjudicator and Panel, to assist them in the smooth running of the complaint and giving certainty to the parties about next steps.

Triaging of complaints and handling vexatious complaints

We set out a system for the Standards Office to make recommendations for the LA, or SAT member to approve. This speeds up progression of a complaint, and allows for early dismissal where it doesn't meet the threshold, saving resource and reducing impact on the respondent.

We recognise the upset and worry caused by repeated and unmeritorious complaints. These also impact the efficiency of the system by stretching resources unnecessarily. We propose for the LA to prohibit vexatious complainants from bringing formal complaints without permission.

Confidentiality and transparency of outcomes

We propose clear guidance on confidentiality and publishing of decisions in order to assist panels in reaching decisions on these matters and parties in being able to anticipate what will happen and why. We also propose clarity on when parties to a complaint can discuss it with others to support their wellbeing.

Anonymity

The current process allows a complainant to remain anonymous upon request, and members have expressed concern that this impedes investigation of a complaint and goes against natural justice. The new proposed rules address this by setting a higher bar for anonymity where requests will be considered by the SAT, and only granted to avoid harm to the complainant.

Conclusion

The members of the SAT and DSG are hugely invested in delivering a fair and effective independent complaints process. We know how important it is to deliver justice to those who have been wronged, and to those who have been accused of wrongdoing. It is also essential for the effective running of our local parties, council groups, Parliamentary Party, and to maintain support and enthusiasm among our volunteers.

We are grateful to all who have contributed to the consultation and we hope that our proposals demonstrate to you that we have listened and we understand your feedback. We hope that this proposal addresses your concerns and that we have your support in delivering this going forward.

Complaints process

Current complaint process rules available here:

<https://www.libdems.org.uk/complaints-procedure>

1. Making and recording a Complaint

- 1.1. Any person can only make a Complaint using the standard complaints form on the Party's website.

- 1.2. The Standards Office will not accept complaints which do not fall within the definition of a 'Complaint' under these rules. If a person is not sure whether their complaint meets the criteria they may contact the Standards Office for advice and/or review the flow chart at Appendix 1 – Who should I report a complaint to?. Decisions of the Lead Adjudicator on whether a Complaint meets the criteria or not are final.
- 1.3. The Standards Office will (a) acknowledge all Complaints and send the person making the Complaint a copy of these rules and (b) record all Complaints in a comprehensive Complaint management system, including whether there are any other Complaints against the same Respondent for the same or similar events or conduct.
- 1.4. Any written communication about a Complaint sent by any person to an Adjudicator allocated to that Complaint or to the Senior Adjudicators' Team or to the Standards Office, shall be added to the records for that Complaint.

2. Initial steps to a Complaint

- 2.1. The Standards Office will send a list of Complaints received to the Lead Adjudicator on at least a weekly basis, with a recommendation as to whether each Complaint received should be:
 - 2.1.1. dismissed (with or without a Warning);
 - 2.1.2. sent back to the Complainant to ask for more information;
 - 2.1.3. sent to the Senior Adjudicators' Team to decide whether to suspend the Respondent's membership of the Party, before proceeding to a Panel hearing; or

2.1.4. sent to a Panel hearing without suspension being considered.

- 2.2. The Lead Adjudicator will confirm or change the recommendations made for each Complaint and the Standards Office will inform the parties to the Complaint of the Lead Adjudicator's decision.
- 2.3. If the Complaint relates to potentially criminal conduct, or the conduct of either a member of the Party who is also a member of staff employed by the Party, or a member who is a Parliamentarian, Senator, or an elected representative as a member of the Party's group in the London Assembly, or to a breach of data protection rules (including GDPR), or electoral law (including PPERA), or where the Complaint is also being investigated by a regulatory or other disciplinary body, extra steps need to be considered at this point before the Complaint can be dealt with under this complaints process. These extra steps are set out in more detail in PART 2 – Extra Steps.

3. Dismissal (under 2.1.1)

- 3.1. The Complainant can appeal in writing within 7 days of receiving notice from the Standards Office of the decision to dismiss their Complaint. This appeal will be considered by the Review Panel at their next meeting.

4. More information needed (under 2.1.2)

- 4.1. The Standards Office will ask the Complainant to provide further information and evidence to support the Complaint. If the Standards Office does not receive this within 7 days of asking, the Complaint will be closed.

- 4.2. If the Standards Office does receive further information and evidence within 7 days the Standards Office will apply paragraph 2.1 again.

5. Suspension (under 2.1.3)

- 5.1. The Senior Adjudicators' Team will consider whether to suspend a person's membership when the Standards Office recommends they do so or at any other time they consider appropriate. The Senior Adjudicators' Team will take into account the relevant articles of the Federal Constitution and, if applicable, the Constitution of the relevant State Party or SAO when making their decision.
- 5.2. If the Senior Adjudicators' Team decide to suspend a person's membership the suspension will be effective immediately.
- 5.3. The Senior Adjudicators' Team will ask the Standards Office to inform all affected parties of the suspension. This could include the suspended person's local, regional and state parties, relevant candidates' chairs, and Party HQ, including the press and membership teams. This list is not exhaustive and a decision will be made on a case by case basis and to what is considered necessary.
- 5.4. The decision to suspend can be reviewed by the Senior Adjudicators' Team at any point after it has been taken. The suspension shall automatically be lifted only when the complaints process and any appeals have been fully concluded.

6. Panel (under 2.1.3 or 2.1.4)

Respondent's evidence and opportunity to make a Counter-Complaint

- 6.1. The Respondent will be given 14 days from the day they are informed that the Complaint is being sent to a Panel to send the Standards Office a written response and produce any evidence of their own, and, if they choose to, to make a Counter-Complaint.
- 6.2. If the Respondent makes a Counter-Complaint, this Counter-Complaint will be heard by the same Panel as the primary Complaint

Panel meeting on the papers

- 6.3. Once 14 days has gone by, the Panel Chair will hold a meeting of the Panel to review the Complaint(s), any Counter-Complaint(s), responses and evidence.
- 6.4. After considering the documents, the Panel will decide whether to hold a hearing, in which case they should set a hearing date at least 14 days in the future, or to dismiss the Complaint(s) or Counter-Complaint(s) on the basis of the written evidence only. The Standards Office shall tell all parties to the Complaint of the Panel's decision and the hearing date (if any).
- 6.5. If a Panel decides to hold a hearing, they may request that before the Panel hearing an Investigator interviews the Complainant, the Respondent and any witnesses named in the papers, reviews the evidence provided, and produces a report summarising the Complaint(s) and any Counter-Complaint(s) and any evidence provided.
- 6.6. If the Complaint is dismissed, the Panel will set out its reasoning in full in writing and this will be shared with all parties. The Respondent and Complainant have a right to appeal this decision within 7 days of

receiving notice of the dismissal. Any appeal shall be heard by the Review Panel at their next meeting.

Panel Hearings

- 6.7. At least 7 days before the Panel hearing, the Panel Chair will send the parties a running order for the hearing. An example running order is given in Appendix 3 – Panel Hearing Running Order Example.
- 6.8. If a Complainant or Respondent wants the Panel to ask any questions of the other parties or witnesses, they should submit these in writing no less than 48 hours before the Panel hearing.
- 6.9. If a Complainant or Respondent asks for extra support at a Panel hearing, the Panel shall consider any support requested and apply the Party's safeguarding procedures on Party events where appropriate. If a Complainant or Respondent wants to bring a person with them to the Panel hearing to provide emotional support they may do so as long as that supporter is a member of the Party, and that supporter may not speak at the Panel hearing.
- 6.10. At the Panel hearing the Panel members will ask questions of both parties and any witnesses, and allow the Complainant and Respondent to explain their position, set out their evidence, and respond to each other's statements.
- 6.11. Once the Panel hearing has finished, the Panel should decide whether to uphold the Complaint, including full written reasoning and any sanctions that apply, within 7 days.

- 6.12. The Standards Office will send the Complainant and Respondent copies of the Panel's decision promptly and may publish Panel decisions, reasoning and sanctions as necessary.
- 6.13. If a Panel upholds a Complaint the Respondent may notify the Standards Officer that they intend to appeal within 7 days of receiving the Panel's decision.

7. Appeals

Appeals against dismissals

- 7.1. A Review Panel will meet at least once a month to consider appeals made in writing against decisions to dismiss (under either of paragraph 3.1 or 6.5). The decisions of a Review Panel will be final.
- 7.2. If the Review Panel overturns a decision under paragraph 3.1, it will set out in writing its reasoning and whether the Complaint should be dealt with under paragraph 2.1.2, 2.1.3 or 2.1.4 instead.
- 7.3. If the Review Panel overturns a decision under paragraph 6.5, the Standards Office will appoint a new Panel to consider the Complaint at a Panel hearing.
- 7.4. If the Review Panel upholds a decision to dismiss a Complaint it may choose to set out its reasoning in full in writing.

Appeals against upheld Complaints and/or sanctions

- 7.5. An Appeals Panel will meet at least once a month to consider appeals against Panel decisions to uphold Complaints made under paragraph 6.9. The decisions of an Appeals Panel will be final.

- 7.6. The Appeals Panel will consider all the evidence previously submitted to a Panel in relation to the Complaint and decide whether there is any evidence that (a) the decision made by the Panel was obviously incorrect, or (b) the decision did not take into account relevant evidence available to it, or (c) the Panel applied a sanction which was disproportionate to the harm caused. If the Appeals Panel decides one or more of these criteria are met, they may amend the Panel's decision but if none of them are met they will uphold the Panel's decision.
- 7.7. The Appeals Panel will set out their decisions in writing within 14 days of meeting to consider the appeal.
- 7.8. The Standards Office will send the Complainant and Respondent copies of the Appeals Panel's decision promptly and may publish Appeals Panel decisions, reasoning and sanctions as necessary.

PART 2 – Extra Steps

1. Complaints against Party staff

- 1.1. 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 Office 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 process, 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 Office within 10 working days and the Complaint shall be dealt with under this complaints process.

2. Complaints against Parliamentarians and other elected representatives

- 2.1. Where any Complaint is made about the conduct of a member who is a Parliamentarian, Senator, or an elected representative as a member of the Party's group in the London Assembly, the Lead Adjudicator shall refer the Complaint to the Chief Whip (or nearest equivalent) of that group for investigation under that group's standing orders to consider whether it relates to events taking place, or their conduct when acting, in the course of their role as a Parliamentarian or elected representative. If not, the referee shall inform the Standards Office within 10 working days and the Complaint shall be dealt with under this complaints process. If so, the referee shall apply their standing orders or procedures first before this complaints process applies (subject to paragraph 2.2).
- 2.2. Three months after any such referral the Standards Office shall write to the referee 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 process. The Standards Office shall then report any response to the Senior Adjudicators' Team and to the CEO.
- 2.3. If the referee provides a report and final decision within a month of delivery of the Standards Office's written request under paragraph 2.2, the Complaint shall be referred to the Senior Adjudicators' Team

who shall appoint a Panel, which shall make its decision as to whether to uphold the Complaint based on the report the Standards Office has received.

2.4. If no Complaint has been made under this system, and instead a complaint is made directly to any of the bodies listed directly in paragraph 2.1 then:

2.4.1. if the body complained to considers that the complaint relates to events taking place, or the conduct of the Parliamentarian or elected representative when acting, in the course of their role as Parliamentarian or elected representative and their final decision recommends a sanction which can be applied under this complaints process, they shall inform the Standards Office on completion of their investigation of their final decision and the recommended sanction and provide a copy of their investigation report to the Standards Office. The Standards Office shall then register a Complaint in the case management system against the Parliamentarian or elected representative (with the body complained to as Complainant) and refer the matter to the Senior Adjudicators' Team who shall appoint a Panel, which shall make its decision as to whether to uphold the Complaint based on the report the Standards Office has received; or

2.4.2. if the body complained to considers that the complaint does not relate to events taking place, or the conduct of the Parliamentarian or elected representative when acting, in the course of their role as Parliamentarian or an elected representative but there are grounds for a Complaint under this

complaints process they can refer the person making the complaint to this complaints process.

3. Investigation of complaints by other regulatory or disciplinary bodies

- 3.1. If, at any point during a complaints process before a Panel has been convened, 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 next steps in the relevant Complaint until that body has completed its investigation. The Senior Adjudicators' Team will review decisions under this paragraph on a monthly basis.

4. Criminal matters

Reporting

- 4.1. Any person who believes a crime may have been committed should report it to the police.
- 4.2. Where the Lead Adjudicator or Senior Adjudicators' Team suspects a crime may have been committed but it has been reported using the standard complaints form, the Standards Office shall report it to the head of HR and the CEO who shall, in order to comply with the Party's duty of care to its members and to members of the public, make sure that it is reported to the police.
- 4.3. In accordance with legal advice, where the Head of HR or CEO 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 Respondent, and the identity of the alleged victim. The Head of HR will not share this information with the Respondent and does not need the consent of the Respondent to make a report to the police.

- 4.4. Whilst the Party will not investigate such allegations while a police investigation is ongoing (and for the avoidance of doubt, where the police fail to confirm under paragraph 4.9 the Party will deem any police investigation to have concluded) it will consider other Complaints against the same Respondent which are, in themselves, not criminal but which may be linked to criminal conduct.

Suspension, in the case of alleged criminal behaviour

- 4.5. 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.
- 4.6. The Senior Adjudicators' Team shall review any such suspension quarterly thereafter, until conviction, the end of any police investigation or, if they determine that this complaints process should apply following any of conviction, the end of police investigation, or police failure to confirm, the end of that complaints process, including any appeal.

Conviction

4.7. 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 have the right to expel the member immediately on confirmation of the conviction or refer it to a Panel hearing. Where the member has evidenced to the Standards Office that they have appealed against such conviction to the relevant higher courts, the Senior Adjudicators' Team may decide to wait to make their determination until such appeal is concluded. In this case, if the member is suspended, they shall remain suspended until such appeal is concluded and the Senior Adjudicators' Team may also decide to suspend them at any point during this process.

End of Police investigation

4.8. 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 process.

Police failure to confirm

4.9. If the police do not confirm to the Party whether or not they are taking action within 6 months from the date a report is made to them, then the Standards Office shall contact them to request confirmation. If the police do not confirm within 1 month of the Standards Office's request, the Party will investigate the Complaint under this complaints process.

5. Data protection and electoral law

5.1. If the Lead Adjudicator considers that the subject matter of a Complaint relates to data protection law or electoral law they may inform the Head of Compliance and/or the Party's data protection officers of the Complaint in order to ensure compliance by the Party with electoral law, including PPERA, and/or data protection law, including GDPR.

PART 3 – Guidance and explanatory notes

This section is intended to help people involved in Complaints to understand the rules set out in **Part 1 – Complaints Process Rules**. If there is a conflict between any part of this section and any part of Part 1, Part 1 will take precedence.

1. Anonymity

Sometimes Complainants and witnesses will want to remain anonymous – by this we mean they want personal or identifying information about them not to be shared with other parties to the Complaint. People will always be required to give their name and contact details to the Party or the Complaint cannot be accepted by the Standards Office.

However, the Senior Adjudicators' Team has to balance someone's request for anonymity with the duty to properly investigate the details of a Complaint and it is often necessary to share details with the Respondent to allow that to happen.

If a person asks to be kept anonymous, the Senior Adjudicators' Team will consider the request and will allow it only where the person making the request has shown good cause (this may include but is not limited to, if a person is concerned about their personal safety, their privacy or their job and employment prospects).

If the Senior Adjudicators' Team decide not to grant anonymity to a Complainant, the Complainant will be given the choice to proceed without anonymity or to withdraw their Complaint. If the Senior Adjudicators' Team decide not to grant anonymity to a witness or any other person, that person will be given the choice to proceed without anonymity or to withdraw their evidence. The Respondent will not be told anything about a Complainant or witness who decides to withdraw.

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 will take any misuse of this information to harass, bully or intimidate Respondents, Complainants or witnesses very seriously indeed. 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 Complaint is being considered by this complaints process, it is important that people who are not involved in the Complaint do not try to interfere with the process. One of the best ways to ensure that no-one tries to do this is for the parties to the Complaint to keep the details about the Complaint confidential until a decision has been made and all appeals are complete.

However, people can also find the complaints process stressful and talking to people about that can help. Parties to a Complaint can, therefore, tell other people that they have made a Complaint, or that they are involved in a complaints process as a witness, or that they have had a Complaint made against them. They should try to limit the number of people they speak to, to close friends or family. It is not appropriate for people involved in those

Complaints to make social media posts or publicise them via the media until they have been brought to a conclusion.

The Party has a duty of care to its members and to members of the public, and to allow it to exercise that duty of care the Party may need to tell people inside the Party and others about a Complaint while it is ongoing. For example, the Party may need to tell local, regional or state party or AO or SAO executives if a member in their area or organisation has been accused of a serious offence or is making vexatious Complaints, or candidates' chairs or others, if the Complaint involves an approved candidate who has been or may be selected to represent the Party.

Once a complaints process has concluded, where a Complaint has been upheld the Panel will suggest who to tell and how these parties should be informed about the outcome and any sanction imposed. At this point, it is no longer necessary to maintain confidentiality about the details of the Complaint and parties may make these public.

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

3. Evidence

Decisions taken under this complaints process will be made on the balance of probabilities – i.e. is it more likely than not that the behaviour complained about occurred, and was capable of bringing the Party into disrepute. To make this decision, the Panel must have all the information put before them clearly.

The Panel may choose to ask an Investigator to look at the evidence and interview parties in very difficult or complex cases. In these cases, the Investigator will act as a neutral third party and produce a report

summarising the Complaint(s) and any Counter-Complaint(s) as well as any evidence in support or against either side. However, in most cases the parties will be expected to produce their own evidence and there will be no separate investigation.

This means it is the Complainant's responsibility to be prepared to explain their Complaint and back up anything they say to the Standards Office, the Lead Adjudicator and any Panel with evidence.

Complainants will need to produce evidence to support each part of their Complaint and name any witnesses they want to call at the same time they fill in the online Complaints form. If they do not provide this evidence and information, the Lead Adjudicator may give the Complainant seven days to submit more information but if they fail to meet this deadline the Complaint will be dismissed and will not be reconsidered except in exceptional circumstances.

It is also the Respondent's responsibility to explain and produce evidence to support their defence against a Complaint and to support any Counter-Complaint they make. If a Respondent thinks a Complaint is baseless, vexatious and/or should be dismissed, they will need to explain to the Standards Office, Lead Adjudicator and any Panel why and support this with evidence, and not simply to state that this is the case.

Useful evidence can include emails or other written correspondence, screenshots of social media posts or other online activity, photographs, video or other visual evidence, or evidence given by eye-witnesses.

4. Timelines, Extensions and Postponements

Best practice is for Complaints to be dealt with as swiftly as possible. The ideal timeline of a full Complaints process, from initial filing of the online

complaints form to the decision from a Panel, should be around 6 weeks (assuming enough evidence is submitted alongside the original Complaint, and the parties all meet the deadlines for their responses). Any appeal would be in addition to this.

To assist with the swift resolution of a Complaint, parties to a Complaint are expected to comply with timelines set for them in this complaints process. An extension to the timeline will 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 a Panel hearing. Examples of what may constitute exceptional circumstances include death of a close friend or family member, serious illness, pre-existing commitments the cancellation of which would incur significant costs (e.g. a wedding, holiday or surgery), severe emotional or physical distress, and/or reputational damage.

Applications for an extension in the timeline must be sent to the Standards Office in writing and shall then be considered by the relevant Panel or Appeals Panel (as applicable), whose decision shall be final.

5. Representation

The Party's complaints process is not a legal process: it relates to the membership of an organisation. The Standards Office, the Senior Adjudicators' Team, the Panel, any Appeals Panel or Review Panel and any Investigator will always speak with any person going through the process directly, rather than a representative, unless the Senior Adjudicators' Team has agreed in writing that they can deal with a named representative.

Members may request advice from a legal professional at any stage of the process. Members may choose a supporter who has legal training at any

Panel or Appeals Panel hearing, as long as that supporter is a member of the Party and does not speak at the hearing.

6. Process Mentors

Some people may find this complaints process confusing to navigate. If a Complainant or Respondent asks the Standards Office for guidance on how the system works or what the rules mean, the Standards Office can provide a Process Mentor. A Process Mentor is a volunteer who is not trained to provide emotional support and does not advocate or represent the person they are assisting. Their role is limited to assisting that person to understand these rules and guidance.

7. Resignation of parties to the Complaint

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

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 but if they cannot be the Complaint should be dismissed.

If the Respondent resigns before the Panel has made its decision, then the Complaint will be closed but a flag will be placed on the Respondent's federal party membership record and the relevant local, regional and/or state party or SAO membership teams will be informed so that they are aware there is an outstanding Complaint against this person. If the Respondent tries to re-join the Party the complaints process will start up again from the point at which it stopped.

8. Patterns of behaviour

A Panel will take into account evidence of patterns of behaviour by the same Respondent when considering any Complaint in a few different ways.

Previous Upheld Complaints

If a Complaint has previously been upheld against a Respondent and a second similar Complaint is also upheld, the Panel 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 by the pattern of behaviour to the wellbeing of its members and the public and to the reputation of the Party.

Where the Senior Adjudicators' Team decides to link Complaints under one complaints process (see paragraph 2.3 of the main complaints process) one Panel may be called to look at all of these Complaints at the same time. In the Panel decision notice, the Panel should make clear their decision in response to each separate Complaint. This will allow the Party more easily to identify patterns of behaviour.

Warnings

The Lead Adjudicator or a Panel might not think one act in itself is sufficiently serious to merit a Panel hearing or a sanction, but they may think that if the person did something repeatedly or when combined with other behaviour reported to the Party it would cause greater concern. In such circumstances, rather than simply dismissing the Complaint, the Lead Adjudicator or Panel may decide to issue a Warning.

If any new Complaint is upheld against the same Respondent in future, the Warning would then be taken into account by the Lead Adjudicator or Panel in deciding what decision and any sanction to apply.

9. Vexatious Complaints

If a person appears to be making a vexatious Complaint – i.e. a Complaint which the person making it is aware has no merit and they are making it with the intention to cause the person complained about distress or personal or professional difficulty – the Lead Adjudicator will take this into account when considering whether to dismiss the Complaint.

If a person makes multiple vexatious Complaints, the Lead Adjudicator may prohibit them from making Complaints for a certain period. During this period, such a person may apply in writing to the Lead Adjudicator for consent to lodge a Complaint and the Lead Adjudicator will take into account the details provided in considering whether to accept this Complaint.

The Lead Adjudicator may also choose to publish to Conference the details of the number and nature of vexatious Complaints.

10. Sanctions

What is a sanction?

If a Panel upholds a Complaint it should explain what sanction – i.e. penalty for the behaviour the Complaint relates to – should apply to the Respondent.

Possible sanctions include (but are not limited to) any one or more of the following:

- revocation of membership and expulsion from the relevant State Party or SAO;
- suspension of membership of the relevant State Party or SAO 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);
- a Warning.

If the sanction requires the Respondent to do something (such as undertake training or give an apology) the Panel should state the deadline for completing this, which shall always be at least 14 days after the decision is communicated to the Respondent. The Panel shall also include a further

sanction if the Respondent does not do what is required in the time set unless a reasonable excuse can be given (e.g. if no training providers were providing relevant courses before the deadline).

Appeals and sanctions

Where a Panel has recommended a sanction but the Respondent appeals, the sanction will be dealt with in one of two ways:

- For something that has ongoing effect (like removal from a local party committee or suspension of the right to stand as a candidate on behalf of the Party) the sanction will be applicable immediately from the Panel decision being published, and will remain in force, unless and until an appeal overturns the sanction.
- Where a sanction requires a specific action (like undertaking training or writing an apology) (a) the timeline set for completing that sanction will start to run immediately from the Panel decision being published, (b) if the Respondent makes an appeal, the timeline will be suspended until the outcome of the Appeals Panel is published, and (c) unless the Appeals Panel overturns the sanction, the timeline will start again immediately from the Appeals Panel decision being published.

11. Informal resolution

This complaints process is not designed to provide informal resolution of Complaints. Where members are interested in informally resolving issues with another member, they should contact the Standards Office to ask for support. The Standards Office may put them in touch with pastoral care support and/or support from appropriate party bodies – such as their local, regional or State parties, Lib Dem LGA, or ALDC – to assist as appropriate.

PART 4 - Administration

1. Amendments to this complaints process

1.1 Consultation

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

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

1.2 Decision

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

1.3 Reporting

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

1.4 General Elections

During the period of any UK, Scottish or Welsh General Election the Federal Board, in the case of a U.K. General Election, and the Scottish and Welsh Executives, respectively, in the case of a Scottish or Welsh General Election, may make temporary amendments to this complaints process to ensure urgent decisions are made with expedition during the campaign and less urgent matters can be postponed until after polling day. Such changes will

be set out in any General Election Protocol or regulations established by the Federal Board or Scottish or Welsh Executive, respectively.

2. Reports to Conference

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

- information on the numbers of Complaints;
- the number of Party members suspended;
- the number of cases appealed to the Review Panel and the Appeals Panel;
- the number of cases ongoing and the number concluded;
- the number of concluded Complaints which were dismissed, referred back for additional information and referred to a Panel;
- the average number of days taken to conclude each complaints process; and
- the sanctions imposed, if any, in each concluded case.

PART 5 – Definitions and Glossary

Appeals Panel	The panel of 3 Adjudicators appointed to consider an appeal against a decision made by a Panel.
Adjudicator	An Adjudicator is a person trained to sit on a panel determining whether sanctions should be imposed. Each Panel is made up of three Adjudicators and may impose sanctions on members 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. Adjudicators are permitted to stand as candidates or hold local government elected posts for the Party or hold office at a Local Party or Associated Organisation level but cannot otherwise hold public office or office elsewhere in the Party.
Bringing the Party into Disrepute	<p>The Party can be 'brought into disrepute' under Article 3.8 of the Party's Federal Constitution ("the Constitution") by something a member does (an 'act'), by something a member does not do (an 'omission'), or by a number of acts and/or omissions by a member taken together (a 'course of conduct') which would substantially lower the Party's reputation in the mind of a fair, objective and right-thinking observer.</p> <p>A few examples of behaviour that could bring the Party into disrepute are breaches of the Constitution, its policies or the Members' Code of Conduct, or behaviour described in any of the grounds for revocation of membership set out in Article 3.8 of the Constitution, as follows:</p>

	<p>(a) material disagreement, evidenced by conduct, with the fundamental values and objectives of the Party;</p> <p>(b) conduct which has brought, or is likely to bring, the Party into disrepute;</p> <p>(c) standing against the candidate of the Party in any election to public office;</p> <p>(d) membership of or support for another political party in Great Britain;</p> <p>(e) a breach of the standards set out in Article 3.1(b) of the Constitution; or</p> <p>(f) discrimination against another person on the basis of a protected characteristic as defined in the Equality Act 2010.</p> <p>However, these are not the only kinds of behaviour Panels will consider.</p>
CEO	The Chief Executive Officer of the Federal Party.
The Complainant	The Complainant is (i) a person bringing a Complaint about 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.
Complaint	<p>A Complaint is an allegation by any Complainant about the behaviour of a member of the Party. This may include criminal behaviour, although the Standards Office shall advise a Complainant where there are circumstances in which the Complaint shall be referred to the police.</p> <p>Certain types of Complaints are not covered by this process and will be referred to other Party bodies. These include:</p> <p>A. Complaints against a person who is not a member of the Party at the time the Complaint is</p>

	<p>reported to the Party, even if they were members when the behaviour took place;</p> <p>B. Complaints about data management or breach of data protection rules, including GDPR, which will be referred to the Data Protection team in Party HQ;</p> <p>C. Complaints that are not about individual members. A few examples are:</p> <ul style="list-style-type: none"> a. Party bodies or local, regional or state parties (which should be dealt with in accordance with the body's constitution or standing orders); b. council groups (which should be dealt with under the group's standing orders); or c. constitutional issues (the complaint should be made to the FAP); d. selection processes (which should be sent to the relevant Party's candidates' chair); <p>D. Complaints about Party employees acting in that capacity, which should be sent to their employer; or</p> <p>E. Members acting in their capacity as returning officers (which should be dealt with under the relevant election rules).</p> <p>Even if a complaint is a Complaint within these rules, it may be dismissed if the behaviour it relates to could not, on the balance of probabilities, bring the Party into disrepute.</p>
Counter-Complaint	A Complaint made by a Respondent in response to a Complaint made about them.
Investigator	Investigators are trained to investigate Complaints referred to them without giving favour to either side and are tasked with presenting the Complaints they have investigated to a Panel, where it is determined that the Complaints are serious enough to warrant such action. As with Adjudicators, Investigators permitted to stand as candidates or hold local government elected

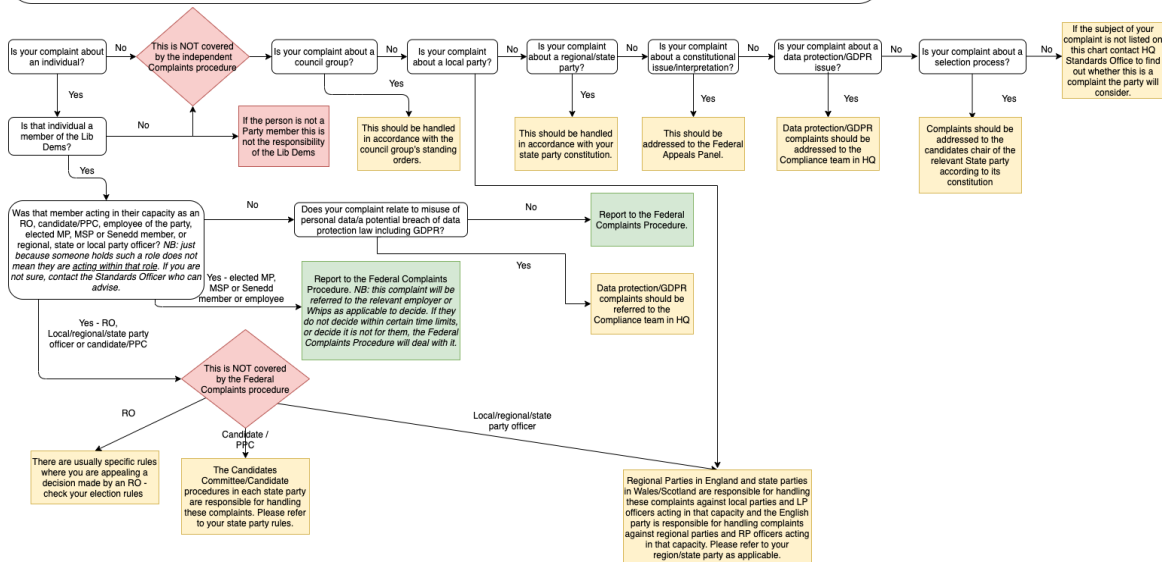
	posts for the Party or hold office at a Local Party or Associated Organisation level but are otherwise barred from holding public office or office elsewhere in the Party.
The Lead Adjudicator	The Lead Adjudicator is responsible for the smooth running of the complaints process and for reporting to Conference. They are a point of contact for Adjudicators with questions about this procedure and any issues arising as a result of applying the procedure, to the extent these are not covered by or are not clear to that Adjudicator from reading this procedure and the associated guidance.
Panel	The panel of 3 Adjudicators appointed to consider a Complaint.
The Senior Adjudicators' Team	<p>The Lead Adjudicator is supported in this task by 3 Senior Adjudicators, 1 from each State Party. Together all 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. If any members of the Senior Adjudicators' Team is ill or unavailable then the remaining members should be considered quorate.</p> <p>Where this procedure and guidance places a duty on the Lead Adjudicator to make a decision and the Lead Adjudicator is temporarily unable to respond or make the decision (e.g. due to ill-health, holiday or absence) the Standards Office shall refer that decision to the Senior Adjudicator for the State Party of the Respondent for them to make the decision instead of the Lead Adjudicator. The members of the Senior Adjudicators' Team may delegate their tasks, or any of them, to other Adjudicators. It is expected that no member of the Senior Adjudicators' Team will serve a term of more than 5 years.</p>

Process Mentor	A Process Mentor is an individual chosen by the Party to provide support to Respondents going through the complaints process to help them understand this complaints process. The Standards Office shall ensure Process Mentors receive adequate training on navigating the complaints process and that they have access to any relevant guidance.
Pastoral Care	The People Team at Party HQ will be able to provide pastoral care by way of support over the phone or by directing individuals to appropriate services.
Respondent	The Respondent is the Party member about whom a Complaint has been made.
Review Panel	A panel of three Adjudicators trained to deal with appeals in relation to decisions to dismiss Complaints. The Review Panel shall meet on a regular basis to consider any referrals made to them in the period since their last meeting.
Standards Office	The Standards Office are members of Party staff responsible for overseeing the administration of the Party's complaints process, including publishing information and guidance on it on the Party's website.
Warning	A note issued by the Lead Adjudicator or a Panel to a Respondent to make the Respondent aware that, while they believe a Complaint either does not relate to matters which risk bringing the Party into disrepute, or (in the case of the Lead Adjudicator) that it is inappropriate (as too inconsequential) to be referred to a Panel in and of it itself, if a further Complaint were to be received in relation to the same or very similar behaviour, it is more likely to be referred to a Panel and/or is more likely to be upheld by a Panel.

APPENDIX 1: WHO SHOULD I REPORT A COMPLAINT TO?

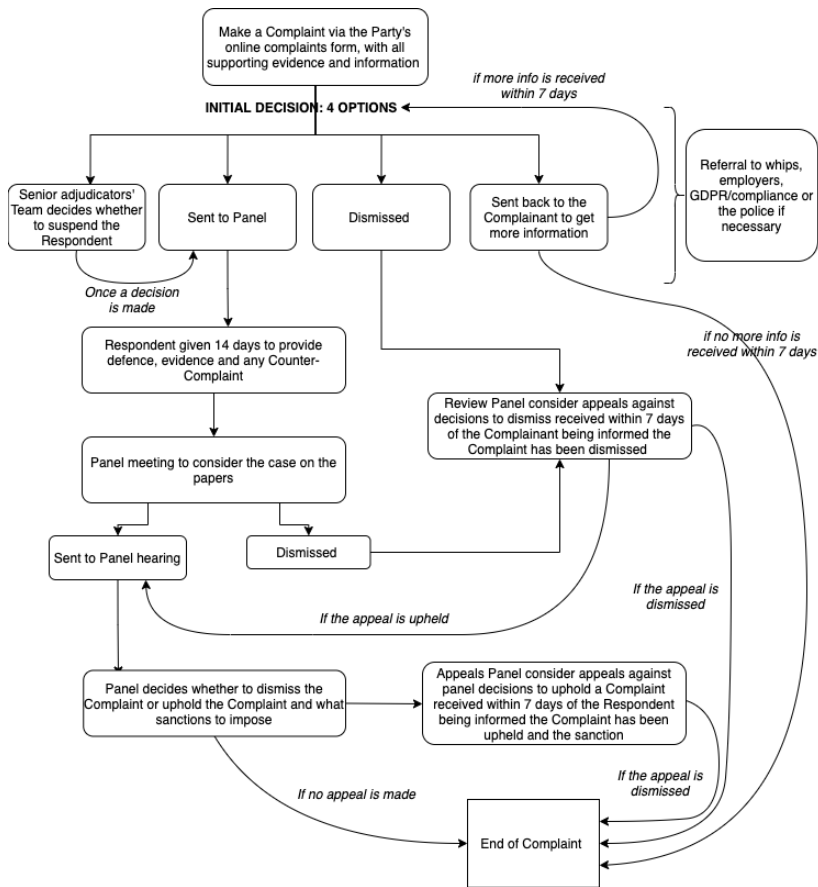
The independent complaints procedure deals with complaints against individual members, whose actions could bring the party into disrepute. If your complaint is not of that kind but instead relates to other rights of appeal to State Party Appeals Panels or the Federal Appeals Panel or rules and procedures properly created by those State Parties, these systems remain in full effect and should be used instead.

This means this procedure does not apply where the complaint is about how a party process works - such as the candidate approval process, candidate selections or deselections, elections to internal bodies (including the decisions of a returning officer acting in the course of their role), acceptance or refusal of new members. It cannot be used to determine questions about how to interpret the party's rules or constitutions. It also does not apply where the complaint is against a party body rather than an individual - such as a local party, party committee, regional party or state party. This process does have a role where the complaint is against an employee or elected official / representative of the party acting in that capacity, where their behaviour could bring the party into disrepute, but only after certain other processes have been completed.



APPENDIX 2 – FLOWCHART OF THE PROCESS

Preparation: before making a complaint on the online complaints form, check Appendix 1 to see if the complaint will be accepted into this process or should be reported to a different person.



APPENDIX 3 – PANEL HEARING RUNNING ORDER EXAMPLE

NB: the standard format suggested below can be amended by the Panel at their discretion.

1. Introductions
2. Complainant provides a brief summary of the Complaint and evidence as submitted.
3. Questions from the Panel to the Complainant and any witnesses on the Complainant's evidence.
4. Respondent provides a brief summary of their defence to the Complaint and evidence as submitted, and a brief summary of any Counter-Complaint and evidence as submitted.
5. Questions from the Panel to the Respondent and any witnesses on the Complainant's evidence.
6. Questions from the Panel to the Complainant in relation to any Counter-Complaint and any witnesses on the Respondent's evidence in relation to the Counter-Complaint.
7. Both Complainant and Respondent are given the opportunity to make any final submissions to the Panel.
8. Panel adjourns.

APPENDIX 4 – CASE STUDIES (FACTS DRAWN FROM REAL COMPLAINTS)

CASE STUDY 1: no evidence produced A Complainant puts in a Complaint alleging a party member is bullying and harassing them. However, they provide no evidence to support their claim with their initial Complaint. The Lead Adjudicator decides to ask for more information and the Complainant is informed of that. 7 days later the Complainant sends an email saying it is not their job to investigate and the Party has to do it and refuses to provide any further evidence of their claims.

Actions: The Complaint will be dismissed for lack of evidence. While the Complainant will have 7 days to appeal to the Review Panel if they still refuse to provide any further evidence of their claims the Review Panel would dismiss the appeal.

CASE STUDY 2: not a Complaint capable of bringing the Party into disrepute A Complainant complains that a Lib Dem in their local party has called them an idiot on Twitter and has also tweeted that they disagree with the Party's policy on nuclear disarmament. He produces screenshots of the tweets, but no other evidence of poor behaviour by the Respondent.

Actions: this is not a Complaint about actions which are capable of bringing the Party into disrepute so it will be dismissed at the first hurdle.

CASE STUDY 3: not a Complaint at all A Complainant has complained that the Lib Dem council group in their area is acting inappropriately in supporting a planning policy proposal put forward by the council's Labour group, which forms the small majority on the council.

Actions: This is not a Complaint for the purposes of this process – a complaint against a Council group is not a Complaint about an individual member. It might be possible to make a complaint under the Council group's standing orders but

as the group are acting in their role as a Council group, within their discretion, we would not expect any complaint to be upheld by this process either.

CASE STUDY 4: the potentially criminal complaint A complaint has been made of sexual impropriety by a member at the bar at Party Conference. The Complainant has given all the details including the names of two eye-witnesses along with their Complaint and the text message from the Respondent the next morning accepting that they had touched the Complainant but saying it was 'just banter' and 'all in fun'.

Actions: The Standard Office would send this as an urgent referral to the Lead Adjudicator, who would:

- consider whether to report the potential sexual offence to the police (which it should be)*
- set up a meeting with the Senior Adjudicators' Team to consider suspension of the Respondent*
- prepare to hold a Panel once the necessary criminal steps have been undertaken*

The Complainant should be referred to Pastoral Care.

If the Respondent is convicted of a criminal sexual offence, the Senior Adjudicators' Team may expel them immediately on confirmation of the conviction. If they are not convicted (either because they are found not guilty or because they are not charged) or if the police take more than 6 months to confirm if they intend to prosecute, the matter may be referred to a Panel hearing.

The Complainant may need additional support at the hearing, including a right not to give evidence in the same place as the Respondent.

CASE STUDY 5: The vexatious Complainant The same Complainant that complained under Case Study 3 comes back with a second Complaint against their local Council group alleging that three leaders of the group are harassing and bullying them personally. They provide emails that appear to show the Respondents have sent abusive messages to them including death threats.

When the Respondents are informed about the messages they are able to get independent Council officers who were on the relevant chain of emails to confirm that the messages have been amended post-delivery to introduce the abusive wording and the death threats.

Actions: The Complaint would be dismissed at the first possible point after the Respondent's evidence was brought forward (which would generally be at the Panel meeting to consider the papers). The Complainant would have the right to appeal the dismissal but they should not expect to be successful with the Review Panel. The Respondents may make a Counter-Complaint, which we would expect to be upheld by the Panel and a sanction imposed on the Complainant for falsifying the emails.

The original Complaint would be recognised as a vexatious Complaint and the Lead Adjudicator may decide to prohibit the Complainant from putting in another Complaint for a certain period of time without their prior permission.

CASE STUDY 6: The refusenik Respondent The Complainant puts in their Complaint on bullying, supported by some evidence in the form of messages and one eye witness. The Respondent is given the opportunity to respond but refuses to do so on the basis there is no case to answer. A Panel hearing is called and the Respondent attends but refuses to participate – only saying ‘no comment’ whenever they are asked a question.

Actions: the Panel has to look at the evidence actually presented to it, and therefore would uphold the Complaint and apply an appropriate sanction. The Respondent may appeal only on a limited basis – they do not get another ‘bite of the apple’ by asking the Appeals Panel to consider evidence they did not present to the original Panel, when they have refused to cooperate up to that point.

CASE STUDY 7: the complex bullying Complaint The Complainant, who has a protected characteristic, puts in a Complaint that they are being bullied by their local party chair. The Respondent has failed to invite them to various local party meetings and when they were invited the Respondent speaks over them and undermines them and their ideas. The Complainant believes this is caused or at least exacerbated by their protected characteristic. Other members of the local party executive are willing to act as witnesses to this behaviour.

On contacting the Respondent, the Respondent submits a Counter-Complaint that the Complainant is difficult to deal with, and was not invited to meetings because they have previously upset other members of the local party by shouting at these meetings. They also have the support of witnesses who are local party members.

Actions: A Panel should be called with a full hearing, allowing all parties to make their case. If necessary, the Panel may request that an investigator review the evidence and produces a comprehensive report.

Depending on the outcome, sanctions may be applied to both sides. The Standards Office or Panel may recommend that an independent person is asked to intervene if the issue goes beyond the individuals involved and is making it difficult for the entire local party to function as a unit.

Vice President - Isabelle Parasram

With thanks to the members of my Advisory Board for their involvement in the projects detailed in this Report:

Tumi Hawkins | Sam Al-Hamdani | Richard Wagenlaender | Nukey Proctor |
John Armah | Jermaine Revalier | Jenny Wilkinson | Kevin Daws | Anita
Prabhaker | Rachel Dineley

This is the last report that I will write as Party Vice President, as I am standing down from my role this Autumn to take up a politically restricted role in the civil society sector.

May I begin by stating that it has been an honour to serve in this role, which, in many ways, has been one of the most rewarding of my career.

With the support of my incredible volunteer team, I have had the opportunity to create change at many levels. I have witnessed, first-hand, the work of numerous individuals and organisations engaged in highly impactful community activism and, most importantly of all, I have had the chance to meet awe-inspiring and hardworking people who, I hope, will remain lifelong colleagues.

Whilst I feel a sense of nostalgia about this change, I also have much optimism – I will continue to be involved in the party - albeit, without my current job titles. I look forward to the many successes that I know will come, as we have been building them day by day, hour by hour, minute by minute, in the work that we all do at every level of the party. At times, this work is seen by many, but it is often work that is unseen by most.

That would certainly reflect the efforts of my team, to whom I owe the deepest thanks for their outstanding commitment to 'getting things done' on behalf of the party and all those whom we have served since I first took up a formal role within the party several years ago.

Report

1. I have held the role of Party Vice President since Spring 2019, when I was first elected. This was followed by my re-election in Spring 2020. Initially, my responsibilities mainly centred around engaging with ethnic minority communities. This was because my role was created as a result of a recommendation in *The Alderdice Report*, which made it clear that race equality should be a top priority for the party.
2. Over the past two and a half years, the work that I have done has been shaped by needs that I have identified across society. My agenda has been influenced by world events, changes in the political landscape and feedback I have received from stakeholders on how we, as a party, can better reflect the issues that concern Modern Britain. So, my work has covered a much wider portfolio than initially envisaged, whilst retaining the core focus on ethnic minority communities.
3. My original title (Vice President BAME) was revised in order to make it easier to convey the importance of what I am doing and to enable stakeholders to identify where my role sits within the party hierarchy. I now sit on the Strategy Group which makes key decisions about the direction of the party and which consists of specific members of the Federal Board including the President, the Leader and the CEO.
4. I also sit on a number of other bodies within the party doing the core political work that I do as Party Vice President as well as the work that I do via my roles as Patron of the Liberty Network and Trustee of The Paddy Ashdown Forum think tank. Going forward, I will be standing down from all of those roles bar my trusteeship of The Paddy Ashdown Forum.

5. The overarching aim of my office has been based upon principles from the Constitution:

"To promote equality based upon race, colour, religion, age, disability, sex and sexual orientation."

6. My goals have fallen into these categories (all in relation to minority groups):

- External outreach
- External campaigns
- Identifying talent
- Structural/organisational change
- Recognising member contribution
- Internal campaigns

7. I have run a number of successful projects and initiatives under each category, with the help of my Vice President's Advisory Board, the members of which are listed below:

- Tumi Hawkins
- Sam Al-Hamdani
- Richard Wagenlaender
- Nukey Proctor
- John Armah
- Jermaine Revalier
- Jenny Wilkinson
- Kevin Daws
- Anita Prabhaker
- Rachel Dineley
- Gemma Roulston
- And Ben Kinder and Simran Mejie (who had to step down having taken politically restricted jobs)

8. I have also been assisted in my work by the outstanding efforts of our staff at HQ. I have worked very closely with the following who are members of The Liberty Network Team, the President's Office, the

Diversity Team, Digital Comms, the Home Affairs, Justice and Equalities Clusters Teams and others – all of whom had heavy workloads within their own job descriptions and then added optional work for me on top of that:

- Jack Coulson, Georgia Potter, Catherine Royall, Iestyn Williams, Hannah Billington, Thrusie Maurseth-Cahill, Abigail Ho, Richard Wood, Alex Marshall, Natalie Chindipha and Greg Foster
9. I am grateful that I have been able to work with people who are the epitome of selflessness, commitment, professionalism and giftedness.
10. In the running of my many projects, I have liaised, at varying levels, with the following stakeholders, with whom it has been my pleasure to work:
- The Liberal International British Group
 - The Campaign for Gender Balance
 - The Racial Diversity Campaign
 - The Lib Dem Campaign for Race Equality
 - The Liberal Democrat Disability Association
 - Young Liberals
 - Lib Dem Women
 - LDHQ Diversity Team
 - LDHQ Membership Team
 - LGBT+ Lib Dems
 - Baroness Meral Ece (Equalities Spokesperson – Lords)
 - Wera Hobhouse MP (Equalities Spokesperson – Commons)
 - The Liberal Democrat History Group
 - The Liberal Democrat Local Government Association
 - The Association of Liberal Democrat Councillors
 - Others, including individual members
11. Full details of my work as Vice President can be accessed via the social media links included at the end of this report. As a team we have achieved so much that, for ease of reading, I have included just a few examples below

To carry out the core responsibilities of a senior party officer

- ✓ Chaired:
 - o The Vice President Advisory Board meetings
 - o The Liberty Network Board meetings
- ✓ Attended **Steering Group and Federal Board meetings**
- ✓ Chaired an **'Ask me Anything'** session with Mark Pack for the benefit of party members
- ✓ Hosted **The President's Reception** designed to thank donors and supporters for their contributions to the party
- ✓ Responded to any complaints from external stakeholders addressed to me personally

To facilitate external outreach towards minority and underrepresented groups

- ✓ Ran Share, Plan Act events linking community/faith/charity groups and key influencers with the Liberal Democrats to catalyse positive social change via the media, lobbying, education and micro action:
'What's it Like to be Disabled in Britain in 2021?' with:
 - o Dan White (broadcaster and disability campaigner) and
 - o Tanni Grey-Thompson (Parliamentarian and Paralympic athlete)
 - o Michelle Daley (Director at the Alliance for Inclusive Education)
- ✓ Hosted a round table event inviting members of South Asian communities to share their views and ask Ed Davey questions
- ✓ Arranged for Ed Davey to provide a video address, alongside the Conservatives, Labour and the SNP, at Spring Harvest, an Easter Conference

involving people of faith from across the world

- ✓ Spoke at the launch of the Scottish Asian Liberal Democrats
- ✓ Spoke at the Cambridge University Liberal Association
- ✓ Spoke on politics at Spring Harvest alongside Labour Mayor of Bristol, Marvin Rees and Fiona Bruce, Conservative MP

To run external campaigns on issues affecting minority and underrepresented groups

- ✓ Attended weekly Home Affairs, Justice and Equalities (HAJE Cluster) meetings with MPs and Peers to plan workloads, campaigns and collaborate on shared projects such as:
 - o Vaccine passports
 - o Women in prisons
 - o The Domestic Abuse Bill
 - o COVID-19 and race inequality
 - o Black Lives Matter
 - o Security and justice co-operation
 - o Intersectionality
 - o The Istanbul Convention
 - o Refugee resettlement
 - o COVID-19 and economic inequality
 - o The Government's Human Rights Act Review
- ✓ Briefed our Press and policy teams and Parliamentarians on digital inequality; currently running a linked campaign
- ✓ Issued a statement on The Commission on Race and Ethnic Disparities and ensured that the commentary by various parts of the party was shared widely

To identify talent from amongst minority and underrepresented groups

- ✓ Have trained and mentored members of my team to attend key events and

sit on Committees on my behalf, such as the Federal People's Development Committee, the Home Affairs, Justice and Equalities Cluster meetings of Parliamentarians and the Leaders' Briefings

- ✓ Advised Baroness Alison Suttie on how we could improve our processes to improve diversity in our candidate selection process
- ✓ Supported minority group candidates in their election campaigns e.g. the Mayoral candidate for the West Midlands and the Chair of the Racial Diversity Campaign who was standing for re-election as a Councillor
- ✓ Introduced potential candidates to the Party

To facilitate internal structural/organisational change to the benefit of minority and underrepresented groups

- ✓ Proposed a Motion at Spring Conference to ensure that my role is directly elected and has voting rights - this will apply to the next and subsequent post holders - and that the language used to describe the work of the role is altered from BAME to ethnic minority communities
- ✓ Hosted a diversity consultation session with Diverse Matters involving key party stakeholders feeding into the diversity review being conducted via HQ
- ✓ My team or I attended Federal People Development Committee meetings; Anita Prabhaker, from my team, is working with others from the FPDC on the diversity consultation being run by Diverse Matters
- ✓ Filmed a series of videos for Spring Conference sharing details of projects that I have run and the daily work that I do via my offices
- ✓ Gathered feedback from disabled members about what the party can do to support them as members and candidates and am connecting relevant stakeholders to set up a working group to take this forward

To recognise member contribution of minority and underrepresented groups

- ✓ Successfully nominated candidates for training and funding

- ✓ Provided references for awards and honours
- ✓ Officially thanked/encouraged members, supporters, candidates on behalf of the Party
- ✓ Attended the Lib Dem Entrepreneurs Network International Women's Day event honouring women entrepreneurs of the 18th century
- ✓ Issued onboarding emails to new members as part of the New Supporter Welcome series

To run internal campaigns on issues affecting minority and underrepresented groups

- ✓ Advised on a potential Private Members Bill on sex offenders serving in public office - drafted by Sam Al-Hamdani from my team - and ensured that relevant Parliamentarians had sight of it in order to decide whether to take it forward
- ✓ Wrote various articles/posts for our internal comms, social media and Lib Dem Voice, Lib Dem Newswire and The Liberty Network Newsletter, such as:
 - o <https://www.libdemvoice.org/conference-proposal-to-reform-the-role-of-party-vicepresident-67267.html>
 - o <https://www.libdemvoice.org/whats-it-like-to-be-disabled-in-britain-in-2021-67185.html>
 - o <https://www.libdems.org.uk/statement-commission-race-and-ethnic-disparities>

To come:

- ✓ My team and I will be running a Share, Plan Act event linking community/faith/charity groups and key influencers with the Liberal Democrats to catalyse positive social change via the media, lobbying, education and micro action on the following subject:

Digital Equality
- ✓ As a follow-up to the extensive work that we have done on disability, I will be

organizing and hosting a round table event with Ed Davey to which key stakeholders external to the party will be invited to share how politicians can effect practical change to support disabled people more effectively

12. Further information about my role and the projects I have been working on can be found as follows:

https://www.libdems.org.uk/vice-president	(Profile)
www.facebook.com/isabelleparasramlibdem	(Facebook)
@isabelleparasra	(Twitter)
IsabelleParasram	(LinkedIn)
https://www.instagram.com/isabelleparasram/	(Instagram)

I am certain that my successor will build upon the contributions that so many people have made to the work of this office. I will remain on hand to support them in their transition into this role and to conduct a smooth and effective handover.

This role is so unique in what it can achieve and I am grateful to have had the opportunity to have been elected as the person to establish it.

As I 'hand the baton on', I look forward, with great excitement, to what it will grow into in the future.

Federal Finance and Resources Committee - Dr Anthony Harris (Chair and Party Registered Treasurer)

2021 Financial Progress and 2022 Outlook

In my report to Spring Conference earlier this year I explained that, in the wake of COVID, FFRC had agreed a revised budget with the Federal Board and placed focus on keeping it balanced as much as possible. I further explained that our revised financial procedures allow us to monitor and control our finances in real-time and to spot upcoming problems much earlier than was possible in previous years. I am pleased to report that, since spring, our performance against the revised budget has been going largely to plan. However, like many other organisations affected by a significant drop in income and revised working practices due to COVID, we have had to make economies in some areas. Prior to the introduction of our enhanced financial controls in 2019 we might have expected to have been impacted more severely by COVID but our ability to spot problems well in advance has continued to serve us well in the present crisis. My grateful thanks to Mike Dixon, our CEO, his team of staff and directors, Fern McLurg, our Financial Controller, and the HQ finance department for their continuing hard work and close attention to the financial detail. They have helped us to achieve a much better outcome for 2020 than might have been expected. Although we finished the year with a loss, we have been able to maintain a positive cash balance which will serve us well as we prepare for the next general election and the various political events in the run-up to it.

Our financial loss for the year reflects the fact that, as COVID has continued to bite, Charities and Political Parties alike have felt the effect of donors looking to their own finances, in preference to regular giving to political parties. That is why we are so dependent on, and grateful for, the generosity of our members who have continued to support us throughout this crisis. Thank you.

This year, and in previous years, I have been privileged to chair an FFRC committee with dedicated members who have a formidable skill set. Not only that, but they have been incredibly active in working groups focusing on membership income, donations, data protection and compliance to name just some of the areas they have been looking at. Earlier in the year we were also fortunate to elect Shelley Snelson as a deputy registered treasurer and she has already proved her worth in undertaking various projects including advanced income forecasting. My thanks to Shelley, David Collington, our FFRC secretary, and the entire FFRC committee for their continuing hard work and dedication to keeping us out of the red.

Despite the vaccination programme, the future with respect to COVID is still uncertain and continues to put financial pressures on our finances in all areas. This still makes the full economic picture for 2022 unclear but FFRC will continue to monitor our budget and fiscal outcomes carefully so that we continue to manage our Party finances in a prudent fashion. Our revised budget should stand us in good stead as we finish this year and look to 2022 and beyond.

Compliance

We are grateful to all our local party treasurers who continue to assist us with complying with the PPERA regulations. Kerry Buist and the entire compliance team have done an outstanding job in keeping our reporting up

to date and running training and compliance 'clinics'. I urge all treasurers to take advantage of these if you have not done so already. Sadly, we continue to suffer because some accounting units are reporting donations, loans, and loan repayments after the legal deadlines leading to Electoral Commission investigations. This involves the compliance team in significant effort to close these down, wastes hundreds of hours, and risks fines. I ask all treasurers to place a particular focus on timely reporting to reduce our financial exposure, and the burden on the HQ compliance team. Thank you in advance.

All donations are checked for legal permissibility by the Party's compliance officers and by the Registered Treasurer. Donations are also assessed for reputational risk by the Party Treasurer and approval for donations above £25,000 from a new donor is sought from the Chair of the Federal Audit and Scrutiny Committee. Should there be any negative comment then the decision to accept or not is passed to the following four people who must agree unanimously to proceed: the Party Treasurer, the Registered Treasurer (Chair of FFRC), the Chief Executive and the Chair of the Federal Audit and Scrutiny Committee. If unanimity is not agreed then the matter is remitted to the Party Leader for a final decision. Declarations of donations, statements of accounts, and Party campaign expenditure Party are on the Electoral Commission website. This year we said goodbye to our treasurer Lord Mike German and welcomed Tilly McAuliffe as his successor. My grateful thanks to Mike for all his hard work while in post and my welcome to Tilly as she picks up the mantle.

Party Business

Conference is asked to adopt the audited accounts for 2020 (included in this reports pack).

Conference is also asked to agree to the following for 2022:

1. For existing members, to freeze the current membership rate of £12 (standard minimum).
2. For new members, to increase the standard minimum membership rate to £15 (new standard minimum).
3. To freeze the £6 minimum for those in receipt of or entitled to state benefits, and the £6 minimum for members paying via Young Liberals.
4. To introduce an annual grant of £5,000 for Young Liberals for use in improving the access to politics for young people. Funded by an increase of the special introductory rate for new members, paying via Young Liberals, in their first year of membership, to £3.
5. To freeze the membership rate of £72 (recommended).
6. That nothing in this motion shall prevent a State Party from setting via their internal procedures higher recommended or minimum subscription rates or from introducing additional concessionary rates.
7. That the Federal Levy remain at 55 per cent.

Financial review

Like most organisations, the year 2020 was a difficult one for the Federal Party because of the coronavirus pandemic. Although the result of the 2019 General Election was disappointing for us, it enabled us to build up a positive reserve position as we entered the year. In the first quarter, membership and donation income were slightly behind expectations, but by the beginning of the second quarter we had expected this to improve in the wake of the publication of the General Election review. However, everything was then overshadowed by the Coronavirus pandemic and its knock-on financial effects on our fundraising, campaigning, Spring conference, and local elections. Our inability to hold physical fundraising events and to meet potential donors in person put a further strain on our finances.

Despite these setbacks, the organisation quickly adjusted to working remotely and we were able to hold our Autumn Conference online. This was successful and well attended but, due to the nature of online events, did not generate as much income as a physical conference.

The Federal Party ended the year 2020 with a deficit of £1.2m which reduced our brought forward reserve of £3.6m to £2.5m.

The Liberal Democrats (The Federal Party)
Income and Expenditure Account
For the year ended 31 December 2020

	Note	2020	2019
		£	£
Income			
Donations		1,388,023	19,615,866
Membership and subscription fees		1,860,684	2,315,018
Conference income		168,110	658,481
Notional income		-	93,100
Grants		457,522	687,704
Interest receivable		1,319	15
Recharges to party bodies		1,111,687	1,048,291
Other income		329,401	199,465
		<u>5,316,746</u>	<u>24,617,942</u>

Expenditure

Fundraising expenditure	41,063	78,722
Conference expenditure - direct	194,952	386,953
Notional expenditure	-	93,100
Depreciation and amortisation	36,295	38,146
Campaign expenditure	334,973	12,494,806
Staff costs	3,449,545	3,493,263
Premises & office costs	918,302	1,468,952
IT & polling costs	491,235	580,644

Interest payable and similar charges	51,043	109,120
Grants to party bodies	676,018	630,300
Services to members	157,896	254,791
Audit fees	40,690	40,074
Other expenditure	101,736	237,054
	<u>6,493,748</u>	<u>19,905,926</u>
(Deficit)/surplus before taxation	(1,177,002)	4,712,016
Taxation surplus/(deficit)	-	-
(Deficit)/surplus for the year	<u>(1,177,002)</u>	<u>4,712,016</u>

Federal Communications and Elections Committee - Lisa Smart (Chair)

Since we reported to the party's Spring Federal Conference in March, the Federal Communications and Elections Committee (FCEC) has been working on a number of projects to achieve our main aim – to get more Liberal Democrats elected.

In the largest round of elections for almost 50 years, we moved backwards slightly in Scotland (from 5 MSPs to 4), stayed the same in Wales (trading a constituency seat for a list seat) and moved forwards slightly in English locals both in terms of overall number of councillors and number of councils controlled.

Covid restrictions meant that our usual campaigning activities were restricted, in some places until very close to polling day. We had to change how we campaigned as a party with much more emphasis needing to be on campaigning by telephone and online. It was clear that some teams struggled to make up for not having been able to have those vital face to face conversations with voters that make all the difference to their voting intention.

In areas where the opposition kicked up a fuss about Lib Dem campaigners campaigning (for example by delivering leaflets in an entirely legal way) there was no obvious impact on our vote. The lesson we can take from this should further restrictions be imposed in future is that we need to be robust in our response to such opposition tactics.

FCEC has taken regular reports from campaigns and communications staff both in the run up to and aftermath of the May elections. It is important

that we learn from what went well and how we can improve for the future. We have commissioned further work on topics including how we embed best practice regarding issue based campaigning across the party and what lessons can be taken by those incumbents who increased their majorities.

At the time of writing this report, your FCEC Chair is on the train heading back from campaigning in the Chesham & Amersham by-election. Polling day is this coming Thursday. Over the summer we will have chance to review our Parliamentary By-elections strategy as we will have had a number of by-elections of different levels of interest to us as a party. It's right that we look back on the decisions we have taken to check that they are being implemented in the way we expected and that we are nimble enough to make changes where needed.

We've been working with LDHQ staff on various elements of their work as they are of interest to us as the party's main campaigns committee. Over recent months we have heard from and scrutinised staff working on IT, Internal Communications and Research among other areas within the committee's remit.

Much of the work we have been doing as a committee has been embedding long-term strategies looking to support more Lib Dems into elected office so that we can represent and improve our communities. Every single Lib Dem member has a role to play in those efforts and we look forward to continuing to work with you all.

Federal People and Development Committee - Bess Mayhew (Chair)

Introduction

The Federal People Development Committee (FPDC) brings together three key functions of the party: training, diversity engagement, and membership recruitment, retention and activation. This includes overseeing party strategy in these areas, supporting staff with specific tasks that help deliver the strategy, coordinating activity with other committees and supporting the party's Specified Associated Organisations and Associated Organisations on membership and diversity.

The FPDC has 18 voting members: the Party President; the Vice-President responsible for working with BAME communities; six members elected by the Federal Board; one representative from each of the Scottish, Welsh and English Parties; and the chairs or nominated representatives of the Young Liberals, the Lib Dem Campaign for Race Equality, the Lib Dem Disability Association, Lib Dem Women, LGBT+ Lib Dems, the Campaign for Gender Balance and the Racial Diversity Campaign.

FPDC Work Programme

The FPDC set out the following priorities in early 2021 for the following 12 months. A number of working groups were set up to begin focusing on the highest priority projects and we are pleased to report an encouraging level of progress in these areas.

Membership	Ensure the party has a robust and ambitious member recruitment and retention strategy for the long term
	Support staff to prioritise improvements to membership data according to local party need, and ensure changes are implemented
	Continue efforts to improve internal communications plans
	Increase resource-sharing and advice for local parties on membership recruitment, retention, engagement and activation
Diversity	Oversee the implementation of recommendations from the Party Bodies Review 2020
	Oversee 'task and finish' diversity strategy commissioned by HQ
	Ensure the FPDC and the wider party have the opportunity to feed into the diversity strategy
	Trial a regular 'surgery' with State, Regional and Local Diversity Champions
Training	Oversee the development of a holistic federal training strategy, encompassing all training providers within the party
	Create a training audit and recommendations
	Support staff in creating a system to improve the recording of training Support staff in expanding the number of accredited volunteer trainers and ensure their skills are used effectively
	Increase support for trainers and establish a Trainer Compact
	Liaise with Federal Conference Committee around training communications and prioritisation

Membership

The HQ team are continuing to make improvements to membership data and Lighthouse to ensure local parties have the tools they need. FPDC has also looked into the technology upgrades planned by our Chief Technology Officer and have highlighted the importance of ensuring these changes are properly communicated across the party in good time, something we will continue to focus on.

While the decline in membership numbers has slowed since the beginning of the year, we remain deeply concerned at overall levels of recruitment and retention. We have asked for resources to be allocated urgently so that this can be tackled strategically and will continue to do so.

The planned work to improve the member experience and member journey was postponed in 2020 and is unlikely to go ahead in the near future due to resource constraints. To combat this, a small group of volunteers is carrying out a piece of work to identify the key actions that need to be taken to improve the membership experience at a federal level, as well as the cost-efficient tools and support that can be offered to local parties to help them recruit and activate members in their area.

Diversity

The main focus of the committee has been on overseeing the 'task and finish' diversity strategy commissioned by LDHQ to deliver a clear plan for improving diversity within the party, recognising that while there have been many reports over the years, there does not yet exist a roadmap for delivering on the recommendations. FPDC has been in close contact with staff and the consultant team at Diverse Matters throughout the process, providing feedback at every stage. We are looking forward to the final

report, after which a working group will be set up to deliver on it, reporting directly into FPDC.

The committee has made significant progress on implementing the recommendations from the Party Bodies Review, which set out how to improve support for Specified Associated Organisations and Associated Organisations. The Party Bodies Forum has been established and is now meeting regularly to allow SAOs and AO discuss important issues affecting their organisations and making it much easier for them to be consulted on decisions and activity happening elsewhere within the party.

Additionally, proposals have been drawn up to streamline the constitutional status of SAOs and AOs, creating a single type of Affiliated Organisation which will increase the freedoms and support granted to these bodies. Work is also ongoing to ensure they have access to Lighthouse and training on PPERA and compliance.

Training

Work has now begun on developing a holistic training strategy for the party. The joint volunteer/staff team is working on the principle of a 'member-centric' strategy, which looks at the training requirements from a member point of view, rather than an institutional one. In recognition of the fact that many parts of the party provide training, we are also ensuring the strategy avoids duplication of effort and encourages cross-promotion of training programmes throughout the organisation.

The team has embarked on a consultation process, with the aim of speaking to dozens of members from different parts of the party over the coming weeks to properly understand the needs of members, local parties and staff. The areas of focus are structured as follows:

- Getting a complete picture of current training provision
- Understanding the different training audiences and their needs
- Rationalising training content to ensure it supports the overall party strategy
- Structuring the consistent delivery and provision of training
- Ensuring training opportunities are better communicated throughout the party
- The technology needed to support a high-quality training programme
- How we measure impact and drive continual improvement
- Best practice examples outside the party

The final strategy will encompass many of the priority areas FPDC identified earlier this year, including a training audit, an improved system for recording training and a renewed focus on increasing the number of volunteer trainers and providing them with support.

Mary Regnier-Wilson represented FPDC on the Federal Conference Committee and is continuing to improve liaison between the two committees, including making it easier for committee members and SAO/AOs to provide feedback on the online format of Spring 2021, and continuing to enhance the training offer at Conference.

Thanks

I shall be stepping down as chair to go on maternity leave in the autumn and I would like to thank every member of the committee for their commitment and support during my tenure, especially Vice-Chair Mary Regnier-Wilson and Secretary Abi Bell whose hard work has been extremely valuable.

On behalf of FPDC I would like to thank all staff who have worked with us in recent months, including Mike Dixon, Trudy Church, Duncan Gough, Greg Foster, Jon Aylwin and Chessie Flack. My particular thanks go to Jack Coulson, who continues to be an invaluable source of knowledge, advice and support.

Federal International Relations Committee - Phillip Bennion (Chair)

FIRC has had a most active year, despite the restrictions in personal meetings due to COVID19. Under the chairmanship of Jonathan Fryer, we set up a working group on fundraising to be chaired by John Kelly. The main remit was to secure long-term funding for our International Officer, who was at that time furloughed. Sir Graham Watson successfully approached Friedrich Naumann Stiftung for 2 years project funding through Paddy Ashdown Forum (PAF), with whom FIRC have now formalised their relationship, receiving a regular report to the Committee. Work is ongoing with a video planned to appeal to potential donors with strong international interests.

The sub-committee on the European Union and Brexit (CEUB) worked with Duncan Brack on the Europe Motion to Spring Conference and lodged some constructive amendments. CEUB, chaired by David Chalmers has cemented its relationship with our parliamentary spokespersons and with the party leader in helping to strengthen party messaging on our future relationship with the EU.

At the February FIRC meeting concerns were raised over human rights in China, both in Xinjiang and Hong Kong, alongside the Chinese use of the Belt and Road Initiative (BRI) loans to influence outcomes at the UN. The international discussion on possible alliances was current and the genocide amendment was in the UK parliament. FIRC set up a sub-committee on relations with China (CSC) to be chaired by George Cunningham. CSC has met several times, attended by parliamentary spokespersons and the Foreign Affairs Advisor. A letter was drafted by Paul Reynolds on behalf of

FIRC for Layla Moran's office on the government's attempts to sign a trade deal with Cambodia, despite the EU withdrawing EBA privileges after the suspension of democratic government and the putting on trial of hundreds of opposition politicians. The letter was subsequently sent to Dominic Raab by Layla Moran.

Shortly after the first meeting of CSC in March we heard the terrible news that our Chair, Jonathan Fryer was terminally ill. Jonathan was held in great affection by his colleagues and widely respected worldwide for his political work, journalism and for his stands against injustice wherever it was found. He showed tremendous courage in his final weeks before passing away on 16th April. Our thanks go to Adrian Hyrylainen-Trett in his support for Jonathan during that time and his role in organising the funeral on 11th May.

The vacancy of an elected member of the committee was filled by Mark Valladares, through a recount of votes. Phillip Bennion was elected as the new Chair by the elected members and Ruth Coleman-Taylor as Vice Chair.

A meeting was called to lodge amendments to the resolutions to ALDE Congress involving FIRC, the ALDE Council delegation and our ALDE Bureau Member Baroness Sal Brinton on 12th May, before a full FIRC meeting on 13th. The CSC reported on its work, including the presentation of a grid of areas of interest, including human rights, trade, geopolitics, cyber-security and living standards. A strongly anti-China resolution had been proposed by some of our German colleagues, but an equally unbalanced pro-China document had emerged from Singapore and been sent to our parliamentary team. FIRC performed an urgent task in drafting a critique of each (thanks to Paul Reynolds) through a dialogue with Layla Moran and Lindsay Northover. Additionally, the China resolution to ALDE was

withdrawn by our German colleagues. The meeting took place on the evening that hostilities were breaking out in Israel/Palestine, prompting a discussion of the problem in AOB.

PAF made its first report to FIRC and are now fully part of the committee programme. Trevor Peel was co-opted onto the Committee from the National Liberal Club from their Commonwealth and International Forums. Denali Ranasinghe announced that she was standing down as secretary for family reasons. We thanked her for her work over the past three years and wished her well for the future.

Robert Woodthorpe Browne has continued his work on Liberal International Bureau. Mandates have been extended and the Congress will now be online in early October. Elections will take place for the Bureau and all the Committees. The Bureau election was postponed from June 2020 when FIRC had proposed Phillip Bennion to be nominated as a candidate, as Robert had completed his maximum number of terms. The Human Rights Committee of Liberal International (LIHRC) has been very active, particularly in campaigning for individual political prisoners, such as Leila de Lima (Philippines), Ilham Tohti (China) and Raif Badawi (Saudi Arabia) as well as setting up an index on the participation of women in political parties. New work is starting on digital rights. Phillip Bennion is currently vice chair of LIHRC (and sits on the Climate Justice Committee (LICJC) on its behalf) and will seek a third term. A joint project on the relationship between human rights and environment has just commenced. Lord Jonny Oates has indicated an interest in being nominated for LICJC.

This report is written during ALDE Congress where we have a delegation of around 40, which includes several UK citizens living in the EU as well as a number of EU citizens (Lib Dem members) living in the UK. The team have

performed admirably in defending our amendments and countering some others in 2 long days of Working Groups. The Plenary sessions take place later in the week on 11th and 12th June. Our Bureau member Sal Brinton is not up for re-election this year and the only contest is for Treasurer. The delegation has interviewed both candidates via Zoom.

The Congress is taking place in the sad context of the death of ALDE President Hans van Baalen in April. Hans was a great friend of the Liberal Democrats and was always willing to come over on the Eurostar to speak at meetings on our invitation. He was a hard worker, a staunch defender of liberal values and a supportive colleague in the European Parliament. We will miss him. There will be a motion at the beginning of the Congress to defer the election of President until next year, leaving the post shared by the two senior vice presidents.

FIRC continues its close relationship with Liberal International British Group (LIBG), chaired by Adrian Hyrylainen-Trett, Liberal Democrat European Group (LDEG) chaired by David Chalmers and Lib Dems Overseas chaired by George Cunningham. A successful campaign was mounted against Polish local authorities declaring LGBT+ free zones jointly by LIBG and LDEG, involving Polish sister party Nowoczesna. Webinars have been held on Freedom of Speech in Turkey, the rights of the Anglophone community in Cameroon (followed up with a meeting with diaspora representatives) and the problems in Afghanistan in the context of US withdrawal (jointly with PAF). The latter featured senior Afghan politician Abdullah Abdullah. LDO have been campaigning for democratic rights of expats and are pushing for overseas constituencies. They have secured a meeting with government minister Chloe Smith for next week and have been working with Paul Tyler on the details.

Over the year FIRC is pleased to report a strong relationship with our Lords team, particularly spokespersons on Foreign Affairs and Brexit, Lindsay Northover and Sarah Ludford, as well as regular attendance and contributions from John Alderdice, Sal Brinton and Jenny Randerson.

Federal Audit and Scrutiny Committee - Helena Cole (Chair)

Over the past 6 months since the previous report to Federal Conference the Federal Audit and Scrutiny Committee has continued to receive regular feedback on how the recommendations from the Thornhill Report are being implemented. The committee has access to a live document updated regularly by the LDHQ team and can report that things are being progressed despite the uncertain times that we all find ourselves in.

Over the period since Spring, FASC have met with the external auditors to discuss the annual accounts and were pleased to see that no control issues were found. Over the coming period FASC are firming up plans for conducting an internal audit looking at processes, procedures, and controls in various areas.

FASC will continue to look at risk and other processes which might change the risk register.

Parliamentary Reports

The Commons - Wendy Chamberlain (Chief Whip)

Conference, I am delighted to write my second Parliamentary report as Chief Whip and thrilled for the opportunity to update you on our activities since we last came together in Spring. From the addition of a new MP in our ranks, to a new session of a virtual Parliament marked by a socially-distanced Queen's Speech, there's much to talk about.

Firstly, I'd like to pay tribute to everyone who worked to ensure that our Spring Conference was a success. Since the very beginning of the Coronavirus pandemic, HQ staff and the Federal Conference Committee have shown great resilience, ingenuity, and resourcefulness in the face of demanding circumstances.

The impressive achievement of executing a virtual conference for the very first time has been seconded by the achievement of holding another successful conference, whilst creating a palpable atmosphere of togetherness and common cause across the country, despite our separation. I cannot wait for the opportunity to talk with members hailing from the Shetland Islands right down to the Isles of Scilly, and to listen to the contributions for our liberal vision for the future.

Specifically, I would like to acknowledge the work of outgoing FCC Chair, Geoff Payne, who will have stepped down from his role by the time this report goes to print. Geoff has been in the role for 3 years.

It would be easy to credit Geoff's recent contributions to ensuring that Conference could continue during the pandemic, but I would also like to highlight his work as a Vice-Chair for 9 years and his role as a member of the Committee for 6 years before that. Party President, Mark Pack, noted that Geoff is considered as a valued colleague and a reliable source of considered, calm, and expert advice. On behalf of my Parliamentary colleagues, I would like to align ourselves with Mark's comments and wish Geoff all the best for his future endeavours. Our Conference doors are always open for him.

In the Commons, as usual, our gang of 11 have been working tirelessly to not only be the liberal spokespeople for national issues, but to be strong, present, and active constituency MPs. I would like to put on record my tremendous respect once again for my fellow MPs and their staff as, day-in-day-out, they juggle the various responsibilities that range from individual pieces of sensitive casework, to influencing the most recent breaking national story. Everyone's hard work does not go unnoticed.

Before I delve into the activities of our familiar faces, I am incredibly proud to introduce our newest Member of our Parliamentary Party, Sarah Green MP! Sarah ran an outstanding campaign in Chesham and Amersham, overturning a Tory majority of over 16,000, to gain a majority of 8,000. I don't think anyone can quite express how historic this result is, what it means for the Party, and what it means for the future of liberalism in the UK.

As Sir Ed Davey said, it has sent a "shockwave through British politics" and it changes the media's narrative about the Liberal Democrats. I'm sure you may have seen a certain blue wall be knocked down over 100 times by now but, as this goes to print, Sarah has begun the process of settling into a

Parliamentary routine, setting up her offices, and looking forward to making her maiden speech.

Of course, although no one gave us a chance, we knew that the seat was a potential Lib Dem gain due to our successes in the local elections in May, where we gained control of Amersham Town Council. Elsewhere across England, 588 Lib Dem councillors were elected on the day, with net gains up and down the country from the Labour red wall and the Conservative blue wall. In my own patch, I'm happy to announce that Willie Rennie, Liam McArthur, Beatrice Wishart, and Alex Cole-Hamilton (who won the most votes of any MSP candidate in history) have all been elected to the Scottish Parliament, and Jane Dodds has been elected to the Senedd. Once again, I'd like to pay tribute to our candidates, staff, campaigns team, and all the volunteers that made it possible.

Since we last met, the Parliamentary session that began following the General Election in 2019 finally drew to a close. As is usually the case with the end of a Parliamentary session, the Government raced to tie up legislation as we headed to the last two weeks; the equivalent of a last-minute ditch to finish homework before the deadline.

The final stage of any Bill, and there were many Bills left outstanding, requires "ping-pong" between the House of Commons and the House of Lords, as both Chambers reconcile their differences over the legislation and seek compromise. I would like to thank all my colleagues in the Lords, particularly Lord Newby, Lord Stoneham of Droxford, and Baroness Pinnock, for the grit and determination they showed in those final few weeks before the local elections. Even when other parties caved, we stood tall.

The Fire Safety Bill, or the Cladding Bill, was passed between Houses like a tennis match, with Liberal Democrats in the Lords passing amendments to protect leaseholders from paying remediation costs, only to be rejected by the Tory majority in the Commons. I was proud, along with my colleagues, to keep fighting for fairness, until the very end, unlike other parties.

Daisy Cooper has been the MP leading on this issue, so watch out for her continued campaign when the “Building Safety Bill” comes back around during the current session of Parliament. Meanwhile, Daisy is still going toe-to-toe with Gavin Williamson, arguably one of the worst Education Secretaries this country has ever seen. As a liberal, I consider education to be a cornerstone of our society, but seeing this government’s misplaced priorities and bungling of the pandemic in school settings just makes me angry.

Speaking of bungling the pandemic, as this goes to print, we have a new Secretary of State for Health. Munira Wilson continues to battle with the Department, most recently securing a meeting with the new Secretary and his team about the future of social care. Outside of her running brief, Munira has taken keen interest in children’s mental health, organising multiple debates around the House and obtaining funding for her local area.

Not only has the pandemic impacted children’s health, but it has also disproportionately had an impact on some of the poorest in our society, including those from minority communities. Wera Hobhouse, as Women and Equalities spokesperson, is taking up the responsibility to ensure that all voices are heard, and we learn the right lessons from the pandemic. As Climate Change spokesperson, Wera has also been preparing with colleagues in the lead up to the COP26 Summit in Glasgow this year.

Christine Jardine and Sarah Olney, as Treasury and Business spokespeople respectively, have been closely following the financial impacts of the pandemic, ranging from the furlough schemes being rolled out across the country, to the specific issues facing certain industries. Lib Dems have been tabling amendments to Bills to try and ensure that small businesses are able to continue receiving the fairest business rates, recognising the adverse impact on their incomes over the last year and how we can support businesses, individuals, and workers' rights in the 21st Century. Sarah also continues to sit on the Public Accounts Committee, which holds government officials to account for the economy, efficiency, and effectiveness of public spending.

Concurrently, Jamie Stone continues in his role as Chair of the APPG for Gaps in Support, ensuring that key individuals in our society, such as the self-employed, are not excluded from government support during the pandemic. Although, after a year of lobbying, there have been improvements in this space, our party will fight relentlessly to support small businesses and make sure they receive their fair share. Away from the APPG, Jamie has been standing up for the mental and physical wellbeing of our troops as Defence spokesperson, and the creative industries, which have also been struggling during the pandemic, as DCMS spokesperson.

On the home front, our DEFRA spokesperson Tim Farron, has been fighting in the corner of farmers across the country. Since Brexit, the challenges faced by farmers have grown exponentially due to the additions of red tape and restrictions on our former largest trading partner: the European Union. But new international trade deals have now further undercut our farmers' high standards and products. Most recently, the potential Australia trade deal has put this under further threat. While the government seeks to advance a Brexit agenda by any means necessary, securing deals for deals'

sake, which barely touch the GDP dial, we'll continue to listen and protect our farmers.

Turning abroad, Layla Moran has had much to sink her teeth into regarding the global situation, but, unfortunately, the consistent theme has been Britain's diminishing role in the world and further tensions between Israel and Palestine. On the virus, we have been calling for parallel distribution of vaccines to other countries, which is not only the moral action that needs to be taken, but also the most practical, as the virus does not recognise borders and inaction will still allow for variants to develop elsewhere. Notably, this government is intent on cutting this country's commitment to overseas development spending, enshrined in law by Liberal Democrats. Layla has been leading the line and Lib Dems will not stop fighting this planned cut.

Returning to home, Alistair Carmichael, our Home Affairs spokesperson has had his hands full with the various attempts from the government to curb our liberties and freedoms. From the 'protest crackdown Bill', which severely limits our right to protest, the introduction of vaccine passports, or plans to announce new voter ID laws, Liberal Democrats are the only party who can be truly be trusted to fight these issues of civil liberties, and be assured that Alistair will be leading the line.

Away from the outward facing leadership duties and making our party fighting fit for the next election, in Parliament Leader Sir Ed Davey has been continuing to battle the Prime Minister at PMQs, being the first MP to call for a Covid-19 inquiry, call to boycott the 2022 Winter Olympics in Beijing over human rights abuses, and press the case closest to his heart: standing up for carers and demanding an increase in the Carer's Allowance. For Ed, this has been an issue he has carried his entire life, and he continues to strive

for carers, especially given the fantastic contributions and sacrifices they have made this year.

Last but not least, for myself, I will be continuing to hold the government to account on Work and Pensions, specifically surrounding legacy benefits such as Housing Benefit, Jobseeker's Allowance, and Child Tax Credits. Many of these benefits offer important support to individuals, but the changes to the benefit system means they will be phased out, leading to uncertainty for the most vulnerable and further poverty. Another key responsibility of mine is speaking up for the devolved nations of Scotland, Wales, and Northern Ireland. The Conservative Government continues to be the biggest threat to the future of the UK with measures such as the Internal Market Bill, the failure to provide clarity on the future of the SPF and new proposals such as those outlined in the Professional Qualifications Bill.

Finally, I would like to pay tribute to Shirley Williams and Tony Greaves, both of whom sadly passed away in the spring. Shirley was a trailblazer for the party, one of the gang-of-four who bravely broke away from the Labour Party to form the SDP, and Tony joined the Liberal Party back in 1959, rising to become a peer, as well as continuing to be a serving councillor in Lancashire, a post he had held since 1973. They were from opposite ends in terms of their journey to the Liberal Democrats but they both played a huge part in the life and work of our party. My thoughts are with my colleagues in the Lords and the families of Shirley and Tony. They will both be sorely missed.

Staffing Changes

In my Spring report, I noted that Peter Munro headed up the Whips Office in the interim whilst we sought to find a new Head of the Office. I am glad to announce that Matt Smith has taken up the role of Head of the office and

has been settling in well. Peter continues as Deputy. We have two new additions to our Parliamentary Support Team, Callum Delhoy and Emma Stevenson.

Sadly, we have said goodbye to a friend and colleague, Sarah Overton, who has moved on to continue her work on international relations elsewhere. Sarah was well-liked and respected within the Office, and we wish her well.

The Lords - Ben Stoneham (Chief Whip)

Summary

At the time of writing, parliamentary life at Westminster is beginning to focus more and more on issues other than COVID, which has of course dominated our work for the last year and more. The Government set out a legislative agenda in the Queen's Speech in May which was heavy on rhetoric but light on detail.

The Lords Parliamentary Party will be providing its usual detailed scrutiny of the Government's plans and, as ever, will be working in tandem with our colleagues in the Commons to ensure that the Party's political priorities are promoted whenever possible.

Legislative work

Highlights since the last Report to Conference include -

- Julie Smith and Martin Thomas led on the Overseas Operations Bill. As a result of successful cross-party working there was a significant government climb-down after they had tried to exclude all offences under the Geneva Convention – including genocide and war-crimes – from the provisions of the bill limiting prosecutions. We also pressed the government to improve the timeliness and quality of investigations into offences committed overseas.
- Brian Paddick and Lorely Burt led the Lib Dem team on the landmark Domestic Abuse Bill, working cross-party to secure important victories on domestic abuse services, threats to share intimate images and

non-fatal strangulation, as well as pushing the Government on support for migrant survivors.

- Kath Pinnock became a 'cladiator' as she worked with Daisy Cooper MP to put pressure on the Government in the Fire Safety Bill on the costs faced by tenants and leaseholders for fire remediation work.
- Brian Paddick, Sally Hamwee and Jonathan Marks were the liberal voice on the Counter-Terrorism and Security Bill, pushing amendments on rehabilitation and the right to silence.
- Chris Fox and team pressed the Government on Parliamentary scrutiny during the passage of the National Security and Investment Bill.
- Kath Pinnock led a team, including the late great Tony Greaves, raising the importance of the voice of local communities during the Non-Domestic Rating (Public Lavatories) Bill

Campaigning work

This continues to be limited due to the pandemic (although so many peers remain active and engaged in their local parties) but the Group was delighted to play its part in the **Chesham and Amersham by-election**. Fifty members of the Group visited the constituency over the course of the campaign, and many more made phone calls and hosted Maraphones on Zoom, and we wish Sarah Green all the very best in her new role!

Peers

The Group was shocked and saddened by the unexpected death of Liberal titan Tony Greaves towards the end of March. The party at large owes him

so much and his challenging voice always demanding that we better ourselves will remain with so many of us forever. He has left a huge hole and we miss him.

Just a fortnight or so later, we were devastated by the death of Shirley Williams. The undisputed Godmother of the Liberal Democrats, and a former leader of our Group in the House of Lords, the party almost certainly would not exist if it hadn't been for Shirley. She was one of the Greats and we salute her.

Leadership and party whips

Dick Newby and Ben Stoneham continue to serve as the Leader of the Liberal Democrats in the Lord and Lords Chief Whips respectively, whilst Joan Walmsley and Navnit Dholakia provide support as Co-Deputy Leaders. We also have a 7-strong team of whips that support the Chief Whip and the Whips' Office in their work and I am very grateful for everything they do

Staff

As ever I would like to extend my thanks to the staff of the Leader's Office and the Whips' Office in the Lords who support us in all our work. I am very grateful to the staff in the Parliamentary Adviser Unit for all their work in advising and supporting our group in the Lords. I also want to place on record my thanks to the Parliamentary Support Team for their continually excellent work and support. I am also grateful to the party's press office and communications team - who give support to many of the peers who do media work.

Reports from Federal Bodies

Liberal Democrats Ltd - Dr Anthony Harris (Chair)

As some members will be aware, in common with many political Parties, the Federal Party is registered as an 'Unincorporated Association' for company regulation purposes. In addition, since 1988 we have also maintained a non-trading 'Limited Company' structure, 'Liberal Democrats Ltd.' (The Company), registered in England (Company number 02231620). Where needed, the Company allows us to enter into formal legal contracts (e.g. office leases) which require an 'Ltd.' structure. The records of the Company are available from Companies House.

The full responsibilities of the Company are set out in Article 9.5 of the Federal Constitution. The Directors delegate operation of the Party's Legacy Fund to the Federal Finance and Resources Committee. The role of the Directors under the Party's Major Donations Protocol (for donations above a £25,000 threshold) was switched to the Chair of the Federal Audit and Scrutiny Committee following the reforms reported to Spring conference. Over the past year the Company has continued to fulfil its corporate and Party duties as well as its legal obligations with Companies House.

The currently serving directors of the Company are myself as the Chair of the FFRC, the Party President (Mark Pack), and Party Vice President responsible for working with ethnic minority communities (Isabelle Parasram). Jack Coulson acts as Company Secretary.

Campaign for Gender Balance - Candy Piercy (Chair)

The Campaign for Gender Balance has had an extremely busy six months since the Spring Conference.

Despite the important round of elections in Scotland, Wales, London and the very large number of local elections across the UK, we have been providing mentoring support for women waiting for approval and Parliamentary selections, all through 2021.

CGB Vice Chair Julia Cambridge led our Candidate Approval team to considerable success helping many women get approved as parliamentary candidates.

CGB Chair Candy Piercy has been working with Daisy Copper MP and RDC Chair Ade Adeyemo to identify and support diverse candidates who want to apply for target seats.

We are very concerned that if all target seats in any Region go forward with selections in the same period of time in Summer and Autumn 2021, this will restrict the opportunities that diverse candidates have to get selected.

However, CGB is pleased to see the positive approach that the English Candidates Committee has taken to make the English selection procedure significantly more diversity friendly.

Earlier in 2021 we ran the first ever fully digital Future Women MPs Weekend. This was a great success winning rave reviews from the over 30 women who participated. Thanks to all our excellent trainers and for the support from Margaret Joachim, Ade Adeyemo and our volunteer trainers –

which included the brilliant Sarah Green. We are planning a second FWMP Weekend for later in 2021.

At Spring Conference 2021 we ran a full programme of online training modules which were well attended. We look forward to a larger programme at Autumn Conference.

We are very concerned about the number of excellent women who have stepped back from political activity as a result of the Covid pandemic. However we are heartened by the number of excellent women who have got involved in politics as a result of their experience during the pandemic, who are now setting out on their political journey.

CGB has been prominent in providing support to the Chesham & Amersham By-Election. Thanks to our many alumni who have given their time, energy and made donations to the campaign. And to the many women energised and inspired by the campaign. A campaign with a great woman candidate in Sarah Green, and involving so many talented and effective women campaigners.

This report would not be complete without paying tribute to the support and leadership provided by Natali Chindipha in LDHQ. We have been so lucky to have her as the member of staff supporting CGB. We are missing her already.

Racial Diversity Campaign - Ade Adeyemo (Chair)²

The Lib Dem Racial Diversity Campaign (RDC) was formally launched in early 2019.

The current RDC Executive was elected in the February 2020 Party elections and comprises the following Members:

Chair: Ade Adeyemo

Vice Chair: Councillor Julia Ogiehor

Vice Chair: Councillor Josh Babarinde

Since they were elected, the new RDC Executive have held several formal meetings to develop training and mentoring programmes for ethnic minority candidates and also to develop more formal Strategic and Communications Plans for the RDC.

Current Plans for the RDC

Current plans for the RDC include the following:

- Publication and presentation of the results of 'The Big RDC Review' – A review of the barriers that ethnic minority Liberal Democrat Members, Approved Candidates and PPCs face on the road to election.
- Mentoring and training for potential 'Target Seat' and 'Tier 1' Candidates.
- Training sessions for ethnic minority Candidates at Autumn Conference.

² This report has been updated since initial publication. The [original text is available here](#).

- Continuing advice, training and support for ethnic minority Candidates who aspire to become Councillors, MPs, AMs, PCCs and Regional Mayors.
- Working with the LDHQ, ALDC, LDCRE AOs & SAOs to develop specific training programmes for ethnic minority Members and Candidates.
- RDC Candidate Training sessions, including Candidate Development Seminars and Future MP Weekends.

Over the past year and a half, the RDC Executive has worked very hard to get the organisation up and running. We have achieved a lot in a short space of time despite training efforts being hampered by lack of funding and the covid pandemic.

Progress and Current Activities

- RDC website (www.libdemrdc.org) - website now live
- 'The Big RDC Review' of BAME Candidates - completed
- RDC Candidate Training at 2020 Autumn Conference - 2 sessions carried out
- RDC Ethnic Minorities Future MPs Weekend - completed (March 2021)
- RDC Candidate Training at 2021 Spring Conference - 1 session carried out
- Enhancement of RDC Candidate Mentoring - ongoing
- Development of a Strategic Plan for the RDC - in progress
- RDC Financial Plan / Budget - TBC

In addition to the above, the RDC continues to work with the HQ Diversity Team, as well as LDCRE, CGB and the ALDC to develop training and mentoring schemes, to assist ethnic minority members who wish to stand for office.

The RDC Executive has taken a step-by-step approach. Our first step was to ask ethnic minority Members about their experiences of being a candidate or going through the candidate assessment process in order to become a PPC. This, along with feedback from RDC training sessions and our Future MPs Weekend in March 2021, have given the RDC Executive a solid base of evidence on which we are basing our future plans.

In addition to the above, we will be presenting the findings of 'The Big RDC Review' to those who lead and run the Party, to demonstrate the need for LDHQ support and funding, both of which continue to be lacking.

RDC Budgets and Finances

Over the past year and a half, the current Executive of the RDC has worked very hard to get the organisation up and running. Until recently, all costs were borne personally by the RDC Executive, enabling RDC activities to progress whilst we lobbied for Party funding.

I am pleased to confirm that funding is now in place for Q3-Q4 2021. We have also been assured that RDC funding will also be included in the Party's budget proposals for 2022.

Current funding for Q3-Q4 2021 will enable us to organise more intensive (and effective) face-to-face training for candidates at all levels.

The RDC Executive is conscious that by the time this report is presented to Autumn Conference, we will be more than halfway through our 3-year terms of office. We are pleased to be in a position where we can be more ambitious with our training plans.

Confirmation of Party funding and a commitment to future funding will also ensure that the Party can now start to fulfil one of the main

recommendations in Baroness Dorothy Thornhill's (May 2020) report following her review into the Liberal Democrats' 2019 European and General Election campaigns.

I feel that this is a positive step towards the Party's stated aim when the RDC was established in 2019, namely:

'Increase the number of ethnic minority MPs, Members of the Scottish and European Parliaments, Assembly Members and senior local government elected roles such as Police and Crime Commissioners and elected Mayors'.

I would like to express my thanks to the many people who have supported the RDC and lobbied for party funding on our behalf.

Finally, I would like to express my thanks to Cllr Josh Babarinde OBE who is stepping down from his role as RDC Vice Chair due to work and Council commitments. We will really miss his vast experience, knowledge and enthusiasm.

The Complaints Process - Neil Christian (Lead Adjudicator)

Summary

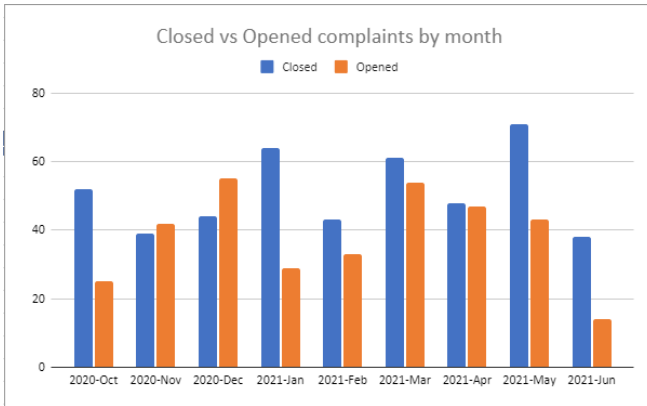
I am asked to provide a report to the Autumn Federal Conference as specified in the Complaints Procedure and Guidance at paragraph 13 of the Explanatory Notes. This sets out the information I must report to Conference and I have provided a paragraph below on each point.

The new complaints procedure has been in operation since July 2019. As with all new systems there was a bedding-in period and unforeseen issues have needed to be resolved. I will continue to work with the Disciplinary Sub-Group to the Federal Board to identify problems and resolve them. I also thank the volunteers who have committed their time and effort to assisting in this vital process.

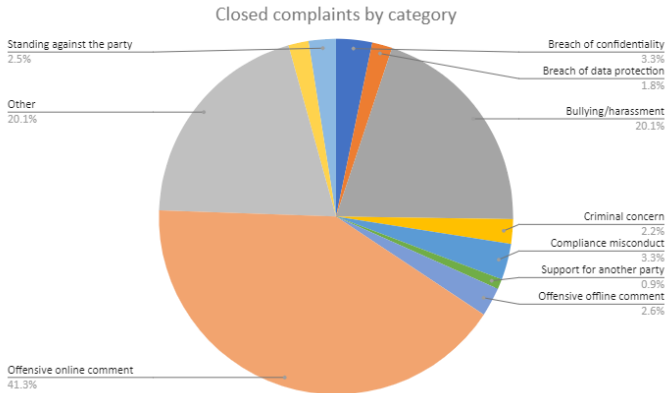
The number of cases ongoing and the number concluded: We have received 967 cases since the new system was introduced in July 2019, 217 of which are considered ongoing with 748 cases concluded.

It is worth noting that the number of complaints received is at a volume much higher than was ever foreseen when the system was being planned. We have had to adjust to manage the higher than expected number of complaints and this has included training more volunteers to adjudicate, investigate and mediate.

Information on the nature and numbers of Complaints: The chart below shows the volume of cases received by month since the last report.



This Chart shows the nature of the complaints as identified by the complainant. It has been identified that we need to do more to objectively categorise the nature of complaints and record this information.



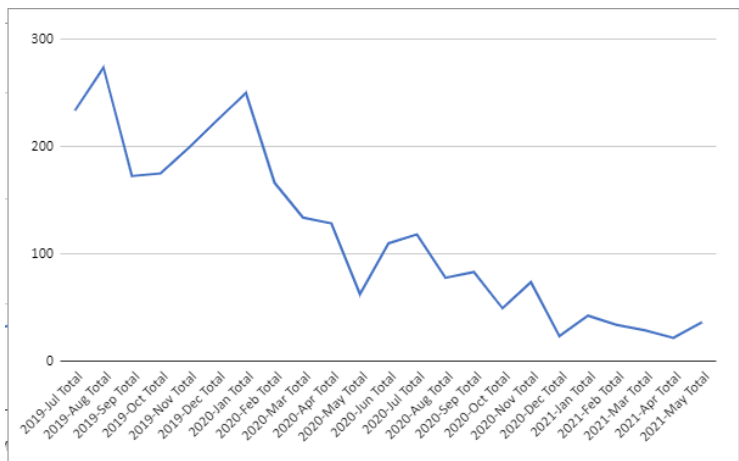
The average number of days taken to conclude each complaints

procedure: A key driver for implementing the new complaints system was for complaints to be handled promptly, on the basis of transparent

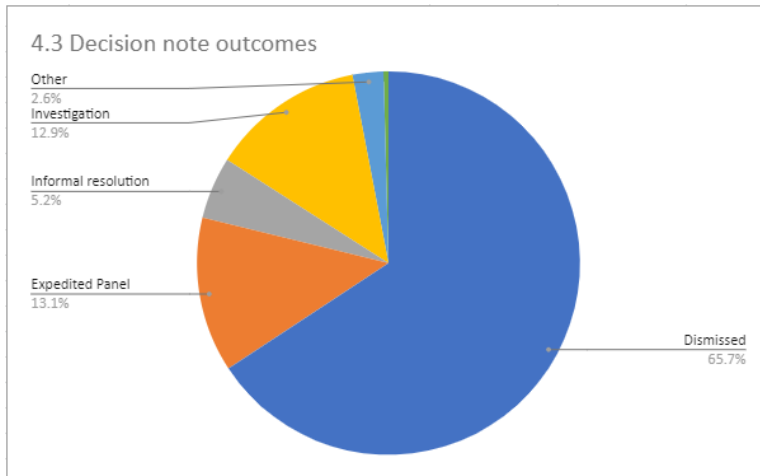
deadlines. It should be noted it takes time for any case to go through the process even without delays (10 days for review by Original Adjudicator, 21 days investigation, 2 months mediation, 14 - 21 days for a panel to be set up, 7 days before a report back is received).

In the early stages of the new process, these timescales were not kept to. This has led to a delay in resolving cases that we are working to redress. The average time to clear a case on 12th June 2020 stood at 308 days. If we look at the average duration of a case considering all closed cases up until 30 June 2020, the average duration is 100 days.

For complaints logged from 1 October 2020, the average time for resolution is **36 days** (for 277 closed cases).



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 Chart below sets out the decision outcomes for the completed cases.



A considerable proportion of complaints have been dismissed because the complaint is not between individual members or is otherwise a type of complaint which is dealt with by another set of rules or part of the party (e.g. complaints against the decision of an RO, complaints about a local party etc.). We have created a flow chart which sets out the key types of complaint and directs complainants as to who to complain to, which is linked on the Party website, on the first page before the complaints form so anyone can see it before making a complaint. We are also intending to update the complaints form to require people to confirm their complaint is of a type this system is designed to address before submitting it.

Many complaints are also dismissed as they are considered so minor as to not constitute complaints. We need to do more within the party to inform members before they raise a complaint on what we consider could bring the party into disrepute so that very minor complaints do not take a huge amount of capacity within the system.

The number of Party members suspended: The rules provide for a decision on suspension to be made by the Senior Adjudication Team under paragraph 4.2 of the Complaints procedure and guidance. There are currently 6 people suspended and awaiting the conclusion of the complaint process.

The sanctions imposed, if any, in each concluded case: Panels have imposed the following sanctions since October 2020: 11 Revocations of membership, 11 people required to undergo mandatory training, 7 members banned from holding office, 4 required apologies.

The number of cases appealed to the Federal Appeals Panel: 14

Updates from State Parties

England - Alison Rouse (Chair)

There is always a great deal of work going on behind-the-scenes to ensure everything keeps going during a difficult and challenging time. From banking to e-voting, messaging to phone- banking, reform processes to negotiation it is all crucial to our English Party being able to deliver on its functions and responsibilities. In this report, I hope I have given you a flavour of the activities that are taking place. From my position as Chair:

- Attended both the Federal Board and Steering Group representing the English Party.
- Chairing the English Party Executive.
- Regular meetings and conversations with both the CEO and President.
- Visited Regional Executives to represent the English Party and help resolve issues.
- Held meetings with members from Chesham & Amersham local party and others, to help support the initial process of candidate selection and communication with relevant bodies.
- Working to improve relations and communications with different bodies and groups within the Party federally.
- Delivered the first Quarterly briefing from the officers to the English Council, as part of our “better comms” program, to help members see the English Party as a separate functional entity that adds value in its own right, existing separately from HQ and the Federal Party.
- Took part in the officer team visit to Chesham and Amersham.

Supported my fellow officers in the delivery of their roles by:

- Contacting Liberator to request the retraction of a statement that was in error about the English Party.
- Supported my fellow officers with the process of recruiting a chair and two vice chairs for the English Appeals Panel, this being such a crucial oversight body of the English Party. We have advertised for new panellists and are now at the interview stage.
- Written emails as Chair of the Liberal Democrats in England, as part of the processes of the Regional Parties Committee.
- Fed back on and supported the Candidates function.

Reviews and Negotiations:

We are all trying to tighten our belts and there is no point just moving a gap in finances from one part of the Party to another. We are working hard with other parts of the Party to ensure we all come out of this in the best position that we can.

Membership fees are pretty much the English Party's one source of income, With the membership levels having decreased, this affects our spending capacity – it makes the reviews and negotiations below all the more important and has led us to push for membership recruitment to be more of a priority.

Federal Levy

Both myself and Treasurer Richard Flowers, are working with Federal Treasurer Tony Harris regarding the Federal Levy which has been set previously at 55%. We have asked that as part of setting the levy we ensure that membership recruitment is given higher priority.

Service Level Agreement

This is the contract for services provided to the Liberal Democrats in England by HQ. Understandably due to the effects of the pandemic, plus redundancies and restructuring, it has become clear that HQ are unable to completely deliver on our existing agreement – including things like the provision of rooms for English Party Committees or Executive meetings and functions like candidate assessment days – due to their financial constraints and reduced facilities at the new premises.

While the English Party is working hard to see what we can do digitally – as we pay a fee for these services, we have asked HQ to confirm what is feasible in terms of support and are currently continuing negotiations to see where we can be flexible, although these are on hold until after the Chesham and Amersham by-election.

Reviewing the “Investing in Regions” Project

We have been supporting all the Regions by providing direct financial help through the “Investing in Regions Grants” which we felt were one of the best and most direct ways that the English Party could help members with their hard work to win back a liberal, diverse, and inclusive England.

As we started to review the local election results, we saw anecdotal evidence that this extra support definitely had an impact. Even with the existing financial constraints, we are working hard to see how many of these we can continue to support – with the aim of continuing to support them all.

Reform & Relationships

Overall, we have already made a series of small but necessary reforms, to improve things across the English Party when it comes to co-ordinating

policy, linking up better with other party bodies and staff and communications.

As part of our program of ongoing reform, Baroness Dorothy Thornhill has said she is happy to support us and will be working with us as our “go-to-peer” for questions and to help us with our part of fulfilling the recommendations in her review. So, we have:

- Approached various bodies and individuals to gain data relating to previous reform proposals.
- Drawn up a methodology to ensure that members' strategies/ suggestions are dealt with in a fair and equitable way – this will go before the English Council Executive for review before circulation.
- Conducted an in-depth review of previous reports (like the Bones Report and several General Election reviews) to identify the suggestions for reform that have already been made and to examine what the English Party has done with them. We will report back on this to the English Council.

Thank you!

As I said at the beginning of this report, there has been a huge amount of work going on behind the scenes. I would like to acknowledge the current Regional Chairs and members of the English Council Executive who have worked hard on the things in this report, whether that was through participating in a working group, reviewing, and discussing important processes and documents. I would also like to say that it is a pleasure to work with an officer team that works so collegiately.

There have been some hard times and hard decisions as part of a large workload, so a big thank you to everyone involved. This would not be

possible without those who have offered their help and support, stepped up and taken part.

Scotland - Sheila Ritchie (Convener)

Since last reporting to you, The Scottish Party has been focussed on election preparation, and delivery in the context of the organisational changes previously made.

We also held our third online Conference in March. Plans are advanced for an online meeting in early October, with a return to meeting in person at our Spring Conference next year.

Scottish Parliament elections

The Scottish elections were a huge disappointment to us. We retained all 4 constituency seats with good majorities, Willie Rennie and Alex Coke-Hamilton achieving sequentially the biggest numbers of votes cast for a constituency candidate since the Parliament was founded. However, we lost the one list seat we had previously held, and, although we reduced the SNP majority in Caithness, Sutherland and Ross by 75%, we did not succeed in electing Molly Nolan.

£1,000 of the Scottish diversity fund was used to provide professional coaching and leadership support for two women candidates, an incumbent and a first-time candidate in a target seat, between Dec 2020 and May 2021. Feedback received has been that the bespoke, personalised support was very useful to the individuals. It was noted, however, that providing this sort of support over a long-time period, i.e. not just in the run up to an election, would be more beneficial.

The campaign was the biggest, best coordinated, most interactive campaign the Scottish Liberal Democrats has ever run. It was our biggest digital

campaign, it raised the most money of any previous campaign and it built a positive sense of team across Scotland.

Our Social media made 10 Million + impressions with 2 Million reach.

We ran 37 training and members' events from December to May. These training sessions included Media Training, candidate resilience and public speaking and also Compliance (nomination papers and election expenses). These 37 sessions were broken down into:

Agents

- 7 pre-election sessions
- 3 post-election sessions

Candidate Sessions

- 11 sessions

Key Seat Candidate Sessions

- 4 (on top of the 11) sessions

All Member/Campaigner

- 12 sessions

There were 17 full subject briefings typically running to around 12-pages including core scripts with a 3-400 word summary containing the key messages and policies, and candidates were briefed for 204 hustings, including one week with over 70. In addition over 70 responses to pledge requests were prepped.

The media team prepared 137 press releases and landed over 80, some with huge impact.

An election review has been started and we have an all member strategy discussion scheduled for the end of June.

Local Elections

Since the last Conference, there have been 11 Council by elections so far. We contested 8. The results were a mixed bag. We moved forward in 5 out of the 8, leaving us well positioned, we hope for the all up Council elections in Scotland in 2022. At the time of typing, there are 4 pending, all of which are being used to position us for next year.

Responding to Coronavirus

The Party has continued with remote working and member engagement, remote training and recorded webinars.

The Staff continue to look after each other, but were, for the most part, disappointed that they could not get back into the office, as planned, in October. The office was opened for the election campaign, with appropriate safeguards, but has been closed again. The plan is to re-open properly in September.

Wales - Paula Yates (President)

Electing More Liberal Democrats

In the last year: The new Welsh staff team has continued to work very hard under difficult circumstances to put in place support for local parties and regional committees in their campaigning for the Senedd elections and in capacity building with an eye to Welsh local government elections in 2022. In the event, the Welsh party fielded a full set of candidates at both constituency and regional level and for the PCC elections. Tribute must be paid to the Executive Officer for campaigns and communications, Julian Tandy, and his committee for all the work that was necessary to achieve this. Candidates were generally very appreciative of the support given them by staff and by the Welsh Party. Issues have been identified in a consultation exercise with candidates and are being fed back into the continuing work on the O'Carroll report received after the General Election. Despite the efforts of all concerned, the result was of course disappointing in Wales as in many other places, though the news that Jane Dodds had won a seat in the Mid and West Wales regional vote has helped greatly in keeping up morale. Partly because of coronavirus the pool of helpers was still very small and the serious lack of capacity identified in the Thornhill report remains perhaps Wales's biggest problem.

Next year: Despite the continuing problems with capacity, the work put in for the Senedd elections has helped to oil the election machine and provide groundwork for the local elections. Previous helpers have come forward and some new volunteers have been found. Much more needs to be done on this. The Welsh party is setting about improving communications with local parties and encouraging the selection of local government candidates for

next year, as well as working with membership development officers in local parties to build up membership and identify potential activists.

Improving Diversity

In the Last year: Diversity was an important consideration in identifying and encouraging potential candidates and in filling list places for the regional elections where not enough candidates had applied for selection. As a consequence, the diversity balance was fairly good in the Senedd elections, though there is still a great deal of work to be done. Welsh dates have been added to the diversity calendar and the diversity fund, which supports people in undertaking projects with the aim of increasing diversity in our Party, has been re-established.

Next year: As part of the efforts to improve internal communications with local parties, we aim to build up the team of local party diversity officers. We will encourage more to be appointed and offer training and support to develop their skills. We will be working to ensure an increase in diversity projects within local parties and we expect the first bids on the diversity fund.

Improving Party Efficiency and Reform

In the last year: The Welsh party made a short term investment in a more skilled and specialist staff team, designed to professionalise our communications and digital offering and to help local parties plan and prepare for the Senedd elections. Most of these staff were on short-term contracts and have now moved on to other jobs. We are very grateful to them for their dedicated work for the Welsh party and we wish them every success in the future. Our core team has now been reduced to four

individuals, including two campaigns staff and it is hoped that one or two additional part time staff may be added.

The independent working group which was set up to make recommendations on how the findings of the Thornhill Review affected the Welsh party completed its task and presented its findings both to members and to the Welsh Board. It was agreed that the Senedd elections had to be the priority in the first part of the year, given the limited resources available, but the Welsh Board is now beginning to work with the review team to prioritise its recommendations and implement the most urgent as soon as possible.

Next year: As well as the implementation of the O'Carroll review, the party intends to give a high priority to improving internal communications and supporting local parties in planning for the local government elections next year. Training will remain a crucial element in building capacity and it is hoped that improved internal communications will help to identify shared training needs and, especially, to find individuals willing to take on tasks in local parties and offer themselves for training

Coronavirus

In the last year; Like everybody else the Welsh party continued to find its campaigning activities severely curtailed by the pandemic during the second lockdown. In Wales the ban on canvassing remained in place right up to the beginning of the short campaign. Phone banking sessions were held three times a week but again, these were badly affected by lack of volunteers, though some areas had very hard working phone teams and some of the maraphones were very successful.

Zoom has allowed a greater number of Wales-wide meetings, both as consultations or working parties and for internal communications with groups such as candidates. We have been grateful for help and expertise from other parts of the party, most notably staff from the Scottish party, in running well attended conferences via Hopin.

Next year: Of course we hope that the pandemic will affect our work less and less and that perhaps next year we will not need to include a section in this report for the effects of COVID-19. However, there have been gains as well as losses during this period and in the next year we will be making decisions about , for example, continuing to use Zoom for Wales-wide meetings, having a mixed economy for Conference to reduce costs and allow more people to take part, and what sort of office space best suits changed work practices.

Report from the Federal Appeals Panel

- David Graham (Chair)

INTRODUCTION

The Federal Appeals Panel (FAP) is established under Article 22 of the Constitution and adjudicates over a variety of disputes which are within the jurisdiction given by Article 22.3.

The FAP acts as a safeguard to ensure that bodies act within the limits assigned to them by the Federal Constitution, and the rights of members under the Federal Constitution are respected. It therefore plays an important role in maintaining good governance within the Party and in ensuring that disciplinary processes are fairly and properly conducted.

The FAP is made up of 18 members – 9 of whom are elected by the Federal Board and confirmed by Conference, with 3 being elected by each State Party. Members of the FAP are all volunteers. The Chair of the FAP is elected by the Panel from amongst the members elected to it by the Federal Board. The FAP is there to protect the rights of Party Members and is directly accountable to Conference.

The Chair of the FAP is required by Article 22.6 to publish an annual report to Autumn Conference, containing the Panel's procedures, all its decisions on the interpretation of the Constitution and a summary of its other rulings since its last annual report.

PERFORMANCE STATISTICS

One of my priorities as Chair has been to ensure that cases are handled in a timely manner. This can be challenging to achieve given that all members of the FAP are volunteers performing their roles in their spare time, some cases involve multiple parties, and more complex cases require multiple stages of procedure with adequate time for parties to make submissions.

The FAP had 3 matters pending when the current Panel assumed office in January 2021, and received a further 22 applications or appeals up to the end of June 2021. Two appeals or applications were discontinued, 12 have been finally determined, and 11 are pending of which 7 were lodged in May or June. Most matters have been finally disposed of within 3 months. Only 1 matter has been pending for more than 6 months.

Of the matters finally determined, 4 were dismissed for want of jurisdiction; 2 were conceded or determined in the applicant's favour without the need for a hearing; 3 were refused permission to proceed to a hearing; 1 was dismissed following a hearing; and 2 were allowed following a hearing. The importance of the FAP as a safeguard in disciplinary cases was demonstrated by our finding it necessary to set aside 3 disciplinary decisions by complaints panels, on grounds of procedural impropriety or inadequately reasoned decision-making.

WEBSITE, TRANSPARENCY AND TRAINING

We have now introduced a website for the FAP, which includes information about the members of the Panel, the current published procedures, guidance for members of the Party, and a new set of forms for use in the proceedings, as well as my Reports to Conference. Our decisions or summaries of these are published on the website. Although there is

inevitably some degree of time lag in updating the website, the FAP and how it works are now much more clearly accessible and visible for Party members.

I have also made it a priority to ensure that as many members of the FAP as possible are trained, supported and encouraged to manage cases, in order to build up experience within the Panel and reduce delays in determining cases.

NEW PUBLISHED PROCEDURES

As reported to Spring Conference, the inherited published procedures (at Appendix 1) have been updated piecemeal over many years. In places they make references to former provisions of the Constitution that no longer make sense. They make no provision for recusal from cases, exchanges of written submissions, procedural applications or directions. They also provide for hearings to be 'in person' which was impossible during coronavirus restrictions and may not be desirable outside of those (such as where parties and FAP volunteers would have to travel long distances to meet together). As I explained in my previous report, they have proved insufficiently clear and prescriptive for ordinary Members, respondents and the Standards Office to know what is expected at any given stage of the process, with the FAP continuing to receive applications outside of our jurisdiction.

At Appendix V to the Reports to Spring Conference, I published a set of proposed draft procedures (at Appendix 2 to this Report) which would consolidate and improve upon the existing procedures and incorporate much of the guidance material. No comments were received on the text. The published text has been reviewed and minor drafting changes made to avoid repetition and correct errors. I was not able to set up the hoped-for

online consultation on the new text in the spring, but I propose to open a channel for comments, and to regularly review the procedures in the light of any feedback received. As I consider that the new set of procedures will ensure a more rigorous and clear framework for decision-making, I am presenting these to Conference for its confirmation.

BREACHES OF CONFIDENTIALITY

There has been at least one instance of which we are aware where a draft or interim decision of the FAP in a disciplinary appeal has been circulated by one of the parties to the dispute to others who were not involved in the proceedings, in advance of any decision by us as to whether it should be published in full or redacted form. Such behaviour is a breach of the duty of confidence that all parties owe to other participants in the process, pre-empts any decision we might make on publication, undermines the integrity of our process and may bring the Party into disrepute. I would like to remind members that they must not solicit, read, retain or disseminate confidential material from our disciplinary processes. Any distribution of such material will be referred to the Standards Office for disciplinary action.

CONSTITUTIONAL RULINGS OF THE FAP

The FAP has made the following rulings interpreting the Constitution, full copies of which are set out in Appendix 3 to this Report:

In *Bray v FAP*, we ruled that the FAP has no jurisdiction to re-open its own final decisions on the merits of a case even in a case of alleged procedural unfairness towards a participant, because article 22.7 of the Constitution provides that 'any decision of the Panel shall be final and binding upon all those concerned'.

In *Hayes v English Candidates Committee* (and others) we ruled that article 19 of the Federal Constitution requires an assessment of applications to be entered on the approved list of Parliamentary candidates on their own merits, including 'such...considerations as may be relevant in the circumstances', such that blanket rules operated by a State Party barring approval of a particular class of member for particular periods conflicted with article 19 and must be disapplied. We also ruled that the FAP has no jurisdiction to consider disputes about the internal governance of a State Party where that issue was not governed by the Federal Party Constitution and had not been referred to us by a State Party Appeals Panel.

OTHER RULINGS

The following is a summary of the other rulings issued.

Article 23 complaints appeals

- In *Goodair v Complaints Panel* a disciplinary decision was set aside because documents had not been provided to the respondent in advance of the hearing.
- In *Walsh v Complaints Panel*, a disciplinary decision was set aside because the appellant had not been a member of the Party at the time of the complaint or conduct complained of, had not been notified of the particulars of the complaint, and had not been given notice of the hearing. The Standards Office had not checked that he was a member. The complaints panel had proceeded in absence without checking that he had been notified of the hearing.
- In *Sheller v Complaints Panel*, a disciplinary decision was set aside because there was found to be a serious failure of reasoning that rendered the decision unsafe. The panel had made insufficient factual findings to support its conclusions. The adjudicators had also failed to

follow the published complaints procedure by failing to appoint an independent investigator to investigate the facts prior to the complaint being adjudicated by the panel.

- In Paynter (no 1), a disciplinary decision was upheld as the appeal form did not disclose an arguable ground. The decision in question is subject to a further pending application to the FAP which will be determined at a hearing.
- In Sidhu-Robb, a disciplinary decision was upheld as the appeal form did not disclose an arguable ground.
- In Lock v Complaints Panel, a disciplinary decision was upheld following a panel hearing. The FAP found that the Party's article 23 complaints procedure was in general terms fair notwithstanding that cross-examination was not permitted, and that on the particular facts of the case the main evidence was documentary so no question of unfairness arose. It found that members are expected not to bring the Party into disrepute through their conduct at any time, whether or not acting as a public office-holder, and dismissed other grounds of appeal relating to the reasonableness of the decision-making.

Other disputes

In Smith a dispute about selections for local elections in England was found not to be within the jurisdiction of the FAP as it concerned a matter wholly governed by the English State Party's constitution and not by the Federal Constitution.

In Kumar the FAP found that it did not have jurisdiction to determine an appeal against disciplinary decisions made by the English State Party under the English State Party rules and procedures, where complaints were first

made under those rules prior to adoption of article 23 of the Federal Constitution.

In *Glaze v Appeals Panel for England* and *Sims v Appeals Panel for England*, the FAP was found not to have jurisdiction where a complaint was made about the procedural fairness and reasoning of the Appeals Panel for England in respect of a dispute about a matter (a London Region election) where no provision of the Federal Constitution or Federal Party rules governed the case or conferred such a right of appeal. Any failings by the Appeals Panel for England are a matter for the English Party to redress unless the Federal Board determines to make rules providing for appeals to the FAP.

CONCLUSIONS AND THANKS

I hope that members of the Party can continue to have faith in the effectiveness of the FAP. It remains for me to thank my colleagues on the FAP for their time and hard work, including Paul Tilsley CBE who has stepped down from the FAP. I should also like to particularly thank our Registrar, Eve Giles, and Amy Westcott, the Head of Party Services and Standards, for their endeavours supporting the work of the Panel in what has been a busy year for us.

APPENDIX 1: PUBLISHED PROCEDURES UNDER ARTICLE 22.6, confirmed by Federal Conference on 18 September 2020, available here:
<https://drive.google.com/file/d/1cBWgumQXvuEqWrMqiBlivBbnRDxPQXcB/view>

APPENDIX 2: PROPOSED FAP PROCEDURES UNDER ARTICLE 22.6 for confirmation by Autumn Conference 2021

A: Mission Statement

The Federal Appeals Panel (“FAP”) exists under Article 22 of the Federal Party Constitution to resolve internal disputes falling within Article 22.3.

The FAP acts as guardian of Members’ rights under the Federal Party Constitution, and is accountable to Federal Conference which is the sovereign representative body of the Party.

The FAP shall make its determinations with integrity. Its members shall be impartial and independent from the parties to any dispute, executive bodies, officers or staff of the Party.

In discharging its duties the FAP shall act in accordance with the principles of natural justice; and shall be accessible, transparent and expeditious.

Where appropriate, the FAP shall encourage mediation; where necessary, it will make firm decisions by proper process.

In dealing with any complaint the FAP shall have regard where relevant to the general law of the land including standards of due process protected by Article 6 of the European Convention on Human Rights.

B: Officers of the Federal Appeals Panel

There shall be a Chair of the Federal Appeals Panel elected in accordance with Article 22.1.

There shall be 2 Vice-Chairs, approved by the FAP. The Vice-Chairs may exercise the functions of the Chair under the Rules of Procedure where the Chair has requested this, or in the event that the Chair is unable to fulfil their functions.

There shall be a Registrar of the FAP approved by the FAP, and there may be one or more Deputy Registrars. The Registrars shall normally be a employees of the Federal Party. The Chair of the FAP shall consult with the Chief Executive of the Party in relation to any such appointment and either the Chair or one of the Vice Chairs of the FAP will sit on any selection process for a new Registrar.

C: Rules of Procedure

Effect, interpretation and transitional provision

1. General Principles

Overriding objective

1.1 The overriding objective of the FAP in the application of its procedures and in the interpretation of its procedural rules shall be the resolution of disputes justly, fairly and proportionately. It shall in particular have regard to the desirability of the following factors:

- A. ensuring that the parties are on an equal footing;
- B. resolving disputes expeditiously;

- C. promoting amicable settlement of disputes;
- D. saving costs, effort and FAP resources;
- E. ensuring that its procedures are accessible, simple and easy to understand or participate in;
- F. enforcing compliance with its rules, directions and rulings.

1.2. The parties to FAP proceedings are required to co-operate, both with each other and with the FAP, to assist the FAP to further its overriding objective.

1.3 At all stages the parties' duty of co-operation shall extend to making a reasonable search or check for, preserving and supplying relevant evidence to the other parties and to the FAP where this tends to undermine their own case or assist the case of another party, bearing in mind the grounds that the FAP will consider.

1.4 The FAP shall actively manage cases so as to further the overriding objective. It may in particular, upon the application of the parties or on its own initiative:

- A. identify the issues that it requires to resolve and the parties it will hear;
- B. exclude issues or evidence from consideration;
- C. determine the order in which issues will be resolved;
- D. stay proceedings, adjourn or bring forward hearings;
- E. combine or split up sets of proceedings;
- F. encourage or assist the parties to settle the dispute informally;
- G. give procedural directions and set timetables;
- H. proceed without the participation of a party if that party has failed to attend or co-operate;
- I. make use of technology; and

- J. adapt, vary or waive compliance with any of its own time limits or procedures if and to the extent necessary in the interests of fairness or justice in a particular case.

1.5 The FAP cannot vary any procedure or non-extensible time-limit which is fixed by the Federal Constitution. Nor can it extend any time limit for appealing to it which is contained in a rule compatible with and duly made under the Federal Constitution, which confers jurisdiction upon it in a particular case.

Entry into force and transitional provision

1.6 The FAP shall follow these Rules, which shall replace the previous set of published procedures, from the date of their adoption by Conference.

1.7 Where matters are pending at the date of adoption, decisions made under the previous published procedures shall remain effective, as if they had been authorised by these rules. However, these rules of procedure shall apply to govern the handling of pending matters from the date of adoption.

Interpretation

1.8 References to article numbers are to article numbers in the Federal Party Constitution (and to those articles as subsequently amended or renumbered). Unless the context requires otherwise, the singular includes the plural and vice versa, and words of one gender include all persons.

1.9 Text in square brackets does not form part of these Rules of Procedure and is included for guidance or information only. It may be updated or removed administratively by the FAP in the interests of clarity. If articles of the Federal Party Constitution are renumbered, the cross-references in these Rules may in the interests of clarity be updated administratively by

text in square brackets to refer to the new numbering, without being re-confirmed by Conference.

2. Lodging an Application

2.1 Any party seeking a ruling from the FAP ('the Applicant') must lodge their request ('Application') with the Registrar, on any relevant application form published on the Party website in accordance with any guidance published by the FAP.

2.2 If the request for a ruling impugns a particular act, omission/default, ruling or decision by a person or body, the application form must be lodged within 6 weeks of the act, omission, ruling or decision that is challenged. The Case Manager may extend this time limit in exceptional circumstances.

[The Case Manager is the member of the FAP who initially reviews and manages the case, appointed under rule 3.4 below.]

2.3 If an Application is brought in accordance with a provision of the Constitution setting a shorter time limit, or a provision of constitutional subordinate rules or regulations setting a shorter time limit, the application or appeal must be made within that timescale.

[The Article 23 Complaints Procedures approved in 2019, the Presidential Elections Regulations and the Leadership Election Regulations set 14 day time limits for appeals to the Federal Appeals Panel. It may be open to parties to argue whether time limits are constitutional.]

2.4 The Application must indicate clearly and concisely:

- A. who the Applicant is, their State Party and their contact e-mail address;

- B. which ground of Article 22.3 of the Federal Party Constitution is alleged to give the FAP jurisdiction;
- C. what the dispute relates to;
- D. in the case of a reference from a State Appeals Panel, the issue that has arisen and the necessary context;
- E. any act, omission/default, ruling or decision which is being challenged or appealed; its date; and the person(s) or body who made or were responsible for it and the Applicant is alleging were at fault or in error; [E.g. the complaints panel that made a ruling the Applicant wishes to appeal. Note: this person is likely to be the First Respondent to the application or appeal.]
- F. any other person(s) or party body whom the Applicant considers particularly affected by or interested in the outcome of the Application and their contact details, where known; [E.g. the complainant, prosecuting party and respondent will be affected by an appeal against a decision of a complaints panel. These persons may be Respondents to the application or appeal]
- G. if the request for a ruling is made after the relevant deadline, any application to extend time which must give an explanation and good reason for such extension;
- H. any procedural directions that the Applicant would like the FAP to make, with an explanation why;
- I. what ruling(s) the Applicant would like the FAP to make;
- J. the grounds for the Application (i.e. why the FAP should make the ruling(s) sought); and
- K. any other details specified in any relevant form or guidance published on the Party website from time to time.

The Applicant must include a copy of any decision that is challenged and any relevant notes or official minutes of this, as well as any other supporting materials or evidence specified in the FAP's relevant form or guidance.

3 Administration of Applications received

3.1 The Registrar shall acknowledge the date of receipt of the Application. They may check that any Application is in a form which is both coherent and acceptable to the Applicant, and may request further information in order to identify whether the FAP has jurisdiction and who the appropriate Respondents may be. If the Application appears to be out of time and this has not been addressed, the Registrar may so inform the Applicant who may be permitted a further 14 days if they wish to make representations as to why time should be extended. In the case of an appeal from a decision, the Registrar shall ensure that the FAP has a complete set of the material before the person or body who made that decision.

3.2 Where a party or prospective party to an Application is not a member of the Party (for instance in the case of an appeal from a complaint by a member of the public), they may before being permitted to participate in the proceedings be required to consent in writing to the jurisdiction of the FAP; to keep information received in connection with the proceedings confidential, use it for the sole purpose of participation in the proceedings, and delete or destroy it when no longer necessary for that purpose; to the handling of their data by the Party; and to be bound by these rules.

Case Manager

3.3 The case shall be allocated by the Chair to a person designated as Case Manager, who may be their self or any other member of the FAP. The Chair may designate Case Managers and permit cases to be allocated

administratively to them by a rota or standing arrangements, subject always to the control and discretion of the Chair to allocate any particular case to or away from a particular person in the interests of the efficient management of the FAP or the effective and fair handling of that particular case.

3.4 The Case Manager may:

- A. seek further information from the Applicant;
- B. determine the appropriate Respondent(s), request the Registrar to notify them of the application and request information or invite submissions from them;
- C. grant or refuse permission to proceed with the Application in accordance with rule 4; and
- D. determine the procedures to be used, and the issues to be adjudicated, by any Case Panel appointed to determine the case.

3.5 The Case Manager may give informal advice, and may recommend (and, if so, assist) with mediation; however, if the Case Manager conducts an unsuccessful mediation, they may take no further part in the determination of the complaint, and the Chair shall appoint a different Case Manager.

4. Permission Stage

4.1 Once an Application has been lodged, the Case Manager shall consider whether it is within jurisdiction and should be granted permission to proceed.

4.2 The FAP only has the jurisdiction conferred on it by the Federal Party Constitution. It is in most areas of its jurisdiction a tribunal of last resort. It will be careful not to hear disputes which are outside its jurisdiction,

including where another remedy exists that has not been exhausted, such as an appeal to a State Party body.

4.3 The FAP will not grant permission to proceed with any Application that is untimely, vexatious, frivolous or insubstantial, not properly arguable on the evidence with a realistic prospect of success, academic, or is made when alternative remedies elsewhere have not been exhausted.

4.4 The FAP will not grant permission to proceed with an Application if it is highly likely the points taken would not have affected the outcome for the Applicant, unless there is some compelling reason why the application should be heard.

4.5 The Case Manager shall determine:

- A. whether an Application shall have permission to proceed to a Case Panel hearing, and in doing so shall consider
 - i. whether or not the case falls within the jurisdiction of the FAP;
 - ii. whether the Application is untimely, vexatious, frivolous, insubstantial or academic;
 - iii. whether the Applicant has exhausted their remedies elsewhere;
 - iv. whether the Application discloses a properly arguable case; and
 - v. whether it is highly likely that the outcome for the Applicant would have been the same and if so whether there is a compelling reason to proceed to determine the case; and
- B. the timetable and preliminary procedures for that case.

4.6 In respect of any misconduct appeal from the Complaints Procedures set out in Article 23 of the Constitution, the Case Manager will only grant permission to proceed to a determination by a Case Panel where the appellant can demonstrate that it is arguable that:

- 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; or,
- B. relevant evidence, which could not reasonably 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 the circumstances; or.
- C. the sanction determined was manifestly excessive or manifestly lenient in all the circumstances.

[‘Manifestly’ means clearly outside the range of reasonable sanctions.]

4.7 The Permission Stage is intended solely to sieve out and swiftly determine cases that do not merit a full Case Panel hearing. Respondents will be notified that an application has been lodged, but shall not be required or expected to make any representations at the permission stage. The FAP may however have regard to any representations that are made from Respondents addressing the Permission Stage tests and, where those raise issues that the Applicant has not had an opportunity to comment on, will invite comments from the Applicant where necessary in the interests of fairness.

4.8 A determination by the Case Manager at the Permission Stage is final and binding; it is not subject to a further appeal. It must be accompanied by reasons, which may be brief.

4.9 The target timeframe for determining an Application shall, unless the Case Manager extends this, be 3 months from the date of its being lodged, and a timetable shall be set accordingly.

4.10 If a party does not co-operate with the timetable or other directions given, or does not participate in the proceedings, the FAP may proceed in their absence or in the absence of evidence or representations that were to have been filed by a missed deadline.

5. Independence of Case Manager and Case Panel

5.1 The members of the FAP to hear a particular case ('Case Panel') shall be selected by the Chair, in accordance with Article 22.4 of the Federal Party Constitution.

5.2 Unless application of the Federal Party Constitution compels it, the Chair shall not select a member as Case Manager nor appoint a member to hear an application if they have any personal connection to the parties or personal involvement in the subject of a particular dispute.

5.3 If it emerges that a Case Manager or member of the Case Panel has a personal connection to or involvement with a party or to the subject of the dispute, they must declare this as soon as they become aware of the connection or involvement, and if they do not choose to recuse themselves forthwith, then:

- A. they must give the parties a fair opportunity to ask questions about the connection or involvement,
- B. they must ask all parties if they have any objections, and
- C. they must recuse themselves unless all the parties waive any objection.

If a member has recused themselves, then the Chair shall either select a substitute or, if at least 3 members remain, then the remaining members may continue to determine the case.

6. Records and Communications

6.1 Communications between parties and the FAP must be conducted through the Registrar, who shall keep a record of the communications.

6.2 The FAP shall not entertain any representations about the substance of a case before it that are not conducted in writing through the Registrar or at a hearing.

6.3 All parties to a dispute shall normally be entitled as of right to copies of representations made by other parties and rulings made by the FAP, if they request these from the Registrar, unless the FAP otherwise directs in the interests of justice.

6.4 The FAP may publish on the Party website a list of the cases pending before it, the names of the parties, and a short summary of the issues raised in the pending application or appeal.

6.5 The FAP may redact or restrict the circulation of sensitive or personal information where this is compatible with fairness and the interests of transparency are outweighed by other considerations.

6.6 The parties to any case before the FAP must keep all information and documents received in connection with the proceedings strictly confidential and use them for the sole purpose of the proceedings.

6.7 Communications must be conducted directly between the parties and the FAP, and cannot be conducted with third party agents (save where necessary for instance to have the assistance of a carer, translator or sign language interpreter) or solicitors.

6.8 FAP determinations shall published, at least in summary form, on the Party website and in a report to Conference. The form of publication shall be determined by the FAP. Sensitive or personal information may be redacted where the interest in confidentiality outweighs the presumption in favour of transparency. The parties may make representations as to the form of publication after a ruling has been delivered.

7 General Procedures

7.1 Upon permission being granted, the Applicant shall where necessary be directed by a deadline to provide a detailed Statement of Grounds and any further supporting evidence to the FAP (through the Registrar) and to the Respondents. They shall be entitled to state that they wish to let their Application stand as their Statement of Grounds. The Applicant shall also provide any further additional material falling to be disclosed under rule 1.3 above.

7.2 The Respondents shall be directed by a deadline to provide their own Response to the FAP (through the Registrar) and to the other parties, setting out which aspects of the Application are conceded or contested, and the detailed grounds for resisting each of the grounds of the Application. They must provide any documentary evidence on which they rely with their Response. The Response must be on any form published for the purpose on the Party website and accord with any guidance published on the website. The Respondents shall also provide any further additional material falling to be disclosed under rule 1.3 above.

7.3 The Applicant shall have an opportunity to file any representations or evidence in response to new points raised by the Respondents.

7.4 The Case Manager may determine that a case may be dealt with by the FAP in writing, where all the parties agree or where there are no significant factual disputes. If an Application is not contested, or there is no real prospect of its being successfully defended, the Case Manager may finally determine the matter themselves without convening a Case Panel.

7.5 Where a dispute turns on the interpretation of the Federal Party Constitution or some other document, the Case Manager may subject to any provision of the Federal Party Constitution give a preliminary determination themselves, which shall become final and binding unless it is appealed to a full Case Panel within 14 days. In that event, the Case Panel hearing the appeal shall not include the Case Manager.

7.6 The FAP shall ensure that the procedures adopted to hear a case are fair, and in particular:

- A. it shall ensure that the time allowed to make representations or submit material is fair and reasonable;
- B. it shall ensure that parties are treated fairly as between each other;
- C. it shall ensure that all parties have an opportunity to respond to relevant points made by opposing parties; and
- D. if it is minded to find against a party by reference to a factual matter not already squarely in issue in the case, or by reference to an argument not previously canvassed, it shall provide the party with a fair opportunity to address it on that point.

8. Succession

8.1 Where a new FAP is elected by Conference, but there are outstanding determinations before the old elected FAP, members of the old FAP will in the first instance retain jurisdiction to deal with those matters until they are

finally determined, unless due to resignation, other commitments or illness it is impossible for that to occur.

8.2 In the event that the Chair resigns, dies or is through illness unable to perform their functions, the remaining members of the FAP shall as soon as practicable elect a new Chair from amongst those members elected by the Federal Board in accordance with Article 22.1, pending which the functions of the Chair may be exercised by the Vice-Chairs. In the event of the illness, death, resignation or unavailability of a member of the FAP other than the Chair who is the Case Manager of or sits on a Case Panel for a pending case, the Chair may select a substitute and may, where necessary, require a case to be re-heard. Vacancies may be filled in accordance with Articles 22.1 and 22.2 of the Constitution.

9. Procedural applications and objections

9.1 The parties may at any time apply to the FAP for procedural directions, or to vary any directions already made.

9.2 Applications for a procedural direction, or to vary one already made, should be submitted as soon as possible to avoid prejudice to other parties or the FAP's schedule. If there has been delay, the application should explain why this took place, and be accompanied by any supporting evidence.

9.3 Members of the Liberal Democrats, AOs, SAOs, party officers or party bodies not currently a party to a case may apply to be added as a party, or to submit representations by way of intervention. They must state what their interest is, and what they propose to say. The Case Manager may permit their participation having regard to how far they are affected, whether submissions would be helpful, and the impact of such intervention

on the timetable and on the current parties. A direction permitting participation may subject this to limits, conditions or deadlines.

9.4 The parties may apply to object to the fairness of the FAP's procedures at any time. Final determinations by the Case Manager and/or Case Panel on the substance of the case are binding and are not subject to further appeal or rehearing, so any party prejudiced by an alleged unfairness must raise this as soon as possible and state what they propose as the remedy.

9.5 Applications under this part of the procedure rules must state what ruling they would like the FAP to make, and why, be supported by evidence where appropriate (e.g. when requesting an extension of time), and (unless they are made at a hearing) be made in writing and on any form published for the purpose on the Party website.

9.6 Applications for procedural directions must normally be made with notice to the other parties so that they have 3 clear working days to respond before a decision is made. For instance, an application shall be submitted to the FAP and copied to the other parties on a Tuesday if it is to be considered the following Monday. The FAP may make exceptions but only for good reason.

9.7 The Registrar will routinely make copies of procedural applications available for a response by other parties. Exceptionally, there may be occasions where this would defeat the purpose of the application (e.g. an application for permission to withhold sensitive personal information from another party), in which case the application must clearly state this and inform the Registrar accordingly. The Case Manager will determine whether an application shall be decided without hearing from another party, and will only permit this where it does not compromise the fairness of the proceedings.

10. Hearings

10.1 Where necessary to resolve any significant dispute of fact, or if the FAP's determination would be assisted by oral submissions, the Case Manager shall direct that a hearing be held.

10.2 Hearings may take place in person, virtually through the use of information technology, or by some hybrid of these, in a fair and accessible manner. If parties have difficulties in participating in physical or virtual hearings for any reason (such as where they have a disability that requires reasonable adjustments, or problems with their home broadband), they should inform the Registrar and submit a procedural application explaining how they consider they could be assisted to participate.

10.3 The members and chair of the Case Panel that will hear the case shall be selected by the Chair of the FAP.

10.4 The chair of the Case Panel shall be responsible for the procedure at the hearing, in accordance with these rules. At the oral hearing, procedural applications or objections must be made to the Case Panel.

10.5 The procedure at an oral hearing shall normally follow that set out in the Appendix to these rules. A copy shall be provided to the parties before the start of the hearing, together with any proposed deviations from the normal procedure.

11 Determinations

11.1 After a Case Panel has been constituted, following or in the absence of an oral hearing the chair of a Case Panel or other person authorised by the chair shall produce a draft determination for approval by the other members of the Case Panel. Such draft determination shall also be sent to

the Chair of the FAP and Registrar by way of consultation on matters of law and procedure (but not fact), and the Case Panel shall have regard to any comments they make.

11.2 All determinations shall be reasoned. They shall summarise what the Case Manager or Case Panel members consider to be the principal facts and arguments, and explain why the Case Manager or Case Panel are making their ruling. The determination, or a summary thereof, shall be made available to all parties within 21 days of any oral hearing.

11.3 The parties shall have an opportunity to make submissions as to the form in which the determination shall be published. They may also make representations as to any obvious errata, such as errors of names, facts or dates not in dispute, or typographical errors. Save for corrections of errata, the determination shall be final.

12 Grounds on which the FAP will interfere with decisions

12.1 The FAP not a policy-making body. It is not a democratically elected rule-making body. It is not an elected executive body of the Party. It is a creature of the Federal Party Constitution. The FAP's function is supervisory: to interpret and enforce the Constitution, and protect members' rights under the Constitution. The FAP may imply terms into the Constitution or subordinate rules, regulations or procedures where this is necessary or must have been intended. Only Conference may rewrite the Constitution.

12.2 The FAP shall not normally interfere with acts, omissions, decisions, rules, practices or procedures save where these are not permitted by or in conflict with the Constitution.

This may arise in the following circumstances (which are not intended to be an exhaustive list):

- A. conflict with the Constitution or subordinate rules, regulations or procedures;
- B. procedural or substantive unfairness or impropriety;
- C. apparent bias or closed mind;
- D. unjustified or arbitrary breach of a legitimate expectation;
- E. proceeding upon a misunderstanding of the law; the Constitution, rules, regulations or procedures; of a person or body's role within the Party; or of uncontroverted facts;
- F. acting for an improper purpose;
- G. having regard to irrelevant matters or failing to have regard to relevant matters;
- H. unreasonableness or irrationality in all the circumstances;
- I. failure to give any or any adequate reasons where those are required.

12.3 The FAP will not interfere with a decision on the grounds that excessive or insufficient weight was placed on a particular factor in the decision-making, where an evaluative judgment was required and the factor was a legitimate one to consider, unless weight is dictated by the Constitution or subordinate rules and regulations, or the judgment was unreasonable. Nor will it normally interfere with factual findings by other adjudicative bodies unless those findings could not reasonably have been arrived at on the evidence before those bodies.

12.4 Where the FAP is entrusted with an appeal jurisdiction (such as in a misconduct case from a Complaints Panel), which is not a full rehearing of the merits of the case, it will interfere with the decision under appeal where:

- 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; or,
- B. relevant evidence which could not reasonably 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 the circumstances; or
- C. the sanction determined was manifestly excessive or manifestly lenient in all the circumstances.

13 Remedies

13.1 The FAP may in its final decisions make declarations (including declarations that a rule, regulation, procedure, practice, act, omission or decision is invalid or unauthorised by or under the Federal Constitution and must be set aside), and give directions to do or refrain from doing something.

13.2 The FAP shall not make monetary awards, whether of costs, damages or compensation.

13.3 The remedy available on a successful appeal from the Article 23 Complaints Procedures is limited to a direction remitting the case back for a fresh Complaints Panel to rehear under the Article 23 procedures, together with any further direction that is considered appropriate or necessary in that respect.

14 Status of Decisions

14.1 A final determination of the FAP is final and binding upon all members of the Party concerned, pursuant to Article 22.7 of the Federal Party

Constitution. This means in particular that the FAP cannot re-open a particular decision once a final ruling has been issued.

14.2 Among the fundamental values underpinning the Liberal Democrats' Federal Party Constitution are respect for the rule of law and good governance, respect for our democratically accountable Party institutions, and individual justice. If a party to a case knowingly or recklessly fails to obey or abide by a specific ruling in a particular case, that conduct is inconsistent with the fundamental values of the Party for the purpose of Article 3 of the Federal Party Constitution. It may constitute grounds for complaint, sanction or revocation of membership.

14.3 Federal Party Conference may overrule any determination of the FAP on a point of interpretation by amending the Constitution or subordinate rule, regulation or procedure concerned, and members of the Party are free to campaign for this provided that they abide by the determination.

14.4 The FAP shall not be bound by points of interpretation determined in its previous rulings, and a party in a subsequent case may argue that a previous case was wrongly decided; however the FAP will follow its own previous rulings of which it is aware, unless it is satisfied that they were wrong.

14.5 Any party to proceedings before the FAP may rely on previous rulings of the FAP, but they must provide the FAP and all other parties with copies of all relevant rulings relied upon in good time, as well as all those determinations at least arguably adverse to their own case.

Appendix to the Rules of Procedure of the Federal Appeals Panel

Normal Process during an Oral Hearing

Any party may be assisted or represented by a friend, who may be a lawyer and may speak for the party at any time. If they both choose to speak, they should avoid repeating points already made by the other person.

Normally, the Applicant will speak first, to put their case. This should address any issues that have been identified as important in advance by the Case Manager or Case Panel.

The Applicant may call witnesses as to disputed fact only, although these may also give their evidence in written form. An appeal from a Complaints Panel is not a fresh re-hearing and the FAP would not normally hear evidence unless this could not reasonably have been adduced at the time of the Complaints Panel hearing.

Each Respondent or representative may cross-examine a witness, the friend or the Applicant, as permitted or directed by the Chair of the Case Panel.

The case for the Applicant should not last longer than 45 minutes, unless the Chair believes that the case has not been properly put in this time.

The Respondents shall speak next and have equivalent rights as to witnesses, a representative to aid her or him and time limit.

The Applicant may also cross-examine as permitted or directed by the Chair of the Case Panel.

Members of the Case Panel may ask for clarification or cross-examine at any time. They may warn parties or their representatives not to repeat points

and curtail any arguments that are irrelevant or simply repetitious. They may also, following a warning, refuse to hear anyone who persistently acts in a disruptive or unruly way.

Each side may sum up, taking no more than five minutes. The Applicant shall speak last.

The Case Panel will then consider their conclusion.

APPENDIX 3: DECISIONS ON CONSTITUTIONAL INTERPRETATION

Case 2021/1

IN THE MATTER OF AN APPLICATION BY PRUE BRAY - Appellant

-AGAINST- THE FEDERAL APPEALS PANEL - Respondent

RULING ON PERMISSION TO PROCEED - 3 February 2021

DAVID GRAHAM (Chair of the Federal Appeals Panel)

Introduction

1. In a letter of complaint dated 7 January 2021, Ms Bray requested that the Federal Appeals Panel ('FAP') set aside an appeal decision dated 24 July 2020 ('the Decision') and re-hear the appeal in question, on the grounds that the procedure adopted was unfair and contrary to natural justice. In particular, she alleged that as representative of the English Candidates Committee, the respondent in the appeal, she had not been provided with a copy of the appellant's grounds. Accordingly, she was prejudiced in her ability to submit all relevant material in support of the Committee's action. She also complains that she was not invited to speak at the Case Panel's hearing which considered the appellant's grounds of appeal.

2. Since the Decision and with effect from 1 January 2021, the personnel of the FAP largely changed over (members being elected for a 5 year term).

3. On 15 January 2021, I designated myself Case Manager. I did not request that the Registrar send a copy of the complaint to the panellists who conducted the appeal, or the original appellant Ms Hayes. That was because there was an important preliminary question whether the FAP has

jurisdiction to re-open one of its rulings on the substantive merits of an appeal, assuming in Ms Bray's favour that the breaches of natural justice were found proved. There was also an alternative route for redress for Ms Bray which would be proceedings against the FAP itself under article 22.3(b) of the Federal Constitution in order to obtain a finding that her rights were infringed, subject to a 6 week time limit under paragraph 3.1 of the Published Procedures (as updated in 2020).

4. I indicated in a fully reasoned ruling why I was minded to dismiss the application, and directed that Ms Bray be afforded the opportunity to make submissions addressing those reasons, as to:

- A. whether the application for the Decision to be set aside and re-opened was within jurisdiction and should proceed to a hearing; and
- B. whether she wished to apply for her letter of complaint to be treated as a claim under Article 22.3(b) of the Federal Party Constitution and if so, why time should be extended. I am grateful to Ms Bray for the thorough submissions received on these points.

Jurisdiction to re-open previous rulings on the merits

5. Ms Bray submits that the Constitution did not appear to have envisaged a situation arising where the FAP suffered from an unfair, defective process and 'the Constitution is silent on how to deal with such situations' so that the FAP 'has some leeway to make a determination as to what should happen'. She submits that fairness is a principle at the heart of the Constitution. She submits that if the FAP were found to have made an unlawful decision, the decision could not stand, and that it would not be right to leave persons complaining of a flawed FAP decision with no internal remedy and having to resort to external legal challenges in such a case.

6. The FAP is not a court of common law; it exists as a 'domestic tribunal' within the Party (an unincorporated private members' association) to resolve disputes relating to rights and duties under the Constitution, and its remit is set out in the Constitution.

7. Article 22.7 of the Federal Constitution expressly provides that any decision of the FAP shall be final and binding upon all those concerned. We are not dealing with a situation where the Constitution is silent. There is an important principle underlying this approach, which is that there should be finality to disputes. The FAP was accordingly functus officio after its decision had been made. There is no jurisdiction conferred on the FAP, which is the final tribunal of appeal within the Party, to re-open appeals. It is an unfortunate reality that errors are occasionally made by tribunals of final appeal, but their decisions are not on that account subject to further appeal.

8. It might be thought unfortunate that there is no internal power or procedure for the FAP to re-open its own decisions where vitiated by serious procedural failings, but that is a matter for Federal Conference to determine.

9. The Federal Party Constitution currently does not require all disputes about Party business to be handled internally rather than through the courts. Again, whether to amend it is a matter for Federal Conference.

10. In English and Welsh law, the High Court exercises a supervisory judicial review jurisdiction over domestic tribunals of private associations but only where these perform a public administrative function or monopolistic control over the exercise of a profession or vocation, not where their authority derives purely from the consensual agreement of parties

concerned³. Ordinarily, one would expect decisions of the Liberal Democrats not to be subject to judicial review insofar as it is a voluntary members' organisation and prospective candidates for office may run as independents or as members of another party. Even where a tribunal is subject to judicial review, its purported previous decision falls to be treated as valid until and unless quashed by a court of competent jurisdiction⁴.

11. It is in theory possible for aggrieved members to bring common law proceedings against the Party in the courts if they can demonstrate a breach of contractual rights set out in the Constitution. The remedy for any breach of contract would be damages or (in rare cases where damages were an inadequate remedy and there would not be counter-balancing prejudice to others) an injunction. It would not be re-opening a historic concluded internal appeal, with prejudice to the other parties to the dispute. There are separate statutory provisions for contractual arbitrators' awards to be re-opened on grounds of impropriety (see below) but the arbitrators themselves will not normally have jurisdiction to re-open their own decisions without such a court order, this being a matter for the contract between the parties.

Not a suitable case to re-open the merits even if there were power to do so

12. If I had power to set aside the Decision and re-open the appeal, which I do not, I would not be minded to exercise it in these circumstances.

13. Crucially, Ms Bray did not challenge the procedural impropriety at the time and apply for copies of the appeal documents, for an oral hearing, or

³E.g. *R v Panel on Take-overs and Mergers ex parte Datafin plc* [1987] QB 815; *R v Chief Rabbi, ex parte Wachmann* [1992] 1 WLR 1036; *R (Mullins) v Appeal Board of the Jockey Club* [2005] EWHC 2197 (Admin).

⁴ See e.g. *Lady Justice Simler in Beadle v HMRC* [2020] EWCA Civ 562 at paragraph 4

to speak at such an oral hearing. The Decision notes that neither party requested an oral hearing, although Ms Bray was aware of the hearing date. In analogous cases where the High Court has power to interfere with an arbitrator's award made under contractual arbitration agreements, the Arbitration Act 1996 at section 73 provides that unless an objection is made forthwith, a party who continues to participate in tribunal proceedings loses the right to object to the procedure unless they could not with reasonable diligence have discovered the grounds for the objection. In this instance, the failure to conduct an oral hearing would have been apparent at the time.

14. Ms Bray in her submissions states that she was not aware of the new grounds of appeal as she had not received a copy of these. She does however state that she received a copy of the Decision on 14 August 2020. At that point, she would have been aware of the grounds on which the Case Panel had found in the appellant's favour, and accordingly must have realised that she had not been provided with the case against the Committee. The application to set aside the appeal was made almost 5 months after that. Again, by analogy High Court challenges to contractual arbitrators' decisions may only be made up to 28 days after the decision (section 70(3) of the 1996 Act).

15. Re-opening the appeal would prejudice the successful appellant, and would entail substantial additional work for Party staff and FAP volunteers. The underlying dispute concerned selections for European elections which, following Brexit, shall not be repeated. If and insofar as the FAP proceeded in ignorance of certain relevant selection procedures (as Ms Bray alleges), which may still have any application in selections for other elections, those may be referred to in any future FAP proceedings. No findings of misconduct were made against Ms Bray personally in the Decision, and the

Decision was made against the Party rather than her personally, so she is not defamed or prejudiced personally thereby.

Alternative remedy: application out of time under article 22.3(b) of the Constitution

16. The alternative route to jurisdiction is a complaint pursuant to article 22.3(b) of the Federal Constitution by Ms Bray that her rights as a member were infringed by the way the FAP process was conducted. Ms Bray confirmed that she did wish her letter to be treated as an FAP application. This would not have the effect of overturning the Decision, but would require the Panel to make factual findings about the alleged procedural failings in its handling of the case and might accordingly offer moral vindication for Ms Bray. The normal time limit for bringing such a complaint would be 6 weeks subject to extension in exceptional circumstances (FAP procedures, paragraph 3.1).

17. I have considered whether Ms Bray's submissions amount to good reason to extend the time limit by nearly 5 months from the notification of the Decision to her, as a matter of discretion. At her paragraph 23 she states:

'There are a number of reasons why I did not raise this before 7th January. They are

a. Having read Article 22.7, I thought the decision was binding inside the party and that therefore there was nothing that I could do.

b. Having come to the conclusion that what had happened was unfair and that the procedures themselves needed to be corrected so that no-one else had the same experience, it took me some time to think of how to raise that

in a way that would not be dismissed simply as someone challenging a decision they did not like.

c. Having had such a poor experience of the Federal Appeals Panel on this occasion I thought there was little point in trying to do something about it, because I did not have faith that anyone would act on it or take it seriously

d. I found the decision extremely upsetting and difficult and had doubts about my ability to cope with what was likely to be a long and difficult process of trying to do something to correct unfairness and injustice, particularly given Article 22.7

e. I did not think that proposing altering our internal processes so that in some cases decisions of the Federal Appeals Panel could be over-turned was something that should be undertaken lightly, given that it could expose the party to the risk of additional appeals and challenges if not strictly controlled.'

18. Subjective misgivings or doubt as to whether a complaint would be taken seriously, or would lead to an effective remedy, cannot in themselves be a good reason for extending the time limit for an application by so many months.

19. Delay in raising this point means that personnel changes and lapse of time will impede an investigation of what went wrong. Time spent investigating this matter will inevitably detract from time spent administering future appeals. The remedy that could be offered would simply be an acknowledgement of failure to follow a fair process. I am assuming in this ruling, and for the purpose of ongoing reform, that the alleged failings would be proved. Accordingly there would be no real benefit

in allowing a further formal case to run, out of time, and as a matter of discretion I am not prepared to extend time.

Post-script

20. I hope Ms Bray will be reassured that thorough reform and systematisation of the FAP's processes is not dependent on such a historical investigation and has already been begun under my chairmanship. The FAP has published new guidance on the Party website (currently at https://www.libdems.org.uk/guidance_about_the_fap) which makes explicitly clear that all parties are entitled to expect a fair procedure, what that entails, and how to object to the procedure adopted on an appeal. I know that the Federal Executive is looking at how the FAP process can be supported in terms of staffing and case management procedures. I am determined to ensure that breaches of natural justice do not occur in future. The FAP will consult later this year on further changes to processes and published procedures, as set out in my forthcoming report to Spring Conference, with a view to time being allocated for debate on reforms at Autumn Conference.

Rulings

21. Accordingly, I rule as follows:

(a) Permission to apply out of time under article 22.3(b) is refused and this application is dismissed.

(b) Ms Bray shall have 7 days (until 4pm on Thursday 11 February 2021) to make submissions as to the form of publication of this ruling on the FAP's website and in my Report to Autumn Conference. The default presumption would be publication in full.

FEDERAL APPEALS PANEL

JO HAYES - Applicant -and-

- (1) MARGARET JOACHIM (on behalf of the English Candidates Committee)
- (2) MIKE DIXON
- (3) JASON HUNTER
- (4) ALISON ROUSE (on behalf of the English Council Executive)

Respondents

RULING OF THE FEDERAL APPEALS PANEL

Introduction

1. This is the ruling of the Case Panel, comprising David Graham (Chair), Paul Tilsley CBE and Harry Samuels.
2. By this application, Ms Hayes who is the Chair of the Regional Candidates Committee within the English State Party, requested a ruling on the interpretation of article 19 of the Federal Party Constitution, as well as a ruling that she is empowered to decide to select Mr Hunter as the Liberal Democrat candidate in the forthcoming election for the public office of Essex Police, Fire and Crime Commissioner ('PFCC') and to waive any requirement for him to be on the approved list of prospective candidates.
3. The background facts are that Mr Hunter resigned from the Party in September 2020 having at that time been on the approved list for parliamentary candidates operated by the English Candidates Committee ('ECC'), and subsequently rejoined the Party on 9 February 2021. The English State Party operates its own set of rules ('Selection Rules for Large Single Seats') whereby it requires candidates for election as PFCC to be on the

approved list. Rev. Joachim had informed Ms Hayes that the ECC would not consider any application by Mr Hunter to be re-entered onto the approved list because another set of rules made by the ECC precluded this. This is entitled 'Procedure for returning candidates to the approved list after an absence' ('the Procedure'). The Procedure states:

'Candidates who lost their approved status through lapsing (more than 3 month gap in their membership) or resigning from the party must on rejoining wait until they have completed a year's membership before being re- assessed.'

Mr Hunter has confirmed that he would like to submit an application and for this to be considered without having to wait until February 2022.

4. We note that other provisions in the Procedure impose mandatory waiting periods in particular cases, which in the case of previous removal from the list for disciplinary reasons, is 5 years.

5. The Federal Appeals Panel considered submissions on the following issues at its hearing on 1 April 2021:

1. whether article 19 of the Federal Party Constitution ('Parliamentary Candidates') is of any application in relation to the election of a Police, Fire and Crime Commissioner ('PFCC') in an English county;
2. if article 19 is applicable, whether it precludes a procedural rule that imposes a 12 month waiting period before the English Candidates Committee may determine an application by a recently rejoined member for entry onto the approved list for Westminster candidates;

3. whether they have jurisdiction to determine the other matters on which the Applicant requests a ruling and if so, who has power to select the PFCC candidate for Essex.

The first issue

6. As to the first issue, the Panel unanimously considers that it does have jurisdiction insofar as the English State Party has in its selection rules required prospective PFCC candidates to be on the approved Parliamentary list, article 19.2 of the Federal Party Constitution governs how applications for entry onto the approved list are to be determined, and the Procedure impinges on such decisions.

The Second issue

7. As to the second issue, the Panel unanimously considers that article 19 precludes the 12 month rule in issue in this case. As this rule in the Procedure conflicts with the Federal Party Constitution, it must be disappplied.

8. The members of the Panel have reached the same conclusion by different routes.

9. Article 19.2 is in these terms:

‘19.2 In deciding whether to enter an applicant on a list, each State Candidates Committee shall take into account:

(a) the support shown by the applicant for the fundamental values and objectives of the Party; (b) the previous participation by the applicant in the work of the Party or a former Party, both generally and within the relevant State; new members of the Party may apply to be entered on the list, and if their application otherwise satisfies the

States Candidates Committee their previous participation in other walks of life can be taken into account;

(c) the need to ensure that the list contains a reasonable balance between both sexes and different age groups, and includes representatives of different social and economic groups and of ethnic minorities; and

(d) such other considerations as may be relevant in the circumstances.'

10. A rule such as that in issue in this case effectively predetermines that the ECC will refuse to enter those applicants caught by it onto the approved list for the duration of the relevant waiting period, irrespective of points (a) to (d).

11. Mr Tilsley is of the view that a rejoining member such as Mr Hunter is a 'new member' for the purpose of article 19.2(b), such that the 12-month rule conflicts with this provision which expressly states in terms: 'new members of the Party may apply to be entered on the list', and the phrase 'if their application otherwise satisfies the States Candidates Committee' implicitly requires a consideration of their application.

12. The other members of the Panel consider that he is not a 'new' member insofar as he has 'previous participation...in the work of the Party', but even if he is not a 'new member', it is clear from the scheme of article 19 that all applications to be admitted onto the approved list must be considered on their merits.

13. Article 19(1)(c) empowers State Candidates Committees to publish 'criteria for the assessment of candidates'. It is implicit that an 'assessment' requires consideration of the candidates on their merits.

14. Article 19.2 requires, in all cases, the considerations enumerated there to be taken into account. These include the support shown by the applicant for the Party's fundamental objectives and values, any 'previous participation by the applicant in the work of the Party', and 'such other considerations as may be relevant in the circumstances'. A State Party rule that prevents these relevant considerations being taken into account, individually considered and weighed in the balance, whether through application of a blanket time-limit or otherwise, would frustrate article 19.2.

15. It is likely in many cases that the circumstances surrounding an applicant's previous resignation from the Party would be considered relevant considerations for the purpose of article 19(2)(d). So too may be any historic disciplinary decision to remove someone from the approved list. However, operating a blanket rule that prevents these matters being individually considered alongside other relevant considerations and evaluated, with any demerits of a prospective candidate set against their merits, would be unfair and contrary to the scheme of article 19.

The third issue

16. The Panel unanimously considers that it has no jurisdiction to determine the other matters, which are not provided for by the Federal Party Constitution.

17. The Federal Party is a confederation of the State Parties (article 2.1 of the Federal Party Constitution). The Federal Party Constitution provides at article 2.2 that whilst it and any rules made thereunder bind the State

Parties, in all other regards a State Party shall be sovereign and entitled to exercise any power not reserved to the Federal Party (which are set out at article 2.3). Although the Federal Party has as one of its general objects (article 1.2(c)) the election of Liberal Democrats to public office, and article 2.9 requires any candidate standing for election to public office as a candidate of the Party to be a member of the Party, the Federal Party Constitution does not otherwise govern selections for Police, Fire and Crime Commissioner elections.

18. The FAP's jurisdiction is conferred by article 22.3 of the Federal Party Constitution. It does not have any express jurisdiction to definitively rule on the interpretation of a State Party Constitution or rules made under it, and has no such necessarily implied jurisdiction where that is not necessary to determine a dispute within its own jurisdiction under article 22.3. As State Parties are sovereign, any dispute about the internal distribution of powers within the English Party, or the rights of English members in relation to the English State Party, which does not engage provisions of the Federal Party Constitution, is not for us unless it has been referred by a State Appeals Panel pursuant to art.22.3(f).

19. Before concluding, I wish to place on record our thanks and appreciation for the work of our colleague Paul Tilsley CBE who is stepping down from the Federal Appeals Panel.