

THE FORDE REPORT

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A Foreword from the Chair

The beginning of the process

When, in late April 2020, I was approached to chair this Inquiry I immediately accepted. My hope was that I could help the Labour Party (the Party) and its members understand the reasons for the NEC launching our Inquiry and the wider structural and cultural issues that precipitated an extremely difficult chapter in the life of the Party. I hoped that our report would allow for mature reflection upon those issues that caused the Party to be so riven by factional issues and go some way to preventing a risk of any repetition of them. It was obvious from the outset that the leaking of the report on the handling of antisemitism complaints, entitled 'The work of the Labour Party's Governance and Legal Unit in relation to antisemitism, 2014-2019 (the Leaked Report), and its contents, was evoking strong feelings within the membership of the Party, causing speculation in the media and particularly social media, as to the likely source of the leak and the motivation of the authors, leading to calls for legal action, and causing real confusion as to what the objective facts were that led to this situation.

Within minutes of the NEC confirming my appointment, and before I was informed by the Party, journalists were texting to congratulate me. I started to receive emails from some of those named in the Leaked Report, and lawyers' letters threatening me and other Panel members with legal action if we examined data referred to in it. However, I also started to hear from Party members, chairs and officers of Constituency Labour Parties (CLPs), and former Party employees, with disturbing allegations of unacceptable treatment, much of which was factionally-motivated.

We want to thank those who sent us emails and submissions, including Party members, affiliates and officers of CLPs, and various of the individuals named in the Leaked Report. We also wish to thank those who provided oral evidence to us, with in some cases, relevant documentation, as well as those who kindly participated in our roundtable discussion about all aspects of organisational culture.

Some of the evidence we received was shocking and we believe that the Party's decision to act to tackle the issues about which we heard and read was both right and necessary.

There is no getting away from the fact that this report will make for difficult reading for the membership of the Party, and its supporters. It is not intended to be a blanket criticism of the Party's staff members who in general worked with great skill and resolve, often for very long hours, in pursuit of the Party's key aims and objectives.

We make a series of clear and firm recommendations that are needed if the Party is to be an effective Opposition and to establish itself again as a genuine government-in-waiting.

Our approach

It became obvious to me, given the number and content of the emails I received, that we needed a formal Call for Evidence, such was the strength of feeling expressed on the establishment of this Inquiry. I wanted to ensure that Party members had a chance to provide their input, and for it to be heard. This Call for Evidence was made in June 2020 and remained open until August 2020. We received more than 1,100 submissions, which ran to many thousands of pages. Further important submissions were sent after the Call for Evidence closed, when the Equalities and Human Rights Commission (EHRC) concluded its investigation of complaints of antisemitism in the Party, and published the report¹ of its findings. We believed that it was important to consider these later submissions too, and have continued to engage with parties interested in our work throughout the Inquiry. We were clear from the outset about the importance of hearing a wide range of views from across the Party, to help provide balance. At the same time, though, we were not asked in our Terms of Reference to resolve individual cases. In any event, this would have been a near impossible task.

It quickly became clear to me, and to my Panel, that we would need a Legal Secretariat to help manage and collate all the material and provide assistance in the drafting of the report – something that we had indicated to the Party on our appointment.

¹ EHRC Report – Investigation into antisemitism in the Labour Party October 2020

We initially selected a Secretariat, who provided excellent support in the early stages of our Inquiry. For reasons beyond their control, and ours, they had to withdraw. We were then, however, without a Secretariat for several months before BDB Pitmans were appointed in late 2020. Unfortunately, there have been significant periods – around half the time the Inquiry has been working – when our Secretariats could not support us (again for reasons beyond their and our control) which meant the Inquiry could not be progressed. This, coupled with the Covid 19 pandemic – and an Information Commissioner’s Office (ICO) investigation (about which I say more below) – has led to further delays in providing this report, and I apologise for the time it has taken.

I also want to thank my Panel for their hard work and dedication. I know that it has often been a considerable challenge to balance the many and varied demands which are routinely placed on them as hard-working Peers, and the significant calls on their time as a result of this Inquiry.

The Information Commissioner’s Office

The ICO investigation continues at the time of writing and, in answer to a Freedom of Information Act request in August 2021, some six months after I first became aware of that investigation, the ICO stated it would neither “confirm nor deny” whether criminal proceedings were being contemplated or when their enquiries would conclude.

The powers of the Information Commissioner are far wider than those available to this Inquiry. For example, in appropriate circumstances persons can be prosecuted by the ICO and receive a criminal sanction. The Information Commissioner also has the ability to demand disclosure of relevant documents, whereas we were entirely dependent upon voluntary cooperation. Neither are we a statutory or judicial Inquiry with powers to summon witnesses. For that reason, certain important witnesses were able to decline our invitation to meet with us and give evidence. Having thought very carefully about this and reflecting upon my practice when similar situations have arisen, in my opinion, as I stated when I wrote to the General Secretary and the NEC on 11 February 2021, I could not take the risk of prejudicing the ICO investigation.

Initially, we considered that it might be difficult to conclude our Inquiry as I highlighted in my letter to the NEC. We then anxiously considered the Terms of Reference and ultimately concluded that we would continue to work on Term of Reference 1 (the truth or otherwise of the main allegations in the Leaked Report) and 3 (the structure,

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culture and practices of the ...Party organisation). We were determined to deliver as comprehensive a report as possible in response to our Terms of Reference without prejudicing the ICO inquiry.

We then had to make a decision about the propriety, given the ICO’s work, of continuing to consider Term of Reference 2 (the background and circumstances in which the Leaked Report was commissioned, written and circulated) and in particular “the circumstances in which the Report was put into the public domain”. The instruction to review these issues effectively charged us with identifying, if possible, the individual or individuals who were responsible for the unauthorised circulation of the Leaked Report. Continuing that part of the Inquiry therefore clearly had the potential to prejudice the work of the ICO, which as I have already highlighted, has the power to decide if a criminal investigation is required, and to conduct formal interviews under caution as a consequence.

Accordingly our report does not reach conclusions on the questions posed in Term of Reference 2. We know this will disappoint the Party membership. We are satisfied, however, that the decision we reached is the right one.

It is important to emphasise that we did undertake extensive work in response to Term of Reference 2 before we were notified of the ICO’s investigation. For example, we reviewed an expert digital forensic report, which was commissioned originally by the Party, and I spoke personally and at length, to one of their directors. Even after interviewing those involved in the Leaked Report’s compilation, all of whom freely admitted that role, we could not identify the source of the leak. I recognise, however, that our enquiries were incomplete as there were further interviews we wished to carry out and further documentation which we wished to examine.

The ICO, however, has statutory powers that are not available to me.

The continued multiple threats of legal action from various parties against the Panel, individuals and the Party, have led to our consequential decision not to name individuals other than where their role is obvious, uncontentious and in the public domain. The existence of the ICO investigation and the risk of prejudicing it have also influenced that decision.

The evidence

The submissions we collated and evaluated in the early months of the Inquiry made for challenging reading. Many of those who contacted us complained of discrimination across the whole range of protected characteristics² as well as various kinds of bullying and harassment at a local level. So overwhelming was the response, that we felt compelled to consider the issue of protected characteristics not just in the context of the relationship between the elected leadership and senior staff but across the whole of the Party – local and national.

Depressingly, we were provided with a wealth of evidence (both oral and written) regarding the perceived widespread existence of discriminatory behaviours, based on religion, race, gender and sexual orientation. Although we recognise that this evidence was provided by a self-selecting group of people, who represent a small proportion of the overall membership of the Party, it was nevertheless both shocking and disappointing.

The Party prides itself on being diverse and inclusive. Clause IV of the Party Rule Book makes this clear. Its aims and values state that it wants to create a community:

“where we live together freely, in a spirit of solidarity, tolerance and respect”.

From the evidence we received, it is clear that, across the Party, these aims and values are not being fully respected and lived out.

We found little evidence of mutual respect and a great deal of evidence of factionalism, so deep rooted that the Party has found itself dysfunctional. It has been spending more time occupied by factional differences, than working collaboratively to demonstrate that the Party is an effective Opposition, with a view to forming an effective Government. The result is an undermining of the Party’s effectiveness and ability to participate constructively in the nation’s democratic process. Again this is a failure to live up to its aims and values. Clause IV provides in terms that the Party “seeks the trust of the people to govern.”

Whilst it is impossible to make an accurate quantitative assessment of the extent to which such attitudes and behaviours exist amongst the Party membership, many individuals supplied evidence of discrimination and a perceived hierarchy of protected characteristics. To be clear, the evidence received pointed to a perception that some protected characteristics were regarded, by the Party, more highly than others. Equally, this meant that some were less highly regarded.

One recurrent theme during witness interviews was a professed commitment to combatting discrimination towards those with protected characteristics. There was near universal acceptance of the need for the Party to be a ‘broad church’.

However, many of the individuals laying claim to these worthy ambitions had a very strong, even unbending, view of what the Party should represent, who it should represent and how it should fight elections effectively. It was concerning to me that many failed to examine their own actions which were demonstrably unlikely to achieve that aim.

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Key themes

In conducting this Inquiry, some key themes emerged.

Evidential difficulties

We were, in some cases, investigating events that took place six years ago. Some crucial staff members had moved on, and we had no powers of compulsion; and others had sought legal advice as well as having provided statements to two previous inquiries³. Some appeared well rehearsed in their answers and all stated their complete commitment to the Party’s political success. Some promised further documents, which were never supplied; some were accompanied by lawyers. It was concerningly difficult to gather vital minutes of meetings and to understand the rationale for decisions. Key documents were unavailable, others were not supplied and details of meetings were not recorded.

² Protected characteristics as defined by the Equality Act 2010. Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

³ To the EHRC and to the internal Party investigation of the events we were commissioned to review.

The Whatsapp messages we have seen reveal a real antipathy towards LOTO by Labour HQ staff after Jeremy Corbyn won the Party leadership: and, according to the evidence we received, that feeling was mutual.

More surprisingly, and deeply worrying, there was no proper audit trail of emails. It became apparent that various WhatsApp groups were formed instead to manage Party business both within LOTO (the Leader of the Opposition's team) and Labour HQ (HQ) – (we are confident, though, that we received full copies of all the WhatsApp messages referred to in the Leaked Report). As a result, it has often been difficult or impossible to understand the rationale for key decision making and establish accountability. This is hardly surprising when a senior member of LOTO staff, questioned about the complete absence of data on their Party issued laptop (which had been forensically examined), told us that they only utilized that device to send “five or six” different versions of the same memo to selected others, to see “which version leaked”. Little or no other business was conducted using the laptop.

Culture

The example above of a Party laptop being used as a weapon to identify leaks is indicative of the toxicity on both sides of the relationship between LOTO and HQ. The WhatsApp messages we have seen reveal a real antipathy towards LOTO by HQ staff after Jeremy Corbyn won the Party leadership: and, according to the evidence we received, that feeling was mutual, with online abuse, segregation of the staff in each of the “camps” during campaigns and, in one instance, a deliberate go-slow by certain members of staff designed to frustrate the efforts of a colleague from an “opposing faction” to promote the Party's wider interests.

Of course, such an atmosphere is fuelled by factional briefing to the media and on the internet. This promotes more mutual fear, and at times loathing, as well as huge insecurity.

I understand that politics arouses passions but amplified by the echo of social media, respectful debate was replaced by strident, often coarse, tribal, and binary views. Subtlety and nuance all but disappeared. Acknowledgement that there might be valid arguments and positions on both sides, was stifled. People gravitated towards those with similar views and became polarized, with ill-founded speculation translated into fact and then social media propaganda. Emboldened by the possibilities and protections of social media, there was often a rush to judgement and routinely an oversimplification of the issues. This led to debilitating inertia, factionalism and infighting which then distracted from what all profess to be a common cause – electoral success.

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We, as a Panel, hope that our recommendations for cultural growth will be helpful in addressing such issues because for us culture represents both the source of, and solution to, many of the problems we have identified.

Denialism

The evidence clearly demonstrated that a vociferous faction in the Party sees any issues regarding antisemitism as exaggerated by the Right to embarrass the Left.

The authors of the Leaked Report were supportive of Jeremy Corbyn's leadership, enthusiastic and fully committed. Nevertheless, in explaining, in the Leaked Report, the involvement of the EHRC they stated clearly:

This report thoroughly disproves any suggestion that antisemitism is not a problem in the Party, or that it is all a “smear” or a “witch hunt.”

This represented a mature acknowledgment of the problem.

Sadly, though, some still deny the existence and seriousness of the problem, or the need to take action to combat it, as the Party has now begun to do.

It was of course also true that some opponents of Jeremy Corbyn saw the issue of antisemitism as a means of attacking him. Thus, rather than confront the paramount need to deal with the profoundly serious issue of antisemitism in the Party, both factions treated it as a factional weapon.

That is not to say that “taking sides” is always wrong, but rather that the taking of sides should be based upon reason, and should not be motivated by blind loyalty or irrational and entrenched opposition to a member, or leader, of a perceived tribe.

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Disciplinary process

We found a disciplinary process not fit for purpose during the period we investigated and therefore one that was potentially prone to factional interference. For example, there was a complete lack of any auditable database of cases, which meant the Party could not, at any given moment, collate accurate information on the number of complaints which were then pending, or which had been disposed of, and the stage that the live matters had reached. Further, resourcing became completely inadequate to deal with the dramatic increase in membership that the Party enjoyed.

The ever-greater use of social media, and the phenomenon of internet publications, caused an explosion in complaints. At local level there seems to have been a lack of independence, training and transparency. It is imperative that the Party ensures CLPs have officers with the necessary skills and expertise to investigate and determine in an impartial way, complaints made at local

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level. It is also imperative that any complaints involving protected characteristics, which are made at local and CLP level, are referred swiftly to the centrally managed complaints system, for professional and independent investigation.

We must commend the Party for its efforts more recently to achieve a greater degree of independence in its system of regulation, with notable reforms approved at the Party Conference in 2021. Further improvements are still required, however.

Independent members working within the disciplinary process must have expertise in regulatory law and must be selected for expertise in regulatory and disciplinary processes - not factional allegiance. We would also like to see the involvement of independent Case Examiners to screen complaints at the beginning of the process. To facilitate the proper audit of the disciplinary system, it should ideally have indicative sanctions guidelines, process guidance for Case Examiners and the members of any panel charged with considering complaints, and clear time limits at all relevant stages.

Whilst we recognise and applaud many aspects of the Party's recent reforms of disciplinary procedures, we do have concerns that there appear to be no published procedures governing the use of administrative suspensions and that these appear to be operating without clear criteria for their use being widely available. We are also concerned that the provisions which allow for individuals to have membership removed or denied on the grounds they have committed prohibited acts could be exploited for factional purposes.

Data about the nature and outcomes of complaints, and the speed of disposal of those cases, should also be published annually. If algorithms are to be used to search for historical social media posts, they must be professionally devised and data protection compliant.

We make a number of core recommendations that we believe must be implemented, in addition to those already implemented by the Party. There are others which we include for consideration, depending on the nature of the case and the available resources.

Next steps

The commissioning of this report is something for which the Party is to be commended. It was always going to make for painful reading. Such reforms as have been made to the disciplinary system are generally steps in the right direction but more needs to be done to ensure transparency, fairness and removal of factional abuse.

We realise that some will complain about the outcome of this Inquiry, but I would urge them to reflect and ask themselves whether their reaction is merely a reflection of their entrenched political position. Constructive engagement with, and dialogue about, our findings will be a key determinant of the Party's future success. There is a culture of intellectual smugness which exists at the extremes of the political spectrum the Party represents. In the past this has led to the dismissal of valid, albeit sometimes uncomfortable, views. It must now come to an end.

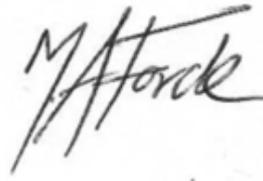
We must commend the Party for its efforts more recently to achieve a greater degree of independence in its system of regulation, with notable reforms approved at the Party Conference in 2021. Further improvements are still required, however.

The Party's leaders have consistently recognized that the Party is a broad church or it is nothing. Consecutive leaders have used the image of a broad church, often as a way of bringing together Left and Right. In the 21st Century, however, in my view, a broad church also requires the Party to embrace, celebrate, encourage and enrich the lives of those with protected characteristics, and to do so with equal determination and commitment no matter what the nature of the protected characteristic in question.

The Party has made considerable progress in addressing some of the problems we identify in this report, but its leaders, officers and members still have much to do in returning to the Party's founding and foundational principles, so as to once again offer the country a viable political alternative.

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Finally, I would like to thank, once again, our two excellent Secretariats, Fieldfisher and BDB Pitmans, for their dedication, expertise and unstinting support often provided at weekends and at unsocial hours, as well as my fellow Panel members, Baroness Lister, Baroness Wilcox and Lord Whitty for their invaluable input, their expertise and their real-world political experience.



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A

SECTION A

Section A:

Introduction

A1 Background and establishment of the Inquiry

A1.1 The Inquiry was established on 1 May 2020 by the National Executive Committee (NEC) of the Party to investigate the contents of the Leaked Report and its subsequent unsanctioned release to the media in April 2020.

A1.2 The Leaked Report was originally intended to be an annex to the Party's proposed submission to the EHRC. The EHRC had first contacted the Party following receipt of a number of complaints about antisemitism within the organisation. The Party responded and, having considered that response carefully, the EHRC opened a formal investigation in May 2019, using its powers under the Equality Act 2006.

A1.3 Although it started its life as an analysis of the handling of specific antisemitism cases, the Leaked Report quickly morphed into a wide-ranging critique of the factional attitude of senior professional Party staff in HQ to the Jeremy Corbyn leadership and to the Left faction that supported Jeremy Corbyn.

A1.4 Running to 860 pages, the Leaked Report was unequivocal in alleging failings, factional battles and conflicts of interest within the Party's Governance and Legal Unit (GLU), including allegations that some Party staff worked against Jeremy Corbyn's efforts to win the 2017 general election. Most controversially, the authors reproduced the transcripts of WhatsApp messages which revealed shocking and wholly inappropriate attitudes amongst very senior officials. The inclusion of these messages in unredacted form undoubtedly gave the Leaked Report its sensational quality.

A1.5 On 9 April 2020 the Party was informed by a Sky News correspondent that he had obtained a copy of the Leaked Report. It was subsequently published by Sky on 12 April 2020. An earlier version of the Leaked Report also began circulating on social media platforms.

Whilst the motivations behind the unauthorised leak remain the subject of much dispute, it is widely acknowledged that the Leaked Report's release into the public domain caused significant damage to the Party and laid bare allegations of serious problems with its structure, culture and practices.

A2 The Panel

A2.1 Following the appointment of Martin Forde QC as Chair, the Party appointed Baroness Lister of Burtersett, Baroness Wilcox of Newport and Lord Whitty to the Panel.

A3 The Scope of the Inquiry

A3.1 The Inquiry's Terms of Reference were as follows:

“The Panel shall investigate and report on:

The truth or otherwise of the main allegations in the Report (the Panel shall determine which are the most significant allegations which require investigation but they shall include the extent of racist, sexist and other discriminatory culture within Labour Party workplaces, the attitudes and conduct of the senior staff of the Labour Party, and their relationships with the elected leadership of the Labour Party);

The background and circumstances in which the Report was commissioned, written and circulated within the Labour Party, with its advisers and any other individuals external to the Labour Party, including the question of the purpose for which the Report was commissioned and prepared, and the circumstances in which the Report was put into the public domain; and

The structure, culture and practices of the Labour Party organisation including the relationship between senior party staff and the elected leadership of the Labour Party, as the Panel think appropriate having regard to their investigation as a whole.

And the Panel shall make such recommendations as it considers appropriate concerning the organisation and structures of the Labour Party, arising out of its investigation, recognising that Labour Party structures are covered in rule.”

A4 Timeline

A4.1 The initial appointment of the Panel envisaged a six-week investigation with a focus on the following issues: (i) the truth of the allegations within the Leaked Report; (ii) the circumstances surrounding its commission, creation and subsequent leaking; and (iii) the structure, culture and practices within the Party (so far as the Panel consider relevant to the investigation). In order to explore the questions posed to the Inquiry, the Panel called for first-hand evidence from Party members, staff and other interested parties. The request was met with an overwhelming response from the membership who provided compelling testimony detailing their experiences of antisemitism (along with other forms of racism, sexism, homophobia and 'denialism') within the Party. The Panel received more than 1,100 submissions. At that point it became clear that the proposed timeframe would not be sufficient to properly consider the evidence.

A4.2 Fieldfisher were initially appointed as the Secretariat to the Inquiry. However, with the agreement of the Party, they ceased to act in that capacity and were replaced by BDB Pitmans in October 2020. At this time, it was suggested that the deadline for the Panel to report should be extended to the end of 2020.

A4.3 Unfortunately, the task of securing access for the new Secretariat to the Inquiry's document management system proved to be more complicated than was initially envisaged, and the deadline for the Panel's report was necessarily extended again.

A4.4 Thereafter, the Panel's work was placed on pause during most of the period between February and July 2021, due to reasons that were entirely out of the Panel's control. These factors have contributed to the length of time that it has taken for the Panel to report its findings. We would like to make clear at the outset that any speculation that delays in our reporting resulted from pressures exerted by the Party – in an attempt either to influence our findings or to suppress them altogether – is entirely unfounded. However we were inhibited in our work by the ever present threats of litigation by lawyers acting on the part of different elements of the Party, and different individuals. That has not changed our conclusions but, for example, we have, as far as possible, not ascribed particular actions or comments to individuals largely because of the regrettable tendency to invoke legal action.

A4.5 We are grateful to Party members and other interested parties who responded to the Call for Evidence and provided submissions. The evidence included submissions received some time after the period specified in the Call for Evidence had closed, but were nonetheless considered by the Panel. Although much of this testimony dealt with issues not strictly defined within the Inquiry's Terms of Reference, it gave a valuable insight into the impact of broader structural issues on the creation of political identities and discriminatory behaviour within the Party. For this reason, some of our analysis strays into areas that, whilst seemingly outside the strict scope of the Terms of Reference, we nonetheless consider to be relevant to the Inquiry.

A4.6 In contrast to the widespread response from the membership, some key figures within the Party were notably silent. It is important to state that this investigation is not a Statutory Inquiry, and, therefore, does not have the power to compel witness testimony or the production of documents that would be available to an Inquiry established under the Inquiries Act 2005. Regrettably, certain prominent members of the Party (including those central to the factual matrix) either declined to meet with the Panel or failed to respond to our requests for evidence. Most notably, while he was a signatory to a joint written submission, Jeremy Corbyn did not engage in our requests to interview him. Other senior figures provided initial witness statements but thereafter denied us the opportunity to explore their evidence through oral questioning. We were able to interview 14 members of Party staff and former Party staff, 7 of which were past or present LOTO staff and 7 of which were past or present HQ staff. Whilst we are grateful to these interviewees for their participation (and, for the most part, their candour) the failure of others to engage inevitably resulted in the Panel being presented with a partial picture of events.

A4.7 Another issue we faced was the apparent lack of contemporaneous documents such as emails, notes and minutes of meetings from the period being examined. It was manifestly challenging to reconstruct events from several years prior without the benefit of a proper audit trail, and it is certainly the case that we were unduly reliant upon individual recollections which were potentially self-serving, having been refined over time. Moreover, our investigation was hampered by the apparent failure of the Party to have kept adequate records of disciplinary proceedings at key periods. Such an absence of contemporaneous records seemed to the Panel to be not only unfathomable but completely unacceptable for an organisation of the Party's size.

A4.8 An important issue to emerge from the testimony received by the Inquiry was the extent to which factional infighting within the Party distorted the perceptions and subsequent actions of Party staff and members. This theme was expressed time and again; the despair articulated by members over the distraction that factional infighting has caused, and continues to cause, was palpable. The Panel has explored this issue in detail given the number of times it was raised in the evidence received. Equally troubling was the frequent evidence of ‘denialism’ in relation to the seriousness of problems of antisemitism (not, for the avoidance of doubt, the complete denial that antisemitism was an issue in the Party whatsoever). This was principally amongst some of Jeremy Corbyn’s supporters in relation to antisemitism but was also evident more widely across all factions of the Party in relation to issues of race and gender. Some anti-Corbyn elements of the Party seized on antisemitism as a way to attack Jeremy Corbyn, and his supporters saw it simply as an attack on the leader and his faction – with both ‘sides’ thus weaponizing the issue and failing to recognise the seriousness of antisemitism, its effect on Jewish communities and on the moral and political standing of the Party.

What is clear from the evidence heard by the Panel is that factionalism within the Party has seen it fail the electorate and has undermined the UK’s democratic process.

A4.9 We occasionally refer to the “Left” faction of the Party (which, during this period, coalesced around Jeremy Corbyn) and the “Right” faction (which included a substantial number of senior staff in HQ, as well as a substantial number of the politicians in the Parliamentary Labour Party (PLP)). Needless to say the “Left” and “Right” labels are reductive; neither faction is a monolith and the Party in reality has always contained a complex spectrum of political beliefs. Our focus, however, is on the extent to which HQ and LOTO did, at least in this period, settle into two

oppositional camps, and it is on occasion helpful to use those labels, oversimplifications though they are.

A4.10 What is clear from the evidence heard by the Panel is that factionalism within the Party has seen it fail its supporters and undermine the Party’s contribution to the UK’s democratic process.

A4.11 In addition to considering the themes arising out of the submissions received and evidence given to us, we have reviewed the report by Baroness Jan Royall entitled *Allegations of Anti-Semitism Oxford University Labour Club*, May 2016 (the Royall Report), the Shami Chakrabati Report, June 2016 (the Chakrabati Report), the report of Lord Kerslake, entitled *Independent Organisational Review of the Labour Party: Becoming a Well Run and Winning Organisation*, October 2020 (the Kerslake Review), *Labour Together’s 2019 Election Review* (the Labour Together Report), and the action plan agreed between the Party and the EHRC. Whilst we do not necessarily endorse all of the conclusions and recommendations of these reports, they all do provide relevant insights that inform our conclusions and recommendations.

A4.12 This report is divided into sections, each dealing with separate aspects of the Inquiry, as follows:

- Section B deals with the commissioning and drafting of the Leaked Report;
- Section C deals with the six most significant allegations in the Leaked Report;
- Section D deals with the disciplinary processes in the Party;
- Section E deals with the structure, culture and practices of the Party; and
- Section F deals with recommendations.

B

SECTION B

Section B:

The Commissioning and Drafting of the Leaked Report

Summary and Conclusions

The EHRC opened an investigation into the Party in relation to antisemitism in May 2019. The Leaked Report started life as a dossier of material relating to the specific cases in which the EHRC had expressed an interest, retrieved through searches of the Party's computer systems.

The objective of the staff members who drafted the report, which was shared by the senior staff overseeing their work, was to counter what appeared to be a growing acceptance of the idea that delays in progressing antisemitism cases under Jeremy Corbyn's leadership had been caused by interference from Jeremy Corbyn himself, and his staff.

The authors of the Leaked Report believed that the issues were in fact caused primarily by failings in the GLU, in particular a focus amongst senior staff on factional battles at the expense of disciplinary work.

A tranche of WhatsApp messages from senior HQ staff, which the authors of the Leaked Report saw as supporting that thesis, were discovered on Party systems relatively late in the process; some of the messages were incorporated into the Leaked Report, transforming it into something rather more striking.

In our view the Leaked Report's authors were not seeking to play down or obscure the scale of antisemitism. The Leaked Report expressly rejects, on page 1 of the Executive Summary, the suggestion that the problem of antisemitism in the Party was overstated and/or that allegations of antisemitism were all part of a smear campaign against the leadership, and indeed there is nothing in the Leaked Report (or elsewhere in the evidence we have seen) that would support such conclusions.

The Leaked Report's relatively young and inexperienced authors were left to compile the Leaked Report with seemingly very little supervision from more senior staff. We received conflicting evidence about the extent of any training or advice given to them about the data protection concerns to which this work gave rise. It is surprising, though, that neither the authors or their managers appear to have been alive to those concerns, or to have thought about the need to seek guidance, for example from the ICO.

The final draft, of some 460 pages, was circulated to senior staff too late to be comprehensively reviewed in advance of the EHRC deadline. On 22 March 2020, the eve of the deadline, the Party's external legal team advised against submitting the Leaked Report to the EHRC, and that advice was accepted.

Following that decision, senior staff authorised the authors to continue working on the Leaked Report so that it could be used for internal purposes. On 29 March 2020, a penultimate 851-page version and then a final 860-page version were prepared.

On 12 April 2020, Sky News published an article about the Leaked Report, together with the 860-page version. At around the same time, the 851-page version began circulating on social media. Following the appearance of the Leaked Report in the public domain, the Party quite properly alerted the ICO. The ICO then commenced its own investigations, which are ongoing.

The Party has carried out extensive internal investigations into the unauthorised release of the Leaked Report. Given the limited powers available to us, and the fact that our investigation in this regard was cut short for reasons we have already explained, we were unable to identify the person(s) concerned. This was not, however, because of any interference by the Party or others.

B1 Scope

B1.1 The second of the Inquiry's Terms of Reference asks us to investigate and report on:

“The background and circumstances in which the [Leaked] Report was commissioned, written and circulated within the Labour Party, with its advisers and any other individuals external to the Labour Party, including the question of the purpose for which the Report was commissioned and prepared, and the circumstances in which the Report was put into the public domain.”

B1.2 Our intention originally therefore was to deal with the immediate questions to which the release of the Leaked Report into the public domain gave rise: firstly, who commissioned and drafted it, and for what purpose; and secondly, who leaked it, why, and how?

B1.3 Clearly, the answers to those questions are important, both to the individuals named in the Leaked Report and to the Party. They are, however, preliminary to the key focus of this Inquiry – namely, whether the main allegations within the Leaked Report were true and the extent to which the fact of its being leaked reflected a deeper cultural malaise, and what steps might be taken to remedy the issues we found. Those matters are addressed in subsequent sections.

B1.4 The Panel therefore considers that the only aspects of the second of the Inquiry's Terms of Reference on which it can report are:

- the background and circumstances in which the Leaked Report was commissioned and written; and
- the purpose for which the Leaked Report was commissioned and prepared.

B2 Our approach

B2.1 The Party has itself carried out extensive investigations into the circumstances in which the Leaked Report entered the public domain, most significantly a digital forensic analysis, and an HR investigation report.

B2.2 We have endeavoured to avoid duplicating that investigative work and have had to defer to their expertise (e.g. the ability of the digital forensics experts to identify versions of the Leaked Report on the dark web). Further, we are satisfied that both investigations were independent, and they informed (a) the Party's response to the ICO regarding the leak (which we have also seen), (b) disciplinary proceedings in relation to seven members of staff, and (c) a review of the Party's internal data governance arrangements.

B2.3 The scope and purpose of our work was, however, different to that of the Party's investigations; and we have not considered ourselves bound by them.

B2.2 In addition to the investigations mentioned above, we have received written and/or oral evidence from the majority of the key individuals involved in the production of the Leaked Report as well as a substantial amount of underlying documentary evidence, and have analysed it in the round. However, the limited scope of our powers, and the fact that our investigation of this issue had to be curtailed, meant that it was not possible for us to identify the individual source of the leak or leaks, nor to say how many hands the Leaked Report passed through before entering the public domain. We had been promised documents from various of those whom we interviewed, including the witness statements that they provided to the EHRC in connection with its investigation, but ceased all communications on this issue when we were notified of the ICO investigation.

B2.3 Below we set out a chronology of events with regard to the commissioning, and drafting of the Leaked Report. Where matters are stated as fact, we consider that there is sufficient evidence to allow us to treat them as such, and where a document is quoted we have seen it. Where there is a conflict of evidence in relation to a specific issue and/or we are reporting something that we have been told but in relation to which we have not seen documentary proof, that is indicated.

B2.4 We use the defined term “the Leaked Report” to refer to the Leaked Report in all stages of its evolution. That is, some references to “the Leaked Report” are to the dossier of material collated in the early stages of the Party’s work on the EHRC response, while others are to the various final or near-final incarnations of the document. We aim to make it clear from the context which iteration of the Leaked Report is referred to on each occasion.

B3 Chronology of events

B3.1 May – December 2019: the initial stages of the EHRC investigation

- On 28 May 2019 the EHRC launched an investigation, under section 20 of the Equality Act 2006, into whether the Party had committed breaches of its duties under the Equality Act 2010 in relation to antisemitism. The Party committed to full cooperation with the EHRC, which issued the Party with a series of Requests for Further Information (RFIs).
- Prior to the launch of the investigation, meetings took place between the Party and the EHRC, including a meeting around March 2019 attended by the General Secretary, the Executive Director of Legal Affairs, and the Party’s Data Protection Officer to discuss the data protection strategy and the lawful basis on which the Party could process data relating to specific disciplinary complaints.
- A team in the Party’s GLU commenced work on the Party’s EHRC response in May 2019, overseen internally by the Executive Director of Legal Affairs and then from July 2019, by the Acting Director of GLU, in both cases reporting to the General Secretary.
- The EHRC’s initial RFIs concerned the Party’s policies and procedures, and were primarily addressed through a witness statement from the General Secretary. Subsequent RFIs related to specific disciplinary cases; the EHRC initially requested information pertaining to 38 cases, which ultimately rose to 58, and the Party offered information on an additional 12. In July 2019 the Party commenced a substantial data gathering exercise in relation to the case-specific RFIs.

- There was at that point no single location on the Party's computer system where documents relating to specific disciplinary cases, including those relating to antisemitism, were saved; to capture all of the material relevant to a case, the team agreed that searches of the system would be required. The intention was to compile chronologies setting out what had happened (and what had gone wrong) in each of the cases. It was understood by the Party's data protection team that appropriate consideration had been given to the lawful basis for the processing of data that would inevitably be involved before the search was conducted.
- The early searches returned insufficient results (due to an inconsistent approach to saving documents by the GLU staff who had worked on the cases, coupled with a lack of institutional knowledge about specific cases as a result of staff turnover). A more powerful search tool - used by the Party for responding to subject access requests (the SAR tool) – was utilised. The SAR tool allowed searches of the emails of all Party staff (held on Party devices) as well as documents saved on Party drives. Whilst the junior staff involved in conducting the searches had received generalised data protection training, it does not appear that the relevant lawful basis/bases for processing personal data, or the limitations which that might place on the scope of the searches, was specifically brought to their attention.
- It is not clear that the correct procedure governing the authorisation of the use of the SAR tool – which would have involved the human resources department – was followed. The staff involved seem to have believed that sufficient authorisation had been given for the use of the SAR tool.
- In relation to each case, the team carried out searches against the case number and respondent name, as well as the names of complainants and the key staff involved, in an attempt to ensure that everything relevant was captured. They reported their findings back to more senior Party staff as they went along.
- By September 2019 information had been uncovered via the searches which was perceived to be cohering into a narrative relevant to the EHRC's broader questions about the Party's disciplinary processes – namely that delays in progressing cases were caused by serious deficiencies in GLU rather than LOTO interventions. At around this time, those initial findings were presented to more senior staff and external counsel who were advising in relation to the Party's EHRC response.
- The junior staff involved continued piecing together that broader narrative by conducting more general searches, alongside a compilation of case-specific chronologies.
- By 25 September 2019, these findings had been written up into a skeleton narrative document of some 6,000 words, titled "EHRC Narrative."
- In October 2019, Prime Minister Boris Johnson called a general election to be held on 12 December 2019, and the Party shifted its focus to campaigning.

B3.2 January – February 2020

- In January 2020, work on the EHRC response resumed in earnest, and the EHRC agreed a deadline of 24 February 2020 for the Party's final submission. The submission to the EHRC by the Jewish Labour Movement (JLM) had, in the meantime, been published in redacted form. It was overwhelmingly critical of the Party's approach to antisemitism cases, in particular LOTO's alleged interference in them, echoing some of the allegations made by former GLU staff in the July 2019 Panorama programme "Is Labour Anti-Semitic?". We were told by one witness that the JLM submission was considered by the team working on the Party's EHRC response to have shed additional light on the EHRC's potential areas of focus/criticism, as did some of the later RFIs.

- In late January 2020, a document described as a “comms plan” was produced; we were told that it was a written note of a telephone conversation between a junior member of staff and the Executive Director for Strategy and Communications which was subsequently circulated to the Acting Head of GLU and the General Secretary. The note explained that a document was being produced for submission to the EHRC, adding that “the former staff who were interviewed by Panorama have made a submission to the EHRC, so this document is a very necessary and evidence-based rebuttal to their claims”. It proposed that the document should be submitted to the EHRC and the NEC at the same time.
- On 6 February 2020, concerns were raised with the General Secretary and other senior staff about a potential disconnect between the approach being taken by counsel and the work being done on the narrative document; it was noted by one staff member that “there appears to be a number of separate strands of work happening which currently feel like they will not tie together very easily.” The staff member noted that a comms plan had been produced which framed the EHRC response as a public facing document, adding that this could provide an opportunity to reveal to the public the “truth” about antisemitism in the Party and the willingness of those on the Left to deal with it. It was agreed by senior staff that “a wider narrative/account and comms response is clearly necessary.”
- What the comms plan shows is that those involved in the preparation of the Leaked Report saw it from the outset as an opportunity to influence the narrative around the EHRC process. That is supported by other documentary evidence, and has not been disputed by the witnesses we have spoken to. However, as above, our finding here is a relatively limited one: we do not consider that the April 2020 leak/s and associated data breach were, or could have been, planned as at January 2020.

- On 27 January 2020, the General Secretary and the Acting Head of GLU held a conference with the counsel team instructed by the Party to advise on the EHRC response; it was agreed that the Party should address the outstanding RFIs through a further witness statement, the draft of which was to be prepared by the legal team, which would either incorporate or append the evidence being collated by junior staff. On 30 January 2020, the counsel team reviewed a copy of the narrative document and agreed it was helpful. The Acting Head of the GLU recalls seeing the EHRC Narrative at around this time too. It appears that this was the point at which the material started to come together into a separate “report”.

B3.3 February – March 2020: the Leaked Report takes shape

- On 4 February 2020 the EHRC agreed to extend the Party’s deadline for its final submission from 24 February 2020 to 2 March 2020.
- On 7 February 2020 the counsel team expressed concern regarding the length of the narrative document being prepared, which they considered might jeopardise compliance with the impending deadline. Clearly there was a disconnect between the approach being taken by the internal team and that of the external legal team, and this seems to have been a missed opportunity to nail down the scope of the work in detail.
- LOTO’s Chief of Staff stepped in to oversee delivery of the EHRC response from mid-February, albeit she said her focus was on (a) overall compliance with deadlines, and (b) her individual submission as a named respondent to the EHRC’s investigation, rather than on the main Party response. A WhatsApp group was set up for the core EHRC team (the EHRC WhatsApp group), which included a number of senior LOTO staff.
- We were told that a meeting about the EHRC response was held on 14 February 2020 at Unite’s offices. It was proposed at that meeting that a press conference could be held once the Party’s response had been submitted to the EHRC, in order to explain its submissions in a public forum.

- On around 18 February 2020, the Acting Head of GLU was removed from his role as instructing solicitor in relation to the Party's EHRC response. On 25 February 2020, the Party appointed an external firm to act as counsel's instructing solicitors, and the Head of Complaints became the Party's internal lead. It appears that the Acting Head of GLU may not have appreciated at this point that he was effectively being removed from all work relating to the EHRC response.

B3.4 February – April 2020: finalising the Leaked Report and incorporating the SMT WhatsApp transcripts

- The Leaked Report's relatively young and inexperienced authors were left to compile the Leaked Report with seemingly very little supervision from more senior staff. After, in particular, the removal of the Acting Head of GLU as lead on the EHRC response, there was a lack of clarity as to who was overseeing the work at a senior level and no clear reporting lines.

The Leaked Report's relatively young and inexperienced authors were left to compile the Leaked Report with seemingly little supervision from more senior staff.

- In mid-to-late February, the searches began to draw in extracts from the Party's internal messaging system (the instant messages) which revealed substantial opposition to LOTO from a number of HQ staff. One view of these messages was that they went some way to explaining the delays and dysfunctions in the disciplinary system which had been uncovered.
- On 2 March 2020 the EHRC agreed to extend its deadline to 18 March 2020. We understand that further meetings about the EHRC response were held on 5 and 10 March 2020. From 6 to 17 March 2020, a team of junior staff members worked together on the Leaked Report. They did so at Unite's offices, because they were concerned about working on such a sensitive document in the crowded and leak-prone environment of Southside, the Party's HQ. We have heard from multiple witnesses that it was relatively common

for Party staff to use Unite's offices as, in effect, overspill space, usually during general elections. Shortly thereafter all staff began working from home due to the Covid-19 pandemic.

- We found no evidence that the various iterations of the Leaked Report or other material were transferred to or saved on Unite systems during this period. However, much of the drafting took place using the cloud platform Google Docs. We understand that this was and is against Party policy, but was apparently relatively common amongst staff. The implications of this are discussed below.

- On around 14 March 2020, one of the junior staff members assisting with the Leaked Report uncovered the SMT WhatsApp transcripts. One of the group's members had requested the transcripts from WhatsApp in 2017, when they had been backing up their correspondence as "due diligence" prior to leaving the Party's employment; they had had WhatsApp send the transcripts to their Party rather than personal email address in error. The transcripts accordingly entered Party systems and became discoverable through searches using the SAR tool.

- The Leaked Report's authors considered that the SMT WhatsApp transcripts, like the instant messages, were further evidence in support of the narrative emerging from the Leaked Report – namely that delays in dealing with antisemitism cases in the period being investigated by the EHRC were caused not by LOTO, but by failings amongst GLU staff to progress those cases effectively because (a) they were distracted from that work by factional battles, and (b) they were in some cases incentivised to encourage delays which would be blamed on LOTO.

- A separate document was compiled which set out the key extracts from the transcripts. A shorter version was also prepared which highlighted the extracts by theme. Six of the highlighted themes in the latter document related to misbehaviour by HQ staff (for example "not wanting us to win elections" or "abuse of other staff members"), while the seventh covered "anything potentially damaging for LOTO/left". The extracts were incorporated into the then current version of the Leaked Report

to support the chapters in relation to certain disciplinary cases, as well as to pad out the sections about the LOTO/HQ dynamic.

- The apparently fortuitous discovery of the SMT WhatsApp transcripts and their incorporation into the Leaked Report transformed a document that had been drafted carefully – albeit repetitively and arguably with a clear factional bias – into a far more sensational document. Once it contained extracts from the messages – which detailed inappropriate attitudes amongst very senior staff and possibly the misallocation of resources on a factional basis during the 2017 general election – its nature changed and its potential interest to the media increased.
- For the avoidance of doubt, it is our view that the junior members of staff involved in the production of the Leaked Report sincerely considered this narrative to be true, and to a degree we agree with them (as discussed later in this report). Our view is that they recognised the severity of the problem of antisemitism in the Party (and in wider society) and were not trying to obscure or excuse it. The Leaked Report expressly rejects any suggestion that the problem of antisemitism in the Party was exaggerated; its introduction states that it “thoroughly disproves any suggestion that antisemitism is not a problem in the Party or that it is all a “smear” or a “witch-hunt”.” One of the authors emphasised to us that some of the subsequent discussions of the Leaked Report had “completely misused [it] to say that antisemitism wasn’t an issue or that it was just right wing staff members that held up some complaints to defame Corbyn or something like that”. Indeed there is nothing in the Leaked Report (or elsewhere in the evidence we have seen) to support the conclusion that the problem of antisemitism in the Party was overstated.
- In our view the Leaked Report’s primary author was not firmly embedded in either “faction”, and was far from unequivocally supportive of Jeremy Corbyn despite being on the Left of the Party. We do not consider that any of the Leaked Report’s authors embarked on the task with a preconceived narrative or reverse engineered the evidence to fit it. There may not have been a fully developed preconceived narrative but we accept that as the narrative

developed there appears to have been a degree of confirmation bias in the approach the authors took to the evidence. Extracts from the internal messages and the SMT WhatsApp transcripts were chosen because they supported that narrative, and the individuals involved were not given a right of reply; the version/s of the Leaked Report released without authorisation to the public domain was accordingly heavily one-sided.

B3.5 14 – 22 March 2020: decision not to provide the Leaked Report to the EHRC

- Between 14 and 18 March 2020, the Head of Complaints sent various draft chapters of the Leaked Report to the General Secretary and the external legal team, possibly using Dropbox; some sections were also shared in the EHRC WhatsApp group. This was the first time any of the wider team had seen draft sections of the Leaked Report. Both the General Secretary and the Head of Complaints told us that they had not until this point realised that the team’s work had resulted in a “report” as such, and that they were shocked by the document’s length. In our view this speaks to the lack of structured supervision in place.
- On 16 March 2020, the Acting Head of GLU emailed the General Secretary to complain that he was not being provided with completed sections of the Leaked Report or any drafts.
- On 19 March 2020 the legal team, having reviewed the draft chapters, questioned whether the Leaked Report should be provided to the EHRC; the General Secretary remained keen to submit it if possible, saying that “the evidence that has been put together is in my view crucial in demonstrating that the basis of the allegations is a motivation to attack the political leadership of the party and the left in general.”

There is nothing in the Leaked Report (or elsewhere in the evidence we have seen) to support the conclusion that the problem of antisemitism in the Party was overstated.

- The EHRC agreed to extend the deadline to 20 March 2020, and then again to 23 March 2020. Work on the Leaked Report continued, by all accounts at an urgent pace. The Head of Complaints circulated the first complete draft (some 460 pages long) to the General Secretary and the legal team on 21 March 2020 by email. The General Secretary responded later that evening with comments on around a quarter of the Leaked Report, suggesting the removal of some criticisms of the Acting Head of GLU and of some sections which she considered to be unduly negative about ongoing failings in the Party's disciplinary operations after her appointment as General Secretary. The Head of Complaints agreed to incorporate those changes into a further draft.
- On 22 March 2020, however, the legal team advised emphatically that the Leaked Report should not be submitted to the EHRC. The General Secretary accepted that advice and relayed it to the Head of Complaints who conveyed it to other members of staff working on the Leaked Report. On 23 March 2020, the General Secretary's witness statement was submitted to the EHRC without the Leaked Report appended.

B3.6 23 – 29 March 2020: work on the Leaked Report continues

- The General Secretary asked the team to continue work on the Leaked Report regardless, on the basis that it could be used for internal purposes (namely to inform potential disciplinary proceedings against Party employees, and to assist in the Party's defence to the defamation proceedings arising from LOTO's response to the BBC Panorama programme "Is Labour Anti-Semitic?" (Panorama litigation)). To that end the General Secretary envisaged the Leaked Report being passed to the new Party leader, Keir Starmer, after he took over on 4 April 2020.
- We were told by the individuals who had worked on the Leaked Report that they were disappointed by the decision not to submit it to the EHRC, particularly, in one case, in light of concerns raised about the potential disconnect between the Leaked Report and the work being done by the lawyers. We were also, however, told that they were relieved to

have additional time to finalise it, and content that it would continue to serve a useful internal purpose. The Leaked Report grew substantially over the following days as work on it continued.

B3.7 1 – 6 April 2020: production of summaries of the Leaked Report

- During this period summaries of the Leaked Report were produced which set out extracts from the SMT WhatsApp transcripts, together with commentary.
- We were told that at least one of these summary documents was intended for use in relation to potential disciplinary proceedings in respect of some of the authors of the WhatsApp messages. They could equally have been intended for use as a media briefing document.
- Two further documents were created which set out "packages" in relation to the Leaked Report, summarising key points and proposed "hooks". These packages included: (1) evidence that LOTO's office had sought to progress antisemitism cases while GLU staff had caused delays, and (2) evidence of factionalism in the Party's HQ, including extracts from the WhatsApp messages.
- We received directly contradictory witness evidence about how these documents came to be produced or what they were to be used for – although it seems obvious that they were intended to form part of a selective and controlled media release of all or parts of the subsequently Leaked Report.

B3.8 12 April 2020: the publication of the Leaked Report

- On 12 April 2020, Sky News published an article about the Leaked Report, together with a 860-page version of the Leaked Report. At around the same time, a 851-page version began circulating on social media.
- Following the appearance of the Leaked Report in the public domain, the Party quite properly alerted the ICO. The ICO then commenced its own investigations into the publication of the Leaked Report, which are ongoing.



SECTION C

Section C:

The Most Significant Allegations Within the Leaked Report

Scope

As well as investigating the circumstances in which it was leaked, the Inquiry's Terms of Reference ask us to consider:

"The truth or otherwise of the main allegations in the Report (the Panel shall determine which are the most significant allegations which require investigation but they shall include the extent of racist, sexist and other discriminatory culture within Labour Party workplaces, the attitudes and conduct of the senior staff of the Labour Party, and their relationships with the elected leadership of the Labour Party".

We do so in this section, having identified the Leaked Report's six main allegations as being that:

Allegation 1:

There was an unusual intensity of factionalism during the period 2015 – 2019 (the relevant period), evidenced by the attitudes and conduct of senior staff and their relationships with the elected leadership;

Allegation 2:

Factionalism adversely impacted on the handling of complaints by the Party in the relevant period;

Allegation 3:

Factionalism adversely impacted on other areas of the Party's work in the relevant period;

Allegation 4:

The Party's results in the 2017 general election were either (i) undermined by factionalism or (ii) deliberately sabotaged by one faction;

Allegation 5:

The problems in the relevant period were exacerbated by poor recruitment practices and inadequate staff management; and

Allegation 6:

A racist, sexist and otherwise discriminatory culture exists in Party workplaces.

The above are the "main allegations" from our perspective, not necessarily from the perspective of the Leaked Report's authors - that is, they may not be the issues to which the most space is devoted in the Leaked Report, but they are the ones which we consider most significant in relation to our Terms of Reference.

We consider each of the main allegations identified above in a separate chapter in this section of the report. Before doing so, however, we need to make clear our overall view of the content of the Leaked Report and, in particular, the content and implications of the WhatsApp messages.

The Genesis of the Leaked Report

The Leaked Report as originally envisaged was commissioned by the then General Secretary; it was intended to be an annex to the Party's proposed submission to the EHRC. It was largely written by relatively young and inexperienced staff members who were broadly on the Left, albeit the majority of them were, at the time, working within the GLU rather than directly for LOTO. Their objective was clearly to rebut an emerging narrative that the problems with the Party's handling of antisemitism complaints in the relevant period were down to interference from the Left and LOTO by setting out evidence that they were in fact caused primarily by failings in HQ.

Regardless of its accuracy, which is discussed below, the Leaked Report is unarguably a slanted document; it represents another front in the factional warfare which it describes and by its nature added nothing to the supposed "kindness in politics" that the party purported to be moving towards. We have sought to analyse the Leaked Report's allegations in the round, looking in each case at the impacts of factionalism of all kinds rather than solely through the Leaked Report's framing. Nevertheless we consider that the most important issue is not the Leaked Report's genesis but whether the allegations made are true; and if so whether and to what degree that is harmful to the Party.

Our use of the SMT WhatsApp transcripts and instant messages

The Leaked Report's central thesis is that factionalism under Jeremy Corbyn reached unprecedented levels and affected the Party's ability to function as it should have. Indeed it was becoming so counter-productive that the day to day functioning of HQ was severely affected by a culture of conspiracy that permeated through the most basic of administrative tasks. That thesis is based largely on extracts from (a) the SMT WhatsApp transcripts and (b) the instant messages.

We have reviewed the SMT WhatsApp transcripts in full; in relation to the instant messages we have reviewed the full transcripts of a substantial sample of the chats cited in the Leaked Report, including any on which we have placed weight in relation to our own findings and any which individual witnesses have suggested were quoted in a misleading way.

It has been put to us by a number of witnesses that the extracts of the messages quoted in the Leaked Report were cherrypicked and selectively edited, such that the quotes that appear in the Leaked Report are both unrepresentative and misleading.

Having reviewed the transcripts and considered evidence from many of those involved, we do not agree. We find that the messages on the SMT WhatsApp reveal deplorably factional and insensitive, and at times discriminatory, attitudes expressed by many of the Party's most senior staff.

We accept that the Leaked Report was itself a factional document with an agenda to advance, and that the quoted messages were selected pursuant to that agenda. Unsurprisingly, the majority of the SMT WhatsApp transcripts (which run to some 1,200 pages) and the instant messages consist of perfectly acceptable discussions about work or personal lives, and we accept that the quoted messages appear more shocking when read without the cushioning of that more anodyne material. Nevertheless, the substance of the quoted messages is concerning – and totally inappropriate from senior staff of a purportedly progressive political party – and the selective editing does not equate to an overall distortion of the quoted messages' meaning; we do not consider that there was a conspiracy on the part of the Leaked Report's authors to distort them.

We find that the messages on the SMT WhatsApp reveal deplorably factional and insensitive, and at times discriminatory, attitudes expressed by many of the Party's most senior staff.

We agree that, in a few cases, comments were presented in a misleading way. To provide a much-publicised example, the Leaked Report cites an 8 February 2017 exchange in the "Forward Planning" WhatsApp group in which a senior staff member claimed to have spotted Diane Abbott "*crying in the loos*" after Clive Lewis' resignation from the shadow cabinet. Some three hours

later, he claimed to have spotted Diane Abbott again in a branch of Leon; a colleague replied “*shall we tell michael crick*”, and he said “*already have*”. Read in context, that exchange picks up on running jokes about (a) “sightings” of Diane Abbott which contradicted her justification for controversially missing a key Brexit vote on 2 February 2017 through illness, and (b) the apparent omnipresence of Michael Crick, who had doorstepped the colleague in question that morning in Copeland, Cumbria, where he was reporting on the upcoming by-election.

The comments are unprofessional, unkind, and entirely inappropriate, particularly when they relate to an MP who is known to have been the subject of a very large number of abusive cyber comments, but in our view they are clearly not literal – that is, they do not relate to real sightings of Diane Abbott.⁴ The Leaked Report, however, takes the comments literally, saying that “senior staff discussed Abbott crying in the toilets and telling Michael Crick, a Channel 4 reporter at the time, where she was”.

Some of the subsequent commentary has accepted that framing, with journalists speculating that Diane Abbott had been crying in the toilets about racist abuse “as party staff mocked her and passed on her location to journalists.”⁵

To a degree, it is possible that these comments were misinterpreted in good faith, based on the framing in the Leaked Report; but it is unfortunate that they have distracted from the less sensational but deeply serious allegations about racism in the Party more widely.

However, we do also accept that the messages’ authors were not given a right of reply before their messages were included in the Leaked Report; that was a clear breach of natural justice.

Further, there are relatively few examples where we think the Leaked Report’s framing is substantially misleading (the above being one). In the main, our view is that the messages quoted in the Leaked Report fairly represent the tone and contents of the discussions about Jeremy Corbyn, his staff, and the Party’s Left in the SMT WhatsApp groups and across the selected instant message chats. There are a significant number of comments in the transcripts which were not quoted in the Leaked Report but which demonstrate the same kind of hostility as those that were.

Both the SMT WhatsApp transcripts and the instant messages represent discussions which the authors did not expect to become public; as such we consider that they amount to a contemporaneous record of their unguarded views, albeit a partial one. Subject to the caveats above, we accordingly consider that they represent a useful source of evidence with regard to the Leaked Report’s allegations, which are serious; we do not consider that we can accurately assess the veracity of those allegations without referring to the messages, and we consider it to be a matter of public interest that our analysis is as complete as possible. We have, of course, considered the messages in the round alongside a substantial amount of other evidence, including both written and oral evidence from many of the messages’ authors themselves.

However, we do also accept that the messages’ authors were not given a right of reply before their messages were included in the Leaked Report; that was a clear breach of natural justice. Also we can only speculate if a similar online group chat was used by the opposite faction where they too could comment on the febrile workplace situation and perceived attitudes of staff towards them.

⁴ Michael Crick has confirmed that he recalls no such discussions <https://twitter.com/MichaelLCrick/status/1249663040729071616?s=20>

⁵ <https://twitter.com/michaeljswalker/status/1249440328349818883>

Allegation 1

There was an abnormal intensity of factionalism during the period 2015 – 2019, evidenced and/or exacerbated by the attitudes and conduct of senior staff and their relationships to the elected leadership

Summary and Conclusions

Historically factional tensions were played out amongst the Party's elected representatives, amongst affiliated organisations and amongst the grassroots membership. Notionally the Party's permanent staff were seen as playing a more or less neutral 'civil service' role. Though it has to be said that they were often seen by the Left as being on the Right and arguably the identification of the staff with the leader became more explicit in the Blair years. Jeremy Corbyn's election marked the first time that the leader was seen as so out of step with the predominant political view of most of the permanent staff. This meant that the conflict reached a level of intensity not previously seen.

The toxic atmosphere within the Party in this period was compounded by the antagonistic relationship between HQ and LOTO, exacerbated by the confusion and entanglement of their respective roles, some of which predated the Corbyn era. The two should be clearly seen as having distinctive roles and different functions and therefore different bases of staffing; they should cooperate but not overlap. We recommend later a much clearer differentiation. Although many individuals (including senior managers) on both sides initially sought to bridge the divide, the mistrust was mutually reinforcing, and even intermediaries eventually felt compelled to "pick a side". The result was a working environment which many found untenable.

Amongst senior HQ staff, communication via WhatsApp "echo chambers" amplified the hostility and allowed the boundaries of acceptable conduct to become blurred; this resulted in conduct on the part of some senior staff which was wholly unacceptable (as discussed further in later sections of this report). Some of the individuals concerned have been subject to disciplinary proceedings and some have expressed remorse; we do not intend to reopen or second guess these cases.

We endorse the conclusion in the Labour Together Report that: "Labour has spent substantial periods of the last five years in conflict with itself. We were not speaking to the public but arguing amongst ourselves. Responsibility for this rests not wholly with one side or part of our movement. Across our movement, we should accept our part in these divisions and the impact this had on our ability to come together and work together effectively."

We believe there is a clear need for individuals to see and treat each other better, regardless of their political views.

"Labour has spent substantial periods of the last five years in conflict with itself."

History of factionalism in the Party and amongst Party staff

- C1.1 Internal pluralism has always been a defining feature of the Party, amplified by its network of affiliated organisations, democratic internal arrangements, and divided central authority.
- C1.2 The “backroom” role and expected neutrality of the Party’s permanent staff, including its senior officials in HQ and the regional offices, has meant that their role in those conflicts has tended to be secondary. Serving in effect as the Party’s civil service, their job is to oversee the Party’s administrative functions in relation to the membership, compliance with the Party’s rules and elections: to build an election-winning vehicle which keeps moving in the right direction irrespective of the driver; and also to maintain the Party’s financial viability and legal standing.
- C1.3 Formally speaking, Party staff were supposed to be – and usually saw themselves as – neutral and not associated with any of the Party’s legitimate (that is, internal) factions, and focused instead on Party organisation and combatting external political opponents.
- C1.4 However, it must be recognised that there is a degree to which those on the Left in the Party who are committed to change will inevitably clash with permanent staff whose job is to enforce the rules as they are. Hence regional staff in particular have often been seen as being on the Right by Left-leaning Party activists. And many staff have often seen Left activists as a big problem for the Party.
- C1.5 The Party has at times had to defend itself against infiltration from organisations to its Left seeking to influence Party policy (the Communist Party and Communist Front Organisations in the 1950s, and Militant in the 1980s). More generally, some politicians and staff regard members’ involvement with Left groups outside the Party with suspicion, particularly (though not exclusively) those who identify, or are labelled, rightly or wrongly, as Trotskyites.
- C1.6 Party staff are, though, rarely apolitical, and their position as gatekeepers of the Party rules has always given them a degree of power to advance a particular agenda. Throughout most of the Party’s history – with the exception of the early Blair years – the majority of the ordinary constituency membership has been to the Left of the PLP, the Party leadership, and often the NEC. The power of officials to enforce (and interpret) the Party’s rules and procedures often led to staff – particularly in the regions – being seen by many on the Left as repressing attempts to bring about change and supporting the leadership/the Right.
- C1.7 Some have argued that the extent of staff neutrality changed somewhat in the New Labour years, in that Party staff, who were far more dependably sympathetic to Tony Blair’s objectives than were the PLP, became the vanguard of the “Blair Project”.⁶ There was intense factionalism within the elected elements of the Party in this period – many MPs on the Left regarded the Blair Project as illegitimate (much as many on the Right later viewed the Corbyn Project as illegitimate), and the Blair/Brown tensions always existed within New Labour itself. Factionalism also remained rife within the constituencies, where an influx of new members supportive of New Labour undermined the Left’s dominance. At the same time, Party staff became more willing to overtly align themselves with a particular faction.
- C1.8 It certainly appears to us that, by 2015, the majority of the Party’s senior staff did not see their roles as requiring perfect neutrality, or even the appearance of it. A practice of officials recruiting in their own image (politically speaking) had, post-Blair, ensured that HQ’s broad political alignment remained steadily on the Right of the Party even as the elected leadership (and membership) moved to the Left. This led to the creation of what one former employee described as a “mono culture” in HQ⁷.
- C1.9 Over the years there have also been structural changes in the relationship between HQ and the leader’s office (dubbed “LOTO” only in recent years):

⁶ For example Lewis Minkin in ‘The Blair Supremacy: A Study in the politics of Labour’s party management’ [2014]: “In practice, they had always been political organisers in the sense that their priority work was in development and assisting the organisation so that the party could win elections, and there was often some mix of their neutral civil service role with the occasional political steering of internal decisions. But the crucial feature was that it was the ‘civil service’ role that they affirmed as the legitimate role. Now under Blair the change in legitimacy was sharp and clear [...] There was a positive responsibility to intervene to manage and redirect the party with diminished inhibition [...] Given that (like Blair) party employees tended to be to the right of members the new role-definition and political alignment of the party officials had created the Leader’s vanguard organisation, and it stayed that way.”

⁷ This is expanded in Section E of this report

- Until 1983 the leader was only formally the leader of the PLP, that is, they were elected only by MPs. From 1983 the leader was elected by an Electoral College, which represented the Party's various power bases – individual members in constituencies, MPs, and affiliated organisations (mainly trade unions). With the creation of the Electoral College, the leader became leader of the whole Party, and hence arguably had a more legitimate role in the direction of Party staff, although staff continued to be responsible to the NEC and General Secretary, rather than to the leader and his office.
- In 2013 the Electoral College was abolished and the choice of leader – subject to minimum support in the form of nominations within the PLP – became solely the decision of individual members (and registered individual supporters). The ostensible aim was to reduce trade union influence, but it also eliminated PLP influence in the final vote and passed it to an – normally overwhelmingly Left – individual membership. Jeremy Corbyn was the first leader elected under this system.

C1.10 Jeremy Corbyn was of course not the first leader to win that position from the Left; Harold Wilson, Michael Foot, Neil Kinnock, and Ed Miliband all did so, under whatever system of election then prevailed. All of them faced some initial suspicion from established Party staff⁸. It is also true that some of those past leaders sought to replace the General Secretary and other officials at national and regional level. However, those leaders differed from Jeremy Corbyn in that:

- They all broadly came from the “mainstream”/Tribunite Left (or “soft Left”); Jeremy Corbyn came from the “far Left”/Campaign Group Left.
- In earlier cases of a leader from the Left succeeding, there was a move to bring the two sides together and consolidate across factional lines. Several leading opponents, however, declined to serve in Jeremy Corbyn's Shadow Cabinet, and not much effort was made to persuade them – though a number of MPs who were in no sense his supporters did join the front bench team and to some extent that continued to be the case (despite increasing difficulties) throughout the five years. On the whole, though, there was deep hostility from the majority of the PLP to Jeremy Corbyn's leadership, and within a year there was a vote of no confidence amongst MPs followed by a leadership challenge. That deep animosity continued even after the unexpectedly good election result in 2017 (though it was less overt for a period after that election, with the PLP tending to adopt a more positive tone towards the Party leadership).
- In each earlier case there was a degree of policy accommodation to the Centre, which the Corbyn project showed few signs of undertaking.
- The leader's own office staff always largely reflect the leader's views. There used, however, to be fewer than 10 members of the leader's office staff when the Party was out of government, though the advent of (and then increase in) “short money” for opposition parties increased those levels somewhat. Jeremy Corbyn's office, however, rapidly reached nearly 40 staff members, recruited largely to reflect his politics. This shifted the balance between LOTO and HQ and inevitably led to duplication of roles and we were told by several submissions that there was no policy direction, no messaging and no coordination in terms of day to day operations.

⁸ See Minkin: “[After Ed Miliband won the leadership, there] was initially a very poor relationship between some of the new Leader's staff and ex-Blairite senior managers who had actively supported the other brother. This was not simply a fit of pique over the defeat of a preference. It had been built into the managerial obligations from 1995 that their primary loyalty was to [Blair] and his cause.”

- Affiliated trade unions represented on the NEC had tended over decades, at least to start with, to act as a “Praetorian Guard” to support the elected leader on most issues, often irrespective of their own union’s political position. Under Jeremy Corbyn the unions were split, with unions to the Right siding with the PLP majority in opposition to Jeremy Corbyn, and unions to the Left being heavily supportive of the leader.

C1.11 Factional opposition to the leader accordingly reached new heights in this period, with unprecedented opposition within the PLP and an escalation of conflict within the NEC. Jeremy Corbyn’s election saw officials, many of whom had been employed in the Blair and post Blair period, come into direct conflict with the Party’s elected leadership for the first time; this gave rise to a new type of conflict, in which each faction had its hands on at least some of the Party’s operational levers of power.

C1.12 One complicating factor was the decision made in 2013 under Ed Miliband’s leadership – to designate two senior members of LOTO staff as Directors of the Party. This was intended to help coordination but in practice added to the confusion of lines of responsibility and jurisdiction and eventually, in the Corbyn era, led to tension and conflict.

Factional tensions between LOTO and HQ 2015 - 2019

C1.13 One of the few points on which the submissions we received were in broad agreement was that the problem of factional division in the Party got worse following Jeremy Corbyn’s election as leader in September 2015. We have seen evidence that that was the case within CLPs and the membership, as well as amongst staff; our focus is on the latter.

C1.14 It is clear that some Party officials saw Jeremy Corbyn’s leadership – and the estimated 325,000 new members who joined the Party between May 2015 and July 2016 – as representing an existential threat to the Party and its institutions, akin to the threat posed by Militant entryists in the 1980s.⁹ They were convinced that Jeremy Corbyn was far to the Left of most voters and would steer the Party towards electoral decline if not annihilation. It seems to us that a small minority of HQ staff, including some senior staff, were from the start unwilling to accommodate or proactively assist LOTO, which in their view would have amounted to complicity with a regime which they believed would cause irreparable harm to the Party. A few individuals saw their role as being to keep the Party machinery running while allowing the Corbyn “project” to implode.

C1.15 Jeremy Corbyn’s campaign, meanwhile, had made it clear that he wanted to democratise the Party and move it to the Left. His victory was fuelled by a conviction in some quarters that, to quote the Communication Workers Union when it endorsed his candidacy, “the grip of the Blairites [...] must now be loosened once and for all. There is a virus within the Labour party, and Jeremy Corbyn is the antidote.”¹⁰ Many officials believed that they were seen by some of Jeremy Corbyn’s allies as being part of the “virus”. It is undoubtedly true that some senior individuals in LOTO saw HQ staff as a part of the Party’s history which they had been given a mandate to reject.

C1.16 The dynamic between LOTO and HQ immediately following Jeremy Corbyn’s election was accordingly characterised by, at best, intense mutual mistrust at the highest levels. We have, however, seen evidence that many individuals on both sides (including some senior staff) did actively

The problem of factional division in the Party got worse following Jeremy Corbyn’s election as leader in September 2015.

⁹ <https://blogs.lse.ac.uk/politicsandpolicy/explaining-the-pro-corbyn-surge-in-labours-membership/>

¹⁰ <https://www.independent.co.uk/news/uk/politics/jeremy-corbyn-hailed-antidote-labour-party-s-blairite-virus-union-10427220.html>

seek to develop less hostile relationships across the divide. A very senior member of LOTO staff told us, for example, with reference to two senior HQ members, that “I would say my relationship with [...] and [...] was good, as a working relationship at a personal level [...] they and particularly [...] I would say became more cooperative and collaborative as time went on [...] if you look at the WhatsApp messages, [...] – with the exception of some particular, objectionable kind of material – generally [...] and [...] are more circumspect about the sort of factional hostility to the leadership.”

C1.17 It may be true that only a small number of individuals on either side were implacably hostile to the other from the outset, but it seems that those individuals (particularly those in senior roles) set the tone.

C1.18 The problems were exacerbated by the fact that, unusually, the majority of the new leader’s hires were not individuals already in the “networks” of HQ staff. That in itself might well have been a good thing, but it did mean that concerted efforts should have been made for staff to get to know each other on a personal as well as a professional basis, and we have seen no real evidence that that happened. As one senior member of HQ staff reflected in an interview with us:

“a lot of [LOTO hires] were staff who had come to the Labour Party from really outside organisations that had nothing to do with us, and there was never any attempt on either side I don’t think to really enmesh [...] these two worlds and get people to know each other. And it created this level of distrust and this level of [...] ambiguity about what people’s roles were. And in some cases it created real hostility.”

C1.19 The initial mistrust could conceivably have been overcome had senior staff in both LOTO and HQ made it a priority at the outset to clearly define the division of functions between LOTO and HQ, foster personal relationships, recognise their differences in approach, and find a mutually respectful way of working which accommodated them. One junior member of staff from LOTO who had to work fairly closely with HQ gave us an example which we found instructive:

“we should’ve been working very closely together but [...] instead it felt quite hostile. And quite difficult [...] obviously they called us Trots and thought that we were sort of unhinged extremists [...] but as they got to know us, as I got to work with them over time, I actually developed really positive relationships with everyone in that team. And people in other teams who had previously at first been quite hostile and maybe [had] a kind of fear of the unknown. But once we started working together things improved.”

C1.20 That did not, however, happen at scale. While we have seen evidence that some constructive working relationships were developed across the HQ/LOTO divide, few witnesses we spoke to felt that they had been able to opt out of the factional tensions altogether.

C1.21 Some HQ staff suggested that a lack of competence in LOTO, combined with a reluctance to accept HQ involvement, had led them to conclude that they would have to keep the Party machinery running on their own in order to prevent it from breaking down altogether; that in turn increased LOTO suspicions of a power grab.

C1.22 It certainly seems to us that Jeremy Corbyn and his team, having in the main operated outside of the Party’s mainstream (and in some cases outside of the Party), were not equipped to understand and deal with the operation of the Party’s day to day mechanics. We have heard from a number of staff who worked in LOTO in this period that the operation was unstructured and at times chaotic, with a lack of clear decision-making and reporting lines and, in particular, a reluctance on the part of Jeremy Corbyn himself to make and communicate unequivocal decisions. There is evidence that, in some respects, the position improved over time, but it is clear that a significant degree of internal dysfunction marked LOTO throughout Jeremy Corbyn’s tenure. In September 2019 a senior member of Jeremy Corbyn’s staff quit, with his subsequently leaked resignation letter referring to a “lack of professionalism, competence and human decency which I am no longer willing to put up with daily”. Two key members of LOTO staff told us:

“It was very, very chaotic in the leader’s office. And that would apply across all areas of work. I think people in the press team and the policy team and all the different teams would say the same thing. It was very, very chaotic.”

“of course it was a challenging period. You know, Jeremy had never been leader of the Labour Party, Jeremy had never run a big organisation before. It was quite clear the people around him were going to need support and it wasn’t forthcoming.”

C1.23 Some HQ and regional staff, however, told us that their attempts to offer such support were rebuffed by a senior LOTO team which viewed them as “Blairites” and wanted to consolidate a separate power base. Many felt that an exceptionally challenging work environment developed as a result:

“working for the Labour Party [...] was my entire professional life, it was what I put all my energies and time and effort into and all my love into. But post-2015, your value as a member of staff was no longer about your professional abilities, your desire to achieve for the Labour Party, it was purely about [...] judgements on you based on the length of time you’d worked for the Labour Party [...] if you’d worked for the Labour Party for a long time you were evil because you were a Blairite and that was the definition. And that was exceptionally challenging to work in.”

“the senior managers were under constant pressure from a factional and unrelenting Leaders Office team (LOTO) who would take no advice, did not respect people’s roles or expertise, and who actively worked to remove people from their jobs or to sideline people.”

“very few LOTO staff [...] made a genuine effort to bridge the gap [...] Too many were happy to regard Southside as inevitably hostile. Many of us at Southside were not hostile: we were sceptical, but keen to work professionally with others. A climate of toxic suspicion on both sides made that very difficult.”

“healthy anxiety around a change of Leadership in any organisation would be normal, and would usually dissipate with the reassurance of the new senior team. This reassurance never came [...] staff felt they weren’t supported, there was no political cover to take any difficult decisions, regions were disempowered, staff were briefed against, the amount of hostility from members increased with no recourse”

C1.24 Many HQ staff witnesses reported attempts to shift elements of their roles to their counterparts in LOTO, or to restructure them out of existence altogether:

“there were anonymous accounts in the newspapers all the time that Jeremy’s team were going to wipe out the Blairites or the right wing from head office [...] Jeremy sent [a letter] to all the staff saying he had absolutely no plans for any restructure in head office and no restructure would happen without proper trade union consultation [...] within a matter of weeks [...] [LOTO] was actually trying to implement a restructure [...] that was to severely reduce my role and restructure me within the organisation.”

“a ‘shadow’ press team was recruited in LOTO [...] it was never made clear to us what the responsibilities of LOTO Comms were [...] [they] would often be completely unresponsive for hours when we attempted to get press statements signed off and [HQ comms] would then be blamed by Shadow Ministers and the media for a slow response.”

“Instead of being upfront about the need for organizational change [...] and opening a redundancy scheme for people to leave, they sought to hound people out of their jobs, create shadow structures, and brief against departments or individuals”

C1.25 LOTO staff and Jeremy Corbyn supporters in HQ, meanwhile, felt similarly besieged:

“The continual stress of hostile leaks, the hostile briefings to the press, and the go-slow on basic tasks, produced an atmosphere that was [...] deeply disagreeable to work in.”

“Party staff were always polite on the face of it. However, both I and members of my team experienced a lot of passive-aggressive hostility from a number of staff.”

“General workplace chatter and social contact with GLU staff underlined how many (but by no means all) members of the unit regarded themselves as the ‘castle keep’ holding out against not just specific problematic individuals”

C1.26 The discord was heightened by disagreements about the Party’s position on Brexit, and culminated (in June – September 2016) in a series of shadow front bench resignations, a vote of no confidence in Jeremy Corbyn, and a leadership election in which Jeremy Corbyn ultimately triumphed. The perceived role of key HQ staff in the challenge to Jeremy Corbyn’s leadership, including allegations of members being denied ballots on spurious grounds in the lead up to the vote, eroded much of the remaining spirit of cooperation. We have heard some evidence that HQ staff attempted, in the aftermath of Jeremy Corbyn’s re-election as leader, to “re-set” relations on a more positive footing, but the mistrust had by that point largely calcified. As one senior member of LOTO staff put it:

“what was clear was that there was an attempt from elected politicians as well as appointed staff and people elected onto the NEC to undermine Jeremy’s leadership. And in fact remove him from office. And clearly all of that failed, but nonetheless, when it becomes evident what people had done, it does lead to hostility and suspicion and lack of respect and a very difficult working relationship going forward for staff who, you know, are still in the same posts that they were in before”.

C1.27 A senior member of regional staff described the consequences of that breakdown of trust from their perspective, saying:

“there was a real break, to my mind, between LOTO and Southside, we weren’t working as a team [...] it genuinely was a really horrible atmosphere. I never felt trusted, never felt that I was part of a team. Always felt on the outside.”

“LOTO and [HQ] ... weren’t working as a team”

C1.28 The factions ended up in a cycle of attack and counter-attack, with each side assuming that the other was acting in bad faith (sometimes justifiably, sometimes not) and responding in kind. In our view those attitudes were modelled from the top; we have heard that those in the most senior positions on both sides failed to treat healing the factional rift as a priority, and it appears that many junior and/or non-factional staff felt they had no choice but to “pick a team” (or have one picked for them). For example:

- One temporary member of staff who worked in LOTO but was based in HQ told us that “after the 2017 general election it became increasingly clear that there were indeed two sides to an increasingly bitter and factional rift in the Party which made my role as consensus seeker and bridge builder less and less tenable. In the end the chasm became too wide to bridge [...] as was pointed out to me at Conference 2018 I was seen as “too Corbyn” by one side and “not Corbyn enough” by the other.”
- A member of staff based in HQ from December 2017 – who prior to taking up the role had not been a member of the Party, let alone a faction – told us that the “sects were very distinct [...] these two camps fuelled a culture of animosity towards the other, withholding information and trying to damage each other’s reputation.”
- One member of LOTO staff told us that the bulk of junior employees in HQ who were not aligned with Jeremy Corbyn were nonetheless happy when things seemed to be going well on the night of the 2017 general election, but were “swayed” by the negative attitudes of more senior staff, adding that “it got to the stage where some of those who I was friends with would be cautious about being seen getting along with a leadership member of staff.”

C1.29 We agree with the findings made in the Kerslake Review, and in particular the conclusion that: “It is in the nature of a broad political party to have competing views and perspectives and this has always been the case for the Party. What is different here is the way in which factionalism has become embedded in the way the Party itself operates creating distrust and division.”

The attitudes of senior staff

C1.30 By the period covered in the SMT WhatsApp transcripts (September 2016 – October 2017) it seems that a significant number of the senior HQ staff involved felt that they were on a defensive footing. We think there was some justification for their perception that many in LOTO were hostile to them, and we do not doubt that the intense pressure many of them have described to us was genuinely felt. We consider, however, that a “siege” narrative became amplified and exaggerated through “echo chambers”, in particular the SMT WhatsApp groups. In our view, that led some staff to lose perspective and conclude that they were operating in a conflict zone in which otherwise unacceptable conduct could be justified, and blinded them to their own contributions to the dysfunction. In that context, some of them engaged in discussions about the leader’s staff and his supporters which were at times shockingly disparaging and derogatory.

C1.31 It is inevitable for there to be disagreements and indeed sometimes personal animosity within any organisation, particularly a political party, but there have to be limits on how those disagreements are expressed; in our view the discussions in the SMT WhatsApp groups frequently went beyond those limits. There was clearly a range of attitudes amongst the groups’ members, and some were far more vocal than others, but there are few if any examples of the more extreme comments being challenged. The groups appear to have become echo chambers in which at times conspiratorially hostile attitudes to the Party’s Left were at best tolerated, and at worst amplified – including by the most senior staff, who in our view had a particular duty to intervene.

C1.32 We have taken into account that many of the comments were made in jest and were not intended seriously or literally (contrary, on occasion, to the Leaked Report’s framing of them); that does not in our view negate all criticism of them. It is (or should be) self-evident that saying that you hope someone has been run over by a train, or that someone deserves to die in a fire, is reprehensible even if you are “joking”; for Party staff to consider such “jokes” acceptable in relation to colleagues or Party members suggests to us that they had become detached from both professional and personal norms.

- C1.33 We note the authors' explanations that they were under intense pressure and used the WhatsApp groups as a kind of release valve. We accept that many of them now sincerely regret the messages they sent; as one put it to us, "when I looked back at [the messages], I actually didn't recognise myself. When I looked back at them, I just felt really sad. I felt so sad." Another told us that looking back at the comments "fills me with shame [...] I regret it deeply and if I could change it I would [...] I cannot express in strong enough terms how sorry I am".
- C1.34 The conviction that the end of Jeremy Corbyn's leadership (be it brought about by PLP revolt or electoral disaster) would be a good thing for the Party underpinned, and was reinforced by, the WhatsApp discussions. We will consider in later sections the specific consequences of allowing that mindset to settle amongst a group of senior Party staff. It seems to us indisputable that it gave rise to a conflict of interests, although (as explained in later sections) not to a degree which rendered the staff unable to do their jobs, and in many cases do them well. However, the toxicity of relationships did undermine good work done by all Party staff.
- C1.35 It has been put to us that the SMT WhatsApp transcripts and the instant messages, being private communications, do not reflect the actual culture of the Party at the time. We accept that the kind of hostility evident in the messages was not displayed by the staff involved in their day to day dealings with colleagues. In our view, though, the messages (which are between colleagues, very often discussing work) are not straightforwardly severable from the Party's culture; they were part of it. We do not accept that the discussions were in effect vacuum sealed with no bearing on the way the staff involved saw or related to their colleagues in "real life". We also do not accept that messages sent to a WhatsApp group of 24 people is an entirely private communication akin to a text with one friend or a phone call. We note the recent cases of members of the police being sanctioned as a result of sharing material in WhatsApp groups.
- C1.36 There is a difference between a superficially polite relationship, and one of genuine mutual endeavour. The latter requires a foundation of respect, and such a foundation was lacking here. Almost all of the members of LOTO staff who we spoke to said that they were shocked when they saw the vitriol of the comments quoted in the Leaked Report, which supports our conclusion that the HQ staff in question had been professional (and in many cases friendly) in their face-to-face dealings with LOTO colleagues. Those politically aligned with Jeremy Corbyn, however, were not entirely surprised by the messages:
- "[it] validated the feelings of being unwelcome that I and members of my team had experienced."*
- "the sense that [HQ staff] regarded themselves at a senior level [...] as part of a political opposition to the elected leadership, I mean that was something that had been totally clear from word go. And so seeing that played out in a private conversation wasn't surprising."*
- C1.37 Indeed, even some that we spoke to who were not LOTO staff members told us they were not surprised:
- "On reading the leaked report very large sections of it matched conversations I was party to and that were going on around me at the time – some of the messages published on WhatsApp being word for word transcripts of conversations openly taking place in the common areas, kitchenette and work areas of the Southside Office."*
- C1.38 We emphasise again that we do not have an equivalent record of private communications between LOTO staff. We have, though, heard from some HQ staff that they faced extreme hostility, and in some cases bullying, from individuals in LOTO. Some of the evidence we have received from members of LOTO staff supports the contention that HQ staff were viewed with mistrust and in many cases dislike. We do not suggest that the problem was one-sided.

Consequences for the senior staff involved in the messages

- C1.39 This is an appropriate point at which to note that, of the 24 members of the SMT WhatsApp groups, only four still work for the Party, and none of those four were substantial contributors to the groups.
- C1.40 A number of the authors of the WhatsApp messages have been subject to disciplinary proceedings as Party members, which were instigated shortly after the unsanctioned release to the media of the Leaked Report, largely on the basis of the messages quoted within it. The majority of those proceedings have now concluded, with a range of sanctions applied by the NEC. Needless to say those proceedings were wholly separate to this Inquiry and we are not performing a disciplinary function or second guessing the process. In other cases which we considered, however, and which were dealt with during the period we were commissioned to review, we gained the impression that the strength of staff disciplinary outcomes – just like disciplinary procedures regarding members as discussed later in this report – reflected a dependence on a narrow factional majority on the NEC in one direction or the other. That prima facie suggested a serious lack of objectivity and fairness, and represented an unhealthy position for the Party itself – and for its staff.

- C1.41 We understand the intensity of anger amongst many of the membership at the contents of, in particular, the WhatsApp messages cited in the Leaked Report. Our focus, though, is on how such a toxic situation arose and (more importantly) how it can be avoided in future. That endeavour will require empathy, a quality which was clearly lacking in some of the discussions in the SMT WhatsApp groups; it has also been lacking in some of the responses to the Leaked Report, which in some cases have been vicious and caused immense distress. It seems to us that a willingness to see the good in people even with whom we disagree, and to believe in the potential of people to learn and change, is foundational to all successful progressive movements. One of the tragedies of this period for the Party is that so many have lost sight of the humanity of those who they see as being in an opposing faction, which is perhaps easier than ever in an age where so much of our communication takes place at arms-length through a screen.

Many have lost sight of the humanity of those who they see as being in an opposing faction.

Allegation 2

Factionalism adversely impacted on the handling of antisemitism complaints in the relevant period

Summary and Conclusions

HQ staff strongly asserted that their dealing with antisemitism cases was systematically undermined by LOTO interference. This also formed the basis of the Panorama narrative. The EHRC found that the Party operated a policy of LOTO intervening in antisemitism cases outside the process provided for in the Party's disciplinary policies and guidelines. Whilst it is true that the EHRC findings tend to discount the legitimate political necessity of the leader and LOTO being made aware of developments in such cases, we consider that there is enough evidence of direct intervention to support the conclusion that such interference, at times, went beyond what was the legitimate interest of LOTO, most notably in relation to cases which involved allies of Jeremy Corbyn.

We have also seen evidence of denialism about antisemitism amongst some on the Left, who asserted that the issue was being exaggerated to undermine the leader. To be clear, we have seen no evidence that claims of antisemitism were fabricated by complainants or improperly pursued by the complaints team (although we have seen evidence that many of the claims about antisemitism that were made public did not in fact concern members of the Party). The Leaked Report itself is emphatic in stating that it "thoroughly disproves any suggestion that antisemitism is not a problem in the Party, or that it is all a "smear" or "witch-hunt"."

As the EHRC identified, there was undue and improper involvement of LOTO in a limited number of high profile disciplinary cases in which they should have had no substantive involvement. That is rightly to be deplored. We also understand that GLU staff felt that they were generally under political pressure from LOTO and their allies not to find certain individuals guilty of antisemitism. However, we have not received clear and convincing documentary evidence that there was a systematic attempt by the elected leadership or LOTO to interfere unbidden in the disciplinary process in order to undermine the Party's response to allegations of antisemitism. In our view, the problem was principally a lack of clarity (on both sides) about how involved LOTO should be; and this was aggravated by the mutual antagonism between HQ staff and LOTO.

During Spring 2018, the period on which much of the reporting has focused, LOTO staff provided input into specific cases after it was sought, sometimes insistently, by HQ staff, who refused to proceed until they had it. HQ staff say that they were forced into making those requests by persistent "offline" interference by LOTO which they wanted to bring into the open; whatever HQ's motives, however, we find that LOTO staff responded to the requests, for the most part, reasonably and in good faith. We note that their responses were subsequently used to form the basis of wholly misleading media reports which suggested that LOTO staff had aggressively imposed themselves on the process against HQ's wishes.

The problem was principally a lack of clarity (on both sides) about how involved LOTO should be.

There were structural problems with the Party's disciplinary system which meant it was not fit for purpose.

What we can firmly conclude on the basis of the evidence we have seen is that there were structural problems with the Party's disciplinary system which meant it was not fit for purpose or able to cope with the increase of complaints which followed the post-2015 surge in membership. These systemic issues were

seriously compounded by factionalism. In particular, the 'validation exercises' which took place in the run up to the 2015 and 2016 leadership elections diverted staff time and cemented a lack of trust between LOTO and HQ which further hampered the Party's ability to deal with antisemitism complaints effectively.

Whilst it is difficult to reach firm conclusions on the extent of improper interference because of conflicting evidence, we consider that both sides are open to criticism. It is our view that the fundamental reasons for the problems in the complaint-handling process were both structural and operational; but it is also clear that the factional culture in which these structural problems arose seriously exacerbated those issues.

Scope

C2.1 As has been set out above, the Leaked Report was intended to form part of the Party's evidence to the EHRC in relation to its investigation into whether the Party had breached its duties under the Equality Act 2010 in relation to antisemitism, by (amongst other things) failing to establish and maintain an adequate disciplinary system to deal with complaints. One of the key allegations made in the Leaked Report is that the failings in this period, in particular in relation to antisemitism complaints, were caused not (as the Right had suggested) by LOTO, but rather by a combination of structural failings, inaction or diversion onto other largely factional issues by the HQ staff responsible for dealing with complaints, namely staff from the GLU. The alternative narrative – largely pursued in the Panorama programme – is that GLU staff were prevented from pursuing cases because of interference or fear of interference from LOTO or the Left on the NEC.

C2.2 The EHRC assessed concerns about the Party's handling of antisemitism complaints in the context of potential breaches of the Equality Act 2010; we do not seek to rerun any of the EHRC's findings and we have not sought to repeat the kind of analysis of selected individual cases undertaken by the EHRC. The Party and the NEC have agreed a series of steps to prevent such interference in future and address the problem of antisemitism more generally. We are broadly in support of those steps although we do have some reservations which we set out later.

C2.3 The EHRC was concerned with whether the actions of the Party as a whole in relation to those cases amounted to breaches of equality law (for example because LOTO had had substantive involvement in them). We are looking at the broader issue of whether the actions of individuals and/or factions within the Party meant that complaints were not handled as effectively as they could have been.

C2.4 In general, we have not named individuals unless we consider it essential to do so, or unless matters have already been reported in the media. There are occasions below where we discuss matters which have been reported on inaccurately in the media and in some of those cases we have taken the view that individuals should be named in order to correct the record.

Structural problems with the disciplinary system during the period 2015-2019

C2.5 It seems to be universally accepted, by respondents to both the EHRC's investigations and this Inquiry, that the Party's disciplinary system was not fit for purpose nor designed to cope with the increase in complaints which followed the influx of new members in the relevant period (with membership rising from 190,000 in May 2015 to over 500,000 in July 2016). As one senior member of GLU staff put it: "The Party was dealing with a disciplinary system that was designed for a small number of cases per year,

relying on the goodwill of voluntarily elected party members to make themselves available for disciplinary hearings [...] [the disciplinary process] was in many ways not fit for purpose for a small number of cases, let alone the hundreds of cases that the party faced in this time period.”

C2.6 The Party’s disciplinary system is more fully explored in Section D of this report, but in summary, the key systemic problems were:

- **An inadequate system for logging and tracking complaints:** this made it difficult if not impossible for someone to identify what stage a particular complaint had reached, or to see immediately how many disciplinary cases were active at a given time. In our view this gave rise to inadequate oversight of how cases were being progressed, both individually and as a whole. The “complaints centre” introduced in 2017 – 2018 remedied the position somewhat but not entirely.
- **Inadequate staffing in GLU:** this slowed down the processing of incoming complaints, the investigation of complaints which were referred by GLU to the NEC, and the preparation of bundles/charge sheets for cases which the NEC referred on to the National Constitutional Committee (NCC). The position was improved substantially in 2018 – 2019 through the hiring of a number of governance officers.
- **Delays in getting cases before the NEC:** as at 2015, all cases referred by GLU to the NEC were heard by the full plenary NEC Disputes Panel, which only met four times a year. Cases therefore often had to wait a long time to be heard, and often got caught up in the NEC’s broader factional currents once they got there. This position was changed in 2017 in relation to sexual misconduct cases, with the introduction of smaller sub-panels of three to five members, sitting with an independent legal adviser. This “small panel” model was successful and was adopted in relation to antisemitism cases in 2019.

- **Delays in the determination of cases by the NCC:** further bottlenecks arose when cases were referred on by the NEC to the NCC, in part because it was difficult to find NCC members to sit on the panels that heard cases, and in part because of respondents requesting (and being granted) deferrals. In May 2019, new guidelines were imposed to encourage the swifter and fairer resolution of cases by the NCC; in September 2019 the NCC was expanded from 11 members to 25, meaning that it was able to convene panels with greater ease.

- **A lack of clear guidance:** there was a lack of written guidance in relation to the framework for decision-making at every stage, namely decisions by:

- GLU (as to whether to investigate a complaint, whether to refer a matter to the NEC, and whether to impose an administrative suspension while an investigation proceeded);
- the NEC (as to whether to take no further action, issue a written warning, or refer a matter to the NCC); and
- the NCC (as to sanction).

This led to inconsistent decision-making at every stage. Clearer guidance was introduced in some areas (for example antisemitism complaints) in 2019, but in our view the handling of all types of complaint must be held to the same standard.

- **Inadequate processes at regional and devolved levels:** the process followed when complaints were handled locally by CLPs and regional offices lacked clarity and was often subject to complaints of bias from respondents. In 2019, cases involving racism, discrimination and/or harassment based on a protected characteristic were removed from the disciplinary powers of CLPs and now have to be dealt with through GLU, which should substantially address the problem.

C2.7 In short, there were fundamental problems with the disciplinary system throughout this period which were not confined to antisemitism cases and were not addressed by management nor the NEC; these problems inevitably led to delays and inconsistencies which were not necessarily attributable to any individuals acting in bad faith. The disagreement concerns whether those structural problems were exacerbated by individual members of staff from either faction. In broad terms:

- The Right's argument is that the problems were exacerbated by improper interference from the Left – including some of the Party leader's senior staff and his supporters in the PLP and the NEC – and that pressure was exerted on the complaints team to drop, delay, or impose lesser sanctions in proceedings against members on the Left. This argument has been made repeatedly in the media; it was also made by many of the witnesses we spoke to. More broadly, it has also been put to us that attempts to improve the disciplinary system under Iain McNicol were resisted by LOTO and the Left on the NEC (even though at that point the pro-Corbyn Left did not have an NEC majority), which saw those efforts as a hostile act by GLU.
- The Left rejects those allegations, and says that the problems were in fact exacerbated by the inaction of GLU staff, who were overwhelmed by the volume of work, and/or distracted from focusing on it by their engagement in factional endeavours, and/or were content to allow cases to drag because any backlash tended to be against Jeremy Corbyn. This, broadly, was the thesis of the Leaked Report, and it was repeated to us by many witnesses.

2015 – 2016 “validation” exercises

C2.8 The allegation that the staff in GLU failed to deal with antisemitism cases partly because they were engaged in factionally based exercises against the Left is a very serious accusation and one we needed to assess in some detail.

C2.9 The Leaked Report repeats allegations that in 2015 – 2016 GLU staff were diverted into an exercise that trawled the social media accounts of a substantial number of applicants and members on the Left in search of problematic posts which would justify rejecting their application (or suspending their existing membership) in order to deny them a vote in the leadership elections held in those years. It is alleged that this was a factional exercise targeted at the Left, with a view to preventing Jeremy Corbyn from being re-elected leader. The Leaked Report cites multiple instant messages (which we have seen) in which GLU staff described this process as “hunting out 1,000s of trots”, “trot busting”, “trot spotting”, “trot hunting” et cetera.

C2.10 No one has denied that a “validation” process of some kind took place in both 2015 and 2016. It has been put to us by GLU staff that the 2015 “validation” exercise was fairly ad hoc, while the 2016 equivalent was more structured. In both cases, we were told, the exercise was a response to concerns that the lack of checks on members who had joined – particularly under the affiliated supporter system (which had been enhanced by Ed Miliband) – could give rise to hostile “entryism” from the Right and Left. Staff told us:

“effectively the line was we don’t want to be infiltrated by a load of Tories [...] I don’t think anyone ever envisaged you would have hundreds of thousands of people joining, and one of the learnings from 2015 was that some sort of system was required to make sure that there were not hundreds of thousands of Tories joining the Labour party, who don’t share the values, who would vote in some way to do it harm – so there was a system effectively to put cases on the basis of social media entries to NEC panels who, rather

than adjudicating on disciplinary matters in the traditional form, could effectively remove someone's ballot from the election"

"there's a process where NEC members could veto people [...] joining as supporters or members in order to get a vote in those elections [...] in [the 2015 leadership election] there were stories about, you know, journalists getting their llamas to have a vote, your cat signing up to have a vote and things"

"During the first leadership election, there [were] hundreds of thousands of applications to join the Labour Party from prospective new members. The Labour Party rulebook is very clear on the parameters in which membership can be ruled out – largely for members of other political parties and those who don't share Labour Party values. These included self-described Trotskyites and communists. Any communist is ineligible to join the Labour Party and it was absolutely within the roles and responsibilities of Labour staff to ensure that their membership applications were challenged."

- C2.11 Many GLU staff accepted that the validation process – which in 2015 involved manual review by Party staff of applicants' social media pages – gave rise to some mistakes. It is certainly clear that GLU staff recommended some applications for rejection by the NEC on grounds which do not stand up to scrutiny. In an email sent on 12 August 2015, one NEC member agreed with the majority of a list of proposed suspensions, but flagged several issues: "donating to the People's Assembly is not an anti-Labour activity"; "we can't block her for being just for being a journalist, unless there is any evidence she is anti-Labour we should let her through"; "we can't bar people because they say they are proud to be English"; "her Facebook likes are fine [...] we can't block people just because they like the people's assembly and UK uncut"; "I wasn't sure about this. All this Militant stuff is a bit before my time. 1991 seems like a long time ago".

- C2.12 A list of "rejected members" circulated by GLU staff on 21 August 2015 listed 238 applicants who had been refused a ballot. Some were Green or Conservative Party members who were joining to vote for Jeremy Corbyn (with differing motives), and we accept that those applications were properly rejected. Others were rejected because they had indicated in the "reasons for joining" section that they were joining only to vote for Jeremy Corbyn and would leave if he did not become leader, which seems to us more questionable as a ground for rejection. Others were apparently rejected for reasons that were wholly inadequate - for example: "Pattern of retweeting Green Party material and expressing support"; "Frequently submits images to the socialist worker from SWP protests and events"; "green party supporter - likes on facebook"; "twitter follows and RT far left groups and politicians"; "Retweeted Class War"; "likes a lotta greens on FB".

- C2.13 In 2016 the process was formalised somewhat. As before, applications were rejected, properly, from anyone who was shown on local authorities' "statements of persons nominated" to have nominated a candidate for another political party within the last two years, or who admitted on their application form to being a member of another party. GLU also, however, commissioned a tool which matched applicants' email addresses with Twitter and Facebook accounts and then searched for certain flagged words/phrases, which had been chosen by GLU staff:

"We sat down and we [...] identified all of the terms of abuse that sitting MPs and Peers had come to us with [...] And this only referred to the leadership election incidentally. This doesn't refer to normal times, this is just people trying to sign up as a supporter or member during the leadership election. So [...] terms of known abuse, which is where you get all the 'Blairite scum', the 'traitor', the 'rats', those sorts of things [...] a phrase like 'I voted Green', 'I voted Tory', those sorts of things. And hashtags from previous general elections and local elections and things. So there was a list of hundreds and hundreds and hundreds of terms that became [...] the list that the social media was run against."

- C2.14 Tweets containing the flagged phrases were reviewed (usually by regional officers) and could then form the basis of a recommendation that the NEC reject someone's application. A document setting out the "vetting process" was circulated on 29 June 2016, together with a suggestion that 10 casual staff be employed from Labour Students to review the results of the searches. All applicants (and, later, some existing members) were run through the search tool.
- C2.15 A "vetting criteria" document was also circulated, explaining that applicants would be referred to an NEC panel if the search results revealed that: "they have publicly stated that they supported a candidate in opposition to a Labour Party candidate in 2015"; "there is good evidence that they belong to an organisation whose aims and values are contrary to those of the Labour Party. This includes other political parties and organisations with contrary political aims"; "there is strong evidence that they subscribe to the aims of these opposing organisations, such as recently attending their meetings or posting (more than once) on blogs or social media in support"; or "they publically [sic] state or send any abusive comments regarding any candidate or any other Labour representative".
- C2.16 It appears (based on an instant messaging discussion on 20 June 2016) that the intention was for two senior members of GLU staff to have the final sign off on which cases were sent to the NEC.
- C2.17 On 15 August 2016, following a request from an NEC member for details of the search terms being used, a list of 1,959 "flagged phrases" was forwarded by a member of GLU staff to two other senior members of the team. It included:
- a range of phrases indicating support for other political parties ("I voted Green", "I voted Tory" et cetera);
 - 35 abusive phrases which included the word "Blairite" or "Blair" ("Blairite scum" et cetera);
 - 15 abusive phrases which included the word "Corbynite" (but none which included "Corbyn" or "Corbynista");
- 15 abusive phrases which included the word "trot"; and
 - a number of abusive phrases containing the names or twitter handles of specific MPs, almost all of whom were on the centre or Right of the Party. Jeremy Corbyn himself was not included.
- C2.18 Shortly afterwards, a list of just 294 "flagged phrases" was sent by the same member of staff to various NEC members (in response to the request mentioned above) with phrases relating to specific MPs removed. The covering email explained that "[s]omething may also be flagged to us if it appears in the same tweet as the name of an MP", which in our view gives the inaccurate impression that the names of all MPs (or at least all Party MPs) were included in the list.
- C2.19 According to a note circulated amongst the GLU team on 22 November 2016 called "final verification and validation numbers":
- Action was taken on the basis of the local authorities' "statements of persons nominated" in relation to 250 new members, 160 existing members, and 24 registered supporters;
 - Applications were rejected from 990 individuals who admitted membership of another party on their application form; and
 - Action was taken by the NEC on other grounds (including online comments flagged by the search tool) in relation to 1,006 new members, 1,403 existing members, and 131 supporters.
- C2.20 In an email chain between GLU staff on 22 November 2016, it was confirmed that there had been just under 4,000 "total actions by the NEC which includes all Supporter Rejections, Membership Rejections, Auto Exclusions and Administrative Suspensions", and that 1,024 of those actions had been against existing members, such that "the most appropriate course of action was an administrative suspension pending investigation."
- C2.21 Various concerns about the process were discussed at an 18 October 2016 meeting of the NEC Disputes Panel, a note of which was sent by one panel member to the GLU team. These concerns included:

- whether existing members as well as new joiners should have been put through all the validation checks as part of the leadership contest;
- whether checks to ensure that members were not breaking rules or breaching acceptable standards should have been made separately from a specific internal election;
- whether members who were suspended or excluded should have been allowed to vote (as they were in 2015) while their longer-term status was clarified;
- whether the Party should have engaged in active trawling of social media accounts and online postings of all members, and supporters, rather than responding to complaints;
- the weight which should be given, when examining social media, to retweets/likes/shares, as opposed to original tweets and postings;
- which words were unacceptable in such social media posts, and whether descriptions such as “hapless”, “useless” and “incompetent” should have been treated as falling within the category of personal abuse, even if they were not actually obscene;
- whether NEC panel members, or the NEC as a whole, should agree common standards for deciding whether evidence justifies suspension or exclusion;
- how much attention should be paid to comments or actions before a member joined the Party;
- whether suspended or excluded members should be sent the evidence shown to the NEC panels with the letter notifying them, rather than having to request and receive this as a separate exercise; and
- whether more efforts should have been made to hear appeals before the ballot closed.

C2.22 In our view those were all reasonable issues for consideration and should have been resolved transparently at the outset of the exercise, not retrospectively.

Reflections on the 2015 – 2016 “validation” exercises

C2.23 It was understandable for Party staff to have some concerns around undetected “entryism” in this period. However the Party had not previously conducted an equivalent validation exercise on new members. The practice of conferring “Provisional Membership” for a period of 8 weeks does, to some extent, facilitate such validation, but it needs to be undertaken in future in a properly non-factional manner.

C2.24 None of the GLU witnesses we spoke to accepted that there was any particular focus on removing ballots from members on the Left (and indeed some suggested that the focus had in fact been on Right entryism): “there was absolutely no coordinated attempt to ‘block’ Jeremy Corbyn supporters from voting, unless their application failed to meet the rules of the contest”. The fact is, however, that GLU staff had a substantial role in deciding how those rules were interpreted, for example by choosing the list of search terms in relation to abusive posts. The list of flagged words should have been agreed by GLU and the NEC, and published transparently. We can see no legitimate non-factional reason why the search tool was apparently designed only to catch abuse aimed at MPs on the centre and Right of the Party, and to ignore the majority of abuse aimed at MPs on the Left (including Jeremy Corbyn). The names of all MPs could easily have been included. Instead, it seems likely that problematic behaviour by individuals on the Right (for example, abusive tweets at Jeremy Corbyn) were not investigated, because they were not searched for. If the concern was about Right entryism, that was a strange decision.

C2.25 In our view the intention and effect of both validation exercises was to remove ballots from individuals who would otherwise have voted for Jeremy Corbyn. It does not seem to us credible to suggest that the exercise (in particular the social media component) was not targeted at applicants and members on the Left.

C2.26 It is clear from the extensive internal discussions we have seen between staff engaged in “trot hunting” that they did not understand it to be a factionally neutral task. It seems to us that many concluded that a certain lack of transparency in relation to the exercise was acceptable because it was, as one junior member of staff put it in an instant message on 15 August 2015, “for the saving of the Labour Party!” In another exchange (on 11 July 2016), another junior employee suggested taking the twitter handles of people posting the pro-Corbyn hastag “#imwithjezza” to run through the search tool “to see if they have posted abuse elsewhere”. We do not know whether that happened, but it illustrates what some staff, at least, understood the objective of the task to be.

C2.27 One temporary member of staff who was based in HQ at the time told us:

“Of particular concern for me as I commenced work at Southside was the regular ringing of bells and cheering throughout the working day. On commenting that there seemed to be a lot of birthdays among colleagues I was advised that the bell ringing was conducted by the “compliance” unit and represented the successful suspension or expulsion of a member – often surrounded by the description of such members as “trots”. A large number of staff across most teams were actively involved in trawling members, post holders and potential candidates social media accounts seeking evidence that might be used against them – although it was unclear to me whether this was as volunteers or on a specific request from the compliance unit.”

C2.28 We accept that many of the membership applications rejected as a result of this exercise were rejected legitimately, but we have seen evidence that a material number were rejected on problematic grounds. We also consider that the decision to extend the social media trawl to existing members, and to remove ballots from those who were administratively suspended as a result, was improper. If the Party wishes its disciplinary system to have a proactive element (that is, one which involves searching for wrongdoing amongst existing members rather than simply responding to complaints), that proactive element must operate within published guidelines, neutrally, and regularly (that is, not timed solely to coincide with a leadership election).

C2.29 The fact that the NEC made the final decisions does not negate the lack of balance in the initial exercise; the NEC could only deal with the cases and evidence that were put before it, and panel members did not (as explained above) seem to have full visibility on how searches were being carried out. The NEC panel members were not necessarily expected (or able) to interrogate the cases closely. The “vetting process” document said that the NEC would be sent a list of cases once a day and be expected to turn them around within 24 hours. In an instant message discussion on 30 June 2016, a member of staff who had been asked to assist in the validation exercise asked a senior team member “what’s your expectation or knowledge of - from last year - how good the NEC are at listening to the kind of evidence we’ll produce?” and was told: “As long as our team don’t take the piss - they’ll get used to rubber stamping the recommendations.”

C2.30 It appears to us that only a handful of GLU staff knew the full details of the infrastructure surrounding the validation exercise – for example, the words on the “flagged list”. It may well have been the case that even the junior staff carrying out the exercise believed that the initial searches were targeting the Left and Right equally. We also accept that even those who knew that the system was targeting the Left believed that it constituted a necessary “fight back” against attempted hard Left infiltration and was in their view justified (though none of the witnesses we spoke to offered that explanation).

C2.31 In our view, however, this was by and large a factionally slanted exercise, designed and carried out with a startling lack of transparency, which had the goal of undermining Jeremy Corbyn's chances in the leadership elections. It cemented mistrust of the motives of HQ staff in LOTO. It also embedded an extremely damaging conviction amongst parts of the membership that the Party's disciplinary system was rigged against them; this allowed the false idea that complaints of antisemitism were being fabricated as part of a "witch hunt" to take hold more easily than it otherwise would have, and made the handling of complaints in the years ahead substantially harder.

C2.32 Moreover the extent of this validation exercise (or 'Trotspotting' depending on your factional point of view) was undoubtedly demanding on the time and priorities of several GLU staff. In that sense it seems to us that at least to a degree it is correct to assert that it did divert GLU staff from a focus on complaints and disciplinary action on antisemitism and other disciplinary cases.

Alleged interference by LOTO staff and NEC members in complaints

2015 - 2018

C2.33 Prior to the increase in disciplinary cases after 2015, we understand that LOTO generally had no involvement in disciplinary cases (which were relatively few in number) other than high profile ones, on which the leader was briefed. One long-standing member of GLU staff told us that, under previous leaders, LOTO involvement in such cases "was not a formal layer of 'sign off'" but a means of ensuring that "the Party was acting 'as one' on any individual matter [...] so that announcements or decisions could be made on a coordinated basis" in order to give "officers a level of political cover for making hard decisions".

C2.34 The same GLU staff member told us that that had changed after 2015, when both the volume of disciplinary cases and the level of LOTO interference increased dramatically:

"LOTO actively opposed or undermined decisions, while attempting to give the appearance that decisions were made solely by officers of the party [...] decisions to suspend individual members or take action at all were increasingly challenged or questioned by members of staff in LOTO [...] [GLU staff] felt increasingly pressurised and unable to make our own decisions"

"It became a regular occurrence for GLU to receive emails from many staff in LOTO or elsewhere asking about cases [...] or calling [...] to intervene. I believe LOTO felt GLU should not be making decisions on suspensions and cases without prior agreement and sign off by the leader's office"

Another member of GLU staff agreed:

"Labour staff were determined to stamp out anti-Semitism across the Party but were hindered from taking decisive action by LOTO staff"

C2.35 One senior member of GLU staff told us that intervention by LOTO "or their supporters in the media or online" happened in "many thousands" of cases. Others told us that many of these interventions took place at the regular meetings held between LOTO and HQ staff on Tuesdays and Thursdays, and in subsequent telephone calls about the cases that had been discussed. We have also been told that LOTO staff regularly requested copies of papers due to be sent to the NEC Disputes Panel, and that the recommendations for disciplinary action set out in those papers were then challenged by LOTO staff outside of NEC meetings (as well as within them). In most cases, these are not the kind of interventions of which documentary proof would exist.

C2.36 A number of cases were flagged with us as examples of LOTO interference. As explained above, we have not reproduced the analysis conducted by the EHRC; we do not have the complete correspondence in relation to any individual case, and such an analysis is beyond the scope of this report in any event. We will, though, look at a key case illustrating the ways in which LOTO interference is said to have manifested itself in the period 2015 – 2018 (Ken Livingstone) and 2018 - 2019 (Palestine Live). We have chosen the examples in question because they were mentioned to us frequently in evidence as examples of the adverse consequences of the dysfunctional GLU/LOTO dynamic, and as such illustrate (at the least) what each faction thought was happening.

Ken Livingstone

C2.37 The NCC imposed a two year suspension on Ken Livingstone in April 2017 after he made certain comments. After the NCC hearing, he reiterated the same comments, leading to calls for further proceedings against him. Jeremy Corbyn issued a statement saying “It is deeply disappointing that, despite his long record of standing up to racism, Ken has failed to acknowledge or apologise for the hurt he has caused. Many people are understandably upset that he has continued to make offensive remarks which could open him to further disciplinary action.”

C2.38 A senior member of GLU staff told us that they had investigated the further comments straight away, but decided to wait until the expiry of Ken Livingstone’s first suspension (in April 2018) before putting the new allegations to Ken Livingstone and imposing a fresh administrative suspension; that was because it was assumed that the new suspension would immediately trigger a letter before action (or possibly an application for an injunction) from Ken Livingstone, which they thought it was better to defer. That view was apparently shored up over the course of 2017 by the need to deal with disciplinary cases arising from the #MeToo movement, and then the general election. The plan was to ask the NEC to consider imposing the new suspension at its March 2018 meeting. None of the GLU witnesses we spoke to denied that the decision to wait until 2018 before taking further formal action was taken by GLU.

C2.39 Members of GLU staff told us, however, that LOTO refused to have the second suspension put on the NEC’s agenda in March 2018, and that the General Secretary in the end had to impose the second suspension himself using delegated powers. GLU staff we spoke to were convinced that LOTO had been trying to find a way to go easy on Ken Livingstone, though there was a lack of agreement about what LOTO’s precise objective had been. One senior member of GLU staff told us that “action on this case was delayed by LOTO and it is my belief that they did so to protect Ken Livingstone and arrange an ‘easy way out’ via his agreed resignation from the Party some weeks later.” Another told us that the suggestion that LOTO had sought to persuade Ken Livingstone to resign (which was also made in the Leaked Report) was “a lie”, saying that “[LOTO’s team] weren’t trying to get Ken Livingstone to resign [...] They wanted Ken Livingstone back in the Labour Party. That’s what they asked”.

C2.40 The matter was discussed in a WhatsApp group of four senior LOTO/GLU staff. One of the LOTO members asked in February 2018 for “lines to take” as to why the case had not been progressed the previous year, and was told that it had not been prioritised due to sexual harassment cases and the general election. On a couple of occasions in the chat, the LOTO staff suggested moving the discussion to a telephone call, so it is hard to deduce from the transcripts what their position was. One of the GLU members of the group described to us a conference call in which they were told, essentially, not to suspend Ken Livingstone unless they also disciplined an MP on the Right who had been accused of misconduct in relation to a verbal confrontation with Ken Livingstone. Another told us that, in a separate call:

“essentially [the LOTO members] sounded me out and asked me about Iain [McNicol] simply removing Ken Livingstone’s suspension. Not doing the investigation [...] they said – we have been to see him, we’ve been to his house, [we have] got an agreement with him that he’s never going to talk about antisemitism again in the media. He’s very important to the left and to Jeremy. And Jeremy wants him back in the Party.”

C2.41 It seems that some junior LOTO staff, at least, were keen for the second suspension to be progressed, in part due to concerns about bad publicity were Ken Livingstone to be reinstated in April 2018 (just before the local elections). One junior LOTO employee emailed a senior member of GLU staff on 17 January 2018 expressing concern and asking whether a second suspension had been imposed. She was told that: “A second suspension was not applied, so he will come back into membership in April. The Party received a small number of complaints about his comments after the NCC hearing. We haven’t formally opened a new investigation yet, and that is a conversation we will have over here.” The LOTO staffer then asked whether the March 2018 NEC meeting could be used to “have his suspension lengthened”, and was told that: “Once the suspension ends he’s automatically back in. It would come again to Disputes if we opened a new investigation into him.”

C2.42 Those replies came from the same senior member of GLU staff who told us that the investigation had been commenced and “almost completed” in 2017, and that the plan was always to put the new administrative suspension before the NEC in early 2018. If that was the case, it is not clear to us why it was not explained in the email chain in question. Irrespective of the motives on either side, this exchange undermines the suggestion that GLU staff were battling to push forward with the second suspension but meeting blanket LOTO resistance.

C2.43 All in all, it seems to us that there was a lack of clarity within each of GLU and LOTO as to what was happening with regard to Ken Livingstone’s second suspension, and a range of views as to what should happen. Individuals within each team were not always fully aware of things their colleagues had said, and communication between the two teams was even poorer. It seems to us that (given the profile of the case) it would have helped matters significantly had GLU explained their proposed approach to LOTO at the outset, including their intention to delay the second suspension until 2018 (albeit without seeking substantive input) – not least because LOTO was expected to provide political cover for that approach.

C2.44 Some individuals on both sides emphatically and genuinely concluded that the other side was trying to delay and/or undermine the proceedings in relation to Ken Livingstone for factional reasons (in LOTO’s case, because they saw him as an ally, or in GLU’s case, because they saw this as an opportunity to damage Jeremy Corbyn).

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C2.45 Most senior GLU staff who we spoke to accepted that direct interference by LOTO staff happened only in a handful of cases, but said that the interference was “part of a bigger picture which includes the NEC”, as well as pressure from CLPs and members; they say that there was a cumulative “chilling effect”. One told us that “the combination of political pressure – or at the very least a lack of political cover – on decisions, combined with outright political interference from individual NEC members [...] meant that disciplinary processes reached a near impasse.”

C2.46 In March to April 2018, a practice arose whereby the views of LOTO staff were routinely sought on disciplinary matters by email. It was agreed by the witnesses we spoke to that this was a GLU initiative and not one that LOTO requested. GLU staff told us that they adopted this approach because LOTO’s “offline” involvement in, in particular, antisemitism cases had by that point become established and routine. Many GLU staff considered that the old system – whereby LOTO informally signed off on decisions and provided political cover for them – should have been emulated by Jeremy Corbyn’s team. In their view, however, Jeremy Corbyn’s team either refused to sign off on decisions they did not like, or sought to change them. That, we are told, led GLU to seek LOTO’s formal written agreement to GLU’s proposed course of action in each case, thereby forcing them to either sign on to disciplinary outcomes in advance or put their objections to them on the record:

“political pressure [...] combined with outright political interference from individual NEC members [...] meant that disciplinary processes reached a near impasse”

“I was totally and utterly exhausted [...] sick of the Unit and myself making decisions that then were overturned by the leader’s office [...] [It was decided] to involve them [...] formally in the decision-making. So have it in writing [...] what they wanted us to do, because we were sick of making decisions and then being shouted at for making them and then having to backtrack on them [...] I wanted them to be accountable for the decisions they were asking us to make behind closed doors.”

“This kind of interference led to us involving LOTO more and more in decisions that they previously would not have had a say in so that we had a level of agreement from them, rather than being challenged or overturned later on [...] GLU staff were desperate to coordinate decisions with LOTO, but found every attempt at doing that would descend into a fight, mutual distrust, questioning each others’ motives and very often an attempt by LOTO or their allies to bypass the party’s own rules to protect people who they felt politically or personally close to.”

“the formal communication from us to establish a process to involve LOTO, that wasn’t us taking initiative to set them up [...] it was about formalising essentially a process that existed anyway.”

C2.47 This reasoning was not explained to LOTO’s team, whose responses to requests made pursuant to this strategy subsequently formed the basis of a substantial amount of criticism. The requests for comment on disciplinary cases made to senior staff were initially ignored, and ended up finding their way to a young and relatively inexperienced member of LOTO staff, who told us:

“[GLU staff] started emailing me and others these antisemitism complaints saying, what shall I do on this one, what shall I do on this one and, from my perspective, I just thought, if we don’t respond or if I don’t respond, then we will be accused of slowing down the process

[...] [GLU staff] had chased these emails about four or five times over about a fortnight [...] I was like, [...] and [...] aren’t responding [...] and this looks terrible, it looks like the leader’s office are holding up disciplinary action, so then I actually inserted myself into the email chain [...] that whole process of checking cases came to an end when [...] really clocked on about what was going on [...] and said why are we being consulted on these, let’s remove ourselves from this process, and then it ended at that point.”

“all of the individuals that the complaints were about, I had not the faintest idea who any of them were. None of them were friends of mine, as far as I knew none of them were associated to Jeremy Corbyn in any way [...] this picture was painted that we were protecting friends of Corbyn, but I didn’t know any of those people, I didn’t have any loyalty to any of them in any way.”

Palestine Live

C2.48 One matter which came up repeatedly in evidence, and on which much of the reporting on LOTO interference in disciplinary complaints has focused, was the Palestine Live Facebook group, which resulted in a number of suspensions from March 2018 (just as the GLU policy of effectively seeking LOTO sign-off came into effect).

C2.49 Various members were suspended from the Party over antisemitic posts made in the group, which were documented in a dossier presented to the Party in March 2018. A Jewish member on the Left was one of those administratively suspended (in early March 2018). His suspension caused some controversy, on the basis that it was unclear whether his posts in the group had met the threshold for disciplinary action. Emails were exchanged between members of GLU staff on 9 March 2018 saying they “just need the go-ahead from LOTO on this one in particular”; subsequently, those requests were sent to LOTO with a cover email which read “we would normally suspend with this. Views?”

- C2.50 A LOTO advisor was asked to comment on the case following GLU's requests for a steer on how to proceed. The advisor stated that "I don't know him either but to accuse someone of anti-semitism on these grounds doesn't really stand up [...] JC interested in this one." Following this advice, GLU was asked by LOTO to remove the suspension pending further consideration of the posts.
- C2.51 On the same day, a LOTO staff member emailed GLU asking for details of the suspension; she was told that details were with senior LOTO staff members, who she then emailed saying "[i]s it OK for me to view the allegations against [...]? Jeremy has asked me to look into it urgently".
- C2.52 On 10 March 2018 LOTO provided its views on the case to GLU. The email from a senior member of LOTO read: "I think to suspend this guy for anti-Semitism is really problematic. None of the posts can be identified as anti-Semitic in the terms of the definition we have adopted as a party or the guidance in the Chakrabarti report. [...] if we're more than very occasionally using disciplinary action against Jewish members for anti-Semitism, something's going wrong, and we're muddling up political disputes with racism. Quite apart from this specific case, I think going forward we need to review where and how we're drawing the line if we're going to have clear and defensible processes". Shortly afterwards, it was agreed that the suspension should be lifted.
- C2.53 In this instance GLU staff had asked for views from within LOTO on a particular case. Those views were given together with comments on the lack of clarity in the Party's approach to antisemitism more broadly. This appears to us to be reasonable. Indeed, it does not appear that GLU staff were themselves convinced of a cast-iron case for suspension.

Other cases arising from Palestine Live

- C2.54 A similar pattern played out in relation to other cases arising from Palestine Live. Six further members involved in the group were highlighted by HQ for possible suspension. A series of emails were sent to LOTO on the issue during the period 9 to 11 March 2018. One example read: "PLEASE can we get a response to the below. The next thing will be people saying we are soft on anti-semitism or not acting" and "I know [a senior LOTO staff member] and I talked about this yesterday, but PLEASE can I get [an] agreement for these suspensions. PLEEEEEEEEEEEASE". On 19 March 2018 GLU staff concluded that efforts to obtain sign-off from LOTO had been unsuccessful. One noted that they were "not getting anywhere with [two senior LOTO staff members] so I think we just suspend those in Palestinian [sic] Live which we reckon have crossed the line". It may be that GLU staff felt that they needed to double down on the policy of seeking sign off in advance, as one suspension had already been lifted on the advice of LOTO's team.
- C2.55 On 22 March 2018, an email chain regarding the proposed suspensions was sent to a group which included members of LOTO and the incoming General Secretary. The cover email read: "Seeing as though we are on to suspending some people – these are the rest of the problems in the Palestine Live Facebook group. Please can we get a decision on these too?" When senior LOTO staff did not acknowledge the email, a young and relatively inexperienced member of LOTO staff replied "Thanks very much for looping me in [...] [we] will look at the information today and let you know what we think as soon as possible." We were told that this response was motivated by a desire to remove any impression that the leader's office was deliberately holding up disciplinary action.
- C2.56 We understand, though we have not seen these emails, that LOTO's recommendation was to immediately suspend three of the six individuals, ask for more information about two, and take no action against one. It was noted in regard to one of the members that "...although her tweets are drawing upon conspiracy theories, they are just about Israel and no mention of Jews or Jewishness".

- C2.57 A member of GLU staff replied to LOTO's recommendations stating: "Thanks [...] – we'll action this today", then emailed again on 26 March 2018 to say: "Thank you for your help with agreeing recommendations for further disciplinary action with the cases in recent weeks – it's really helpful to have your input. With that in mind (and until the NEC working group on antisemitism concludes its report), I think it is worth me raising each case with you before we take further action on it." A LOTO staff member replied to confirm that they would be happy to be consulted: "I think that sounds like a really good way forward for the time being until the Working Group is in force. Given the unfolding urgency of getting this problem under control, it is helpful to have more people speeding the process along, which I hope I can help with."
- C2.58 The emails demonstrate that LOTO's involvement in disciplinary cases followed an enthusiastic invitation from GLU. Whilst we accept that HQ staff were apprehensive of LOTO interventions, we actually saw no documentary evidence of an organised and premeditated power grab by LOTO - and in fact, there is some evidence that LOTO staff resisted invitations to expand their involvement. On 27 March 2018, for example, when asked by GLU to provide views on how to proceed with a complaint from a member of staff in the leader's office, a LOTO staff member responded: "[We] have been working with [GLU staff] to give a steer on anti-Semitism complaints until the anti-Semitism working group is up and running, and can make its own recommendations. However, we don't want to be involved in making a judgement on other sorts of complaints which come in, and I'd not want to get involved in something regarding someone from our office, because of potential for conflict of interest etc. Please treat this as you would any other complaint, and use your judgement and internal processes to make the decision." On 17 April 2018 a request was made by LOTO that its staff were removed from emails regarding complaints. The email noted "We think now that we are through the heavy influx of cases LOTO no longer needs to be involved, except where politically sensitive or it's to do with an elected representative."
- C2.59 As the EHRC made clear, LOTO staff should not have been asked for their comments on specific cases, nor should they have provided them. Whilst LOTO will need to at least be aware of developments in politically sensitive proceedings, and on the overall functioning of the complaints team, the EHRC found that "it is not legitimate for the leadership to influence, make recommendations, or make decisions on complaints outside of the formal complaints process." But the EHRC did not, as we understand it, find that there had been a systematic attempt by LOTO to slow down or dilute the Party's response to antisemitism complaints, and we have seen no evidence of that either. In our view the fundamental problems were (a) a lack of clear guidance around how to define antisemitism, what the threshold was for suspension, et cetera, and (b) a lack of clarity (on both sides) around what LOTO's role should have been in relation to disciplinary proceedings.
- C2.60 The level of allegations of antisemitism and the concern of the Jewish communities and interest of the media should have led to a major move by the leadership, the NEC and all sections of the Party to condemn and deal with signs of antisemitism in the Party. Instead there appears to have been an assertion amongst supporters of Jeremy Corbyn, including on the NEC and amongst the membership, that the issue was being exaggerated to undermine the leader. Whilst there is some evidence that several complaints submitted did not involve members of the Party and of some double counting, the problem within parts of the Party was clearly of major significance.
- C2.61 This denialism amongst some Jeremy Corbyn supporters may well have meant that GLU staff felt they could be pressurised by LOTO and that all interventions from LOTO would be likely to be in bad faith and trying to stop proper consideration of genuine antisemitism cases. Whilst it is our view that this was not an entirely fair representation of LOTO's position it is understandable that GLU staff felt that pressure. The whole situation rapidly deteriorated as several on the Right did seize on the issue as a way to attack Corbyn and several on the Left adopted a position of denialism and conspiracy theories. All of this led to further misunderstanding, misrepresentation and antagonism between LOTO and HQ, though it is also true that conscientious staff on both sides did try to keep lines open and constructive.

Media criticism of LOTO involvement

C2.62 Some of the emails referred to above were apparently leaked to the press, leading to stories such as The Sun's "Jeremy Corbyn's cronies 'meddle in Labour anti-Semitism cases to stop their friends getting kicked out of party'" on 5 March 2019. There are other similar examples, such as an article published by Sky News on the same day and an article by the Times reported on 31 March 2019.

C2.63 In July 2019, a member of GLU staff was shown in the BBC Panorama programme "Is Labour Anti-Semitic?" saying that the 10 March 2018 email from a senior LOTO staff member quoted above in relation to a Jewish member on the Left had been interpreted in HQ as "the leader's office requesting to be involved directly in the disciplinary process. This is not a helpful suggestion, it is an instruction [...] It's all framed as a suggestion, but this is not some junior staff at the leader's office, this is [a senior LOTO member] part of Jeremy Corbyn's inner circle [...] when he says 'I think we need to review this process going forward', that isn't a suggestion. That's him instructing what he expects to happen."

C2.64 A Jewish Chronicle article from around the same time quoted a member of GLU staff suggesting that LOTO's office had "started involving themselves in individual cases – whether it was with [a CLP member] or [a Jewish member on the Left]. With both of those, the leader's office directly intervened – very heavily [...] I had taken decisions to suspend people such as [the Jewish member on the Left] and [the CLP member] and yet I was for the first time instructed that I had to get it cleared by [a senior LOTO staff member's] office [...] then came an email from [another senior LOTO staff member] telling me that "JC" was "interested in this one".

C2.65 We appreciate that the pressure GLU staff felt themselves under rarely manifested itself in writing and it would be hard for us to comprehend the cumulative effect of difficult NEC meetings, telephone calls, in person confrontations and so on which have been described to us. We also accept that the requests for formal written sign off made in March to April 2018 were seen by many GLU staff as a necessary means of pushing those invisible pressures into the open and forcing LOTO to show their hand, but GLU staff should not have been making requests to LOTO for their input and there may have been mixed motives in doing so.

C2.66 Based on the evidence we have seen, however, we consider that the narrative put forward in relation to (in particular) the March to April 2018 emails was partial and misleading. The emails sent in that period of 2 months undoubtedly demonstrate the kind of blurring of functions which the EHRC found to be unlawful; GLU staff were wrong to seek LOTO staff's substantive input into disciplinary cases, and LOTO staff were wrong to give it. The advice from two LOTO staff members which was subsequently criticised was, however, requested insistently by GLU and in our view provided in good faith; one LOTO staff member in particular was thanked effusively by GLU for giving it. It is proper to criticise the blurring of functions and/or the substance of LOTO's advice (about which we make no comment); in our view it is entirely misleading, however, to imply that these emails in themselves were evidence of those LOTO staff members inserting themselves unbidden into the disciplinary process for factional reasons.

The whole situation rapidly deteriorated as several on the Right did seize on the issue as a way to attack Corbyn and several on the Left adopted a position of denialism and conspiracy theories.

C2.67 Numerous examples of LOTO pressure and interference were cited by the respondents to this Inquiry (and in the Panorama programme) which do not (unlike the alleged March to April 2018 interferences) involve paper trails, and which are as such harder to prove or disprove. We cannot make any specific findings in relation to those; any inquiry into their veracity would have been mired in uncertainty and inevitably unproductive. We accept, in broad terms, that there was a cumulative build-up of pressure on GLU staff in this period, not least from parts of the membership falsely accusing them of a “witch hunt” in relation to antisemitism, and that they were operating in an extremely difficult environment. It is, however, clear that in some cases wires were crossed, interventions were misunderstood, and individuals were unfairly maligned.

Allegation 3

Factionalism adversely impacted on other areas of the Party's work in the relevant period

Summary and Conclusions

Factionalism permeated relationships between the Party, HQ and LOTO, and compounded the complete failure to recognise and respect their respective roles. This was the source of many of the problems which beset the operation of the Party. We concentrate particularly on the issue of staffing and recruitment but the failure affected other areas too, such as media management and fundraising. It became endemic throughout the organisation.

Staff in HQ and LOTO both genuinely believed that the other side was trying to sabotage their work in this period – sometimes with a degree of justification, and sometimes not. In simple terms, each faction believed the other had “started it” when it came to obstructionist behaviour, and that they were only responding in kind (which in turn strengthened the other faction's conviction that they were under attack, and so on). The mistrust within the Party was accordingly self-perpetuating and prevented it from carrying out some of its most basic functions effectively.

It seems to us that many on both the Left and the Right were (and in many cases still are) so firmly convinced of being the wronged party that all evidence of failings within their own faction was dismissed. The reality of what happened in this period is much more nuanced; many (though not all) of the issues came down to poor communication and paranoia rather than bad faith actors. Again, we wish to echo the Labour Together Report:

“disunity, division and factionalism have seriously hampered Labour's electoral fortunes. Unless the Party goes through a process of collective internal healing and reflection, then the very difficult task of building a winning coalition will fail. Every member, every part, every grouping and every tradition within Labour has some reflecting to do, and all parts of the party have a contribution to make to the future. There is no one part or view that has a monopoly on being “correct”. Indeed, Labour's founding principles are that, as a Party, we should reflect the country and the broad-based opinion across our wider movement.”

The leader and the leader's office should be able to expect broad political support from the Party bureaucracy; and the Party's fulltime staff should expect the leader and LOTO to respect their role as the civil service of the Party and enforcers of Party rules. In the period we are considering neither of these aspects of mutual respect appears to have operated.

Scope

C3.1 Having considered factionalism's impact on the antisemitism complaints process, in this section we will consider the extent to which it adversely affected the Party's other work in the relevant period. Its impact on the Party's campaign in the 2017 general election, which is the subject of particular focus within the Leaked Report, is considered in the next section.

Overall comments

C3.2 The operations of HQ and of LOTO, whilst separate, should be mutually reinforcing and directed toward the same goals, including, in particular, winning elections. However the roles of the two are very different and demand different approaches and hence also different balances of staff. The Leaked Report focuses on the extent to which the Party's Right was distracted from that goal by factional endeavours in the period 2015 – 2019. It seems to us, however, that both the Left and the Right factions were substantially focused on shoring up their own power within the Party in this period, with electoral success often seemingly a secondary concern.

C3.3 We outline below three of the main (interrelated) issues which the factional tensions within the Party gave rise to in this period (lack of clarity around roles; poor sharing of information and resources; and a culture of leaks), followed by an analysis of the way in which those issues came to a head in relation to the proposed community organising programme.

It seems to us that both the Left and the Right factions were substantially focused on shoring up their own power within the Party in this period, with electoral success often seemingly a secondary concern.

Lack of clarity around roles

C3.4 As set out in our consideration of Allegation 1, many of Jeremy Corbyn's staff from 2015 onwards were recruited from outside the traditional pool, resulting in a LOTO team that was less familiar than its predecessors with the way the Party machinery worked, including the way in which functions and responsibilities were divided between LOTO and HQ.

C3.5 It is clear that recruitment became a key battleground in the Party's broader power struggle, resulting in attempts by both sides to block the other's proposed hires. Strictly LOTO had no formal role in appointments to HQ – they are made by senior officials for junior posts and the NEC for senior posts. It is nevertheless the case that successive leaders have often had strong views on who should occupy key positions at HQ and at regional levels – and sometimes who should be removed – but these were usually exerted via informal pressure or through NEC allies. The Corbyn office seems to have considered it a key part of the Corbyn Project to change the balance and nature of permanent staff. Not surprisingly they faced resistance. LOTO staff told us, for example, that “from the very outset, any decisions that we wanted implemented around staffing and resources, [HQ staff were] very obstructive”, and that “all discussion of further hires [in the digital team] was repeatedly kicked into the long grass.”

C3.6 This position was further complicated by the dual designation of senior LOTO staff as Directors of the Party – a move that had been introduced in 2013 when Ed Miliband was leader - supposedly to improve relations but it implied they had a role in HQ and regional staff management and direction. Towards the end of the Jeremy Corbyn period this was aggravated by senior LOTO staff being given clear managerial functions in Southside. This had the effect of making HQ staff more uneasy about their future deployment and employment.

- C3.7 Similarly, HQ staff told us that their proposed hires were frequently subject to LOTO interference and blocked; for example, we heard that they were forced by LOTO to withdraw adverts for regional governance officers to assist with disciplinary cases in the regions. The discussions in the SMT WhatsApp transcripts indicate that HQ staff were willing, however, to try to force through hires without LOTO approval where they felt they had to. For example, in early 2017, a member of the senior management team asked “on these [regional office] roles...are we going ahead even though Loto said last week to halt everything until [community organisers] sorted out” and was told: “Go ahead...They are now trying to stop digital. Also go ahead with that.” At around the same time another manager said “Job offers being made this week...Just need to push through the digital offers and then we’ve got everything. Can shut the gates then.”
- C3.8 Senior LOTO staff concluded that the only way to progress Jeremy Corbyn’s agenda was through direct hires to LOTO, leading to a dramatic “insourcing” of functions previously based in HQ and the unprecedented growth of the LOTO team. This led to roles being duplicated across almost all of the Party’s areas of work. The result was conflict between individuals performing parallel roles, confusion over strategy, and a lack of clarity about where decision-making responsibility lay. All of this reinforced a defensive tendency towards siloed working which in turn made the problems worse.
- C3.9 The expansion of the LOTO team was not combined with an immediate reduction in HQ staff, and indeed Jeremy Corbyn wrote to staff representatives on 20 September 2016 to confirm that “I, and my senior management team, are not supportive of any compulsory redundancies. At this stage, no changes to staff have been proposed and nor would they ever be outside of the context of a properly structured change management programme”. Many in HQ felt, however, that that was LOTO’s longer-term objective, even if it had to be achieved indirectly.

A culture of leaks

- C3.10 The problem of leaking and hostile briefing by one faction within the Party against another was not a novel one in 2015. It did, however, reach unprecedented levels in the uniquely toxic post-2015 atmosphere. Like so many of the problems caused by factionalism, it was self-perpetuating, with each new affront triggering a response in kind.
- C3.11 It is clear from the nature of the stories briefed in this period, and the outlets they appeared in, that both factions engaged in “friendly fire”, though none of the witnesses we spoke to admitted to briefing against their colleagues.
- C3.12 HQ staff told us about negative stories being briefed about them, saying that it was unheard of for Party staff (as opposed to MPs) to be the subject of those kind of attacks prior to 2015: “despite [...] being Party staff for a long time, I think I managed to keep my name out of the press pretty much wholly for years and then suddenly, you know, I was being named in articles by Paul Waugh and by other people [...] that was a new thing for us.”
- C3.13 The leaking of negative stories was also utilised heavily against LOTO, possibly because there was greater mainstream press interest in negative stories about Jeremy Corbyn and his team than there was in negative stories about largely unknown HQ staff. Witnesses from LOTO/the Party’s Left told us:

“very few people were aware I worked for the Labour Party, until an announcement that I was a “new starter” went out in a “staff bulletin” to Party staff in late August. Immediately following this, James Lyons from The Sunday Times contacted me asking about my employment.”

“On the day that [I left my former job to start working for the Party], I was contacted by [a journalist] then working at the Times newspaper, who asked a number of questions about my political activities over a decade ago. [...] There are a limited number of places that news of my employment could have come from: plausibly, it can only have been leaked by Labour Party staff. [...] I was personally the victim of a fairly major leak of email correspondence on at least one occasion that I can recall [...] The issue with leaks is not necessarily what is leaked, but that the possibility of a leak gets in the way of a frank discussion amongst staff. The fear of leaking completely erodes the trust that is essential to a properly functioning political operation.”

“I tried to avoid ever writing anything down which was remotely controversial or [...] informative beyond the most routine stuff because it ended up, often within days, in the Times or Huff Post or Guido or something [...] the level of leaking was stratospheric.”

“Overheard conversations among Jeremy Corbyn’s staff had been leaked to the media so we were conscious we had to be extremely quiet when having conversations about anything that we didn’t want leaked.”

C3.14 Needless to say, this kind of briefing undermined public perceptions of the Party, both because it added to the stream of negative stories about the Party which were already being generated by its external opponents, and because the stories with an obviously internal source highlighted the Party’s disunity.

“The level of leaking was stratospheric.”

C3.15 It also had a significant impact on staff wellbeing, and hindered the Party’s operational effectiveness, since it inhibited colleagues’ ability to communicate freely and frankly. The fear of leaks gave rise to (and/or was used to justify) the use of non-Party communication methods (such as the use of personal email addresses, or the widespread use of WhatsApp). Staff should be using internal Party communications systems without fear of their communications being improperly shared or otherwise misused. That was not the case in this period.

Poor sharing of information and resources

C3.16 Both HQ and LOTO accuse the other of a failure to share necessary information and resources throughout this period. This seems to us to have had a number of possible causes: (1) deliberate withholding of information in the hope of undermining the ability of individuals on the other side to do their job; (2) deliberate withholding of information due to a fear that it would be leaked/misused; and (3) accidental withholding of information due to a lack of clarity around roles/who needed to know what. It speaks to the levels of antagonism that most of the witnesses we spoke to were quick to put such incidents down to reason (1), though we suspect (on the basis of the evidence as a whole) that reasons (2) and (3) were equally if not more prevalent.

C3.17 HQ witnesses told us:

“[LOTO] ignored requests for information or guidance, they didn’t reply to emails [...] They didn’t turn up to meetings, or they simply held their own without inviting anyone from HQ.”

“I found working with senior LOTO figures to be completely chaotic, accusatory and demoralising [...] [One senior LOTO employee] would cut me out of email chains [and] would try to write her own papers for NEC Committees and not tell the GLU (who were responsible for drafting and circulating papers), and therefore decisions and recommendations were often disjointed.”

“Due to the distrustful culture, it was an increasingly uphill struggle to get sign off [from LOTO] on key planning decisions, establish regular conference planning meetings, and confront some difficult issues around conference arrangements. It was unnecessarily exhausting.”

C3.18 LOTO staff reported a similar experience:

“Within days it became apparent that many HQ staff were unhappy about the democratic and overwhelming result of the leadership election [...] Within weeks, it was clear that resources were being withheld – both staffing budgets within LOTO and budgets for new computers.”

“Scant staffing resources were made available [to the social media team], well below the level that had existed for much of the 2010-15 parliament.”

“There was always the feeling that there was an underlying game being played when dealing with Southside, although of course it was always impossible to put your finger on what was happening. While I often suspected there was foul play, it was always very subtle and difficult to prove. It would take the form of manipulation of agendas, bending the rules to allow certain people to speak in meetings while blocking others, calling meetings when they had a majority, and blocking meetings when they did not.”

C3.19 There is certainly some evidence of such obstruction in the SMT WhatsApp transcripts (though we note that we do not have any equivalent transcripts of unguarded conversations between LOTO staff). In some cases, the obstructionism may have been triggered by LOTO making requests that in themselves were outside of Party norms and/or were seen as a “power grab.”

C3.20 Certainly, the Leaked Report is on occasion too simplistic in its framing of extracts from the SMT WhatsApp transcripts as evidence of attempts by HQ to sabotage LOTO. For example, following a leak of Party polling in 2017, one senior manager suggested that the polling company should be asked not to disclose information about who had had access to the Dropbox from which the leak had occurred; the Leaked Report suggests that they did so “specifically to prevent LOTO staff from discovering the source of the leak”. The explicit suggestion is that the manager was deliberately trying to thwart the leak investigation, and the implication (in our view) is that they were doing so because they knew something about the source of the leak. The full discussion in the transcripts, however, indicates that the manager was seeking to retain control of the inquiry into the leak, rather than to stop it – the next (unquoted) lines are: “Clearly the next thing will be who leaked it...And I want to get the names of everyone ASAP”. The SMT WhatsApp transcripts also make it clear that none of the participants in the discussion appeared to have any idea about the source of the leak (and indeed the manager in question was in our view genuinely concerned about it).

C3.21 It is true, however, that members of the SMT WhatsApp groups were focused on what they saw as protecting the Party from Jeremy Corbyn rather than helping him to advance his agenda. Though staff did not generally seek to exacerbate LOTO’s operational problems, which were seen as self-inflicted, they often passively observed or even welcomed them. Some comments do appear to show straightforward attempts to hinder LOTO’s work (in their view, for the Party’s greater good).

Community organisers

C3.22 LOTO's proposed community organisers (COs) programme involved hiring COs to work in the regions. COs were to be based in the regions but with a direct line to LOTO, being line managed jointly by the lead CO (based in LOTO) and the relevant regional director. A senior member of LOTO staff told us that they had tried to involve HQ and the regions at the outset: "I went to every regional director and explained what we wanted to do and [...] I explained that I wanted to move towards a joint management of staff. I explained I wanted everybody in community organising to attend staff meetings, to be based in offices, for the regional directors to know where they were at every moment of the day. To work jointly on plans that [regional directors] had started, you know; if there was any embryonic work in community organising we would build it. I told them to come and speak to me about resources. To give them the impression that they were working jointly with us on it."

C3.23 There is little evidence of such collaboration, however. It is fair to say that many HQ and regional staff had fundamental concerns about the scheme which could only have been addressed by its abandonment, and many took a stance of implacable opposition from the outset. In a written submission to this Inquiry, Jeremy Corbyn told us: "From my election in 2015 I made it clear that Community Organising was a priority. It met with nothing but obstruction and delay from Head Office and most of the Regional and national offices of the Party." Other senior members of LOTO staff told us:

"of course you will hear lots of information about 'it was outside the structure, it was probably illegal, it was definitely a risk to health and safety' – that was a narrative that was built up to block and frustrate the implementation of community organising [...] it was not blocked as a concept, it was blocked because we wanted to bring somebody in who would not be accountable to [HQ], therefore would not be told to do things in the same old way that had been done before."

"I think [community organising] was resisted for two reasons. One is a view about how elections should be run [...] there was a particular way of doing elections which had become very entrenched under the Blair/Brown period and so some people didn't like a different way of doing it. And the other reason was much more factional. Which is that it was perceived that the creation of community organisers in regional offices was seen as a way of Jeremy's supporters getting a presence in those offices and creating a separate power base."

C3.24 Some of the HQ and regional staff we spoke to did not feel that LOTO's attempts "to give them the impression that they were working jointly with us on it" were genuine, however, and concluded that meaningful compromise was not on the table. Some HQ witnesses we spoke to described their firm convictions, borne of years of experience, that the scheme would not be effective and would lead to breaches of electoral law. It is also clear that many in HQ saw the scheme as an attempt by LOTO to shore up its power base – indeed, a member of the senior management team who had responsibility for campaigning saw the proposed restructuring as amounting to constructive dismissal – and opposed it at least in part on that basis. Even staff in HQ and the regions who supported community organising in principle were opposed to the parallel structure LOTO was proposing – not just because of the threat it posed to their roles, but because of the dysfunction and conflict which they believed a dual structure would inevitably create. One member of the senior management team, for example, told us that they had been "one of the few that really believe in community organising", but were adamant that the lead CO should be based in HQ, not in LOTO (a matter on which LOTO was not willing to compromise).

C3.25 HQ staff told us:

“anyone who’d worked for the Labour Party for longer than five minutes thought having staff working in seats or in regions not responsible to regional directors, whose job was to run operations on the ground and manage political relationships and achieve outcomes for the Labour Party, was A) a massive waste of resources and B) a system designed to create conflict and designed to undermine the existing staffing structures in the Labour Party. That’s why professional staff who worked for the Labour Party for a long time argued against it [...] when you have an election it’s a regional director’s job to ensure that everything that happens for the Labour Party is properly and legally accounted for. If they don’t know what’s going on they can’t do that, and you risk volunteer agents or paid members of staff accidentally breaking the law. So it was resisted, I think exceptionally sensibly, for a long period of time. And it then [...] was made to be a totemic issue from the leader’s office; it became a bit of a power struggle.”

“to have a parallel set of staff on the ground, that didn’t report to head office [...] we had legal advice that it was problematic from an electoral point of view, problematic in terms of controlling your electoral spend [...] it was problematic in a sense of being able to understand what your key seats are and allocating [resources] when actually you’ve got two separate teams, two separate staff, working in the same area with the same responsibilities, perhaps working to different priorities”

“[The community organising scheme] cost over £1 million and it was not an effective use of resources. LOTO could not explain what the objectives of the community organising unit were or why they would be a more effective approach to winning local elections than traditional organising [...] There was no proper evidence base to this new form of organising and indeed when it was used in 2019 we suffered one of our worst results since the 1930s.”

C3.26 Certainly, there does not seem to have been much meaningful engagement by LOTO with the concerns raised by HQ and regional staff, which were seen as obstructionism. When the Community Organising Unit was eventually launched in 2018, it was largely without the support of HQ and regional staff. One senior LOTO staff member described being faced with “an absolute hard wall” from HQ, which meant that compromise was impossible (“of course I tried to go over [the wall], I tried to go round it. And only when we got to the end of the line did we say, OK we’re now implementing this”). Similarly, a senior member of regional staff told us that they felt that their concerns were simply ignored until “it became abundantly clear that it was going to have to happen, because if it didn’t happen, we couldn’t move on in the debate [...] I said to the regional directors, look, we don’t think this is going to work, but bluntly a decision has been made to do it.” It was clear from the outset that there was no meeting of minds on this proposal.

C3.27 In the event, the scheme achieved some successes, but it operated in parallel to the existing campaigns team, which limited its effectiveness and exacerbated factional tensions. We were told that, despite nominally being line managed jointly by the lead CO (based in LOTO) and the relevant regional director, the COs took instructions primarily from LOTO, and some regional directors felt that information was withheld from them by the COs; we also heard that some regional staff treated the COs with suspicion and referred to them as “Jennie [Formby]’s spies”.

C3.28 It is difficult to say to what extent the difficulties encountered by the Unit could have been eased had it had HQ's full support, and to what extent the difficulties simply vindicated HQ's concerns. Clearly, the scheme drew out tensions between traditional election strategies and more modern methods which both pre- and post- date the particular factional tensions of the Corbyn era. As identified in the Labour Together Report:

“one of the biggest problems of the 2019 campaign was a failure of integration and coordination between community organising and other campaign work [...] the establishment of a new community organising structure side-by-side with older, parallel and sometimes conflicting systems created its own problems of strategic coordination and integration. The roles and responsibilities of the Community Organising Unit weren't clearly understood across the Party. [...] Some Labour Party staff felt that the Community Organising Unit worked at odds with their efforts and consumed campaign resources at their expense, while others felt the Community Organising team was subject to a level of pressure and scrutiny not applied to other parts of the operation. Too often, the result was unproductive interpersonal or inter-organisational tensions, where there should have been cooperation and synergy. As noted above, much of this is a symptomatic consequence of the historic unresolved tensions between community organising models and traditional electioneering. In this election, cultural and organisational fault lines were reinforced by political and “factional” divisions, but the basic clash of philosophies and priorities has proved an obstacle to the Party's efforts to learn from community organising in the past, including the 2010 to 2015 period.”

C3.29 We agree with that analysis and consider that some of the tensions discussed above were inevitable. They could, however, have been eased – and the scheme improved – had both sides made genuine attempts at collaboration.

C3.30 To that end there could and should have been a greater degree of buy-in from HQ and regional staff. The idea of the scheme did have some merits and we do not accept that it was effectively a non-starter; regional staff in particular could have made valuable contributions to the scheme's implementation had they engaged with it, albeit that would have involved ceding a degree of operational control, and their support would have added clarity to the internal messaging about its objectives. However, that would also have involved LOTO accepting that there should have been a degree of regional director management of the COs.

C3.31 LOTO must therefore take an equal part of the blame for failing to secure that buy-in. The scheme was primarily an attempt to shift control of the Party's campaigning operation to the elected leadership and to uproot the traditional way of doing things. It was framed as revolution rather than evolution, such that the Party's campaigning experts were led to conclude that their input was neither needed nor welcomed, and a valuable resource was as such wasted. It became a totemic issue in relation to which neither side could be seen to compromise; again, it seems to us that designing a system that would achieve the best possible electoral outcome was a secondary concern for both sides.

C3.32 The dispute about COs is in effect a mirror image of the dispute about the proposal for regional governance officers, which we refer to above.

- the proposal for regional governance officers to help address the problems in the complaints and disciplinary process appears to have been opposed and eventually thwarted by opposition from LOTO and the Left on the NEC; and
- the proposal for COs to upgrade the organising capability was opposed by HQ and regional staff and the Right on the NEC; they were appointed but opposed and eventually abolished.

Both were in essence good ideas; with both there were valid operational concerns about how they would operate and fit in with the existing system. But opposition and support were primarily on crude factional grounds rather than any rational discussion on how best to implement them. They are both clear examples of operational dysfunction due to factionalism.

Allegation 4

The Party's results in the 2017 general election were either
(i) undermined by factionalism or (ii) deliberately sabotaged by one faction

Summary and Conclusions

We find, in short, as follows:

(1) What was the disagreement over strategy between LOTO and HQ?

From early in the campaign LOTO wished to pursue a more aggressive strategy, seeking to win significantly more new seats than HQ and the regions seemed to be targeting (as well as retaining all existing Labour held ones). HQ staff believed that the polls, at the beginning of the campaign, required a more cautious defensive strategy; the polls improved through the campaign but the main HQ strategy did not depart from that position until late in the campaign if at all.

(2) Did factionalism influence decisions about strategy and resource allocation?

Yes. There is some evidence that both sides improperly based resourcing decisions on a combination of electoral need and factional alignment, when only electoral need should have been considered. We find that both HQ staff and LOTO staff wanted the Party to win with as many of their favoured MPs in place as possible, which prevented fully objective decision-making; the two sides were trying to win in different ways.

Some senior HQ staff had the ability to implement resourcing decisions covertly. A handful of staff in Ergon House created an additional fund for printing costs under code GEL001 (spending some £135,000 in total on campaigns supportive of sitting largely anti-Corbyn MPs and not on campaigns for pro-Corbyn candidates in potentially Tory winnable seats).

(3) Did HQ staff stick to a defensive strategy in bad faith, because they wanted to lose the election?

No. We find that HQ staff genuinely considered that a primarily defensive strategy would secure the best result for the Party, and we have not seen evidence to suggest that such a strategy was advanced in bad faith. More broadly the evidence available to us did not support claims that HQ staff wanted the Party to do badly in the 2017 general election (though many expected it to, and some had mixed feelings about what the better than anticipated result would mean for the Party's future and for their own roles).

(4) Did HQ staff pursue the defensive strategy with sufficient transparency?

We find that the decision to set up the Ergon House operation covertly and divert money and personnel there without authority of the Campaign Committee, whilst not illegal, departed from the approved strategy; it was as such wrong.

(5) Did the diversion of funds and personnel into this Ergon House operation lose the Party the general election?

We were not in a position to commission any original psephological analysis, but we consider it to be highly unlikely.

Nevertheless, the Ergon House operation was wrong.

Scope

C4.1 It is clear that factionalism detrimentally affected the Party's performance in the 2017 general election in a broad sense, with the issues described in the previous section all impacting on the Party's operational effectiveness and the coherence of its messaging. In this section we consider the consequences of the specific disagreement between the factions in relation to election strategy.

C4.2 One of the most striking allegations in the Leaked Report is the suggestion that the defensive strategy pursued by HQ staff in the 2017 campaign was responsible for the Party's failure to secure a majority, or at least for its failure to secure enough seats to make a Labour-led government feasible.

C4.3 Some of the subsequent reporting has taken the Leaked Report's thesis further, suggesting that HQ staff followed a flawed strategy deliberately in order to protect their favoured MPs, not because they necessarily thought it would secure the best result overall. Some have gone further still, suggesting that HQ pursued a flawed strategy and/or failed to do their jobs effectively because they knew it would cost the Party seats – that is, that they took the approach they did in order to secure a Conservative victory.

C4.4 We should note at the outset that the evidence we have seen does not lend itself to a definitive conclusion as to which side was right about strategy. Any attempt to set out a counterfactual history – by modelling, for example, the vote share that alternative seat targeting would have secured – would be purely speculative. We will, however, consider the extent to which the strategic thinking of both sides was clouded by factionalism rather than being data led, and whether strategies were pursued in bad faith.

C4.5 The five questions we seek to address in this section are:

- What was the disagreement over strategy between LOTO and HQ (and how was HQ's preferred strategy pursued from Ergon House)?¹¹
- Did factionalism influence decisions about strategy and resource allocation?

- Did HQ staff stick to a defensive strategy in bad faith, because they wanted to lose the election?
- Did HQ staff pursue the defensive strategy with sufficient transparency?
- Did the diversion of funds and personnel into this Ergon House operation lose the Party the general election?

(1) What was the disagreement over strategy between LOTO and HQ?

C4.6 On 18 April 2017, Theresa May announced that she planned to call an early general election to take place on 8 June 2017.

C4.7 When the election was called, the Conservatives were polling on average some 20 points ahead, which put them on course for a landslide victory – and the Party on course for what one HQ witness described as “electoral oblivion”. As at 26 April 2017, Jeremy Corbyn's net favourability rating was at -42¹² and some regional staff and volunteers felt that his leadership was an “enormous drag” on the Labour brand as the campaign got underway and initial decisions were made about strategy.

C4.8 Broadly speaking, in a general election campaign, seats are identified by the Party as falling into one of the following categories:

- Labour-held seats which are secure enough to be held with no national resourcing;
- key seats to be provided with national resources (including both seats which could be lost without national support, and seats held by other parties which are considered winnable); and
- opposition-held seats which are too distant a prospect to merit national funding.

¹¹ an overspill office established in what had previously been the base for the Party's London region.

¹² <https://yougov.co.uk/topics/politics/articles-reports/2017/04/26/corbyn-favourability-remains-rock-bottom-ahead-gen>

- C4.9 HQ’s analysis at the outset was that the polling data demanded a strategy which focused on shoring up seats currently held by the Party which were considered to be at risk, rather than on seeking to gain target seats held by other parties (the defensive strategy) – that is, they considered that the key seats list, at the margins, should tend towards drawing in seats which would otherwise be in the first category, rather than seats which would otherwise be in the third category.
- C4.10 In our view the concerns of HQ staff at the outset of the campaign were both reasonable and genuinely held, and indeed they were shared by many on the Left.
- C4.11 LOTO accepted the logic of a defensive approach at the outset. We understand that, in a meeting immediately after the election was called, a wholly defensive strategy was agreed; while no seats were to be abandoned, some with very narrow majorities were to be treated as likely to be lost and given less support. The key seats list was not firm at this stage, but certain expenditure had to be incurred on the basis of this provisional list before the window in which national spending could be used to support local campaigning closed upon the dissolution of Parliament.
- C4.12 Some LOTO witnesses told us that they advocated a “campaign to win” from day one. However, one HQ source described such claims “as an attempt to rewrite history. There was nobody saying we were going to win.” Many were, however, convinced that the Party’s polling would improve once the broadcast impartiality rules kicked in
- on 3 May 2017 (and Jeremy Corbyn started high visibility campaigning) though even they could not have predicted that the Conservatives would run such a poor campaign, which was of course a major factor in the polls tightening.
- C4.13 One witness pointed out that Jeremy Corbyn’s ally Len McCluskey, General Secretary of Unite, was arguing as late as 16 May 2017 that: “if Labour can hold on to 200 seats or so it will be a successful campaign. It will mean that Theresa May will have had an election, will have increased her majority but not dramatically.”¹³
- C4.14 LOTO sources told us that the Election Committee’s plan was to adopt a graduated strategy, which was to become increasingly offensive as resource availability and polling allowed: “(1) To defend all our existing seats (2) Deny the Tories and their allies a majority (3) Gain more seats than the Tories (4) Win an overall majority”. From LOTO’s perspective, the polling improved almost immediately after the election was called; many in LOTO accordingly became convinced of the case for moving through the graduated stages relatively quickly and shifting to a strategy which focused resources on trying to gain enough seats to win a majority (the offensive strategy / campaign to win).
- C4.15 It is certainly true that the Party’s polling improved rapidly almost as soon as the election was called, though the Conservatives’ ratings also initially rose (largely, it appears, at the expense of UKIP). The shift in the polls across the campaign is shown in the below findings by three different kinds of opinion poll:¹³

Percentage Opinion Poll Gap Between the Conservatives and Labour 2017 Citing Different Sorts of Polls

	YOUNGOV	SURVATION	IPSOS MORI
Late April	13%	11%	23%
Mid May	13%	9%	15%
Late May	14%	6%	5%
Late June	7%	1%	5%

This shows that the landslide implying Conservative lead when the election was called averaged 18% in late April, fell to an average of 5% in the penultimate week and fell to a potentially hung parliament at an average of 4% in the last week. Seeing those figures move should have convinced all factions of the need to rapidly shift the campaign focus.

¹³ <https://www.theguardian.com/politics/2017/may/16/success-for-labour-in-election-would-be-200-seats-says-mccluskey>

C4.16 We received contradictory evidence from HQ and LOTO as to the extent to which a decisive break from the defensive strategy was proposed by LOTO as the polling changed. We are told that a list of 268 seats to be provided with immediate support, including 32 offensive targets, was agreed shortly after the election was called; both sides agree that, in late April 2017, the key seats list was expanded to include 326 seats (including 93 offensive targets). We were told repeatedly by supporters of Jeremy Corbyn that HQ staff were too reluctant to implement the changing strategy or to fully resource the offensive seats.

C4.17 The gap between the two main parties only started to narrow significantly when the Conservatives' poll numbers started to drop from mid/late May 2017, in part due to controversy around the proposed "dementia tax" revealed in the Conservatives' manifesto on 18 May (in relation to which Theresa May was forced to announce a U-turn on 22 May, the same day as the Manchester Arena terrorist attack). We accept that a degree of reticence about changing tack was justified until the shift was clearly established (not least because seats with a high proportion of early postal voters can remain, in reality, marginal even after the polls have shifted in one side's favour).

C4.18 We also accept that it is logistically difficult to change strategy midway through a short election campaign, and that some LOTO staff were too quick to blame this on HQ reticence. Whilst we agree with the LOTO witness who suggested that "the essential requirement of an election strategy is that it needs to be flexible", it is also true that some campaign resources have a deployment time of weeks and cannot be diverted instantaneously. One witness pointed out that many resources (such as blanket mailings booked weeks in advance, or organisers on the ground) are hard to divert even if priorities change, albeit others (such as digital spend) are not. As they put it, "Oiltankers are hard to turn round not because of the refractory attitudes regrettably common among the sorts of people who captain them, but because they are oiltankers."

Where did final authority for election strategy lie?

C4.19 Under electoral law, control over campaign spending is vested in the registered treasurer (which in the Party's case is the General Secretary) and the deputy treasurers (which includes all

regional directors), all of whom can delegate that function.¹⁴ There is no provision in statute for LOTO to demand that staff ignore the directions of the General Secretary or other authorised individuals regarding campaign spending. We agree with the witness who observed that "Parliament did not apparently foresee a circumstance in which the registered leader and registered treasurer of a registered political party were fundamentally at loggerheads on the electoral strategy that party ought to pursue."

C4.20 The Party's own rules, however, are another matter. The Rule Book says that: "The Leader shall in conjunction with the NEC have overall responsibility for all elections and shall appoint a Campaign Co-ordinator and a Campaign Committee to ensure that all Party election campaigns report to the Leader and receive the support and assistance they need."¹⁵ Whilst the General Secretary and their delegates have the power to approve election spending, it is assumed that they will do so in line with the strategy agreed by the Campaign Committee and the Campaign Co-ordinator appointed by the leader and report to that Campaign Committee.

C4.21 It appears that HQ staff stayed on the right side of the statutory requirements, and indeed designed the Ergon House scheme (discussed below) in order to do so. A senior member of HQ staff told us that the Campaign Committee would not make spending decisions and simply would not sign things off. The same senior staff member further explained that he did have some budgets of which the Campaign Committee were unaware, and that were used to support some campaigns around the country, but maintained that he was legally entitled to do so as a budget holder, and that everything he did was signed off by the General Secretary and reported appropriately to the Electoral Commission. Whilst the statutory position may have been in order it would have been customary for strategic Election Campaign budget allocations to be reported to the Campaign Committee and the Campaign Co-ordinator (and hence to LOTO). This was not only not done but there was also deliberate concealment.

C4.22 Like the legislation, the Party's rules did not envisage a rupture of the kind we saw in this period. It seems that relations by 2017 were so difficult that both sides simply decided that a compromise position was impossible.

¹⁴ s.76 (1) Political Parties, Elections and Referendums Act 2000

¹⁵ Clause VII 1.A.vii.

The Ergon House Operation

Ergon House was an overspill office established in what had previously been the base for the Party's London region. It is alleged that HQ staff operating out of Ergon House funneled funds away from the Left in winnable seats, into safe seats held by MPs on the Right.

One witness who was aware of the Ergon House scheme at the time understood it to be:

“a route to support seats which the leadership wanted to deresource, a means by which they could be quietly supported, and seats saved, without picking a public fight or rowing back on existing protocols. [...] At the time those who knew about the Ergon House operation were enjoined never to speak of it, in the hope the leadership would never find out. I recollect observing to a colleague who also knew about Ergon House that this was obviously ridiculous as careful study of the various academic sites which collect leaflets, or of the Party's statutory return of expenses, would inevitably lay bare its existence sooner or later.”

One senior member of HQ staff at the time put it to us that “some [of my] former colleagues did like to play games, so they thought they were getting one over on the [other] side [...] if they had been more politically aligned to the leadership they would have got approval of what they were doing, [but] they thought they knew best, they did not think LOTO would agree [...] the distrust meant communication didn't occur.”

It is only the spending on code GEL001 which drew allegations of impropriety in the Leaked Report (though it does not appear that that represented the entirety of the work done from Ergon House). Based on the emails we have seen, GEL001 (described as relating to “generic campaign materials”) was originally used for miscellaneous printing and merchandise costs (as one staff member put it in an instant messaging discussion, “large scale labour TAT”), some of which was due to be repaid from regional budgets. It appears, however, to have been adopted to record additional printing costs for constituencies in Ergon House's own “key seats” list (being used separately to the main budget code for “defensive key seats”, which had a much higher total spend than GEL001).

In an email sent on 29 May 2017, one of the staff members involved confirmed of GEL001 that “the budget for this project has been increased from £75k to £175k which is why we're able to do more sub-regional postage jobs”; a spreadsheet was provided showing incurred printing costs for “key seats” on GEL001 totalling £88,230 (the GEL001 spreadsheet). The staff member in question told us that they had had no say in the seats that were chosen, adding that they were told “not to broadcast the fact that I was doing this because [...] any spare money, [LOTO] would have wanted to put it in to more Jeremy rallies or Canterbury” (Canterbury being a marginal which in the event the Party won by 187 votes).

The vast majority of the spending set out in the GEL001 spreadsheet – almost £75,000 – seems to relate to regions rather than individual constituencies. Around £15,000 relates to individual constituencies (only one of which was on LOTO's alleged list of seats to be defunded, which one senior HQ witness told us the Ergon House spending was intended to redress).

A campaign budget circulated after the election (on 12 June 2017) records a total spend of just over £92,000 under code GEL001, together with a committed spend of just over £42,000 (some £135,000 in total). The maximum budget for the code is recorded as having risen to just over £225,000, meaning that there was a £90,000 underspend.

Just under £15,000 was apparently spent under this code in each of the weeks ending 30 April, 7 May and 14 May 2017, with the spend rising to over £50,000 in the week ending 21 May, falling to £3,000 in the week ending 28 May, and then rising to some £38,000 in the final 11 days of the campaign.

It is not clear from the evidence we have seen what the rest of the spending (that is, the apparent £45,000 spend not covered in the GEL001 spreadsheet) related to. The Leaked Report cites other emails regarding printing for individual seats where the candidates were former anti-Corbyn MPs with substantial majorities. It is not clear from those emails whether the printing for those MPs was arranged from Ergon House, nor which budget code it was recorded under, nor whether it was funded nationally (as opposed to procured nationally and funded locally). It would require a forensic accounting exercise beyond the scope of this report to ascertain whether the rest of the spend on code GEL001 related to spending on those MPs.

HQ's pursuit of a defensive strategy from Ergon House

C4.23 The Leaked Report alleges that HQ staff advanced the defensive strategy primarily by funnelling funds of approximately £135,000 away from candidates from the Left in winnable seats, into safe seats held by MPs on the Right. It is alleged that this covert activity took place from Ergon House, using spending code GEL001. The Leaked Report alleges that: "In this general election, Labour HQ assigned resources in a factional manner, and hid this from LOTO. In May 2017 Labour HQ assigned staff to a "secret key seats team", permanently based in a separate building, Ergon House - "all secret to LOTO"."

C4.24 It appears to have been fairly widely understood by HQ staff that the overspill team in Ergon House was to facilitate, under the radar, activity which went against LOTO's alleged demands to withdraw all support from anti-Corbyn candidates (discussed further below, in particular at C4.33) and to shore up favoured MPs instead, irrespective of the key seats list then in place. It is clear from the emails we have seen that several junior HQ staff were aware of the plan. It is not clear how many senior HQ staff were involved; at least one told us that only staff in the campaigns team knew the details, though we were told that the project was agreed in principle by the senior management team as a whole:

"in a meeting with other members of the Party HQ senior management team I reported back the events of the morning. The list [of MPs LOTO wanted to withdraw funding from] was purely factional and all the MPs on it were well known for their views on Jeremy Corbyn. We agreed that we could not simply pull support away from seats based on [LOTO's] factional view. We agreed to continue to support seats on basis [sic] of getting the most possible MPs elected. In order to do this, we had to move a number of staff and resources to Ergon House."

C4.25 From mid-May 2017 onwards, Ergon House was used to accommodate around 20 additional staff, including the design team (who oversaw the production of leaflets and other campaign materials). The Leaked Report quotes an email from one junior staff member (sent on 10 May) which said that "we are setting up an overflow office at the London Region office at Ergon House for the design team and a few others to camp out. This is to be kept relatively under the radar for now." The Leaked Report also cites an instant messaging discussion on 17 May in which one member of staff tells another "there is a secret key seats team arriving in [E]rgon house permanently...lots of secret meetings going on here...I think it's all secret to loto. But think it's a brand new team. Moving in on Sunday."

C4.26 It seems that the budget for the "secret" work done from Ergon House related primarily to the designing and printing of leaflets and other materials for distribution in specific constituencies or regions; as one senior member of regional staff put it, "the work in Ergon House supplemented our regional design production operation." An email sent to the West Midlands region on 17 May 2017, which appears to relate to work being done from Ergon House, refers to "the Bespoke Print Service which is being offered to key seats. Just to give those of you who I haven't spoken to a quick summary of what we're able to offer – basically, we can work with key seats, either adding to their existing print plan or giving it a boost where extra support is needed." We heard that the materials printed under this code sought to remove Jeremy Corbyn from the campaign literature, in order to appeal to voters who would (it was believed) potentially vote for the Party in spite of the leader rather than because of him.

C4.27 We understand that Party protocol requires campaign materials relating to Great Britain as a whole, or to one of its constituent nations, to be signed off by the relevant national leadership. Materials relating to a single region can be approved solely by the relevant regional director. However, as above, all campaign activity – in particular spending – needs to be reported to the Campaign Committee. Please refer to paragraphs C4.19 to C4.21 above for further discussion on spending requirements.

C4.28 We note that £135,000 is, in the context of the Party's entire election budget, a very small sum. However, that is irrelevant to our analysis of the propriety of the spending being incurred covertly (question 4).

(2) Did factionalism influence decisions about strategy and resource allocation?

C4.29 The above gives rise to the further question of whether HQ staff shaped their strategic approach (including their decisions to offer support to the constituencies on the GEL001 spreadsheet) on a purely objective basis, or whether MPs were chosen for support at least in part because they were deemed by the staff in question to be from the "correct" faction. It seems to us that the latter was the case, and that many HQ staff took the same view as the senior manager who had written on WhatsApp, after the Party's poor local election performance on 4 May 2017, "The landslide is on following these results...We can still save some decent MPs if we get it right".

C4.30 In our view the individuals who (according to the GEL001 spreadsheet) were offered additional support from Ergon House were not drawn from a pool including every MP. In the main they are to the Right (or centre Right) of the Party, and none of them were supporters of Jeremy Corbyn (though we accept that that was far from a minority position amongst the PLP at the time). Polling data seemingly played some part in the analysis too, but we think it is fair to surmise that being opposed to Jeremy Corbyn was necessary (if not sufficient) for inclusion on the list. That is also borne out by the nature of the materials GEL001 funded, which, based on the examples we have seen, sought to remove Jeremy Corbyn from the literature. (We do not, for the avoidance of doubt, find that any of the MPs in question knew that they were receiving support covertly on this basis.)

C4.31 One member of the senior management team told us:

"[...]we were in a bind. We felt it was pointless to try and discuss this sensibly with Jeremy's staff. Apart from the existing attempt to funnel money on a factional basis, Corbyn's team were simply not prepared to take polling information seriously. But we knew we couldn't acquiesce in allowing these seats to fall. We ensured these constituencies continued to receive support."

C4.32 The same submission went on to reject the allegation that its author had "funnelled money into specific seats based on factionalism. That is not the case. The opposite is true. We made rational decisions based on evidence." Nevertheless we find that some of the funding decisions made by staff in Ergon House were factional – albeit the staff in question considered that they were merely levelling a playing field which LOTO had tilted for its own ends.

C4.33 Several HQ staff told us that they attempted to shore up MPs on the Right only in order to rebalance the factional pressures being exerted on resource allocation by LOTO. In particular, it has been alleged that on 19 May 2017 oral instructions were given by senior LOTO staff (who deny the allegation) to withdraw funding from various MPs, irrespective of whether they needed the support. We also heard that many seats were provided with additional support at LOTO's request, including close allies of Jeremy Corbyn, despite their substantial majorities. We were however unable to establish the full truth of these allegations. LOTO could not directly decree that expenditure, but LOTO pressure was clearly felt amongst HQ staff; to what degree it led to reallocation of priority resources is unclear. Some HQ staff felt that reshaping the Party in the Left's image – "the project" – was always the main priority of Jeremy Corbyn and his allies.

C4.34 Decisions about key seats and campaign resourcing are always complex and multifaceted, but in 2017 they were particularly problematic, given that (in our view) both sides were trying to win the election in a way which shored up their preferred faction internally. It seems to us that the approach of both sides to resource allocation was coloured by factional concerns; both sides believed the other to be acting factionally in its approach to campaign funding, and sought to redress the balance (thus vindicating the other side's suspicions). As one HQ staff member put it:

"I think it is a good example of that culture and lack of trust [...] you effectively had a cold war. The reason [Ergon House] was kept a secret is because it was assumed [by HQ] that if the campaign committee knew about it they would stop it. The consequence would be we would lose Ashfield and other seats"

C4.35 It is worth noting that, despite the Party's long history of factionalism, this is not a normal state of affairs in relation to campaign resourcing. One long-standing Party employee told us that they had never previously seen factionalism dictate campaign funding decisions:

"The fact that lack of internal support for the leadership was regarded as a basis for organizational resource allocation, and clearly and explicitly taken into account by the team around the leader of the Labour Party in 2017, was something I found – and continue to find – genuinely shocking. We are all Labour. Once selected and nominated, in my view the political positioning of Labour candidates ought properly be immaterial. That was how the party operated for each of the three general elections in which I was involved before Jeremy Corbyn became leader."

C4.36 We hope it goes without saying that neither side should have sought to shape the key seats list to their own factional ends to begin with. The priority should always have been to win the maximum number of seats. If the allegation that LOTO sought to divert funding to supporters of Jeremy Corbyn is true, we are clear that such an attempt to change funding arrangements on an ad-hoc, oral basis after the key seats list was agreed was wrong.

C4.37 By the same token, it was unequivocally wrong for HQ staff to pursue an alternative strategy covertly. In our view HQ staff should not have taken strategic decisions into their own hands and sought to conceal their doing so from LOTO and the Campaign Committee. We are absolutely clear that this should never have happened, and we consider that the anger amongst the membership regarding the issue is justified.

It seems to us that the approach of both sides to resource allocation was coloured by factional concerns.

(3) Did HQ staff stick to a defensive strategy in bad faith, because they wanted to lose the election?

C4.38 We take the view that the defensive strategy advocated by senior HQ staff in 2017 was objectively defensible, and we do not consider that it was followed in bad faith as an act of sabotage. HQ sources told us that, in their view, the polls only began to justify a more offensive approach after the disastrous launch of the Conservative manifesto in late May. We accept that that was a genuine and reasonable view.

C4.39 Even the covert spending on code GEL001 was in our view based on defensible views as to the extent to which the seats in question needed additional support (though there were alternative strategies with equal merit). Of the defensive seats supported through GEL001, a couple of the MPs on the list did, in the event, come close to losing in 2017 (for example Gloria De Piero). The fact that eight of the seats on the list were lost in 2019 – including two in which the Labour MP had previously had a majority of over 10% - further supports the view that it was reasonable to consider such seats “losable” in 2017 and suggests that there was merit in the defensive approach pushed by HQ. As we have noted already, that does not mean that they were right to continue pursuing it covertly – there will always be disagreements about strategy in a campaign - but ultimately decisions have to be made and followed. However, it does, on analysis, militate against suggestions of sabotage.

C4.40 Accordingly, we do not find that that spending amounted to sabotage as alleged in the Leaked Report. We do, as explained, find that it was nonetheless wrong.

C4.41 We note that certain comments quoted in the Leaked Report have been taken as proof that HQ staff adopted “go slow” tactics in the campaign to undermine its success. We have seen evidence of HQ staff pushing back on LOTO’s preferred strategy and pushing (or in some cases covertly pursuing) an alternative approach; we have not, however, seen evidence of HQ staff simply

pursuing no strategy at all and/or trying to undermine the Party’s performance by failing to carry out their roles. We have no doubt that HQ staff worked extremely hard throughout the campaign; many spoke of staying away from their families for prolonged periods, and of working long hours, which the SMT WhatsApp transcripts themselves demonstrate. We do not consider that any of the staff we spoke to, many of whom had dedicated years of their lives to the Party, ever wanted to see the Conservatives in power.

C4.42 We found the senior HQ witnesses we spoke to very credible on this issue. One called allegations of sabotage “bizarre and ludicrous”, adding that “I have spent my entire adult life working for a Labour government.” Another told us “I loved working for the Party [...] I worked weekends, bank holidays, evenings on by-elections for weeks on end, and in four general election campaigns.” A senior member of regional staff detailed the impact of the time away from home and excessive working hours demanded by the 2017 general election, saying “I’ve made dubious personal choices about my family, where I put the Labour Party above them many times.”

C4.43 The allegations of deliberate sabotage are heavily based on extracts quoted in the Leaked Report from the SMT WhatsApp transcripts, in particular those which seem to show HQ staff lamenting the Party’s success on election night. Some of the members of the SMT WhatsApp groups denied that their messages expressed disappointment, and said that they were unequivocally delighted by the result. Others admitted to having mixed feelings – for example because they knew that it meant that Jeremy Corbyn would stay on as leader, which would in their view have damaging consequences for the Party (and for their roles within it) – which in the main we find more credible.

C4.44 Many of the submissions we received struggled with the idea that individuals who responded with dismay to a positive result for the Party could have given their all to achieving it. We sympathise with that. It is clear that the picture was a complex one, with conflicting feelings at play.

C4.45 In our view many of the senior HQ staff in question (a) disliked Jeremy Corbyn's politics, felt undermined and pressured by his team, and feared that a positive result would provide the necessary pretext for them to be fired, and (b) were committed to the Party, of which the "Corbynite" faction was only one part, and worked to achieve the best result they could during the 2017 campaign. We accept that those two realities are in tension with one another, and indeed many HQ staff seem to have felt that tension keenly themselves, but we do not consider them to be mutually exclusive. Human beings are complicated and not always consistent. As one witness put it:

"a lack of belief in Jeremy's fitness for office, and doubt that he would win, does not mean sabotage, or happiness in seeing Labour defeated. There is and was immense loyalty to the elected leadership as there always is. I worked long hours and long into the night, sometimes sleeping on the office floor, in every election between 2005 and 2019. Any Labour government is better than every Tory government. I have no hesitation in saying that every one of my colleagues took the same view."

C4.46 Significantly, many of the staff in question believed that a victory under Jeremy Corbyn was impossible – they had long considered themselves to be "watching a slow motion car crash that you can do nothing to stop" or an "awful limp to certain death". It seems that most of them did not consider that Jeremy Corbyn had any prospect of becoming Prime Minister – they saw themselves as working instead to minimise the Party's losses, shore up good MPs, and ensure that the blame for the inevitable loss was carried by Jeremy Corbyn (having felt themselves unfairly blamed for the result of, in particular, the December 2016 Sleaford by-election). In short, they considered that a bad result was inevitable, deeply regrettable, and would be the start of a period of rebuilding. When the polls began to tighten and it became apparent that some of their assumptions had been wrong, many reacted with incredulity and deflation.

C4.47 We consider that this blinkered approach to the Party's prospects, hardened by the "echo chamber" effect of the SMT WhatsApp groups, may have made HQ too unwilling to compromise, too defensive about their approach, and (in some cases) willing to operate behind LOTO's back to protect favoured MPs. At the same time, we gained the impression that LOTO was too unwilling to accept HQ staff's expertise, too willing to ignore the early polls, and similarly focused on shoring up Jeremy Corbyn's power base and protecting favoured MPs. These conflicts and competing motivations did not make for an effective election machine, but nor do we consider that they led to deliberate sabotage as alleged. Whilst the factions defined it differently, and were trying to get to it by different routes, they were both trying to reach the best possible outcome for the Party in the 2017 election.

C4.48 Overall, while we cannot reach a definitive view about each and every allegation that has been put to us, the whole episode that we have been commissioned to investigate, and its reporting, exemplify how factionalism operated as a prism through which those involved interpreted what was happening at the time, and what subsequently happened, with losses of credibility on both sides.

(4) Did HQ staff pursue the defensive strategy with sufficient transparency?

C4.49 We do not consider that the staff involved in Ergon House spending under code GEL001 implemented it in bad faith. However, we do find that the staff involved – which appears to have been only a handful, albeit many were aware of the scheme in high level terms – deliberately sought to obscure the nature of the spending from LOTO, knowing that it went against the agreed strategy. Emails we have seen clearly indicate that the spending on GEL001 was intended to go "under the radar". For example, one of the key staff members involved, asking for an update on a budget meeting on 24 May 2017, said "did they run through GEL001? Because they probably don't know what's been spent on that".

C4.50 In relation to at least £15,000 worth of spending under code GEL001, secrecy seems to have been desired primarily because the money was being provided to individual candidates who were not supportive of Jeremy Corbyn and who were not on the approved key seats list. As one LOTO source put it: “Given the protracted and intense debate about strategy and LOTO’s desire to expand targeting into Tory and SNP held marginals ... it is inconceivable that we would have agreed to extra resources being given to seats that were not at risk”.

C4.51 As discussed above, the GEL001 spreadsheet seems to show some £75,000 being spent across entire regions (or multiple regions), which presumably contained both offensive and defensive seats. It could be that part of the motivation for keeping this spending secret was the fact that the materials in question advanced a strategy of removing Jeremy Corbyn from the literature – which obviously LOTO did not endorse.

C4.52 In our view this was all done based on a genuine belief that LOTO’s strategy was wrong, and that the spending in question was necessary. Many of the witnesses we spoke to from HQ believed that the Party’s success in 2017 was at least partly down to HQ staff pushing back on LOTO’s offensive strategy, though that cannot be proved. As above, we cannot possibly assess which approach was “right” in terms of eventual electoral outcomes. However, even if it were correct that the Ergon House spending did in fact contribute to the Party’s relative success, it does not change the fact that the operation was simply wrong, and arguably in our view in breach of an implied duty of good faith.

(5) Did the diversion of funds and personnel into this Ergon House operation lose the Party the general election

C4.53 Had the relatively modest level of resources at Ergon House been allocated instead to supporting additional target seats it would have had to have been impossibly cost effective and so extraordinarily precisely targeted to make any significant difference to individual results let alone the overall result of the general election.

C4.54 Whilst we were not in a position to commission any original psephological analysis, we consider it to be highly unlikely that the diversion of funds and personnel into the Ergon House operation lost the Party the general election. Nevertheless, the Ergon House operation was wrong.

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Allegation 5

The problems in the relevant period were exacerbated by poor recruitment practices and inadequate staff management

Summary and Conclusions

We find that recruitment processes in the Party have long been too informal and insufficiently transparent, and as such open to factional manipulation. That led to a lack of diversity (including ideological diversity) in HQ, and contributed to the creation of a “mono-culture”, as explored in Section E, which laid the foundations for a destructive clash with LOTO under Jeremy Corbyn. It is to be expected that, at any given time, some of the Party’s staff will disagree with the politics of the elected leader; however, it is disastrous for almost all of them to do so, especially in circumstances where the leader in question enjoys widespread support amongst the membership.

Recruitment practices were weaponised by both HQ and LOTO in the relevant period, in particular by (in LOTO’s case) duplicating roles traditionally performed by HQ staff in order to shore up a separate power base. Appointments in which HQ and LOTO were both involved, for example in the regions, often became caught up in a factional tug of war.

The effect was to entrench and exacerbate the divisions between the two camps. It also meant that people deemed factionally appropriate were routinely hired or promoted (by both sides) to roles for which they were not an ideal fit in terms of experience, with an obvious cost to the Party’s operational effectiveness (and in many cases a cost to those individuals). Talented people have been passed over or had their talents wasted.

It is clear that the Party has historically not sufficiently prioritised staff training, development, and welfare. In many cases this seems to have been because they were seen (at least by individual managers) as luxuries compared to the more urgent “big picture” battles, be they winning the Party’s internal war or winning elections. This is a false economy. The Party’s staff (and its volunteers) are its greatest asset.

As explained above, our impression from the evidence is that these are long-standing problems which will take time to resolve. We note that steps to improve the Party’s HR and staff management practices have been underway since 2016, including a significant expansion of the HR department, and are continuing; we hope that the recommendations in the final section of this report will usefully inform that progress.

Recruitment practices were weaponised by both HQ and LOTO in the relevant period.

It is clear that the Party has historically not prioritised staff training, development and welfare.

Scope

- C5.1 Many of the witnesses we spoke to told us that, in the relevant period, factionalism exacerbated (and was exacerbated by) poor recruitment and staff management practices. We heard that these problems were present in both the Party's HQ and in LOTO under Jeremy Corbyn. We will consider the accuracy of those allegations in this section; in the next, we will consider the related allegations of discrimination in Party workplaces.
- C5.2 We note at the outset that it is beyond the scope of this Inquiry to undertake a comprehensive analysis of how the Party approached recruitment in this period, or prior to it (and of course no such analysis was undertaken in the Leaked Report, which features allegations based on a handful of comments made in the SMT WhatsApp transcripts and staff emails). The submissions we received supported the view that those examples were, however, indicative of a broader organisational problem. Whilst noting that we are dealing only with anecdotal evidence, then, we have sought to outline in this section how staff felt that the problem manifested itself.
- C5.3 We understand that the Party is already taking steps towards improving its recruitment and staff support processes. What follows emphasises the importance of that work being maintained and monitored.

Factional recruitment in HQ and the regions

- C5.4 We heard repeatedly in submissions from current and former staff that the Party's recruitment practices were driven by factionalism, with senior staff recruiting in their own image - often backed by the dominant faction on the NEC - rather than based on qualification. Some witnesses suggested that this approach has quietly prevailed amongst the Party's permanent staff for decades, leading to the HQ "mono culture", which we explore in more detail in Section E.
- C5.5 Appointments made by the elected leadership to their own office staff, and of special advisers (SPADs) appointed to Shadow Cabinet members, have always (for obvious reasons) tended to focus more overtly on political and personal allegiance, but we heard that the expansion of

LOTO staff under Jeremy Corbyn, combined with the increased duplication of roles between LOTO and HQ, meant that the practice intensified in this period. We also heard that LOTO became involved in recruitment processes, for example in the regions, which would usually have been overseen solely by HQ and the NEC. Whilst leadership interest in such appointment was not new, it is true to say that, in the past, the formalities were normally observed and the NEC with senior staff made the final decision. In the Corbyn period it appeared to HQ staff that LOTO considered that they should have a final say. In short, it seems that recruitment was used by both factions as a means of shoring up internal power. However those previous practices of recruitment and employment were not exempt from distortion and factionalism. Indeed we heard evidence that the process lacked objectivity and transparency.

- C5.6 The Labour staff branch of GMB, the largest recognised union for Party staff, made a submission to this Inquiry which attached the results of a staff survey carried out in June 2020. It concluded that:

"A prominent theme is with regards to hiring practices. Many staff are reporting issues of lack of transparency, inconsistency, nepotism, and factionalism taking precedence over knowledge, ability and experience. Some staff have even reported this latter point has resulted in them training up people who have been hired to be their manager or more senior to them in a team [...] It is clear that hiring practices over the last few years have been a major issue for many employees with complaints regarding inconsistent and factional practices."

- C5.7 The submissions we received echoed those findings. We heard that entry-level staff in HQ were often recruited from particular pools, such as Labour Students, the Party's student wing. Many former staff were unsurprised to see that the Leaked Report quoted HQ managers encouraging factional recruitment – for example, saying that all of the applicants for a vacancy had been "trots", so "if I can get away with it, I won't employ anyone". Former staff from HQ and the regions told us that:

“people [...] backed up their own positions by keeping people that they trusted.”

“[The Party] has a culture of people being very reluctant to trust outsiders or people they don’t know. From an equalities perspective this is clearly a disaster waiting to happen.”

“it was clear that nepotism played a role in promotions and also progression. Currently, I am one of the members of staff that has been in [my team] the longest, however an individual less senior [...] is currently acting in as Head [...] This was done without any process or knowledge of a process”

“nepotistic networks among staff that heavily influence selection for appointment and promotion [were] reinforced by a rigidly hierarchical culture of power, supported by exclusionary outside workplace staff social networks.”

“part of the problem within Party HQ is that people are often hired on their political connections and affiliations. Certainly, in my time, I saw many hires being made based on these grounds, and not on merit. This is a systemic organisation wide issue, which carries on to this day – which further fuels a toxic culture – that cannot be undone.”

C5.8 Senior LOTO staff told us that they had been frustrated with the way HQ operated:

“analysing why the Party organisation was so factional, I would put it down to a lot of the senior people having come into the organisation in a particular period [...] basically the late Blair leadership period. Often coming from the student movement, as with quite a few MPs. And then recruiting people in their own image, with their own likeminded people.”

“you recruit people who you know or [...] I don’t know whether they tap people on the shoulder and say, you know, that person’s a good person, but you’d have people who were students and they’d maybe then go and work as a SpAd or do some kind of organising or whatever. They’d get a little bit of CV where they can say, you know, I can give you this that and the other person as a reference, and then they’d be appointed.”

C5.9 We heard that roles were often advertised internally only. This could be justified if, for example, they were part of a team restructuring rather than an expansion. However, internal advertising inevitably adds to the tendency to monoculture, both ideologically and socially – and, crucially, racially. Senior HQ and regional staff told us:

“the two reasons – as far as I am aware – [for] internal appointments is to give progression for staff, and as an attempt to manage the increase in costs in increasing headcount.”

“sometimes the Labour Party advertised posts internally only because bluntly they only had the money to fund the posts if there was a vacancy elsewhere [...] Sometimes it’s internal only for speed [...] when there is time and there is a desire for fresh blood there is a deliberately long process with a [...] very deliberate external process where people are approached and there is a lot of advertising. It depends on the needs of the organisation at the time. But, in my experience, people were appointed on merit.”

C5.10 Whilst internal appointments will in some cases be appropriate, an habitual failure to advertise externally runs the risk of exacerbating the “mono culture” effect.

C5.11 Even where roles were advertised externally, we heard that adverts were often placed on websites such as “w4mp” (for people wishing to work in politics), and as such attracted highly politically engaged people whose primary interest was working for the Party. Some witnesses we spoke to felt that, for anything other than campaigning roles, that was the wrong approach, and that roles in (for example) HR or finance should be filled through searches specific to those sectors, with strong political affiliations inessential or even undesirable. One senior manager told us:

“I think we have an issue in terms of how we recruit, and it’s not in terms of who we are trying to attract but where we advertise. We would frequently advertise on a site called [w4mp]; I would refuse to use it looking for someone to work in [my team] because I don’t think I will get a good candidate from there. We want someone who wants to work in [...] regardless of the organisation.”

C5.12 Once recruited, we heard that many staff progressed through the Party’s ranks in a relatively informal way, through internal promotions in which relationships often mattered more than qualifications. Some (though by no means all) HQ staff and former staff recognised this in their own career histories. One former staff member, for example, recalled promotion to a senior role some 15 years earlier: “I don’t think it was competitive in that there were two of us [in the relevant team] and I got it. I don’t remember a formal interview process for it to be honest with you.” Another admitted that “I did feel out of my depth [...] I make no bones about it that I was promoted more quickly than I wish I had been.” In comments cited in the Leaked Report, some senior managers seemed to acknowledge that these norms existed; one wrote in 2015 that not many people were being interviewed for the role he had applied for because it was a “bit of a [...] stitch up”, for example, while another joked that he had “seemed to accumulate jobs by accident”.

Long-term impact

C5.13 The first problem with a largely internal or insider-known approach to recruitment is that it prevents HQ from being, like the membership, a broad church encompassing a diversity of views. We agree with the member of LOTO who suggested that the consequence of senior HQ staff recruiting in their own image and promoting their allies is that it creates, at the top of the Party, “a sort of insider, unrepresentative group. Both unrepresentative politically of the Labour Party but also unrepresentative of the wider society, or Labour voters, or the people that we’re seeking to represent.”

C5.14 An exclusionary approach to recruitment means that the Party has inevitably missed out on talent, both by failing to promote capable individuals and, more broadly, by creating an atmosphere in which many individuals feel excluded and unable to reach their full potential (and in some cases leave as a result). It has led to what many of the witnesses we spoke to considered to be a concerning lack of diversity amongst senior staff in particular (as discussed in the next section), including a lack of ideological diversity. As HQ became relatively politically homogenous, particularly at the senior level, a degree of “groupthink” appears to have taken hold (demonstrated, for example, in the SMT WhatsApp transcripts).

As HQ became relatively politically homogenous, particularly at the senior level, a degree of ‘groupthink’ appears to have taken hold.

C5.15 In our view, that ideological homogeneity prevented HQ from collectively fulfilling a neutral “civil service” role, and set the stage for a clash with the first elected leader wholly at odds with the prevailing political alignment of the Party’s permanent staff. We do not think the problems which arose in 2015 – 2019 would have been as severe had HQ been populated by a more diverse cohort of staff.

Particular problems 2015 – 2019

Factional recruitment in LOTO

C5.16 In some ways it is less problematic for individuals directly hired by the elected leadership to have overt political beliefs and alignments. The leader's staff often come and then go with that leader, and they are not required to fulfil the kind of politically neutral role that HQ staff should, since they are involved in advancing the leader's political agenda rather than keeping the Party machinery running. Proper processes should, however, be followed in relation to all other hires and promotions, not least for the sake of the staff involved. The recruitment net should be cast sufficiently wide to ensure that qualified individuals are not being excluded from consideration, and the process for promotion should be sufficiently rigorous that individuals do not end up out of their depth.

C5.17 As one senior member of LOTO put to us frankly, this was seen as a difficult line to tread in LOTO in the period in question:

"Of course I wanted people committed to socialism. But I did recognise that [...] it's illegal to say 'I'm picking you because of these politics', but it's in your mind and I might as well be honest with you on that."

C5.18 It seems to us that the intensity of the factional battles in this period increased the sense in LOTO that it was essential to recruit allies; the relatively chaotic and inexperienced LOTO operation as referred to in our consideration of Allegation 1, was also, in our view, a factor in proper recruitment processes being abbreviated. Senior staff in HQ told us that they took a dim view of LOTO's approach, saying:

"in my experience, appointments, or whether people got promoted within the organisation [...] was all based on essentially one of two reasons. First one being: are you an avid supporter of Jeremy Corbyn, and have you either been involved in his campaigns or worked on them [...]? And number two, are you on the left?"

"I know people had been offered inappropriate jobs. I heard a story about somebody being offered a job in LOTO because they were related to somebody who was friends with the Chief of Staff and, you know, people being offered jobs that didn't exist, for which there was no budget."

C5.19 Again, these are speculative allegations, but our interviews with junior staff hired to (and promoted within) Jeremy Corbyn's team indicated that they had the ring of truth:

"I didn't have a job interview, I was drafted in after the 2017 election because they needed people and, you know, I don't think that's right; and that's also been the case with many people far more senior than me, where there's either no advertisement or sometimes only an internal ad, where the person's been handpicked beforehand."

"[My manager] asked me to apply for [a promotion] and I really, really, really did not want it, and in hindsight I sort of wish I had never taken it. But, he was quite persistent and so I said that I would consider it [...] I was just sort of abandoned there."

C5.20 There was also the complicating problem that the various different strands and grouplets that constituted 'the Left' were competing to get their adherents to work in the office of a leader that they saw as the first 'truly Left' leader of the Party. This meant that LOTO appears to have felt it had to accommodate different groups which led to a degree of duplication within LOTO itself, an overexpansion of LOTO staff and, on occasion, contradictory messages from LOTO to HQ. This additional dysfunction compounded the difficulties between LOTO and the more monolithic regime at Southside.

Duplication of roles

C5.21 Many witnesses alluded to the related problem, predating Jeremy Corbyn's tenure but intensified during it, of LOTO hiring people to duplicate roles already being done in HQ, in order to accumulate more operational power to LOTO. One senior ally of Jeremy Corbyn reflected that:

“when Michael Foot was leader of the Labour Party [...] there was a handful of staff working for him in Parliament [...] As time's gone on, because of Short money and other factors, you've built up effectively [...] a parallel administration in Parliament with substantial employment, and overlapping roles. And so quite apart from the politics [...] there's an inherent structural problem there, I would say, which may be what Ed [Miliband] was trying to resolve with the creation of the Executive Directors structure.”

C5.22 A number of HQ witnesses perceived that the ultimate goal of this role duplication was to force out HQ staff (without actually firing them), after which their function would be performed solely by their LOTO “shadow”. One HQ employee felt that “we could see ourselves being replaced before our very eyes.” Two senior HQ managers told us:

“you've also got a suspicious LOTO who are prepared to take full advantage of the blurring of the roles [...] to try and get their people in to kind of repopulate HQ over time. And of course you've got your experienced staff with corporate memory, some might be resistant to change or a different way of doing things. But they're feeling unappreciated and it must be incredibly exasperating”

“[there was] the most astonishing level of recruitment of positions that never used to exist in the leader's office, to duplicate the work that was happening in the Party. So almost everyone in the Party felt they had a shadow in the leader's office. Having meetings with the same people doing the same things but coming to different decisions, and there was no joined up working [...] when this became intolerable for people [at HQ], they resigned and they would be replaced by the person in LOTO who had been performing that role on a shadow basis.”

C5.23 Similar concerns were reported in relation to regional appointments, with staff telling us that they were excluded from hiring processes that they would usually have been involved in so that (in their view) supporters of Jeremy Corbyn could be installed:

“effectively, post-2015 what was valued was whether or not somebody looked like they supported Jeremy Corbyn, whether they voted for him, and whether they said publicly about it. Only people in that position were who they really wanted to recruit [...] It would've been common for myself or [another regional director] to be on the selection panel for the West Midlands and London RD posts, which were the only posts that became vacant after Jennie [Formby] became General Secretary. We were no longer part of those processes.”

“Regional appointments (both senior and more junior) were made on the basis of politics, rather than ability. For several positions in our office former staff with organising experience were overlooked in favour of applicants with no experience but who simply happened to be members of Momentum.”

C5.24 The result has been a continuous re-entrenchment of the factional divisions. The conviction that their counterparts had been hired based on ideology rather than ability led to a growing sense on both sides that attempts at collaborative working were pointless. There was a growing sense of alienation amongst HQ and regional staff, who were in many cases made to feel that they were competing for their own jobs with LOTO “shadows”: “I never felt trusted, never felt that I was part of a team. Always felt on the outside [...] not being trusted to do the job that I was employed to do.” Many staff hired by LOTO, including some in “shadow” roles, also felt those tensions keenly: “From the moment we entered Southside, it was made abundantly clear that for a large number of the people I would be working with, I was viewed with suspicion, as an enemy [...] what really broke me [...] was how it affected my ability to do good work in my job. One of the most frustrating things was how patronising people were to us [...] I was talked to like I was a naïve ‘Corbynista’, if I was talked to or included at all.”

Poor staff support

C5.25 We heard repeatedly that the Party’s willingness to circumvent proper procedures in its hiring processes was coupled with a failure to provide proper support for staff once they were installed, in terms of both career development and pastoral care. This long-standing issue seems to us to have been heightened in this period, when opportunities for career development were felt by staff to be particularly dependent on political alliances, and HR functions operated at least partly through a factional prism. Whilst some teams/departments were certainly worse than others, there was a feeling amongst many witnesses that the wellbeing of staff was deprioritised across the board, with the handling of the unauthorised release to the media of the Leaked Report cited by individuals in both LOTO and HQ as an example.

C5.26 Many witnesses considered these issues to be caused in part by the structure introduced in 2012 whereby Executive Directors were given responsibility for all staff in a given department, with some of the Executive Directors reporting to the General Secretary and others to LOTO. One told us that this “was a backwards step. It blurred what should be a key distinction between the role of the Leader’s Office in specifically supporting the Leader and the role of the party as the civil service of the whole organisation. It also [...] confused lines of management which for Labour Party head office staff should unequivocally lead to the General Secretary.”

C5.27 Staff hired during this period across the organisation, including in LOTO, were shocked by the extent to which staff development and support appeared to be an afterthought:

“I would say it was not especially organised and the management culture in general in Labour...performance review is very far from what they do [...] I think most people are sort of left to ‘get on with the job’ and there is not really much of a culture of performance management.”

“I was a political advisor [...] I was in Parliament and [my line manager] was in Southside, and he was also expected to line manage something ridiculous like 20 or so political advisors. So for the year that I did that job, I never ever heard from him [...] I worked in the public sector before the Labour Party where we had very by the book probation reviews and performance reviews and stuff so it was quite weird to me working for the Labour Party because there was just nothing at all.”

“None of the staff [in my region] had targets and objectives and there have never been any appraisals and 1-2-1s [...] [there were] unclear lines of communication and delegation and work allocation was erratic and unclear.”

C5.28 Many reported feeling that they had no place to turn when issues arose, particularly since complaints were sometimes dismissed in this period as factionally-motivated attacks:

“HR staff do not act as honest brokers. Instead of taking an objective and independent stance and following agreed policies and procedures, they simply carry out the instructions of senior management. Staff had no confidence in the grievance procedure and that was well founded [...] Politicians were seen as out-of-bounds and no action was taken no matter how extreme the behaviour”

“my biggest concern about the leaked report is that it appears that comments were made about me in a [WhatsApp] group that included both my line manager at the time [...] and the Head of HR [...] These are the two staff members to whom I would have directed any complaints of bullying at work.”

“if 20 individuals made a complaint about an individual bullying them [...] What sort of organisation wouldn't go, 'actually, there might be something here to have a look at'? The Labour Party seeks to cover up this sort of stuff where it involves senior politicians and senior staff.”

“I certainly didn't feel cared for and I felt unable to protect the staff I was responsible for and to continue to look after them. That's again part of the reason I felt I had to go.”

Allegation 6

A racist, sexist and otherwise discriminatory culture exists in Party workplaces

Summary and Conclusions

Three dimensions of our Inquiry lead us to conclude that there are serious problems of discrimination in the operations of the Party:

- The undoubted overt and underlying racism and sexism apparent in some of the content of the WhatsApp messages between the Party's most senior staff.
- A significant number of replies to our Call for Evidence – mainly from ordinary Party members – spelling out their experience of discrimination – racism, islamophobia and sexism – in constituency parties and in Party processes; whilst it is not our intention to examine cases in CLPs, often the complaints were in part about the failure of Party officials at regional and national level to take such problems seriously.
- Submissions from current and former members of staff describing their experience of discrimination and of lack of sensitivity to issues of racism and sexism displayed by senior management.

Other themes included concerns that the attention to the surge of cases relating to antisemitism and the importance they appeared to play in the interfunctional conflict meant that the Party was in effect operating a hierarchy of racism or of discrimination with other forms of racism and discrimination being ignored. For a Party which seeks to be a standard bearer of progressive politics, equality, and workers' rights, this is an untenable situation. The Party must live by its values and lead by example.

Some progress has been made in relation to sexism, though there is more to be done. The Party clearly needs to continue its work to root out sexual harassment and misogyny in its workplaces, and impressive work has been done on that front already, but it also needs to be alive to the subtler ways in which even senior women can feel excluded and undermined.

It seems to us that less progress has been made when it comes to racism. Racism in the Party is not experienced by individuals solely through acts of aggression or microaggression towards them personally – it is experienced through seeing colleagues being passed over for promotion; being the only person from an ethnic minority background around a meeting table; being managed by a near-exclusively white senior team; and hearing the particular disdain which colleagues reserve for (for example) ethnic minority MPs, councillors and CLP members. Many respondents felt they were confronted with a less welcoming atmosphere in which many respondents felt they were forced to immerse themselves daily, and this amounts to a constant drain on the attention and energies of talented people who would prefer to be focused on their work.

In many cases, the recruitment practices described in the previous section were seen as creating additional barriers for (in particular) Black and ethnic minority staff, with senior staff recruiting from their own networks and/or in their own image, often without following an open recruitment process. Whilst we do not suggest that those practices are anywhere near universal in the Party, a staff member only has to see it happening once to perceive that the Party is not a professional environment in which they can contribute and progress to the maximum of their potential.

Many staff felt that specific problems were only dealt with when it was politically expedient and/or essential to do so, and that the Party's more recent steps to address the problems with antisemitism, for example, have not been matched by a commitment to tackle other forms of racism, nor by a full-scale effort to get its house in order as an employer. Moreover, the persistence of racist attitudes amongst some staff, and the failure to prioritise a suitably robust response to those attitudes, meant that complaints were not treated with the urgency and sensitivity they deserved. The outrage rightly directed in recent years at the scourge of antisemitism should be matched by equally strong measures against all forms of discrimination, within Party workplaces as well as

within the membership. This is the least we could expect from a party committed to anti-discrimination.

Whilst we received very few responses which specifically detailed homophobia or discrimination against people with disabilities and we did not receive reports of transphobia, we strongly suggest that the Party also addresses these types of workplace discrimination. In short, it is essential that the Party takes steps to become an environment in which everybody can contribute and thrive; it must model the kind of workplace environment which it would wish to see across the country were it in power.

Scope

- C6.1 Much of the commentary on the Leaked Report has focused on comments it quotes from senior staff which were deemed to be discriminatory. The approach we have taken to the SMT WhatsApp transcripts and the instant messages is explained in the introduction to Section C of this report.
- C6.2 The authors of the messages deny any discriminatory intent and in many cases consider the comments to have been taken out of context and/or deliberately misrepresented in the Leaked Report. We will consider briefly in this section the extent to which those messages evidenced discriminatory attitudes amongst the senior management team, though we do not seek to address wrongdoing by particular individuals – where appropriate, we understand disciplinary action has been taken against the individuals concerned and we do not seek to replicate that exercise here.
- C6.3 Our primary interest is in the broader question of the extent to which any problematic communications between individuals were indicative of a broader culture of discrimination in Party workplaces. Like the GMB Union, “we believe that any action against individuals is of secondary importance to the overarching need for institutional responses to what is an institutional and cultural problem.”

- C6.4 Our focus is on discrimination in Party workplaces, not amongst the membership as a whole or within individual CLPs. Those are separate, serious issues, on which we received a significant volume of evidence, but which fall outside the scope of this report. However, it is important to recognise that if there are elements of racism, sexism and homophobia within the Party workforce – or even lack of recognition of the importance of such issues – when serious complaints are received of discriminatory behaviour in the wider Party, those complaints may well not be prioritised or indeed understood and treated with the appropriate urgency and sensitivity.

The SMT WhatsApp transcripts

- C6.5 Several extracts from, in particular, the SMT WhatsApp transcripts have been cited as evidence of discriminatory views held by the senior management team – most significantly:
- Comments that Diane Abbott “literally makes me sick”, is “truly repulsive” and is a “very angry woman”;
 - Discussions about the attire of junior female staff, in which one is said to be “wearing a see through, flesh coloured, skin tight top and no bra”; “You’d think with all that money she could afford to buy a jacket and a bra”; and
 - Descriptions of a Karie Murphy as a “crazy woman” and “bitch face cow”, as well as comments about her physical appearance.

- C6.6 The discussions about Diane Abbott, including in relation to the exchange to which we refer on page 26, have been the focus of significant attention.
- C6.7 The authors of the relevant messages deny that she was singled out for criticism because she was a Black woman; they say that she was criticised when her performance justified it (for example, when she missed the Brexit vote or performed poorly in an interview about policing costs). Some of the witnesses we spoke to suggested that they had, in effect, just been treating Diane Abbott like they would white male MPs, and that they considered all MPs to be fair game for at times vicious criticism.
- C6.8 We take issue with the underlying premise as to how MPs should be treated, but we also note that MPs of colour and female MPs were not always treated during the relevant period in the same way as their white/ male counterparts – not just in terms of the abuse they received, but in terms of the level of instinctive respect they were afforded within the Party and within Parliament. It is incumbent on Party staff to recognise this failure and to continue to work to ensure that it does not persist.
- C6.9 The nature of the justifications we were presented with point, in our view, to one of the fundamental ways in which racism is able to fester in an organisation like the Party – through the belief that unless you are criticising someone because of the colour of their skin, you are not being racist (coupled with a pervasive belief amongst Party staff that they are “on the right side” of these issues and do not need to give them any particular thought). There are plenty of criticisms of Diane Abbott in the SMT WhatsApp transcripts which we would consider to be an acceptable expression of the authors’ opinions – indeed we would put the majority of them in that category. No one, needless to say, has suggested that Black and female MPs should be immune from criticism. The criticisms of Diane Abbott cited above, however, are not simply a harsh response to perceived poor performance – they are expressions of visceral disgust, drawing (consciously or otherwise) on racist tropes, and they bear little resemblance to the criticisms of white male MPs elsewhere in the messages.
- C6.10 In our view the authors should have considered whether the fact that Diane Abbott is a Black woman, and has been vilified on that basis over several decades, (a) might have impacted on their instinctive responses to her, even if unconsciously, and (b) meant that they should take particular caution with their language when discussing her.
- C6.11 We agree with Diane Abbott’s own comments that: “None of this narrative was ever challenged by the other participants in the WhatsApp groups which leads to the conclusion that the remarks in the report were not outliers but represented the general tone of conversation amongst senior Labour Party staff about me and other black elected members. And it is worth noting that not a single member of the Senior Management Team or the Labour Party Forward Planning group was black.”
- C6.12 We think that the discussions about junior female staff and Karie Murphy, and the defences put to us by the authors, are again indicative of a broader problem. The authors in some cases pointed to the fact that they are feminists, and have done substantial work to promote women within the Party, as (in effect) negating the sexism of comments about the appearance and attire of female colleagues, the possibility that they have progressed because male colleagues find them attractive, and so on. In our view those comments were straightforwardly sexist, irrespective of who made them, and it is unacceptable for senior staff to discuss female colleagues in those terms even in private.
- C6.13 We take a similar view of the comments about Karie Murphy – we recognise that many of the authors had extremely difficult relationships with her, but there are no circumstances in which we consider that it would be acceptable to criticise a colleague’s appearance or to call her a “bitch”. The criticisms of Karie Murphy were often couched in gendered terms, and it seems to us that the fact that Karie Murphy is a woman played some part in intensifying the level of vitriol towards her.
- C6.14 We accept that there were relatively few explicitly sexist comments in the SMT WhatsApp transcripts; they do not take away from the sterling work some of the authors have done for women in the Party (but nor does that work excuse them). We have heard expressions of sincere regret from some of the authors and it is clear to us that at least some lessons have been learned.

C6.15 In our view the fundamental problem is that people who are committed to progressive politics find it difficult if not impossible to accept that they might have acted in a way which was discriminatory. In fact, if one lives (as we do) in a society which is shot through with racism and sexism, one has to work actively to recognise and reject discriminatory language and ideas, however consciously one rejects regressive ideologies. There seems to us to be a tendency among Party staff to believe that they are insulated from the ills of their society – the same dynamic which was, in our view, behind the failure of the elected leadership to countenance that (as lifelong antiracists) they could be behaving in a way which perpetuated antisemitism.

C6.19 68 of the submissions the Inquiry received were from current or former Party staff, some of whom had worked in HQ, some in LOTO, and some in regional offices; 45 of them told us that they had either experienced or witnessed discriminatory behaviour in Party workplaces during their time as employees.

C6.20 In the June 2020 staff survey provided to us by the GMB Union, 54% of respondents reported encountering discrimination while working for the Party. In relation to a question asking how far they agreed with the statement that the Party “protects its employees from discrimination” (on a scale of 1 to 10, with 10 being the highest) the average response was 4.

C6.21 We set out below some of the comments we received regarding racism, sexism and certain other types of discrimination in Party workplaces. We also note that some submissions denied that discrimination was a significant issue, saying, for example, that “no-one I worked with made antisemitic, racist, homophobic or sexist remarks in my hearing and were undoubtedly motivated by the principles and traditions of the Party”. We have no reason to doubt the sincerity of what they said. However, we also note that those who are not themselves in groups likely to be discriminated against often find it harder to recognise discrimination where it arises, especially given the subtle ways in which it often manifests itself and the blind spot which progressive individuals sometimes have when it comes to recognising it within their own ranks. That is part of the reason why we have quoted fairly extensively below from the submissions we received. We acknowledge that we did not conduct a comprehensive quantitative study of the problem, but the weight of evidence we heard satisfied us that it was real, and we reiterate our gratitude to all of the individuals who took the time to record for the Inquiry’s benefit what have often been extremely difficult experiences.

Broader culture

C6.16 Our primary concern is with the extent to which messages such as those cited in the Leaked Report are indicative of broader cultural problems within the Party.

C6.17 As a starting point we should say that we consider it unlikely that there are many large organisations in the UK which do not have work to do when it comes to diversity and inclusion. As the UK’s largest progressive political force, however, we think it is fair to expect the Party to be leading rather than following in this area. We note that work is underway on that front, which we welcome, but we consider that it may be of some value to record here the submissions we received regarding the extent of the problems. We note that the Labour Muslim Network has produced an excellent report on Islamophobia in the Party, which we hope that the Party will also consider carefully.

C6.18 Our analysis is based on the witness evidence and written submissions we have received, which constitute a fairly wide-ranging and in our view very helpful record of the first-hand experience of Party employees. We have not, however, carried out a root and branch review of the Party’s workplaces; witnesses to the Inquiry were self-selecting and inevitably spoke to their perceptions of what went on, which we have not been able to test forensically. Thus we do not suggest that the below represents a comprehensive analysis.

C6.22 While the submissions we received did not include direct evidence of overtly antisemitic behaviour by Party staff, the evidence we received indicated a pattern of complaints about antisemitism either being ignored, or exploited along factional lines, revealing a troubling inertia on behalf of the Party in response to this issue.

Racism

C6.23 An employee survey conducted by the Party in August 2020 (the staff survey), was in our view unhelpfully framed, in that the options in response to the question “what is your ethnicity?” were: British; English; Mixed Heritage; Other White Background; Black, Middle Eastern or North Africa; Scottish; Irish; Other Asian background; Indian; Other / prefer not to say. If the question was indeed about ethnicity rather than national identity, it appears that (for example) “British” has been used as a synonym for “white British”, which needless to say is problematic, and the other groupings are somewhat odd and not comprehensive. This in itself demonstrates that the Party still has some work to do in how it approaches these issues.

C6.24 In total, noting that the categorisations are flawed, 82% of staff identified as “British”, “English”, “Other White Background”, “Scottish” or “Irish” (and we note that that would include individuals from Gypsy, Roma or Traveller backgrounds). Only 3% identified as “Black, Middle Eastern or North Africa”, 2% “Indian”, 2% “Other Asian”, 5% “Mixed Heritage” and 5% as “other / prefer not to say”.

C6.25 We heard evidence relating to the experiences of ethnic minority members and staff:

“Diversity in the Party organisation is something which again has been an issue for the entire time I’ve worked for the Party. Initially when I first started of the 11 Regional Directors and General Secretaries in place 9 were men and all were white.”

“Recruitment practices were routinely flouted. Women and ethnic minorities were expected to apply and interview for posts yet it was common for white men to arrive without going through a recruitment process [...] Black staff and women were aware of

these irregular recruitment practices which denied them opportunities and promotion and many concluded that there was no way to make progress in the LP and simply left.”

“[My manager] took me out of the office for coffee [when I joined] and said that the reason she took me out, was to warn me that BAME women tend to get “thrown under the bus” and to be careful who I trust in the Party.”

“As a practising Muslim, I have faced challenges in trying to acquire a faith space in our offices where I could perform prayers as part of my faith at particular intervals throughout the day. When I first raised this as an issue with HR in early 2018, I was passed onto the facilities team, who offered me a dark and dirty mailroom for prayers, which was unsuitable. Later, I raised this again and was told to book meeting rooms as and when required, however, meeting rooms were almost certainly always booked weeks in advance and I struggled to keep up with my daily prayers at work.”

C6.26 We received so many comments about racism that we felt it was important to include a representative sample and we have done so in the Annex at the end of this section.

We consider it unlikely that there are many large organisations in the UK which do not have work to do when it comes to diversity and inclusion. As the UK’s largest progressive political force, however, we think it is fair to expect the Party to be leading rather than following in this area.

Sexism

C6.27 The Party's August 2020 survey found that 43% of its staff were female, 52% male, and 4% other / preferred not to say. This was the other main category of discrimination about which we received submissions, extracts from which are set out below. There was a general sense that things had improved over the years in some respects, but that young women and women from ethnic minorities continue to face significant barriers to progression and wellbeing within the Party. There was also a sense that even senior women were judged more harshly and held to different standards than their male counterparts but unfortunately that is part of the normalised culture for women in politics.

C6.28 Experiences of junior women in Party workplaces:

"In the leaked messages I was named and ridiculed for my appearance with the implication that I only had a positive reputation as a result of the fact that others found me attractive. Both parts of this message demonstrate sexist and regressive attitudes that undermine women at work. [...] Both I and another young woman adviser were made fun of in this way. It was notable that we both came from the same factional and ideological background"

"During the general election some staff members had made comments about my clothing and a staff member in the press office claimed in a chat that I and another young woman in my team were in a "harem" with [...] one of our managers, implying that we had had sexual relations with him and suggesting this is how we had got our jobs."

"The Labour Party is not a safe space for women, in fact – I would go as far as saying that it is a dangerous place and young women are at risk of being exploited, overlooked, assaulted [...] The Labour Party is infected with sexism at all levels – from its culture to its treatment of women – led by a sexist culture of (predominantly) white men right at

the party's Westminster/HQ core which has gone unchallenged for too long and been allowed to thrive."

C6.29 Experiences of senior women in Party workplaces:

"I would be lying to say I'd never experienced misogyny in the Labour Party [but] I'll be honest – I don't know whether it's as I've grown in age, confidence and status in the Party but, as time has gone on, those things are, in my experience, a long way now in the past. I've learnt however, from conversations with other women and the work that I've done with the women's network that [...] people still experience these things. Of going to a meeting and being [...] identified as the only woman and asked to take the notes [...] People not being able to talk about issues around, you know, women needing [...] hospital appointments around, you know, gynaecological issues and bosses just can't deal with it."

"Within the party as a staff organisation sexism in my experience is more limited to under promotion and micro aggressions or being spoken over in meetings."

"Senior women were excluded even when the subject was their area of expertise."

"I have personally been on the receiving end of briefings against me for being a bully, which breaks my heart. If I'm a man doing this job and I'm doing it fairly but I'm doing it sternly, I'm never going to be accused of being a bully. You know it's an easy target because you're, because you're a woman."

"During the four years under Jeremy Corbyn's leadership, I watched multiple, excellent colleagues leave the party, often because they were forced out [...] I know, myself, four women during this period who returned from maternity leave to [find] a member of the Leaders' Office team had taken over their responsibilities."

C6.30 Failure to deal with complaints:

“The failure to deal with sexist conduct by male colleagues was a recurrent complaint raised by female union members with me as Branch Equalities Officer”

“Personally, whilst heavily pregnant, I was advised by my trade union to begin keeping a diary of instances of bullying that I was experiencing [...] I felt powerless to make a formal complaint on the basis of the issues that I was experiencing because I knew that it would not be investigated properly and would be seen as a mark against my name.”

“Grievance and complaints processes went nowhere if against certain people. My personal experience of these processes were terrible. I put in a grievance regarding bullying, harassment and sexism against my then line manager but as they were a political appointment my complaint was disregarded, and twisted to try to make me sound like I was politically motivated rather than the victim of bullying and sexism.”

Other types of discrimination

C6.31 We have not included in this section discrimination on the basis of political beliefs, because that is covered in our consideration of Allegation 1; we note, however, that many of the Inquiry’s respondents felt that they were subject to negative treatment, exclusion or bullying on the basis of their factional alliance, and that in many cases they felt that factional hostility triggered, or intersected with, other forms of discrimination. One individual, for example, who felt isolated from both factions, told us that “people on the right and left of the Party did not trust me, and a part of me felt that the microaggressions of race & religion played a part in it.” It certainly seems that the ongoing factional battle was seen by both sides as justifying unprofessional and hostile behaviour, inadequate recruitment practices, and so on. It thereby contributed to the creation of an atmosphere in which other types of discrimination were able to flourish, not least because staff feared that complaints would be dismissed as factional attacks.

C6.32 We received very few responses which touched on homophobia or discrimination against people with disabilities in Party workplaces and we did not receive reports of transphobia. That does not necessarily tell us anything about their prevalence. We suspect that (in some cases) it is at least in part because the Party has a relatively low number of employees and former employees with those protected characteristics. Some of the evidence we saw supported this suggestion, at least historically:

- One former employee who had worked for the Party for many years, for example, told us that “I met no disabled staff during my entire time working for the LP. Yes, some disabilities are hidden but there was no discussion or awareness of disability issues.” However, in the staff survey in 2020, 10% of respondents confirmed that they considered themselves to have a disability.
- Another respondent told us that the Party was “disproportionately heterosexual probably... well, the issue is we haven’t got data in terms of sexuality.” In the staff survey, however, 78% of staff identified as straight, 7% as bisexual, 6% as gay or lesbian and 10% other / prefer not to say.
- In the staff survey, 97% of staff said that they did not identify as trans, while 3% answered “yes”, “prefer not to say”, or “prefer not to self-describe”.

C6.33 The lack of responses in relation to these types of discrimination could also be because the Leaked Report did not focus on them, and they were as such not seen as being issues which were central to the Inquiry’s Terms of Reference. We strongly suggest that the Party’s planned actions with regard to diversity and inclusion training includes training with regard to these kinds of discrimination.

The ongoing factional battle was seen by both sides as justifying unprofessional, inadequate recruitment practices, and so on. It thereby contributed to the creation of an atmosphere in which other types of discrimination were able to flourish.

Annex

Lack of ethnic minority representation in Party workplaces:

“in our [BAME Staff] Network meetings, the contents of the [leaked] report have resonated - concerns have been regularly raised about the apparent lack of progress for people of colour in the organisation, which has an impact at all levels of the Party. The trainee organising program established by the Party, for example, did not hire a single BAME organiser in its national cohort in 2019. And the problem is exacerbated at more senior levels in the Party: the Directorate has almost no representation of BAME people, and at the most senior level, the top three positions in the Party are all occupied by white men. There are almost no senior people of colour in decision making roles with higher levels of authority. Imagine if there had been just one person of colour in the WhatsApp groups in the report - not a single one of the racist comments contained within them would have been permissible.”

“one of the things I identified [in 2018] is just about every single member of every regional team was white. Including London [...] So it was hardly diverse and it was astonishing that the region where we have 50% of our membership, and was the most diverse region in the UK, didn't have a more diverse [workforce].”

“I do not have statistics, but the party HQ staff were overwhelmingly and disproportionately white. For a progressive party based in one of the most diverse cities in the world, it was shocking how unrepresentative the party HQ was either our voter base or of London.”

“whilst I was there, 25 local organisers were hired all at the same time to help us fight the election, of those hired there was not one member of that cohort from a diverse background - all were white men and women and quite frankly for an organisation like the Labour party, to hire 25 members of staff with no diversity is disgusting.”

Barriers to recruitment and promotion:

“Diversity, recruitment, and retention of BAME staff is a distinct problem in the Labour Party. Clearly the contents of the report are related to this. They indicate a culture which looks on [B]lack, asian and minority ethnic staff as “lesser”.”

“As part of the BAME staff network there were various discussions about those with experience applying for jobs and being frequently overlooked for less experienced white staff members [...] It also did not escape me that even with the increase in BAME staff this was at lower levels in seniority and of course subsequently paygrades.”

“The way career progression is handled in the party places further barriers for Black staff. In my experience it's been a lot harder to progress compared to my White colleagues. Staff are promoted by managers as part of internal political manoeuvring or due to favouritism.”

“In one hiring process I was asked to input on (but was not leading on), I raised that all the candidates were white men and I advised that we reopen applications. I was ignored and one of the slew of white men was hired. In the process, an argument was made that it wouldn't be possible to diversify the list as we needed a more qualified candidate. I was aghast at this racism.”

Other manifestations of racism in Party workplaces:

“I write this submission to you feeling degraded, overlooked and insulted on so many levels. I am a prime example of why some many say the Party has a problem with race. It is why you can count on one hand the number of senior Black women in the party, and on multiple hands the number of Black people that have left.”

“A lot of the racism in the workplace was insidious, people being especially tough or critical of you, feeling as you had to work twice as hard to get half as far, your contributions to work being erased and being left out or overlooked for high profile work/projects.”

“Women and ethnic minorities were micro-managed while male colleagues could come and go as they pleased.”

“The staff at Labour HQ have a tradition of having socials at a pub called The Colonies in Victoria, which is a relic to and celebration of the UK’s colonial past. Given the number of drinking establishments within the square mile of Labour HQ, you would think Labour employees would recognise how deeply offensive and alienating to Asian and African staff members this is. These socials were advertised widely through the Labour Party’s social club.”

“The Labour Party is not a welcoming place for people of colour.”

Treatment of MPs from ethnic minorities and their staff:

“I have often been uncomfortable with the way people talk about Black politicians, but particularly Diane Abbott....She undoubtedly receives much more ire and abuse because she is Black, and yet more because she is a Black woman. It has therefore always concerned me how Black people far more junior than Diane may be seen or talked about [...] this sort of thing makes me more conscious of my colour in the Labour Party than I am in everyday life – which is not a good situation for a party with the values we have.”

“I always felt disrespected as a member of staff and for a significant amount of time I was the only Black political advisor. I was often asked around Parliament if I was Diane [Abbott]’s daughter or her niece or on work experience.”

“As a muslim, brown woman working for Diane, the way that others began to interact with me as an extension of the way they treated Diane, my confidence took an incredible tumble and I began to question myself.”

“Seeing the comments directed towards Diane Abbott in the report only really confirmed what many of us understand exists – that is a culture that see Black people and other people of colour in a negative light.”

“It is quite interesting to hear how some of the staff refer to activists or politicians of colour when they don’t agree with them. They use far more extreme or dangerous references to them.”

Hierarchy of racism:

“There have been many occasions where I’ve been distraught in the lack of urgency for other cases such as Islamophobia, Racism and Sexual harassment, due to the organisational priority being Antisemitism.”

“There are various forms of racism that clearly take place in the Labour Party but the most hurtful is perpetuated by staff in the party, some who propagate a hierarchy of racism. Where one form of racism is seen as more important than others in the way it is dealt with or discussed.”

“It is incredibly hard to not draw the conclusion that, just as in British society, Islamophobia is not treated with the same seriousness within the Labour Party as other forms of racism.”

“The Party also has created a clear hierarchy of racism and prioritised the viewpoint of certain groups over others [...] It did not go unnoticed that the [Community Organising Unit] was treated like an enemy within and bullied by the rest of the staff as well as well known MP’s and also just happened to be the most diverse.”

“As a mixed-race member of staff in an organisation with a less than acceptable level of diversity, it is upsetting when it feels like racism is only taken seriously when it is political convenient [sic]. The above narrative in my opinion shows white staff obstructing, whether deliberately or accidentally, the Party’s attempt to deal with antisemitism. This apparent willingness to subjugate the tackling of racism to personal and/or factional disagreements must be tackled if the Party has any serious chance of rebuilding its relationship with various ethnic minority communities which have felt mistreated and taken for granted by the Party for years.”

D

SECTION D

Section D:

Disciplinary Processes In The Party

Summary

As we conclude in our consideration of Allegation 2 in Section C, historically the Party's disciplinary system was not fit for purpose or able to cope with the sharp increase in complaints that followed the post-2015 surge in Party membership. As at 2015 there was no comprehensive system for logging complaints and thus no way to ascertain how many complaints were in existence, or active, whether associated disciplinary proceedings had been launched or the stage they had reached. Meanwhile a substantial backlog of cases awaiting determination developed.

Whilst incremental changes were made under Iain McNicol's tenure as General Secretary (2015-2018) – most notably the creation of a distinct 'complaints' team to deal with the management of incoming complaints, thus freeing up the pre-existing investigations team to focus on only those cases deemed serious enough to warrant further action – the broad structure for dealing with complaints remained largely the same during this period.

A series of further changes were made under Jennie Formby (2018-2019), which increased capacity for the investigation and reporting of complaints and gave the Party greater flexibility to hear and dispose of antisemitism cases. Although these changes were undoubtedly improvements – allowing the backlog of outstanding 2015-2016 cases to be cleared by early 2020 – they were made in a reactive and somewhat piecemeal fashion; no radical overhaul of the Party's response to the handling of complaints was attempted.

More recently, and in concert with the EHRC and other stakeholders, the Party has committed to change – and change on the scale required to address the structural issues that have been reported to us. Indeed substantial reform of the Party's disciplinary system relating to discrimination cases was a fundamental requirement of the EHRC report. To that end a set of proposals to reconstruct the Party's processes was presented to, and approved at, the 2021 Conference, having been recommended by the NEC. Those measures include the introduction of an independent complaints system overseen by independent lawyers, and a new set of principles governing impartiality.

While we welcome these improvements and are broadly supportive of the resulting changes to the system that have now been implemented, we do have continuing concerns – in particular, in relation to the use of lengthy administrative suspensions, and sanctions on individual members deemed to have supported newly proscribed organisations. As a result of these concerns (which are addressed in more detail in this section of the report) we consider that further reform of the Party's disciplinary system is required. A series of recommendations for that reform is then set out in Section F.

D1 Scope

As noted in the introduction to this report, the Inquiry's Terms of Reference require us to consider "the structure, culture and practices of the Labour Party organisation..." as we "think appropriate having regard to [our] investigation as a whole." They also invite us to "make such recommendations as [we consider] appropriate concerning the organisation and structures of the Labour Party, arising out of [our] investigation..."

In our view this gives us the mandate to consider and make recommendations for reform of the Party's disciplinary systems. To do so, however, it is necessary to understand the evolution of those systems during the period covered by the Leaked Report. We also considered it logical to consider – even though they strictly come after the period of our focus – both the reforms to disciplinary procedures that were required by the EHRC, and the wider package of rule changes approved by the Party at its 2021 Conference.

We take this wide approach largely because – as with other aspects of Party operations – our Inquiry received evidence and accusations of the Party's disciplinary process itself being affected by both serious inefficiency and by damaging factional antagonism and bias. These allegations related to both its administration and its outcome and to both interference with due process and 'fixing' of that process for factional advantage based on the politics of the member accused (or the member initiating the complaint).

Our Inquiry received evidence and accusations of the Party's disciplinary process itself being affected both by serious inefficiency and by damaging factional antagonism and bias.

D2 The disciplinary system as at 2015

D2.1 The Party's basic disciplinary procedures are set down in detail in the rules, especially in Chapter 6 of the Rule Book. Members subject to disciplinary action have a contractual right to be treated in accordance with those rules.

D2.2 The basic life cycle of a complaint remained broadly the same from 2015 through to 2019, albeit with fine-tuning of the specific elements. As at 2015 the process was as follows:

- Complaints were received by the complaints team (formerly the Compliance Unit) either directly or via regional offices/CLPs. The disputes team ascertained whether the complaint related to a Party member.
- If the complaint did relate to a member, but the complaints team did not consider it serious enough to merit further investigation, they would either:
 - take no further action;
 - issue a reminder of conduct; or
 - refer the matter to be dealt with at a regional level (either informally or through a regional investigation).
- If the allegation was more serious, it was reported to the NEC. The Director of GLU had the power to impose an administrative suspension pending determination.
- The disputes team then investigated the case (using powers delegated to the General Secretary and other officials by the NEC), often on the basis of the papers but sometimes by conducting interviews.

The explosion in membership post 2016 greatly increased the strain on the disciplinary system.

- Next, the disputes team prepared a report and recommendation for the Disputes Panel of the NEC. As at 2015 the Disputes Panel were drawn from the (large) membership of the NEC's Organisation Sub-Committee which only met in plenary form four times a year. The Disputes Panel could choose to:

- take no further action;
- issue a written warning (the most severe sanction the NEC had the power to impose); or
- refer the matter to the constitutionally separate NCC, an elected body within the Party with no other functions but to hear and determine serious disciplinary charges; to hear appeals against NEC disciplinary decisions; and to impose sanctions. The NCC normally sat in panels of three members.

- Where a case went to the NCC, and the charge was found proved, the available sanctions included a formal warning, a reprimand, a suspension from membership, a suspension from holding Party office, the withdrawal of endorsement as a candidate, suspension or expulsion from the Party, or any other reasonable and proportionate measure.

D2.3 CLPs also operated disciplinary processes. In practice, in accordance with Chapter 6, Clause II.1.F of the Rule Book, CLPs were expected to contact the relevant regional office for guidance as soon as a complaint which appeared to relate to a disciplinary matter was received. We are not commenting in any detail on CLP or regional procedures.

D2.4 At HQ there was apparently no single location for logging complaints and tracking their progress through the system. Witnesses have reported that, prior to 2015, this was not considered necessary due to the relatively low volume of complaints. Where complaints resulted in investigations, the material generated was stored on the Party's "members centre".

D2.5 There was no master index or database of complaints and as such no straightforward way to:

- search the Party's system for comprehensive information about complaints or disciplinary proceedings relating to an individual;
- identify what stage a particular complaint had reached;
- ascertain how many disciplinary cases were active at a given time; or
- tell how many disciplinary cases had been instigated in a given period (in relation to specific categories of misconduct, or overall).

D2.6 After 2015 the volume of complaints increased hugely, to a level that the existing complaints system was simply not designed to cope with. The rise in the number of complaints largely reflected the increase in members (from 190,000 in May 2015 to over 500,000 in July 2016), coupled with the "validation exercise" undertaken in 2015 on applications for membership to check they were eligible for Party membership. A substantial backlog of cases awaiting NEC determination developed (with many of the members involved subject to administrative interim suspensions while their cases passed through the system). By 2017 some organisations were submitting "bulk" complaints relating to social media activity, which increased the backlog still more.

D2.7 We were told in evidence that there were further bottlenecks in cases referred by the NEC to the NCC for various reasons. These were said to include difficulty in finding NCC members to sit on the panels that heard cases and delays caused by respondents (especially those with legal representation) requesting deferrals. It was also alleged in other evidence to us that these delays were compounded by the perceived need in particular cases to make sure the balance of membership of the NCC panel was likely to be factionally acceptable to the then dominant faction of the NEC. We are not in a position to make a firm finding as to the truth or otherwise of this latter allegation. However, one way to avoid the problem described to us – or any perception of it – would be to have a system that does not depend on the current factional balance of the NEC rather than an evidence-based and fair assessment of the seriousness of the alleged breach of Rule or Code of Conduct.

Changes made under Iain McNicol 2015-2018

- D2.8 The structure for dealing with complaints remained broadly the same during this period, in which Iain McNicol was General Secretary, but there were various attempts to fine tune it (in some cases based on recommendations made in the Chakrabarti Report, though many of the recommendations made by the Chakrabarti Report were never implemented).
- D2.9 In early 2017, the complaints and disputes team were separated. The new complaints team was to focus on the management of inbound complaints (primarily received, from late 2017, via the new email account complaints@labour.gov.uk), with the disputes (or investigations) team focused on investigating all of the cases deemed serious enough to require further attention. In practice, though, we have heard that the demarcation between the two teams was often blurred.
- D2.10 In 2017, the Party commissioned the design and construction of a project management system to allow better recording and tracking of complaints (the complaints centre). Whilst that system was being constructed, we are told that a Microsoft Access database was used to track all matters which had been passed to the disputes team by the complaints team (a slight improvement on the Excel spreadsheet). One member of complaints staff told us that the system was launched in July 2017, and the contents of the Microsoft Access database were imported into it. Another witness told us that it was not fully operational until April 2018. The new system was designed to provide a central source of information in relation to any given member, although it still did not allow broader searches (by, say, category of misconduct).
- D2.11 In late 2017 (in the wake of #MeToo) all sexual misconduct complaints reported to the NEC were heard not by the plenary NEC Disputes Panel, but by smaller panels of five members (with a quorum of three) sitting with an independent legal advisor.

- D2.12 In 2017 various amendments were made to the Party's rules, including an amendment to Chapter 2, Clause 1.8 (which proscribes conduct "prejudicial" or "grossly detrimental" to the Party). The rule was amended to require the NEC and NCC to take into account the Party's Codes of Conduct in considering allegations under this rule, and to provide that any incident which objectively demonstrated hostility or prejudice based on a protected characteristic had to be regarded as "conduct prejudicial to the Party". Late in 2017 a Code of Conduct relating to antisemitism and other forms of racism was adopted which stated, amongst other things, that any behaviour or use of language which "undermines Labour's ability to campaign against any form of racism" was unacceptable conduct.

Changes made under Jennie Formby 2018-2019

- D2.13 Jennie Formby became General Secretary in March 2018 and put in place a number of changes intended to improve the functioning of the disciplinary system, albeit her efforts were hampered (at least initially) by the departure of a large number of staff from GLU following her appointment.
- D2.14 Jennie Formby appointed a general counsel, Gordon Nardell QC, in June 2018 (as per the recommendation of the Chakrabarti Report). Various other changes were made to the structure of the disputes team, including the designation of the post of Director of GLU as one which required legal qualifications.
- D2.15 In 2018-2019 a new team of governance officers was recruited to assist with the complaints function (with each officer responsible for complaints arising from particular nations/regions, referring them as appropriate to the disputes team). This created additional capacity for the investigation and reporting of cases and the preparation of NCC bundles.

- D2.16 In line with a recommendation made by the newly-established Antisemitism Working Group, the power to dispose of antisemitism cases was removed from the plenary NEC Disputes Panel and given to smaller panels of three to five members, akin to those used in sexual misconduct cases. The panels were assisted by an external legal advisor. Again, the intention was to speed up the handling of cases (given that the Disputes Panel only met four times a year), to encourage a more robust discussion of the evidence than the plenary format allowed, and to depoliticise the outcomes. A decision-making matrix and guidance in relation to antisemitism was drawn up in mid-2019 for use by the NEC “small panels”. We understand that this system allowed the backlog of 2015-2016 cases to be cleared by early 2020.
- D2.17 In May 2019 new guidelines were introduced to encourage the swifter and fairer resolution of cases by the NCC; in September 2019 the NCC was expanded from 11 members to 25 so that it was able to convene panels with greater ease.
- D2.18 In September 2019, rule changes were implemented to give greater powers to the NEC, including its small panels, which became able to impose any of the sanctions available to the NCC, up to and including expulsion, in cases involving hostility or prejudice based on a protected characteristic. Members subject to such sanctions by the NEC have a right of appeal to the NCC.
- D2.19 Cases involving racism, discrimination and/or harassment based on a protected characteristic were removed from the disciplinary powers of CLPs, and instead had to be dealt with through GLU.¹⁶

Changes to be implemented to the Party’s disciplinary system following approval at 2021 Party conference

- D2.20 Proposals to overhaul the Party’s disciplinary processes with the introduction of an independent complaints system were approved by 73.64% of delegates at the 2021 Conference, having been recommended for approval by the NEC. Reform of the Party’s disciplinary system in relation to discrimination cases was a requirement of the EHRC report on antisemitism cases and proposed measures were agreed with the EHRC.
- D2.21 The proposals establish a new Independent Review Board (IRB) – comprised of independent lawyers – to review all disciplinary decisions of the NEC concerning allegations of discrimination. Each decision will be reviewed by a member of the IRB to ensure they comply with legislation, Party rules and new principles of independence and impartiality (as set out at paragraph D2.25). The IRB will have the power to set aside decisions and remit them to a fresh NEC Disputes Panel to be determined.
- D2.22 All discrimination cases currently determined by the NCC, will now go before a newly-established Independent Complaints Board (ICB) for determination. The ICB will comprise a pool of 12 members – four lawyers; four human resources or regulatory professionals; and four lay members – each with a term of two years. A panel of three members (one from each designation) will be convened to hear cases.
- D2.23 The ICB members will be appointed by a standing recruitment committee, which will be appointed by the General Secretary. Lay members will be appointed following an open application process. Applicants must hold five years’ membership and a clean disciplinary record.
- D2.24 All appeals against decisions concerning discrimination will be subject to preliminary review by a legally qualified member of the ICB. If that member considers that there are grounds for appeal, a panel of three members (one member from each category) will be convened to hear the case. Appeal decisions will be reached by majority vote and will be final.

¹⁶ This was communicated to CLPs and Branch Secretaries by an email from the General Secretary, dated 30 July 2019.

D2.25 The new set of principles governing impartiality are as follows:

- Avoid conflicts of interest: to take decisions in the best interests of the Labour Party, not in one's own personal or political interests and, where required to exercise a subjective judgement, to take whatever action seems most likely to advance the interests of the Party.
- Equality: to take decisions untainted by unlawful discrimination.
- Transparency: to act openly and transparently.
- Freedom from corruption: to ensure that disciplinary proceedings are free from corruption.
- Good faith: to act in good faith and without arbitrariness or capriciousness.
- Impartiality: to act impartially and to avoid giving rise to any reasonable perception of bias.
- Rationality: to make decisions rationally, on rational grounds.
- Evidence: to make decisions based on evidence, to take into account all relevant matters and to exclude irrelevant matters.
- Fairness: to inform members subject to disciplinary action of the case against them, and to give them an opportunity to state their defence, before imposing a disciplinary sanction.
- Tolerance: to respect political opinions with which one disagrees and to safeguard freedom of speech, so long as that speech does not comprise or promote discriminatory views or hate speech or gratuitous abuse.
- Democracy: to promote democratic engagement in the Labour Party and wider society where possible.

D2.26 These are important but very generalised principles against which both the detailed process and the practice for disciplinary cases will need to be judged.

Reflections and Conclusions

D2.27 During the course of our Investigation issues relating to the regulation and disciplining of the Party membership, whether it be at individual, local, council, staff or Parliamentary Party level have proved to be highly contentious. That continues to be the case.

D2.28 Submissions have been made suggestive of manipulation of process along factional lines, marginalisation of those with protected characteristics, opacity of procedures and a perceived hierarchy of engagement with different protected characteristics.

D2.29 In relation to the latter, certain elements representing interest groups within the Party have complained that allegations relating to sexual impropriety following the “#MeToo” movement commencing in 2017 and the allegations of antisemitism have been more expeditiously investigated and sanctions applied by the Party than allegations of race discrimination, Islamophobia, homophobia and LGBT+ phobia. That such complaints have been made must be of concern to the Party, particularly as it promotes itself as being in the vanguard on diversity and inclusion.

D2.30 We have had real difficulties in accessing detailed records, email exchanges and processes “in real time” as we have been told records do not exist or were not kept in an accessible form and we have been reliant upon the recollection of those involved as to processes.

D2.31 It has become clear to us that not only was the record system totally inadequate but the system and process for disciplinary cases of all sorts were not fit for purpose with regard to structure, resources or management well before 2015, and lacked transparency and basic procedural protections.

D2.32 But it is also clear that the explosion in membership post 2015 greatly increased the strain on the disciplinary system. This was aggravated by the political challenges the Party faced with three general elections in four years, two leadership elections and the need to be constantly campaigning – plus the intense factional tensions we have outlined earlier.

D2.33 During the time period that we have been asked to consider reforms were made but in a reactive and rather piecemeal fashion. Following on from those reforms and the EHRC investigation, further changes and improvements have been made and there are further proposals emanating from the Action Plan that the Party has devised with the EHRC.

D2.34 Enquiries of the Party reveal that in 2016 there were over 5,000 unresolved complaints in the disciplinary process, of which almost 3 in 10 were allegations of antisemitism.

D2.35 Successive Leaders, General Secretaries and NECs have declared that outstanding cases will be dealt with rapidly. However until very recently progress on reducing that number has been slow. Effectively efforts to reduce the backlog only really started to have an effect from the end of 2019.

D2.36 In May 2021, the backlog of cases (made up of everything received and not yet resolved before May 2021) totalled 7,090. By October 2021, 5,411 had been assessed, with 2,893 closed.

D2.37 Recent enquiries of the Party reveal that the vast majority of complaints have now been resolved. As at March 2022, there were 554 active cases, which included 55 awaiting allocation.

D2.38 The Labour Party is a membership organisation. It is entitled to demand high standards of propriety from its membership and to act in relation to conduct that is fundamentally incompatible with membership, such as discriminatory conduct.

D2.39 Our investigations reveal that not only were successive systems unfit for purpose and susceptible to factional interference, and manipulation, but that the importance of a transparent, consistent and fair disciplinary process was not regarded as fundamental to the effective management of the Party and its membership, as it should have been.

D2.40 We also have concerns about two aspects of the current and incoming operation of the system which have appeared already and could increasingly give rise to accusations of factional bias and manipulation unless operated more clearly in line with the principles of natural justice. These are:

- The continued use of administrative suspension for prolonged periods and without effective means of appeal; and
- The consequences for individual members of the arrangements to deal with Proscribed Organisations and Proscribed and Prohibited Acts.

Administrative Suspension

D2.41 There has been widespread criticism of the use of administrative suspension by Party officers, and sometimes by Disputes Panels. We recognise that when serious accusations are made about a Party member's conduct administrative suspensions may be appropriate to allow investigations to proceed. However we have heard of substantial numbers of cases where administrative suspension has been indeterminate in length with sometimes individuals (and also CLPs and Branches) being administratively suspended for months and years. And in the case of some individuals indeterminate administrative suspension has stopped them being considered for election as officers or selection as candidates; in some cases that has in effect been career ending. We received claims that allegations were made against individual members prior to selection of candidates for local government elections or for positions within the CLP deliberately to provoke administrative suspensions to stop such candidates going forward.

D2.42 While administrative suspension is never justified when used purely for factional advantage, we accept that it will be appropriate in some cases. However, we consider that the Party should exercise particular caution before imposing an administrative suspension that would adversely affect the prospects of the person so suspended in any impending s/election process. We would also suggest that any administrative suspension should be the subject of a review by two case examiners, one of whom should be a lay member, to be held, other than in exceptional cases or in times of particular pressure, within 6 weeks of the date on which the suspension was first imposed. This process should involve consideration of (a) the merits of the suspension and (b) whether it should continue pending disposal of the substantive complaint.

Consequences of Proscription of organisations

D2.43 We also have concerns about the implications for individual members of the Rules, approved at the Party's 2021 Conference, in relation to Proscribed Acts and Prohibited Acts respectively. We do not dispute the right of a political party to determine that membership of certain organisations is incompatible with membership of that Party. There will be differing views about the desirability of a Proscribed List; in any event, we consider that the process for proscribing organisations should be fair and transparent. Equally, the processes for the automatic termination of (i) membership, or (ii) eligibility for membership, as a result of committing a Proscribed Act cannot be allowed to operate in a manifestly unfair way. For example, it cannot be right that a forged nomination document that apparently, but erroneously, shows an individual's intention to stand against the Party in an election should be relied upon to justify termination of Party membership. We accept that such challenges could be brought on appeal – the Party having voted at its 2021 Conference to introduce a new and welcome right of appeal in that regard. However, we think it would be desirable to allow individuals in appropriate cases – for example of fraud of the sort referred to above, or of mistaken identity - to make representations at an earlier stage with a view to avoiding termination of their membership in the first place.

D2.44 As regards Prohibited Acts, the NEC has the power 'in its absolute discretion' to designate an organisation to be inimical with the aims and values of the Party¹⁷. The NEC is also then given the power to terminate the membership of any Party member or provisional member – or block the acceptance of a prospective member – who supports any such organisation (with 'support' also being defined by the NEC in its 'absolute discretion' – in effect leading to 'auto exclusion' (in the same way as support of an alternative political Party would)). Again, we consider that the criteria and process for so designating organisations – and the boundaries of the definition of 'support' in this context – should be fair and transparent. We note that the current iteration of the Labour Party Complaints Policy¹⁸ records a decision made by the NEC on 20 July 2021:

- to confirm four organisations that constitute "political organisations" for the purposes of Chapter 2, Clause 1.4.B of the Labour Party Rule Book; and
- that identifies examples of "support" for any of those organisations for the purposes of Chapter 2, Clause 1.4.B of the Labour Party Rule Book,

We think it would be preferable, however, to set out examples and criteria which are to be of general application.

D2.45 Accordingly, we make both core and detailed recommendations, which are set out in Section F below. They apply primarily to cases involving protected characteristics which will all be dealt with under the new complaints system. However we also have concerns about the process for complaints about other issues including breach of any Party Rule and of bullying and harassment at CLPs and other Party bodies. We received a worryingly high level of such allegations from members contained in submissions following our Call for Evidence.

D2.46 We would expect our core recommendations to be implemented in any event. The detailed recommendations provide a more comprehensive framework for a fair, transparent and effective disciplinary process. We accept, however, that when considering implementation of these latter proposals the Party will need to take account of the Party's finite financial and staffing resources, and that it may need to modify some of our suggestions accordingly to enable them to be carried into practice.

The detailed recommendations provide a more comprehensive framework for a fair, transparent and effective disciplinary process.

¹⁷ Chapter 2, Clause 1.5 of the Rule Book

¹⁸ Complaints Policy Version 1.1, 22 July 2021

A large, stylized letter 'E' in a light red color, positioned on a dark red triangular background that points to the right. The 'E' is composed of thick, horizontal bars and a vertical stem on the left side.

SECTION E

Section E:

The Culture, Structure and Practices of The Labour Party Organisation

Summary of findings and recommendations

Working for the Party, with the aims and values to which it lays claim, should be a collective endeavour; there will always be disagreements about policy or strategy but we would have expected them to be dealt with in a comradely – or at least respectful – manner and in an environment which permitted healthy debate. Instead – in the period we are considering – we have been shocked to find the existence of a toxic atmosphere, which appears to have been fuelled by an entrenched factionalism, but also by some worrying discriminatory attitudes including racism and sexism exhibited amongst some senior staff.

As has already been noted, these have been exacerbated by long running poor recruitment practices, and structural issues within the Party's operations. Although not within our Terms of Reference we have also received some evidence that other Party spaces, including CLP meetings and meetings of the PLP, have similar issues.

We have noticed a tendency on all sides of the Party to dismiss any challenge to the behaviour of a person from the same faction as a bad faith, factionally-motivated attack. This encourages a culture in which people are emboldened to act in ways that they would consider unacceptable from people coming from a different Party tradition. Very few of the people we spoke to reflected on the part they, or their particular tradition, may have played in contributing to a discriminatory and factional culture.

Whilst staff within the Party have at times been able to work together effectively, the overall effectiveness of the Party has been affected by these issues and a “monoculture” at HQ leading to “groupthink”, as detailed in the previous section of this report. Staff have not historically been representative of the membership, much less the country, and this has meant the Party has missed out on talent. We heard persuasive evidence from staff from ethnic minorities that they had experienced additional barriers at work.

The Party has commissioned external consultants Q5 to carry out further analysis on the Party's culture; this fine grained analysis will be critical to informing the action required for cultural change and growth. We need to make it clear that the Q5 consultancy is relatively recent and that we are not in a position to judge its effectiveness.

Simply adopting a “zero tolerance” approach will not resolve these issues. Although disciplinary action and expulsions may be appropriate in extreme cases, in many instances a meaningful educational and awareness building programme will be more effective. Training on antisemitism has been introduced but we consider the format to be sub-optimal. Ideally, education and training on issues concerning discrimination and other cultural issues should consist of facilitated reflection, rather than taking a lecture format. It should also be underpinned by fundamental ethical principles and focussed on building skills such as deep listening and full engagement with different perspectives. There should be more support for locally developed education programmes.

Cultural growth, including the skill of deep listening, acceptance of differing traditions within the Party as legitimate, and compassion, need to be led and demonstrated by the leadership of the Party. Senior leaders should also consistently demonstrate respectful behaviour and encourage a willingness to show “vulnerability” (such as changing one’s mind, accommodating a different perspective or sincerely apologising). Behavioural change will be required at all levels of the Party, together with the prioritisation of different political skills.

There will need to be a full consultation leading to revised Codes of Conduct – we suggest one for staff, another for members generally and, although outside of our Terms of Reference, given the evidence we have seen, another for officers and elected members. The detail of the Codes will need to be determined following a more granular and wider analysis than we were able to undertake, but we have made some recommendations as to what should be included as a minimum.

We have heard evidence of excellent practice at all levels of the Party. We have suggested an “appreciative analysis” is undertaken for CLPs to identify what is being done well and how that good practice can be scaled up.

Issues with the roles of, and cooperation between, LOTO and HQ were brought to something of a head in the Corbyn years. The behaviour of certain staff within HQ appeared to us to have been equally inappropriate for their permanent “civil service” type role and it was also inappropriate for LOTO to try to incorporate aspects of HQ’s role into its own operation. There appears to have been no concerted effort for staff at LOTO and HQ to get to know, and trust, each other. Better differentiation between LOTO and HQ; avoidance of the duplication of their roles; better informal cooperation and ensuring that HQ and regional staff regard their role as being to serve the best interests of the Party as a whole (in part akin to that of the civil service) – rather than to pursuing the narrower objectives of strands within the Party – are required to prevent a future recurrence of these issues.

E1 Scope

- E1.1 The third of the Inquiry’s Terms of Reference asks us to investigate and report on:

“The structure, culture and practices of the Labour Party organisation including the relationship between senior party staff and the elected leadership of the Labour Party, as the Panel think appropriate having regard to their investigation as a whole.”

- E1.2 These issues have been canvassed in Section C above, particularly in considering the evidence on: factionalism and its effects in C1 to C4; poor recruitment and management practices in C5; and discrimination on the basis of protected characteristics in C6. In this section, however, we want to provide an overview of our broader thoughts and conclusions on this topic and this section is, therefore, rather more discursive than the earlier sections. Recommendations are contained in Section F.

E2 Our approach

- E2.1 We hosted a roundtable discussion on culture with organisational and academic participants drawn both from inside and outside the Party, to enable the Panel to stand back from the evidence received and to have a more reflective discussion of the sort that we encourage the Party and CLPs to have. The Panel found the roundtable meeting extremely useful and consider it a model of how to address difficult questions and ensure differing views and perspectives are heard in a respectful space. It is difficult to actively listen but that is what should be a main aim of outcomes for the future.
- E2.2 To the extent our Terms of Reference require us to investigate racism, sexism and other discriminatory behaviour, we are directed to focus principally on the position within Party workplaces. Accordingly, we have not analysed in any depth how prevalent factionalism, discriminatory attitudes and other cultural issues of concern are within the membership of the Party (nor, indeed, how these issues both inside and outside of Party workplaces affect the membership). In practice, however, we accept that it is impossible to divorce Party

workplaces entirely from other important spaces in the Party, in particular local CLPs. Although we have not heard much evidence directly from, or in relation to CLPs, or the membership as a whole, we have, to some extent, addressed the issues relating to them in our analysis below and in our recommendations.

E2.3 We summarise below the cultural and structural issues we have identified (many of which are addressed in more granular detail in Section C), and then discuss how these issues can perhaps be addressed. Specific recommendations on culture, Party structure, social media, and education and training are contained in Section F.

E3 Culture

E3.1 As is evident from what we say above, the Leaked Report portrays a toxic culture in Party workplaces. This has also been a common theme among many of the submissions made to us. There appear to be several main streams feeding this toxic culture: (a) factionalism, including at the highest levels of HQ and LOTO; (b) racist, sexist and otherwise discriminatory behaviour and culture; (c) bullying and threatening behaviour, particularly but not exclusively on the part of staff at LOTO, and (d) a culture of denialism across all factions in which many of the people involved in such behaviour failed to accept that they may have acted in a way that is bullying, threatening, discriminatory or which perpetuates discriminatory behaviour, simply because they are committed to progressive politics. We have also noted a tendency amongst staff to feel that they were operating in a conflict zone in which otherwise unacceptable conduct could be justified, without reflecting on their own part in contributing to and/or escalating that conflict. These issues, combined with lack of diversity in Party workplaces (and structural issues concerning the Party's operations), have in too many instances created a working environment totally at odds with the values the Party stands for.

A working environment totally at odds with the values the Party stands for.

E3.2 By no means have all employees contributed to this culture – indeed, despite the prevailing culture, some witnesses have testified to good working relationships between individuals working for LOTO and HQ. Submissions have been divided as to how widespread the toxic culture is, how long it has been present and who is responsible for it. It is plain that there are wider issues:

“It also became clear during the course of our investigations [for the report] that factionalism had played an important and potentially destructive role in the Party’s mishandling of antisemitism complaints. For example, GLU prioritised “hunting trots”, i.e. suspending members who supported Jeremy Corbyn, in 2015 and 2016 over dealing with complaints of antisemitism, Islamophobia or other types of complaints. This also fuelled the destructive denialist narrative amongst Party members that all suspensions and disciplinary action is just another factional ‘purge’ or ‘witch-hunt’ against the left.”

“When I went on the road with Jeremy Corbyn to Norwich, a staff member from the Eastern region was talking about [...], the local MP, in a negative and demeaning way and this staff member and another staff member from HQ were using ableist and offensive language about the local members all being “crazy” and “insane” supporters of Corbyn and Momentum.”

“I am one of the relatively few Jewish members of staff. I have on occasion directly experienced anti-Semitism from those who would regard themselves as being on the left as well as being aware of the many many examples where Labour members have exhibited either anti-Semitism or an attitude so dismissive of the concerns of Jewish people that they cannot reasonably be regarded as anti-racists.”

“Senior management [...] appeared to do nothing to detoxify staff relations in the organisation or improve the working culture in the Party. On the contrary, it appears that the most senior levels of management actively engaged in this sort of abuse.”

E3.3 In addition to creating a toxic working atmosphere, there are further ramifications of this culture. As one submission from someone who worked in HQ for a couple of years during the period we are considering explained: “the political, social and workplace culture of Labour HQ was suffering badly from the long term effects of drawing staff almost exclusively from one tradition of the Party to the exclusion of those from other traditions, or, as in my case, none.” They described this as a “mono culture”, which encouraged classic ‘groupthink’ such as confirmation bias and wilful blindness. They told us that that the WhatsApp messages quoted in the Leaked Report “accurately reflect the prevailing workplace and management culture at Southside” for much of their time there (although this was disputed by one witness) and that the Leaked Report “merely reveals the symptoms and reach of the mono culture”. We consider that the notion of a ‘mono culture’, disrupted by the arrival of a new leadership from another, previously marginalised tradition of the party, is helpful in understanding the cultural problems identified in our inquiry.

E3.4 It is impossible to read the Leaked Report other than through the lens of the divisive and mutually antagonistic factionalism identified that had become increasingly toxic during the period 2014 to 2019. In addition to the evidence we received directly, we agree with the conclusions of the Kerslake Review in that “a culture of factionalism and bad behaviour has become embedded in the organisation” (p5). A recent survey of 2,890 Party members conducted by the Fabian Society (the Fabian Society Survey) found a reported decline in positive experiences of local parties since 2015, which respondents linked to more intense factionalism. This was particularly marked amongst members of under-represented groups who were more likely to find other members unfriendly and unwelcoming; less likely to enjoy attending meetings; less likely to believe people are treated fairly in the local Party;

and less likely to believe that local members reflect and understand people living in the area and all their diversity¹⁹.

E3.5 We were concerned by evidence we received about the effect of cumulative and consistent treatment experienced by Jewish members at certain CLPs that has led to them feeling intimidated. For example, the tabling of motions, at every meeting of certain CLPs, in which the actions of the Israeli government were questioned/condemned, and Jewish members present were then placed under pressure to demonstrate openly their support for this position. It is of course acceptable for Party discussions to include criticism of the Government of Israel – or any other state – when it is perceived to have acted in an oppressive or discriminatory way; what is not acceptable is to infer that Jewish members and Labour supporters of Israel back such actions, or to focus repeatedly on that issue in order to discomfort Jewish members. These actions constitute antisemitism. The Fabian Society Survey found that Jewish members reported the most negative experiences of local parties amongst all under-represented groups²⁰.

E3.6 This is the context in which the dispute over the response to antisemitism has to be understood. This toxic culture has been allowed to fester and has been aggravated in some instances by poor management practices, detailed also in the Kerslake Review.

E3.7 As further explored in C5, another symptom of this toxic culture, as well as structural issues discussed further below, is what the submission quoted in paragraph E3.3 described as “the shockingly low representation of BME communities in Labour HQ and the nepotistic networks among staff that heavily influence selection for appointment and promotion”. This culture was “reinforced by a rigidly hierarchical culture of power, supported by exclusionary outside workplace staff social networks”. The submission warns us that any recommendations from our Inquiry that ignore the “hostile exclusionary mono culture in Labour HQ will leave the roots of the problem untouched”. We agree.

¹⁹ Ben Cooper and Andrew Harrop, The Fabian Society, More To Do: Unequal Experiences of Labour Party Membership; November 2021, p2-4

²⁰ Ibid p6-7

E4 Promoting cultural growth

It is encouraging that the Party leadership has taken some first steps and has enlisted the Q5 consultancy to help with the process of cultural growth. The Party will need to carry out a more fine grained diagnosis of what is needed than our Inquiry was able to undertake. Future success will depend on the quality of that diagnosis.

We start with three general statements that are crucial to the kind of cultural change we believe is needed.

- First, culture really matters.
- Second, it might be better to talk about cultural 'growth' as a more positive message that is less likely to create a dynamic of resistance.
- Third, cultural growth is difficult, particularly in a political organisation where there are various centres of power.

Culture really matters

E4.1 First, culture really matters. To quote from an influential text on organisational change: "a strong shared culture is the glue that keeps empowered organisations from falling apart"²¹. We have therefore sought to establish what is the shared culture that can provide this glue. We asked participants in the roundtable "What would success look like?" One participant summed it up in the following terms: "from the grass roots to the very top and officials ... [everyone] would consider themselves part of a common endeavour [which goes beyond winning elections] with common purposes and common values. And that differences that are inevitable between individuals and groups would be listened to with an open mind and with respect". They noted that this was a statement of the obvious that should not need to be made. The very fact that it does appear to the Panel to need saying, and saying strongly, underlines how far the Party has diverged from a sense of common purpose and values.

Cultural growth as a positive message

E4.2 Having spoken so far about cultural 'change' it was put to us at the roundtable that it might be better to talk about cultural 'growth' as a more positive message that is less likely to create a dynamic of resistance. As one submission put it, change is more likely to be embedded if the focus is on nurturing a more healthy environment that will gradually take the place of more toxic aspects of Party culture.

Change is more likely to be embedded if the focus is on nurturing a more healthy environment that will gradually take the place of more toxic aspects in the Party culture.

E4.3 That is not to say that there should not be clear expectations about behaviour and consequences for poor behaviour. However, the emphasis needs to be on a continuous and ongoing process of creating a truly positive working environment for staff that actively nurtures and promotes the values that the Party stands for and that creates a similar environment in the wider Party. A number of contributors to the roundtable noted that disciplinary action and "zero tolerance" of discriminatory incidents will be insufficient and ultimately counterproductive:

"zero tolerance confuses the problem of anti semitism which, if you like, is a cultural phenomenon with the problem of anti semites, which is individuals who, if you like, are so obsessed with the idea of malign Jews that this frame helps to frame their political outlook. And you can certainly expel the latter from the Party but the former, like other forms of racism and like other forms of stereotyping and so forth, is always going to be a work in progress and needs to be addressed through education, through encouraging people to be self-critical [and through personal reflection and growth as happened with Naz Shah]... in other words, discipline is not enough"

²¹ Frederic Laloux, *Reinventing Organizations: A guide to creating organizations inspired by the next stage of human consciousness*, Brussels, Belgium: Nelson Parker, 2014, p33.

“absolutely at the extremes you might have to discipline them, but what you try to do is work with them and get them to see it and try and in fact not address it as an individual problem... because the problem is not about the individuals, it is about a way of looking at the world, a cultural reflex if you like... Because the point was never about those individuals, many of whom, from what I gather, were basically espousing Nazi-type anti semitism – I mean, that is another question: how did these people, even in an expansion, ever get to be in the Labour Party and feel that was their home? But that’s not what most of us have been talking about... [It has been much more] about Jewish people feeling they were being eye-balled at meetings by the same resolution, slightly changed, coming up on the vexed issue of Palestine, meeting after meeting after meeting. That’s a shorthand to describing a whole culture of when complaints are made, somehow being treated as a suspect community... It’s that culture that people have been talking about and, of course, if you only focus on being intolerant to the intolerant through disciplinaries, you’ll miss it completely.”

E4.4 The response to the Naz Shah incident was seen in our roundtable as a positive example of how incidents can be dealt with in practice. Naz Shah retweeted an antisemitic cartoon. She ended up making a statement, with input from (amongst others) the JLM, and had a meeting with the Board of Deputies. She expressed a sincere apology and sought to make amends for her actions. We recognise that similar resources cannot be invested in every problem, but the Party should, as a participant at the roundtable put it, “think about the elements that went into that [response] and think about how they could be reproduced at scale when different incidents arise because it offers a way forward which is not soft on racism, antisemitism or misogyny [etc] but starts off from an assumption where possible – and it won’t always be possible – the people involved are on the same side and there might be a way forward”.

Cultural growth will take time and commitment at every level of the Party.

E4.5 We believe this will also help to:

- overcome the resistance many involved in progressive politics feel when asked to interrogate their own behaviour for discriminatory motive or effect; and
- promote a culture where staff no longer perceive themselves (and others) to be members of factions (where their own faction is legitimate and other factions are illegitimate), but rather see everyone as representatives of valid traditions and views within the Party.

E4.6 A submission from a local member summed it up well: what is needed ‘is a renewal of a culture of decency so that the bureaucracy and the NEC members behave properly and fulfil their duties of trust’. The same submission suggested that the Party should work to put itself in a position to be able to claim ‘great place to work’ accreditation.

Cultural growth is difficult

E4.7 Cultural growth is difficult, particularly in a political organisation where there are various centres of power. It will take time and commitment at every level of the Party. The leadership – both in Westminster and HQ – have to be fully engaged, and this engagement has to be sustained. This was the overwhelming message from our roundtable and also from the Labour Together Report.

E4.8 We consider that this needs to be an urgent priority for the Party. Not only is it a moral imperative for any employer, let alone a progressive Party, but our findings in Section C make it clear how cultural issues have led to, amongst other issues in Party workplaces: “groupthink”; a breakdown in communication between LOTO and HQ; delays in addressing major issues (such as antisemitism complaints); unnecessary staff turnover; a culture of leaks and associated lack of trust across the workplaces; and duplication of effort. None of this is conducive to a functional organisation.

E4.9 For that reason, we suggest that responsibility for cultural growth is assumed at the highest levels. Whilst prime responsibility for sustaining a positive approach to cultural growth should rest with the General Secretary and senior staff at HQ backed by the appropriate NEC Committee(s), there is also a role for the political leadership. All parts of the leadership must embrace and embody the changes they want to see in the Party.

- E4.10 A good start would be for the political leadership to share with staff their vision of what the Party should be, and encourage debate within the Party around this vision. This would help to create momentum around building a shared sense of common endeavour. Rebuilding trust will be an important part of the process. This would require a structured programme of engagement between the leader and staff groups.
- E4.11 We would also suggest that on the political side, a senior Shadow Cabinet member is given particular responsibility to liaise with HQ on cultural change, given the demands on the leader's time, but that this also has to be underpinned by the leader's personal commitment to the process.
- E4.12 The changes we propose will also require a well-staffed, professional human resources function with higher status within the Party in order to support improved people management across HQ, LOTO and regional offices. Our recommendations involve a significant overhaul to various policies, practices, and training approaches, which will require significant input from the HR team and we are doubtful that the current team has the capacity to carry this out. Further specialist members of staff may need to be recruited into this vital function, at least in the short term. We do though recognise that financial pressures on the Party may make such action difficult at present but it would be an investment that would pay off and save substantial financial – and political – costs in the longer term.

E5 Barriers to cultural growth

- E5.1 We had some very useful contributions in the roundtable, addressing some of the barriers to cultural growth – both general and Party specific. We note them here as action taken in response to our recommendations will need to grapple with these issues:

- Factionalism within the Party is so extreme that whole sections of the Party view other factions as entirely illegitimate, that is people who should not be in the Party at all. In recent years this has manifested itself in large elements on the Right of the Party regarding Corbyn supporters as entirely illegitimate (and this is arguably a mirror image of an earlier time in the Party's history when large sections of the Left of the Party regarded the supporters of Tony Blair as illegitimate). This phenomenon has, to some degree, spread more widely in recent times so that those who identify with one of a number of ideological strands within the Party take the view that other parts of the Party have been "captured" by competing factions and are therefore less legitimate. A precursor to any dialogue is going to be a recognition that all these strands of thought are legitimate, and roles within the Party (whether staff, members or officials) are not merely factional. A first step might be an open and facilitated discussion between elected representatives of HQ, LOTO and the regional offices respectively. Ultimately in our view there must be a recognition that, in the words of one roundtable participant: "we [i.e. those in the Party] are an alliance of people who come from different backgrounds, ways of thinking and seeing and that is who we are... The only other way ... is for one side to win, everybody else to leave and go to a different party which may be what happens in the end if we don't solve this."
- As the same roundtable participant observed "culture eats strategy" – that is the culture of the Party (or any organisation) in itself will be the biggest barrier to cultural growth and any strategy to address that. For that reason, any interventions need to have a strong experiential element, and will require: "a positive disruption [that is doing] something differently to the way the culture normally does things for long enough for people to see other ways of being and holding that space open to be able to do something else that is different and hold it open long enough for the new thing to...outgrow - the old thing. That is why I said leadership is important because the leaders are going to have to hold that space for long enough for the new thing to get some roots down and begin to be different but it is going to have to be a conscious understanding of the culture, the history, how it got to here and why things are like that ."

The urgent need for a kinder politics has been recognised by those on all points of the political spectrum.

- There is a tendency on the Left in general, and in the Party (irrespective of tradition) to a specific type of self-righteousness. A roundtable participant put it like this: “If you believe you represent the forces of good and if you believe your struggle is by definition morally superior to anyone else’s...”, you may allow yourself to behave in ways that might otherwise shame you.
- Much Party analysis has historically been rooted in class consciousness. There has also been an erroneous tendency on the part of some to conflate class and race, with the result that they stereotype Afro-Caribbean people as being working class, and Jewish people as being middle class, and find it easier to accept discrimination exists towards the former than the latter. At the roundtable meeting, it was said that: “different sorts of racisms manifest in different sorts of ways, they have different narratives, they have different tropes, they have different slurs. And obviously different minority groups have different experiences. They sit differently - economically, socially and the rest of it - but what unites it all is that racism is wrong for the same reasons. In that sense it’s an ethical problem.” We agree and for that reason have recommended that the ethical case be placed front and centre in a programme of education and training.
- The vast majority of members profess to believe in equality, compassion, the alleviation of suffering, and speaking respectfully to others. However, participants at our roundtable meeting noted that we live in a culture where once you enter the political arena behaviour does not necessarily align with these values. We live in a political environment that normalises disrespect (for instance behaviour in the House of Commons which might be shocking in a different context) or discourages any display of vulnerability (whether that be by apologising sincerely, changing one’s mind or accommodating a different perspective). Encouragement in the future to show vulnerability, or lack of certainty, and to behave respectfully, will need to come consistently from the top. The urgent need for a kinder politics has been recognised by those on all points of the political spectrum, fleetingly following the murder of Jo Cox, and more recently following the tragic killing of Sir David Amess.

- There is a tendency in the Party to want to debate narrow political points when perhaps other forms of political activity might be more conducive to cultural growth. We were told the following anecdote: “I went to my local Labour Party meeting shortly after the last election and...there was a kind of discussion about ‘what went wrong’, and younger members both by age and by Party membership were saying they really want to see this as a space where we do things where we show our values by acting in the community and give people an understanding of what we mean rather than having constant debates about ideas: and it completely fell on deaf ears...within moments the meeting turned into discussions about different parts of the Labour Party and relationships with the Lib Dems and all the rest of it, and it felt quite telling to me...” Another participant noted that ideas about what constitutes an “active member” and the kinds of behaviour that are validated and valued is also important in understanding the Party’s culture.

E6 Codes of Conduct

- E6.1 There was broad agreement among those we consulted on cultural matters that a Code of Conduct for staff, members and officers (including members of the NEC and local CLP officers) would be necessary but not sufficient – it is useful to set down a clear shared vision (beyond election winning) and acceptable bounds of behaviour, but it is likely to be the result of, rather than the precursor to, frank and open discussions on culture. (This chimes also with the Kerslake Review’s recommendations and the recent statement from Labour to Win.)
- E6.2 We therefore recommend as a matter of urgency that a Code of Conduct is introduced for staff (whether HQ, regional or LOTO staff) and incorporated into employment contracts. ACAS states that a clear policy statement that ‘sets out expected behaviour for all employees’ is good practice. In our view, such a Code for staff should also cover:
- the Party’s commitment to supporting and treating everyone fairly;
 - the kind of behaviour expected of employees, including staff relations with Party members;

- discrimination and the law and what is not acceptable;
- social media policy, both for personal and Party social media accounts (again, including group messaging services such as WhatsApp);
- the expectation for HQ and regional staff to regard their role as akin to the civil service in serving the interests of the Party as a whole;
- where to find the procedures for resolving any problems experienced by the staff; and
- the Party's disciplinary process.

E6.3 A Code of Conduct already exists for members. However, it is to be found in one of a number of annexes to the Rule Book. Given what has happened, it is now time for a review of that code.

E6.4 We therefore recommend, following wide consultation (which would itself contribute to the process of cultural growth), a revised Code of Conduct for members should be circulated. We consider it particularly important that Young Labour and Labour Students are consulted on this proposed revised Code of Conduct as it will be vital that young members are part of the cultural growth of the Party. (Other groups which may have more direct experience of discrimination within the Party, such as women's branches, Black and ethnic minority branches, LGBT branches and disabled members' branches should also be consulted specifically.) In our view such a revised Code of Conduct for members should:

- incorporate the agreed joint statement of the Jo Cox Foundation and the Committee on Standards in Public Life, entitled *Intimidation In Public Life: joint statement on conduct of political party members (the Joint Statement)*, as well as elements of Labour to Win's statement on culture change (the Labour to Win statement) – it should emphasise the importance of listening and, in line with the Party's values, the need for a politics of openness, kindness, compassion and generosity. A need to try to understand the world from the other person's perspective was emphasised by roundtable participants;

- be prefaced by a statement from the leader and General Secretary that accentuates the positive of the culture the Party wants to see;
- include information about potential sanctions for breaches of the Code;
- include guidance on the standards expected of members on social media (including group messaging services such as WhatsApp);
- include details on the process for resolving any issues raised by or about the member, including how such issues should be raised; and
- be presented concisely (ideally no more than one or two sides of A4), in a clear, accessible and attractive form, and be circulated to all members as well as forming part of an induction pack for new members.

E6.5 The recommendations we are making in relation to ordinary Party members are also relevant to officers and elected members (including MPs, Assembly Members, Councillors and NEC members) and consideration should be given to introducing a code for officers and elected members dealing in particular with their leadership responsibilities and the expectations of behaviour, particularly towards staff and other elected members and officers.

E7 Cultural growth in CLPs

E7.1 Whilst CLP conduct is beyond the scope of our Terms of Reference, we also recommend that work be undertaken to help CLPs operate other than through aggressive debate (for instance by consensus conferences, genuine dialogue and "deep listening" – see paragraph E8.2 below for explanation of this term). This was an issue that arose at our roundtable. Although there are examples of good practice at CLP level and CLPs experimenting with creative and innovative ways of working, submissions made also did highlight issues at various CLPs.

E7.2 We recommend as a first step that 'an appreciative inquiry' be carried out, with the aim of building a rich and appreciative picture that emphasises the positive of what is already happening rather than dwelling on the negative. The question would then be how to scale up such practices. It could ask questions such as:

- how do the parts of the Party that are engaging in kind, inclusive and respectful politics succeed?
- what is happening in those branch meetings where people are made to feel welcome and included?
- what skills and qualities have been shown by those who have led such developments?
- what conditions have facilitated constructive discussion around antisemitism and other forms of racism and discriminatory behaviour and attitudes?
- how have members experienced such meetings?

E7.3 We also endorse Labour Together's recommendation in its post-Election report to open up local parties to encourage greater accessibility and transparency between Party and local community. It suggests that some meetings could be opened to the public and advertised as forums to discuss local issues.

E7.4 Clearly this would be a major change and presents some difficulties. We recommend that any such move would need to be seen as part of the more fundamental cultural growth required, and further work to consider how this would work in practice is needed.

E8 Education and training

E8.1 A number of submissions underlined the importance of education with reference both to antisemitism and other discriminatory attitudes and behaviour and to cultural growth. What the submissions had in common, and which was reinforced at our roundtable, was an emphasis on reflective education and exploration rather than didactic training. This has implications not just for the Action Plan agreed with the EHRC but for the whole system of political education in the Party and for staff development.

E8.2 One participant in our roundtable made the point that "political education or education inside the Labour Party seldom leads to cognitive growth and it seems to be part of the problem, this failure of cognitive growth, the capacity to think about something that challenges your own assumptions, the capacity to hear from an experience that is different from your own, the capacity to identify the assumptions you are making and start revealing the tensions between them". At the heart of this lies the capacity to listen, really listen, as opposed to just waiting until the other person has finished talking. Another participant talked of the need to train people "in real, deep listening which involves parking everything you think you know and all your ideas". We believe the Party should explore the scope for a programme of education in deep listening with an organisation skilled in this important but under-valued dimension of political debate.

E8.3 More broadly, as noted above, the point was made at the roundtable that the whole approach to debate typically taken by CLPs (but also within the Party as a whole) encourages polarised thinking. Instead, the Party should encourage "different ways of meeting, workshop settings etc. so that it is possible to design out aggression from conversation and so teaching the skills" that enable people to engage with the complexity of ideas and with different viewpoints to their own, even if that is uncomfortable.

E8.4 These skills (deep listening, reflection and skills to fully engage with those with different ideas and viewpoints) can all be learned. We consider these are key skills and providing training in them calls for a total rethink of the Party's political education programme and resources.

E8.5 The Party should also explore the potential for compassion training (starting with senior staff), which we were told by Compassion in Politics "has proved a successful way of effecting growth at a deep personal level and of embedding the kind of positive cultural growth being sought". Indeed, we were told that research by the King's Fund into the operations of the NHS shows that compassionate leadership is the most important factor in creating effective teams²².

²² Paragraph 14 of Compassion in Politics submission sent to the Panel on 22/12/20

- E8.6 We note that Labour to Win has called on the Party to offer training for key branch and CLP officers to equip them with the skills and knowledge to manage meetings and make them more inclusive and welcoming. From the submissions we received that touched on CLPs we agree with this suggestion.
- E8.7 Local CLPs should also be encouraged to develop their own educational resources with support from the centre.
- E8.8 Ultimately the Party should then draw up a wider programme of education at every level, reflecting the Joint Statement and the revised Code of Conduct, to be circulated to all members and issued to new members, recommended above.

E9 Training for members, staff, officers and CLPs on antisemitism and other discriminatory behaviour

- E9.1 The Party is already committed to a programme of education and training on antisemitism as part of its Action Plan agreed with the EHRC. This is welcome.
- E9.2 However, whilst we were glad the Party has now established a programme of training on antisemitism, we were not convinced the format and content of those early sessions really addressed the problem they were designed to address, which is multifaceted, and in relation to which there is a number of legitimate approaches that exist within the Party and the Jewish communities respectively. The sessions were largely didactic, top down and one dimensional - with little participation beyond the people presenting. This does not provide a space in which difficult issues, such as attitudes towards Israel, can be safely explored, in a nuanced way, and does not encourage deep reflection, the importance of which was emphasised by the participants at our roundtable meeting. As explained above, we do not consider that such training is in accordance with best practice, or with the recommendations received from our roundtable meeting. Improvements are needed.

- E9.3 We were provided in our roundtable with an example of a CLP²³ which has a successful education and training programme around antisemitism. The programme was developed and run by Party members as part of the local Party's wider anti-racism work (which has included meetings on Islamophobia and the Windrush scandal).
- E9.4 The roundtable sessions consisted of facilitated discussions with a small amount of preparatory reading and an introduction that covered (1) the history of antisemitic ideas being entertained and propagated in circles of the Left, (2) the history of Zionism and anti-Zionism as relates to the socialist movement and antisemitism and (3) contemporary examples of behaviour, language and tropes that have been criticised as antisemitic, including from high-profile figures in the Labour movement.
- E9.5 The roundtable sessions were attended by members from "across the political spectrum."²⁴ The sessions were conducted with the help of an invited adviser from a neighbouring CLP with knowledge of the issues but without any association with the factions that unfortunately have become caught up in the debate around antisemitism in the Party.
- E9.6 We were told that these sessions were notable as there was "a respectful dialogue...where everyone was listened to, even when there were disagreements...Participants commented on how much they had gained from these discussions and Jewish members, including myself, said they felt heard and supported, even when politely challenged".
- E9.7 In our view this provides a model for the Party's education and training programmes: it required engagement and deep listening by all participants; it sought to disentangle issues concerning discrimination within the Party from ongoing factional battles and set a new and more helpful tone; it was developed locally; and most importantly aimed to help participants to grapple with the complexities of the issues themselves (rather than merely being the recipient of a particular policy).

²³ Sheffield Heeley

²⁴ <https://labourlist.org/2020/08/how-our-local-party-developed-an-educational-programme-on-antisemitism/>

E9.8 We recognise the key role of JLM as a longstanding affiliate of the Party and welcome the impetus they have provided in setting up antisemitism education; but, as we say in paragraph E9.2, we have our criticisms of the form that education has taken. However, we do recognise that there are other voices amongst Jewish communities and Jewish members of the Party. Hence we are disappointed that there has been a refusal to engage at all with Jewish Voice for Labour’s proposals for antisemitism education and that CLPs are, we are told, not even allowed to enlist their help.

E9.9 We agree with the Pears Institute for the Study of Antisemitism and contributors to our roundtable that education is key, promoting personal change (as the example of Naz Shah showed is possible), rather than relying on a ‘zero-tolerance’ disciplinary approach with expulsions. We would emphasise just two aspects of such a programme.

E9.10 First, participants in our roundtable were agreed that antisemitism education should not be divorced from that on all forms of racism and that such training should be based on an ethical stance that any form of racism is simply wrong morally. Antisemitism does need specific treatment but should also be integrated within a broader programme of anti-racism education. We endorse this view. While the Action Plan agreed with the EHRC covers all protected characteristics, there is a real danger, if less emphasis is placed on these, that it could be seen as establishing a new ‘hierarchy of racism’ (that some would argue replaces a previous hierarchy that did not take antisemitism sufficiently seriously).

E9.11 Second, as already argued, there should be a strong emphasis on education and reflection in any training programme, again a point made in a number of submissions and at the roundtable.

E9.12 The Pears Institute recommend a three part approach to education and training in antisemitism:

- “an evidence-based and academically credible education programme to build stronger awareness of the politics, history and culture of antisemitism as one form of racism”;
- “an antisemitism awareness training programme delivered by skilled trainers, focusing on avoiding antisemitic behaviour”;
- and
- the development of online resources in support.

E9.13 We believe that a parallel approach is needed with regard to Islamophobia and that, as above, both forms of prejudice and discrimination need to be integrated into a broader ethical anti-racism education programme alongside education on other protected characteristics.

E9.14 New members should be actively encouraged to avail themselves of any inclusion and diversity training and educational resources provided by the Party.

E10 Training for officers and elected members

E10.1 ACAS underlines the importance of training in setting behavioural standards and expectations and makes clear that diversity training has to be an ongoing process in order to create a positive working environment.

E10.2 One submission called for the training of NEC members including to act in accordance with the Nolan principles (of selflessness, integrity, objectivity, accountability, openness, honesty and leadership). In our view, the introduction of a clear expectation that NEC members will act in accordance with these principles and training on them should be a useful early step in making meaningful the Party’s welcome adoption of the Joint Statement on Conduct of Political Party Members. It should not, though, be confined to NEC members, but should be provided to all officers and elected members.

E11 Structure and practices

E11.1 Also as is clear from our conclusions in Section C above, many of these cultural issues were exacerbated by structural and practical issues, particularly:

- the lack of clarity about HQ and LOTO roles respectively;
- poor recruitment practices; and
- poor individual relationships between HQ and LOTO staff.

E11.2 The role of HQ and the role of LOTO are very different and the staffing, needs and profiles of each is also very different:

- LOTO is there to give support to the role of the leader in setting and supporting his political and parliamentary agenda and taking campaign themes to the electorate and media. LOTO staff are appointed by the leader (or in practice by the chief of staff) and are expected to be supporters of the leader's political outlook. They are on short term contracts and, although many are on Party contracts, and some are paid for by the Party's Short Money for Opposition Parties' parliamentary activity (Short Money), they are responsible to the leader and senior management in LOTO; and
- HQ staff are more akin to a permanent civil service and oversee the operations of all aspects of the Party organisation: campaigning, membership and policy making processes and rules and discipline. Staff are mostly on permanent contracts and many are long serving, sometimes lifetime, employees. They are employed by the National Executive and responsible to them.

E11.3 The roles (and the culture) historically have therefore been clearly differentiated.

E11.4 In recent years the distinction has become blurred. Some of it reflects the ambiguity over roles that had been institutionalised (during Ed Miliband's leadership) in 2013 when in effect there was a partial merger between HQ and LOTO at top level and two senior LOTO staff were made Executive Directors at Southside. We understand this has now recently been revived. Rather than

improving cohesion it can cause confusion and in the era to 2019 exacerbated the conflict.

E11.5 In the highly charged atmosphere between the two sides following the Corbyn leadership victory this blurring of roles was exacerbated by deep political differences. Part of Jeremy Corbyn's platform was to change the nature of the Party organisation; it was part of the Corbyn 'Project' to shift the Party more into a social and community based Movement. The proposed change from traditional structures can be exaggerated but the overall direction meant there was bound to be a clash.

E11.6 There is also typically an element of personality clash and ideological difference. We were, however, surprised at the degree of overlap, duplication and entanglement of those roles – and the conflict that had generated. That was made more bitter and inevitable because on the one hand - as the WhatsApp messages show, and we noted earlier - there was deep hostility to the Corbyn leadership and 'Project' amongst senior Southside staff and, on the other hand, there were staff within LOTO who regarded the fulltime staff of the Party as agents of the Right. It is clear that for senior HQ staff the politics of the Corbyn leadership were unacceptable and rendered the Party unelectable. And for the LOTO staff HQ was a nest of Right Blairites and repressive apparatchiks.

E11.7 Nevertheless, as discussed above, in the first year clashes were containable and working relationships seemed to operate reasonably well until mid-2016. That was the time when there was a failed coup within the PLP and a challenge leading to a second leadership election. Staff at HQ were regarded as attempting first to try to keep Jeremy Corbyn off the ballot paper and then to favour the challenger. After this there was also a change in personnel running LOTO. There followed attempts by LOTO to make changes of responsibility of senior HQ staff; and some movement of LOTO staff into Southside, including into very sensitive positions within GLU. Whilst some of those jobs appear to have gone through an application process others did not do so and often individuals received no proper training on their role within Southside (again even if in very sensitive positions such as those within GLU).

- E11.8 Whilst some resentment from HQ staff in response to these changes is understandable, the revelations in the Leaked Report of attitudes of senior HQ staff towards the Corbyn leadership clearly go further than is appropriate for a permanent “civil service” role. There are certain situations where arguably it is legitimate for the Party’s “civil servants” to thwart the parliamentary leadership’s intentions – for example if their proposed actions are unlawful or breach the Party’s own Rules or threaten the party’s financial viability. But whatever their personal views a Party “civil service” is supposed to support at any given time the general political direction of the leadership as well as to maintain the Party machine.
- E11.9 It also has to be recognised that – whilst the key Party objective when in opposition is to win a majority government at Westminster - the Party Organisation is to serve the whole Party, and its electoral responsibilities extend beyond Westminster – to Wales and Scotland, London and regional mayors in England and local government at all levels across Great Britain. It is therefore important that HQ is recognised to have functions that cannot be performed by LOTO.
- E11.10 It also requires both LOTO and HQ to recognise that the Party has to be a broad church and that there are different ideological and policy positions legitimately contained within it.
- E11.11 These concerns apply not just to the particular history of the Corbyn leadership era but to achieving a healthy relationship of any LOTO with HQ.
- E11.12 These issues were also exacerbated because, as explored above, when Jeremy Corbyn became leader many of the new hires for LOTO were not therefore within the existing “network” of HQ staff. That in itself may have been a positive thing but led to two issues (1) many of the LOTO staff did not have experience of working in the mainstream of the Party and were not therefore equipped to seamlessly take over day to day mechanics, and (2) staff at LOTO and HQ did not know each other.

E11.13 As explored in C5 above, recruitment and promotion tended to be opaque with roles often only advertised internally or only on very specific websites, and “nepotistic networks” often played a role. We heard evidence of similar issues within LOTO. This lack of transparency is likely to have long been a problem, but the extent of the factional battle between LOTO and HQ following Jeremy Corbyn’s election threw these issues into sharp relief. We consider that the informality and lack of transparency of Party recruitment and promotion processes left those processes open to manipulation for factional reasons.

E11.14 These issues were not satisfactorily addressed by either HQ or LOTO and contributed to a certain level of chaos, outright mistrust (including a culture of leaks) and ultimately a duplication of roles between LOTO and HQ. This led to staff in HQ feeling as though they were being covertly replaced within LOTO, and staff at both HQ and LOTO feeling frustrated and unable to access the support they needed to fulfil their roles. Ultimately a toxic mutual hostility arose.

A toxic mutual hostility arose.

E11.15 It is worth recording that we were assured that changes in HQ and in recruitment practices have since been made to make the process more professional. We have yet to see evidence that the effects of factionalism have been eliminated from Party recruitment, management and promotion processes.

F

SECTION F

Section F:

Recommendations

We set out below our core recommendations for the reform of the Party’s disciplinary system and processes. Further details relating to these recommendations, and their practical implementation, are contained in the detailed recommendations that follow. We would expect the Party to implement the core recommendations as soon as practicable. We accept, however, that the detailed recommendations are ‘gold-standard’ and will have to be measured ultimately in terms of their economic viability.

Core Recommendations

Reform of the Party’s disciplinary processes

1. The Party should operate with a standalone Regulatory and Disciplinary Directorate (Directorate) which should be professional and impartial and separate from other aspects of the Party’s organisation.
2. The Head of the Directorate should have substantive experience of regulation and be capable of designing, overseeing and implementing a fair and transparent system.
3. Complaints should be appropriately logged, and electronic records updated at each stage of the complaint.
4. The initial assessment of any complaint received should include a determination whether interim action is needed. The Party should exercise particular caution before imposing an administrative suspension that would adversely affect the prospects of the person so suspended in any impending s/election process. Any decision about interim action should be made with full written reasons given and communicated both to the complainant and the respondent.
5. Allegations should be screened initially by a panel of two case examiners, one of whom should be a lay member²⁵. The Party may wish to draw for these purposes from the pool of qualified and experienced lawyers that it is currently recruiting for its IRB and ICB. However it is important that the pool from which such lay members are chosen should be broad and diverse – in both the demographic and ideological sense – so as not to be subject to accusations of factional discrimination. The lay member need not be a lawyer, but should have knowledge and experience of regulation and regulatory systems.
6. Cases should be referred to a full hearing before an NEC Complaints and Disciplinary Panel only where both case examiners conclude that (i) there is a realistic prospect of a full hearing finding the allegation(s) proved and (ii) the appropriate sanction falls outside of their sanctioning powers.
7. Guidance to case examiners should be formulated and made available on the Party website and should cover time-limits, indicative sanctions and conduct of hearings.

²⁵ Lay member means a person who is neither employed by the Party, nor a member of any of its executive bodies.

8. Complaints should be processed as far as reasonably practicable in accordance with the time limits we propose in the detailed recommendations; and only in exceptional cases should it take more than nine months to dispose finally of any such complaint.
9. The number of complaints received and concluded, and details of the progress of all such matters, should be fully auditable.

Detailed recommendations on reform of the Party's disciplinary processes

1 Structural and staffing

- 1.1 Recruitment for the head of the Directorate should be open and transparent.
- 1.2 All positions within the Directorate should be openly advertised and an NEC Panel should oversee all interviews and appointments. The Panel should consist of NEC members and senior staff.
- 1.3 The head, and staff, of the Directorate should have no wider responsibilities and should report only to the General Secretary and the appropriate committee of the NEC (for example, a "rules and disputes committee" (RDC)).
- 1.4 The recent practice of NEC members being able to attend and vote on all subcommittees should cease and the RDC should have a small fixed membership of NEC members designated at the beginning of each new NEC term of office i.e. two years.
- 1.5 The RDC should have two standing Complaints and Discipline Panels of fixed membership of three members. These panels should consider cases against Party members following investigation by Directorate staff, who should recommend action – or no action – for Panel endorsement. In particularly complex cases the Panel membership could be extended to five, and should be so extended in any complex case in which the respondent is at risk of expulsion from the Party.
- 1.6 There should be no other NEC process beyond the Complaints and Discipline Panel hearing. Appeals should go either to the NCC or in discrimination cases to the new IRB.
- 1.7 Support may be sought from regional or national staff on a temporary secondment but no other HQ staff, NEC members, politicians, or political staff (including LOTO staff) should have any decision making role or be able to intervene in the process of investigating and adjudicating on a complaint.
- 1.8 No member of Party staff (outside of the Directorate), LOTO staff or other parliamentary staff should be involved in the process (other than as a complainant, witness or respondent).
- 1.9 The head of the Directorate should be supported by a qualified deputy or deputies with a background in regulation and, therefore, capable of devising protocols reflecting best practice as defined by other regulators and the courts. In exceptional cases (for example, when the complaint concerned is particularly serious, high profile or otherwise sensitive) the head of the Directorate, or a deputy, may present a matter to a Complaints and Discipline Panel.
- 1.10 The Directorate should otherwise consist of caseworkers, case managers, and case examiners.
- 1.11 Caseworkers should be responsible for the investigation of complaints and the presentation of cases referred to a full hearing of a Complaints and Discipline Panel. However, a caseworker who has investigated a matter should not then present the case to a Complaints and Discipline Panel if it is referred to them for full hearing.
- 1.12 Caseworkers should be responsible for a pre-determined case load which should be capable of audit at all stages of the complaint.
- 1.13 Case managers should be responsible for the management of the Directorate's caseload and work allocation, and should also present serious, high-profile or otherwise sensitive cases to a Complaints and Discipline Panel.
- 1.14 The role of case examiners is set out in paragraphs 2.8 et seq. Any person appointed as a case examiner in a given matter should not sit as a member of the Complaints and Discipline Panel in the same case.

- 1.15 A member of the Party's IT staff should also be appointed as the Directorate's dedicated IT and data protection manager to be responsible for the collation of auditable records of complaint progression and outcome.
- 1.16 There should be an ability to learn from errors with internal circulation of learning points and best practice on a monthly basis.

2 Process

Guidance

- 2.1 The Party should draft and publish indicative sanctions guidance with a view to ensuring consistency of outcomes when considering complaints. This guidance should deal with common disciplinary matters including proportionality, and aggravating and mitigating circumstances (repetitive breaches of conduct rules and past disciplinary history might be regarded as aggravating circumstances, and a long and distinguished service for the Party a mitigating circumstance). This Guidance should be available to the membership.

Receipt of complaint

- 2.2 When a complaint is made it should be electronically logged, briefly summarised and categorised.

Interim action/administrative action

- 2.3 Interim action, including administrative suspension, should be the subject of a review by two case examiners, one of whom should be a lay member, to be held, other than in exceptional cases or in times of particular pressure, within 6 weeks of the date on which the suspension was first imposed. This process should involve consideration of the merits of the suspension, and whether it should continue pending disposal of the substantive complaint.

Investigation

- 2.4 Once the complaint has been logged and summarised, the respondent should be written to with a summary of the complaint (we suggest within 7-14 days) and asked to respond (we suggest within 28 days thereafter) with any relevant evidence they are prepared to disclose.
- 2.5 This letter should come from a caseworker (identifiable by case reference) who should, where possible, remain the caseworker until the complaint is resolved.
- 2.6 The respondent should also be provided with a copy of the Rules governing an investigation and other relevant materials concerning the Party's disciplinary processes, all of which should be available to the membership. They should include examples of the sort of conduct that might bring the Party into disrepute – for example, criminal convictions, police investigations or charges, allegations of improper conduct in respect of protected characteristics.
- 2.7 Where there is an absence of evidence or if the investigating caseworker/case manager concludes that the conduct alleged does not breach Party rules in relation to conduct, or the case is vexatious, the case can be concluded as long as cogent reasons are given in writing for so doing, and communicated to both the complainant and the respondent.

Substantive consideration by case examiners

- 2.8 A panel of two case examiners, including one lay member, should consider whether:
- there is a realistic prospect that a Complaints and Discipline Panel will find the allegation proved (the First Test); and
 - the appropriate sanction falls outside of their sanctioning power (the Second Test).
- 2.9 The case examiners' sanctioning powers should be to:
- order no further action;
 - issue a warning as to future conduct; or
 - impose a requirement to undergo training/education;
- 2.10 Only if both case examiners consider that the First Test and the Second Test are satisfied should the matter be referred to a full hearing.
- 2.11 A warning as to future conduct should only be issued if the case examiners conclude there is evidence suggesting that a formal response is needed but the respondent should be told if this is being contemplated and be allowed to provide comments or request an oral hearing be held.

Review of case examiner decisions

Case examiner disagreement

- 2.12 Where there is disagreement between case examiners the head of the Directorate should review the decision and determine whether or not action needs to be taken and should give written reasons for their decision to both the respondent and the complainant.

Flawed decisions/new information

- 2.13 The head of the Directorate should have a right of review if any party to a case alleges that the decision of the case examiners is materially flawed either wholly or in part; there is new information which may have led wholly, or in part, to a different decision; and the head of the Directorate considers that the review is necessary to protect the reputation of the Party, or to prevent injustice to the parties.
- 2.14 If a decision is to be reviewed then all parties should be notified and asked to make representations. If new information is received it shall be disclosed to all parties and any further inquiries it prompts shall be undertaken by a caseworker reporting to different case examiners.
- 2.15 If a review of the sort referred to in paragraph 2.13 is upheld, and the head of Directorate disagrees with the case examiners, the head of Directorate should have the same sanctioning powers as the case examiners (see paragraph 2.9 above).
- 2.16 Whilst a case is proceeding, only the fact of a case having been started (or an administrative suspension pending investigation having been imposed) should be informed to LOTO, other senior politicians, or the public.

The Complaints and Discipline Panel

- 2.17 Once matters have been referred to a full hearing of a Complaints and Discipline Panel, appropriate steps should be taken to ensure that there are no conflicts of interest or records of potentially prejudicial comments – such as to disqualify any member of that Panel from hearing the case. The final preparations may mean refining statements and charges which should be date and time specific, where possible.
- 2.18 In some cases, there could be a need for case management dealing with issues of disclosure, length of hearing and order of witnesses, by way of example. A case manager, independent of the case, should hear submissions from both sides and then set time specific directions. These can be conducted by telephone conference in most cases. Consideration should be given in particularly complex cases to the appointment of a legally qualified case manager.
- 2.19 At least 28 days before the hearing, the head of Directorate, or their deputy, should send a Notice of Hearing detailing the allegations, any facts upon which the allegations are based and a bundle of evidence.
- 2.20 No less than 14 days thereafter, the respondent should be required to file a witness statement in relation to any disputed allegations or facts as well as a schedule of admitted facts and allegations and the basis of any admission.
- 2.21 At least seven days before the hearing, if so advised, the person assigned to present the case (who may be a caseworker, case manager or (although rarely) the head of the Directorate or a deputy, should serve a skeleton argument in response upon the hearing panel and the respondent.
- 2.22 The hearing should be chaired by an individual with substantive experience of regulation, and regulatory systems, and consideration should be given to appointing a person who is independent of the NEC.
- 2.23 Consideration should be given to appointing a legally qualified chair of a Complaints and Discipline Panel in any complex case where the respondent is at risk of suspension or expulsion from the Party, or where the respondent relies on a legally complex defence.
- 2.24 The caseworker or case manager responsible for presenting the matter should set out the background to the complaint and provide details of the investigation, followed by any factual or expert witnesses.
- 2.25 The respondent should then present their case, give evidence and call witnesses.
- 2.26 At the conclusion of the respondent's case, the Panel should retire to consider their decision on the facts and produce a short reasoned decision supporting their factual determinations. The decision should be recorded in writing and made available to the complainant and the respondent.

3 Right of appeal

3.1 We note the new arrangements, approved by the Party at its Conference in 2021, which make provision for various reforms, including the establishment of an IRB in cases involving accusations of discrimination. The Party will need to be vigilant that those new procedures, when combined with the further reforms we recommend in this report, deliver a system which, as far as is practicable, enshrines the core principles of Article 6 of the European Convention on Human Rights, including in particular:

- an entitlement to a fair and public hearing within a reasonable time by an impartial panel;
- a presumption of innocence until proved otherwise according to law;
- minimum rights for any party facing a complaint, including the right:
 - to be informed promptly, in a language which the person understands, and in detail, of the nature and cause of the complaint made against that person;
 - to have adequate time and facilities for the preparation of any response to the complaint;
 - to mount a defence to the complaint in person or through legal assistance freely chosen; and
 - to examine or to have examined witnesses whose evidence supports the complaint or complainant and to obtain the attendance and examination of witnesses on behalf of the person facing complaint under the same conditions as witnesses against that person.

4 Systems

Transparency

4.1 Subject to paragraph 4.2, the fact of a complaint being in the disciplinary process and the stage it has reached in that process, and any forward dates for hearings/appeals should – except in abnormally delicate circumstances – be available to Party members and the media.

4.2 Any health issues should be dealt with in private unless any party or witness wishes to place a health issue or issues into the public domain.

Communications

4.3 All complainants and respondents should provide the Directorate with a postal address and, if available, an email address which would be used for all correspondence regarding the complaint, including formal service of documents.

4.4 It should be the responsibility of a complainant or a respondent, as appropriate, to inform the Directorate of any change in this postal or email address.

4.5 The Directorate should use recorded service for all postal correspondence.

Time Limits

4.6 Time limits (including those we recommend above specifically in relation to hearings before a Complaints and Disciplinary Panel) should be set for each stage of the investigation. We would suggest:

- respondent to reply to the complaint within 28 days;
- the period between initial complaint and the decision by the case examiners (whether or not to refer to a hearing) should not normally exceed three months; and
- the period between the initial complaint and final resolution should not normally exceed nine months.

Sanctions

- 4.7 If any allegation is found proved which is likely to warrant a sanction the Panel should hear submissions from the member of Directorate staff responsible for presenting the case, and from the respondent, as to appropriate sanction. Matters of previous character, Party service and mitigation including references can properly be considered at this stage.
- 4.8 The Panel should then retire and consider the appropriate sanction, weighing the culpability of the proven conduct, aggravating and mitigating circumstances, proportionality and the Party's indicative sanctions guidance.

Aggregation, monitoring and reporting

- 4.9 The Directorate should produce and make publicly available key data sets about the complaints process, to be agreed, but to include, for example:
- the total number of complaints made in the relevant period (e.g. the current calendar/financial year);
 - the number of complaints made in that relevant period in each of a number of categories to be agreed including the different forms of racism and discrimination);
 - the proportion of (i) all complaints and (ii) complaints in the categories identified in accordance with the recommendation in the bullet point above, which (i) have been resolved and (ii) remain outstanding at the date of reporting; and
 - the average time taken for complaints to reach key stages in the process, including resolution.

We set out below our core recommendations for the reform of Party culture and staff. Further details relating to these recommendations, and their practical implementation, are contained in the detailed recommendations that follow.

Core Recommendations

Reform of party culture

- 1 Behaviour change is required at all levels of the Party. Senior leadership should consistently demonstrate respectful behaviour.
- 2 There should be a Party-wide consultation to identify shared values and the seeds of a healthy culture. This should be led by both the political leadership of the Party and senior members of HQ.
- 3 A revised Code of Conduct should be drawn up, to reflect the outcome of this consultation, and be circulated to all members.
- 4 The Code of Conduct should be adapted for staff and incorporated into employment contracts.
- 5 Consideration should be given to introducing a separate code for officers and elected members dealing in particular with their leadership responsibilities and the expectations of behaviour, particularly towards staff and other elected members and officers.
- 6 A programme of reflective education and training to support cultural growth should be developed and implemented at all levels of the Party.
- 7 A senior Shadow Cabinet member should be designated to liaise with HQ about cultural change and oversee the progress made.

Detailed recommendations on reform of Party culture

- 1 The Party-wide consultation to identify shared values that we recommend should include:**
 - 1.1 an open and facilitated discussion between HQ, LOTO, the regional offices, officers and elected members; and
 - 1.2 a separate “appreciative inquiry” for CLPs to identify and celebrate positive cultures and working practices, and explore how they can be implemented across the Party. In particular, this should identify and share examples of where the CLPs have operated other than through aggressive debate, for example, through the use of consensus conferences, genuine dialogue and “deep listening.”
- 2 The revised Code of Conduct for members that we recommend should:**
 - 2.1 incorporate the agreed Joint Statement on Conduct of Political Party Members formulated by the Jo Cox Foundation and the Committee on Standards in Public Life as well as elements of Labour to Win’s statement. It should emphasise the importance of listening, openness, kindness, compassion and generosity;
 - 2.2 be prefaced by a statement from the Leader, Deputy Leader and General Secretary that accentuates the positives of the culture the Party wants to see;
 - 2.3 include information about potential sanctions for breaches of the Code;

- 2.4 include guidance on the standards expected of members on social media (see separate recommendations on social media for further details);
- 2.5 include details on the process for resolving any issues raised by or about the member, including how such issues should be raised; and
- 2.6 be presented concisely (ideally on no more than one or two sides of A4) and in a clear, accessible and attractive form, for circulation to all members and inclusion as part of an induction pack for new members.

3 ACAS states that a clear policy statement that ‘sets out expected behaviour for all employees’ is good practice. We agree, and consider therefore that the adapted Code of Conduct for staff that we recommend should also cover:

- 3.1 the Party’s commitment to supporting and treating everyone fairly;
- 3.2 the kind of behaviour expected of employees;
- 3.3 discrimination and the law and what is not acceptable;
- 3.4 social media policy, both for personal and Party social media accounts (including group messaging services such as WhatsApp);
- 3.5 the expectation for HQ and regional staff to regard their role as akin to the civil service and as an electoral machine;
- 3.6 detail of where to find the procedures for resolving any problems experienced by the staff; and
- 3.7 the Party’s disciplinary process.

4 In our view the education and training programme that we recommend should include:

- 4.1 training for members to develop deep listening and reflection skills to engage fully with those with different ideas and viewpoints;
- 4.2 antisemitism training that is incorporated into a wider programme on anti-racism, Islamophobia and education on protected characteristics, involving a facilitated discussion prompting real reflection and engagement with the issues, and with an emphasis on the ethical imperative for anti-racism;
- 4.3 compassion training, starting with senior staff at HQ and LOTO;
- 4.4 exploration of training of officers and all elected members to act in accordance with the Nolan principles (selflessness, integrity, objectivity, accountability, openness, honesty and leadership);
- 4.5 training for key branch and CLP officers to give them skills to encourage different meeting formats and to manage meetings to make them more inclusive and welcoming (and minimising aggressive debate); and
- 4.6 encouragement to local CLPs to develop their own educational resources with support and oversight from HQ and regional offices.

We set out below our core recommendations for the Party’s social media policy. Further details relating to these recommendations, and their practical implementation, are contained in the detailed recommendations that follow.

Core Recommendations

Social Media Policy

- 1 We recognise that social media platforms provide valuable opportunities to participate in interactive discussions and share information. However, the prominence of the SMT WhatsApp messages in the allegations made in the Leaked Report illustrates how the use of social media platforms poses wide-ranging risks to the Party, its staff and its members.²⁶
- 2 In order to minimise the risks referred to above, we recommend the Party develops and implements as soon as possible a revised policy on the use of all social media platforms by Party staff.
- 3 It should:
 - set out the standards of behaviour expected from Party staff when engaging in social media; and
 - apply to all staff and all forms of social media, irrespective of how, where or when the platforms are accessed.
- 4 Social media use for Party business should be confined to the Party’s IT equipment and communications resources.
- 5 Clear guidelines and restrictions should be established to ensure social media use is consistent with – for example – the Party’s values and other policies.
- 6 The consequences of non-compliance with the revised staff social media policy – particularly as regards disciplinary action – should be set out clearly.

Detailed recommendations on social media

1 Scope of revised social media policy

- 1.1 We set out below our recommendations for inclusion in the revised social media policy for staff. The Party should also conduct a review of its social media policy for Party members, albeit the policy for members will necessarily be less stringent than that for staff.
- 1.2 Staff and unions should be consulted on the proposals for the revised staff social media policy referred to in our first core recommendation.
- 1.3 That policy should:
 - apply to all Party staff (including permanent, temporary and contract workers employed or engaged by the Party, whether on a voluntary or paid basis) and any third party organisations engaged on Party business. (For the avoidance of doubt, the reference to ‘staff’ includes those employed by the Party in HQ and the regions, and in LOTO, as well as those employed by the Shadow Cabinet and paid for under Short Money);
 - provide a framework for using any and all forms of social media (whether currently in existence or developed in the future), including but not limited to Facebook, LinkedIn, Twitter, YouTube, Instagram, WhatsApp, all other social networking sites, and all other sites with the facility to post user-generated content, including blogs;

²⁶ By ‘social media’, we are referring to interactive digital technologies that allow for the creation, sharing and exchange of any forms of user-generated expression through virtual networks. Whilst we recognise that WhatsApp is regarded by some as a private messaging service, there are compelling arguments that it functions as a social media platform in the case of WhatsApp groups. For our purposes, it makes sense to treat WhatsApp groups as falling within the remit of ‘social media’ and accordingly our policy recommendations apply to WhatsApp groups in the same way as any other social media platform.

- be designed to apply to content:
 - on both publicly-accessible platforms and closed or private social media forums; and
 - which takes the form of messages sent in groups, as distinct from private messages exchanged between only two individuals;
- be applicable to social media use for purposes associated with the Party as well as personal use that may affect the Party in any way, and to use both inside and outside of working hours;
- apply to the personal social media accounts of staff as well as any staff accounts linked to the Party;
- be applicable irrespective of whether the social media platforms are accessed using Party IT facilities and equipment or otherwise (including personal equipment belonging to staff) – although see also the recommendation regarding devices below;
- apply to content generated by staff members themselves and content generated by others but re-shared or 're-tweeted' by staff members in a manner which could be interpreted as the relevant staff member endorsing the content; and
- once published, be circulated to all staff, promoted internally and made easily accessible.

1.4 If algorithms are to be adopted to carry out pre-membership social media searches, they need to be professionally advised upon following wide consultation in relation to the search terms.

1.5 Party business should be conducted on devices issued by the Party.

1.6 Use of social media (in particular, WhatsApp groups) to discuss work matters on personal devices outside of Party systems should be prohibited²⁷.

1.7 The Party should review its other policies to ensure consistency with the revised staff social media policy, which should itself be reviewed at regular intervals to reflect the continuously evolving nature of social media.

1.8 The Party may wish to review its policy for those individuals authorised to use social media on behalf of the Party itself. If a member of staff is representing the Party online, appropriate rules should be set for what information they may disclose and the range of opinions they may express.

2 Compliance with related policies

2.1 The staff social media policy should reflect the overarching principle that social media should never be used in a way which breaches any of the Party's other policies, including any policies on bullying and/or discrimination. If a social media post would constitute a breach of another policy in another forum, it should be considered a breach of that policy in an online forum. For example, staff should be prohibited from using social media to breach any obligations they may have relating to confidentiality or data protection, to defame or disparage anyone or breach any other laws or ethical standards.

3 Restrictions on use

3.1 While we recognise that social media platforms are widely used in Westminster for a variety of purposes, staff should be required to consider carefully on a case-by-case basis whether social media platforms are appropriate communication tools for the particular purpose at hand and, if so, which particular platform is most appropriate.

²⁷ Whilst policing this prohibition may not be practicable, should any activity of this kind come to light it should be treated as a breach of policy.

4 Guidelines for responsible use

4.1 A balance should be struck to ensure staff do not feel ‘gagged’, and feel protected against online bullying, and that the Party feels confident its reputation will be upheld. Our primary concerns relate not to the use of social media as a mode of communication per se, but to the content of such communications.

4.2 The staff social media policy should provide clear guidelines for responsible use of social media, including the following:

- Social media use should be consistent with the Party’s values of treating all people with dignity, courtesy and respect.
- Social media use should champion diversity and inclusion, such that everyone feels welcome to take part in discussion about the Party, country and world.
- Staff should have regard to the need to act carefully and responsibly to protect the Party’s image and reputation. Staff should avoid social media communications which might be construed in a way that could damage the Party’s reputation, even indirectly. Clear guidelines should be set for employees on what they can and cannot say about the Party.
- Use of language or content which has the potential to exclude or alienate others should be avoided.
- Any criticism should be based on policy and political actions and not constitute personal attacks on individuals.
- Those with privilege – due to their experience, position within the Party or status in society – should have particular regard to how their use of social media may be experienced or felt by others.
- Members of staff should consider themselves personally responsible for what they communicate via social media. Before posting content, staff should bear in mind that postings might be available to be read by anyone and for an indefinite period of time.
- Members of staff in any doubt about the appropriateness of any post should refrain from making it.

4.3 The staff social media policy should also clearly state what behaviour is prohibited, including:²⁸

- Creating or transmitting material that might be defamatory or incur liability for the Party.
- Posting messages, status updates or links to material or content that is inappropriate. Content that should be regarded as inappropriate includes: pornography, racial or religious slurs, derogatory gender-specific comments, information encouraging criminal activity or terrorism, or materials relating to cults, gambling or illegal drugs. It should extend to any text, images or other media that could reasonably offend someone on the basis of race/ethnicity, age, gender, gender-identity, religious or political belief, nationality, disability, sexual orientation or any other characteristic protected by law.
- Social media for any illegal or criminal activities.
- Sending offensive or harassing material to others via social media.
- Sending or posting messages or material that could damage the Party’s image or reputation.
- Discussing colleagues without their approval.
- Posting, uploading, forwarding or linking spam, junk email, chain emails and messages.
- Making comments which the Party deems abusive, offensive, obscene, vulgar or violent.
- Abusing, threatening, stalking, harassing or in any way attacking other users on the platforms.

²⁸ Such prohibitions should not, however, prevent the sharing of material between staff for the purposes of pursuing disciplinary action against other staff or members. Where information is shared for these purposes, or is otherwise deemed necessary, the covering post should clearly dissociate the sender and the Party from the content.

- Posting any content that is offensive or derogatory toward others with regard to race/ethnicity, age, gender, gender-identity, religious or political belief, nationality, disability, sexual orientation, or any other characteristic protected by law.
- Using any language or content that is disruptive, misleading, deceptive, unlawful or fraudulent.
- Trolling.
- Cyber-bullying.
- Knowingly uploading or attaching files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation or compromise the security of computers and networks.
- Violations of intellectual property rights.

5 Compliance with the policy

Monitoring

- 5.1 The Party may wish to reserve the right to monitor staff activities on its IT resources and communications systems (in accordance, of course, with data protection laws).

Personnel

- 5.2 The staff social media policy should include clear guidance on how to raise any queries regarding the policy and/or report misuse of social media.

Investigations

- 5.3 It should also deal with how any such allegations will be investigated by the Party, including a requirement for any member of staff suspected of committing a breach of the policy to cooperate with the Party's investigation, which may involve providing relevant passwords and login details.

Disciplinary action

- 5.4 Likewise, the policy should set out the consequences of non-compliance; for example, that a breach may result in disciplinary action in accordance with the Party's disciplinary procedures. For this purpose, the Party should apply the same standards of conduct in online matters as it would in offline matters.
- 5.5 We recommend provision is made for the Party to require members of staff to remove or amend postings which are deemed to constitute a breach of the policy and, on a related note, that failure to comply with such a request may in itself result in disciplinary action.
- 5.6 Whether one instance of misuse of social media platforms constitutes a breach of the social media policy giving rise to disciplinary action – or whether a pattern of conduct is required – should be considered on a case-by-case basis.
- 5.7 The Party should consider whether disciplinary action should be time-limited so that, for example, staff are not unduly prejudiced by historical use of social media platforms.

Recruitment

- 5.8 If the Party uses social media platforms for recruitment purposes, this should also be reflected in the staff social media policy (and any recruitment policies). For example, if the Party accesses social media platforms to perform due diligence on candidates in the course of recruitment (acting in accordance with its data protection and equal opportunities obligations) it should say so explicitly when sending application forms or interview invitations. We recommend such practices should be time-limited to, say, three years, so that, for example, applicants are not unduly prejudiced by historical use of social media platforms.

We set out below our core recommendations for the recruitment and management of staff. Further details relating to these recommendations, and their practical implementation, are contained in the detailed recommendations that follow.

Core Recommendations

Recruitment and Management of Staff

The core recommendations that follow (and the associated, more detailed recommendations below) are intended to apply to HQ and regional office and junior LOTO staff, but not to senior LOTO staff working directly with the leader of the Party. In certain respects they reflect or draw on recommendations already made in the Kerslake Review. While the Forde Inquiry Panel has great respect for the work done by Lord Kerslake and his colleagues in that regard, there is some difference of analysis and emphasis in this report, as compared with their findings. However, where common ground exists, there was nothing to be gained in attempting to reinvent the wheel.

1. The Party must radically reform its approach to people management – the recruitment of its staff and their development, both professionally and personally – if it is to transform itself into the modern, highly skilled and diverse organisation capable of fulfilling its democratic duty to the voters of this country.

Recruitment

2. There should be a formal, open and transparent application and appointments process, both for external recruitment and internal promotions.
3. Unless there are exceptional circumstances, all vacancies should be advertised publicly and nationally, as well as internally, and promoted across a range of channels, platforms and sources.
4. The practice of LOTO duplicating organisational roles that already exist within HQ should not be repeated.

Staff Development

5. The Party should create formal development/promotion frameworks for staff within each directorate setting out the skills and experience required at each level and for each post.
6. All staff should have a single, named line manager; and there should be a limit on the number of direct reports to each line manager.
7. There should be regular one to one supervision meetings between line managers and their direct reports, and a formal annual development review for all staff. Performance and conduct should be measured against objective criteria and a clear set of rules for employees, to avoid political interference.
8. There should be a formal staff wellbeing plan, which informs meetings between line managers and those who report to them.

Diversity and Inclusion

9. The Party's workforce (including at senior management levels) does not reflect the wider electorate. Targets should be set in relation to recruitment, induction, and the development, and management of staff.

Detailed recommendations on recruitment and management of staff

1 Recruitment

- 1.1 The processes of external recruitment and internal promotions should be governed by a single, clear policy or suite of policies, the use of which should be mandatory.
- 1.2 The relevant policy/policies should be subject to review, and revision, as necessary, at appropriate and agreed intervals.
- 1.3 The focus on advertising jobs externally and promoting those opportunities across a range of suitable channels, platforms and sources, should be on finding individuals:
 - with appropriate experience in the relevant field (such experience being valued at least as much as, and perhaps even more so than, a commitment to the Party or to politics in general); and
 - from a diverse range of backgrounds.
- 1.4 Consideration should be given to whether shortlisting exercises should be “blind” as to candidates’ names and any other demographic details, where appropriate (in particular for entry level positions).
- 1.5 In selecting who to recruit, the Party should use clear, objective and competency-based person specifications.
- 1.6 Recruitment panels should always be appropriately representative of different minority groups and gender balanced.
- 1.7 Those responsible for recruitment should undertake relevant training, including unconscious bias training.

2 Induction

- 2.1 New staff should be required to undertake a comprehensive induction programme, covering the Party’s history (including its recent history, and its struggles with the issues we have investigated), and the structure and operation of the organisation as a whole, as well as the individual directorate within which they work.

3 Staff Development

- 3.1 The Party should create formal development/promotion frameworks for staff within each directorate setting out the skills and experience required at each level.
- 3.2 Structured learning and development opportunities should be provided in line with those requirements.
- 3.3 Salary bands should be published alongside those frameworks.
- 3.4 Line managers should undertake common management development training.
- 3.5 This training should cover all relevant aspects of employment law, with input as appropriate from the human resources and legal teams.
- 3.6 Line managers, and staff members, should continue to seek expert input from the human resources team, as required, in relation to any employment issues that may arise from time to time.
- 3.7 The human resources team should seek at all times to provide independent and objective advice to colleagues within the Party.

- 3.8 The results of the regular one to one supervision meetings between line managers and their direct reports, which we recommend should be summarised and recorded in writing.
- 3.9 The formal annual development review for all staff should address the things that have gone well in the reporting year, and areas requiring development; priorities and objectives for the next reporting year; and health and well-being.
- 3.10 The review of staff well-being should be informed by a formal staff wellbeing plan which includes provisions covering:
- workplace mental health and stress;
 - working from home;
 - pregnancy, childbirth and parenthood;
 - support for disabled employees;
 - safeguarding; and
 - the “long hours culture”.
- 3.11 While it is to be hoped that any problems which may arise between a line manager and their direct report from time to time could be resolved satisfactorily on an informal basis, provision should be made within the performance review system for formal appeals/dispute resolution mechanisms.

4 Staff retention

- 4.1 Data on staff (particularly ethnic minority and disabled staff) departures over an agreed period should be collated and analysed so that staff retention issues can be identified and addressed.
- 4.2 Exit interviews should be conducted with all departing members of staff, and the results recorded and analysed, with a view to taking any necessary action.
- 4.3 Any redundancy process undertaken by the Party should be fair, and draw on the expertise of those in the human resources team and, if appropriate, legal advice.
- 4.4 Staff turnover should be monitored.

5 Diversity and Inclusion

- 5.1 Appropriate steps should be taken regularly to collect relevant data (including on all protected characteristics) to facilitate monitoring of progress towards the achievement of these targets.
- 5.2 Information about gender and ethnicity pay gaps should be collated and published.
- 5.3 The Party should develop a policy to tackle exclusion/discrimination/harassment, which includes clear provision about to whom such issues should be reported.
- 5.4 The Party should establish the diversity training outlined in the recommendations on Party culture and staff behaviour.
- 5.5 The Party should consider introducing the practice of ‘reverse mentoring’ to allow staff from diverse backgrounds to share with senior managers what it is like to work for the organisation.
- 5.6 A regular staff survey, building on/repeating the Pulse survey, should be undertaken to track employee experience.

We set out below our core recommendations for the future of the relationship between LOTO and HQ and regional staff. Further details relating to these recommendations are contained in the detailed recommendations that follow.

Core Recommendations

Future relations between LOTO and HQ/regional staff

- 1 There should be a clearer formal demarcation and disentanglement of the roles played by LOTO and the Party's HQ staff.
- 2 There should be a clear expectation of political neutrality with regard to HQ roles.
- 3 The practice of 'parachuting' LOTO staff into HQ roles without following the recommended recruitment practices should cease.
- 4 The practice of designating senior LOTO staff as directors of the Party, within the senior management structure, should cease.
- 5 Informal cooperation between LOTO and HQ should be enhanced and encouraged.
- 6 Senior leadership should take steps to improve their visibility and engagement with staff at all levels within the Party.

Detailed recommendations on future relations between LOTO and HQ/regional staff

1. The clearer demarcation of roles that we recommend should be written into the Rule Book and/or recorded as a decision of Conference which sets out clearly the differing roles that LOTO and HQ should play (therefore avoiding the duplication of roles and posts between LOTO and HQ, respectively, about which we have heard evidence).
2. Clarification should be given to staff in HQ, LOTO and the regional offices about the standards expected of them, whether by incorporation in a Code of Conduct, training or otherwise. For HQ and regional staff this should include articulation of the expectation that they should remain neutral, objective and act in the best interests of the Party, under the direction of LOTO. This should include a respectful and inclusive approach to HQ staff by LOTO, particularly as many HQ staff will have very significant and valuable experience of working for the Party. For all staff, the expectations of working relationships between HQ/regional offices and LOTO should be clarified.
3. The enhancement of information cooperation should be encouraged through the introduction of the following measures:
 - the contribution of both LOTO and HQ in staff inductions (whether the role is for LOTO, HQ or a regional office);
 - the regular exchange of information; and
 - the provision of spaces for physical learning and cross-pollination.

4. We also make some observations on practical points to improve relationships between LOTO and HQ:
 - we recommend that any new leadership team sits down and discusses informally with key HQ personnel their vision for the future, working relationships and so on;
 - deep listening exercises, conducted at intervals, could play a particularly valuable role in ensuring productive working relationships between LOTO and HQ;
 - opportunities for social contact between LOTO and HQ should be improved; and
 - the Party should consider “reverse mentoring” through which staff from diverse backgrounds share with senior managers what it is like to work for the organisation. This could be a useful early step in promoting cultural growth more generally.

5. The steps to be taken by senior leadership should include the following:
 - a clear commitment from LOTO to spend more time in HQ, advertising that they are available to speak to all staff; and
 - regular sessions in which the General Secretary and team engage with staff.

APPENDIX

GLOSSARY OF TERMS

TERM	DEFINITION
Chakrabati Report	The Shami Chakrabati Report, June 2016
CLP	Constituency Labour Party
CO	Community Organiser
Directorate	Regulatory and Disciplinary Directorate
EHRC	The Equality and Human Rights Commission
EHRC WhatsApp group	A WhatsApp group established for discussion of the Party's response to the EHRC
Fabian Society Survey	A recent survey of 2,890 Party members conducted by the Fabian Society
First Test	There is a realistic prospect that a Complaints and Discipline Panel will find the allegation proved
GEL001 spreadsheet	A spreadsheet showing incurred printing costs for 'key seats' on the spending code GEL001 totalling £82,230
GLU	The Party's Governance and Legal Unit (formerly the Compliance Unit)
HQ	The Party's headquarters (located at Southside)
ICB	Independent Complaints Board
ICO	Information Commissioner's Office
IRB	Independent Review Board
Internal investigations	A digital forensics investigation, and an HR investigation, each commissioned by the Party.
Instant messages	Extracts from the Party's internal messaging system quoted in the Leaked Report
JLM	The Jewish Labour Movement
Joint Statement	The agreed joint statement of the Jo Cox Foundation and the Committee on Standards in Public Life, entitled Intimidation In Public Life
Kerslake Review	The report of Lord Kerslake, entitled Independent Organisational Review of the Labour Party: Becoming a Well Run and Winning Organisation, October 2020
Labour Together Report	Labour Together's 2019 Election Review
Leaked Report	The report entitled "the Work of the Labour Party's Governance and Legal Unit in Relation to Antisemitism, 2014-2019", various versions of which were leaked and published in April 2020
LOTO	The Leader of the Opposition's office
MP	Member of Parliament

TERM	DEFINITION
NCC	The Party's National Constitutional Committee
NEC	The Party's National Executive Committee
Panorama litigation	Defamation proceedings arising from LOTO's response to the BBC Panorama's programme "Is Labour Anti-Semitic?"
Party	The Labour Party
PLP	Parliamentary Labour Party (that is, the Party's MPs)
relevant period	2015 - 2019
RFIs	Requests for Further Information
Royall Report	The report by Baroness Jan Royall entitled Allegations of Anti-Semitism Oxford University Labour Club, May 2016
SAR tool	The search tool used by the Party for responding to subject access requests
Second Test	The appropriate sanction falls outside of their sanctioning power
SMT WhatsApp groups	WhatsApp groups containing members of the Party's senior management team – the "SMT" group and the "LP Forward Planning" group
SMT WhatsApp transcripts	Transcripts of the SMT WhatsApp groups between September 2016 and October 2017
Southside	Location of the Party's HQ
SPADs	Special advisers
staff survey	An employee survey conducted by the Party in August 2020

