



Claudia Webbe, NEC
& Jennie Formby, General Secretary
c/o The Labour Party
Head Office
Southside, 105 Victoria Street,
London SW1E

11th January 2019

Dear Claudia and Jennie,

Thank you for writing to us before Christmas setting out your proposed changes to the Labour Party's sexual harassment policy and complaints procedures. We appreciate you keeping Labour Women's Network and our members informed and engaged on this subject. As an affiliate of the Party, we look forward to continuing to work with you on this issue to get it right and ensure women can enjoy full and equal participation in all levels of the Labour Party, free from harassment, assault or abuse.

Labour Women's Network supports a wholly independent system for sexual harassment complaints, from first contact to final outcome. This has long been our position because it is what our members' tell us they need.

We recognise that in the 14 months since some brave revelations further highlighted both the severity and the scale of the problem, the Party has made significant progress towards creating a sexual harassment complaints system which is fair to all, effective, and which women can have confidence in.

In your letter dated 21st December, you lay out further substantive changes as proposed by the NEC Procedures Sub-Committee. In particular, we warmly welcome your proposal that the first contact between a complainant and the process should be via an independent specialist or barrister. This represents a considerable step forward.

However, the proposal to keep decisive roles for the NCC and NEC means that some women may remain deterred from coming forward through continued fear of leaks, delays, political or personal bias. We do not doubt that the vast majority of NCC and NEC members carry out their roles professionally and in good faith. Yet, whilst we applaud the adoption in 2017 of unconscious bias training, as long as such sensitive cases are handled by elected officials with political networks, political allegiances and political ambitions, there remains the risk that women who have experience harassment or assault will doubt the fairness and confidentiality of the system. We welcome the vital step towards independence at the beginning of the process and hope that this precedes eventual moves towards a wholly independent system which all members can trust.

LWN would like to respond to the new proposals one by one:

The advice line should continue to be operated by Rape Crisis but under a re-badged title to avoid the potential deterrent effect outlined above. Rape Crisis are agreeable to this and will work with the Party on a suggested name for the service.

LWN welcomes both the continued relationship with Rape Crisis and the move to rename the service to increase its uptake. The new name and marketing for the service must seek to capture that it

offers a confidential, independent, unlimited advice and support service for anyone who may have been affected by sexual harassment or assault within a Labour Party context. Some of our members have been under the mistaken impression that calls to the helpline are limited per person, so communications must please address this misunderstanding.

A dedicated sexual harassment complaints portal should be established, separate from the general “complaints@” portal.

LWN encourages this distinction which is vital not just to ensure sexual harassment complaints are handled appropriately from the word go, but also to allow the Party to more accurately monitor the volume and progress of complaints.

The first contact between the complainant and the process should be through an independent person, who should take the initial investigative step of eliciting the complainant’s evidence (by personal interview wherever possible). That should preferably be a specialised consultant. The Party is seeking to identify a suitable third sector provider, but until satisfactory arrangements have been made with a provider, a junior barrister should perform that role.

This is a hugely significant and enormously welcome proposal which could increase confidence in the system, encourage more people to come forward, and ensure a vigorously prepared case is collated to reduce the risk of delays or confusion further down the line. LWN hope that this stage becomes independent as soon as possible and that this is widely communicated throughout the party.

The independent person will advise the Head of Complaints on the fact-finding steps that should be taken in the light of the complainant’s evidence. Those steps – in particular obtaining evidence from witnesses and interviewing the respondent – would normally be undertaken by member of staff under the supervision of the Head of Complaints/Head of Disputes.

LWN favour a wholly independent sexual harassment process from first contact to final outcome. For the sake of complainants, those accused and staff themselves, the whole process should be removed from staff remit and handled by independent experts. This was the overwhelming message from LWN’s three conferences on this subject in Birmingham, Manchester and London, as well as extensive wider correspondence from members who have been or continue to be affected.

The independent person continues to advise as the investigation proceeds. That person then reviews the fruits of the investigation and advises the Head of Complaints/Disputes on the appropriate recommendation to the Disputes Panel. The papers for Disputes Panel will include a reasoned recommendation.

We strongly support the ongoing involvement of an independent advisor until a wholly independent system can be achieved.

The options for Disputes Panel, if it finds a case to answer, should be either an appropriate warning (generally an NEC Formal Warning) or referral to the NCC. In any case where the conclusion depends on conflicting accounts of events which can only be properly determined by oral evidence, the case must be referred to the NCC.

LWN would urge that all elected political bodies of party members be removed from the process.

Consideration should be given to offering a mediation or “restorative justice” model of resolution, but only where positively sought by the complainant. Neither Party staff nor the Disputes Panel should take the initiative in suggesting that this would be an appropriate alternative to the formal decision-making process.

LWN welcomes this where, and only where, the complainant initiates it. The wider picture here, where appropriate, must be for the Party and any perpetrators within it to understand the impact of these behaviours and how to correct them.

The Disputes Panel should give a reasoned decision, in particular where it finds no case to answer.

LWN welcomes this unreservedly. One of the hardest things for our members has been finding the courage to come forward only to be dismissed at this stage without being given an understanding of why, and without right to appeal. Being given a reason is a huge step forward. We would appreciate clarity as to whether those cases previously dismissed without explanation are able to resubmit under this amended system.

The other main features of the Disputes Panel process – the 5-member trained panel, anonymised papers, the presence of a legal adviser, outcome notified personally to the complainant and respondent – should remain as at present.

We endorse the compulsory training for panel members and the anonymity afforded to both parties and appreciate these factors being adopted. However, LWN's preference remains for a wholly independent system from first contact to final outcome.

There should be a protocol for third party complaints. There should be an express commitment to keep the operation of the new process under review.

This is extremely important and we welcome this move. Whilst no charges should ever be made on hearsay, a system in which people who have witnessed harassment or assault have no avenue through which to report it risks institutional liability. Witnesses must be empowered to be part of the solution not inadvertently part of a transparency and openness problem. There must be no more cases where "we all knew about X's inappropriate behaviour". Everybody in the party must know how and where to report things which are not right to ensure that perpetrators are not able to reoffend and reoffend.

Overall, LWN wishes to welcome the progress these proposals make towards a system women believe is worthy of the time, energy and re-trauma it can take to report incidents. Communicating the changes widely and repeatedly within the Party is essential to their success. Our members report approaching their CLP Secretaries, senior councillors, MPs and even Regional Directors with initial complaints and being inaccurately advised or even dismissed. Every woman in the Party must know there is an independent expert available to take their call and initiate their case, and every officer, staff member or elected official at any level of the Party must know where to point people. Crucially, CLPs must know they no longer have any remit in cases classed as sexual harassment. Their days of jury by untrained ECs or GCs on sensitive issues must be put long behind us.

We would also like to seek clarification on whether women who feel they have been let down by any previous incarnation of the sexual harassment complaints system in the past will be permitted to resubmit their complaint under this new, partially independent system. The Party has rightly acknowledged and now seeks to address weaknesses in former versions of the system, and LWN considers it reasonable that those who may not have had exemplary handling or feedback historically can now seek justice under an improved system.

Lastly, LWN would like to reiterate that the overall goal must be to understand the factors which make sexual harassment and assault prevalent in the Labour Party, and to do everything in our power to change our culture to mitigate them. A party which is free from every day sexism and misogyny - and in which women hold equal power, within a culture of transparency - is likely to be a

safer party. LWN are committed to working with the Labour Party to achieve this. We thank you for your continued engagement with us.

With best wishes.

In sisterhood,

The Labour Women's Network Management Committee