

# Handling Complaints and Disputes at Association Level

March 2023



Conservatives

# Contents

Introduction.....	3
What types of complaint might come to Associations?.....	4
Must a complaint be investigated?.....	5
How should a local complaint be investigated.....	6
Dispute Resolution as an Option.....	7
Undertaking the Suspension or Expulsion of a Party Member in your Association.....	8
Can a Member be suspended prior to a formal disciplinary hearing?.....	9
The Executive Council.....	11
The conduct of the Executive Council meeting.....	13
After the Executive Council meeting.....	15
Right of Appeal.....	16
Template letter 1 – Advising a member of disciplinary proceedings.....	17
Template letter 2 – Informing a member of the outcome of the meeting of the executive council.....	18
Template letter 3 – To advise a member of a temporary emergency suspension.....	19
Appendix A – Relevant extracts from the party constitution.....	20
A. Acceptance of the constitution – its rules and principles.....	20
B. What does the constitution state?.....	20-21
C. Natural justice.....	21
Appendix B – Summary guide for the independent chairman of the expulsion or suspension item at an executive council meeting.....	21

# 1. Introduction

As a result of widespread consultation across the Voluntary Party following publication of the Singh Report in 2021, it was agreed that, wherever possible, complaints should be handled by the Associations themselves.

This document aims to guide Associations towards best practice in handling complaints and includes a full guide to the running of suspension and expulsion meetings, if that should ever become necessary. It also distinguishes between the types of complaints that can be handled locally and those that should not.

Proceedings to suspend or expel a member are serious, time consuming and draw on finite resources. They can be stressful and disruptive. For all these reasons, such proceedings should be considered **only** when no other options are available.

Compiled in consultation with senior members of the voluntary Party, these guidelines are designed to assist Association/Federation Officers and Executive Councils when invoking disciplinary proceedings against a Party member. They replace those published in January 2014 and are a revision of the document published in 2022. They must be read in conjunction with the relevant provisions of the Constitution of the Party and the Association's Rules (listed here as **Appendix A**) which reflect the importance the Party attaches to fair procedures and natural justice.

**Further advice should always be sought from a member of the Party's professional staff, usually your Voluntary Party Manager, before embarking on any of these processes.**

Throughout these guidelines, the term "Association" equally refers to a Federation.

## 2. What types of complaint might come to Associations?

- 2.1 A complaint may be made about a Party member by either another member or by a member of the public. It might be a matter that comes to the attention of Association Officers other than by anyone making a complaint. It may come directly from the person making the complaint or in a referral back from the Member Governance Team at CCHQ. It will usually be:
- An allegation of a breach of the Association's own rules
  - Safeguarding or behaviour-related issues involving Party members (including the behaviour of our campaigners)
  - Selection of local government candidates (but see note below).
  - Social media-related issues
- 2.2 There are some complaints that Associations do not need to handle as they are governed by different sets of rules. These three all come under the CCHQ Member Governance Team:
- Allegations of discrimination under the Equalities Act 2010
  - Social Media issues (these can be handled locally or centrally, though see note below relating to discriminatory posts)
  - Standing against or supporting someone who is standing against an official Conservative candidate at an election
  - Complaints under the Code of Conduct for Party Representatives
- 2.3 If Associations receive complaints that are covered by the Equalities Act (including discriminatory posts), they **MUST** refer these to their Voluntary Party Manager who will confirm that they fall under this Act and will refer them to the Member Governance Team.
- 2.4 Note that the "protected characteristics covered by the Equalities Act are: **age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.**
- 2.5 In local government selections, whilst the Selection Rules need to be observed and implemented by the Associations, appeals arising from the implementation of these rules go to the Area Management Executive to be determined.
- 2.6 There are also some complaints that are beyond the scope of the Party centrally or locally. These would include complaints about the way an elected councillor or MP was performing in their role and complaints about issues of policy. The Party's disciplinary processes should not be used to resolve these matters. The Constitution specifically prohibits disciplinary action based on disagreements on Party policy. The remedies for these subjective complaints can all be addressed at a future election. Other complaints that are beyond our scope might be issues of behaviour that can be or have been reported to other bodies. The Party cannot be held responsible for every activity and action of each of its members in all aspects of their lives.
- 2.7 Most importantly, the Party does not investigate complaints of alleged criminality. These should be referred to the police by the person making the complaint. If the Association Officers (or anyone) suspect that a crime is in the process of being committed or is about to be committed, they must immediately report the matter to the police.
- 2.8 **If you are unsure of where a complaint should be handled (i.e. locally or centrally), please contact a member of the Party's professional staff or the Member Governance Team for advice.**

## 3. Must a complaint be investigated?

Article 60 in Part VII of the Party Constitution says *“If a member of an Association is concerned about any breach of the rules of their Association they may raise the matter with the Chairman of the Association who shall investigate the matter and take appropriate action to remedy any breach.”*

- 3.1 The Constitution does not define a method of investigation and it will clearly depend upon the nature of the complaint. In practice, the Chairman should not usually see this as literally their own individual task and generally should work with the Association Officers to investigate.
- 3.2 This is a matter of discretion, judgment and common sense for the Officers. They are not private investigators. They are not the police. They also do not have unlimited amounts of time and resources to spend following every lead. Each case depends on its own facts.
- 3.3 There is nothing in the rules of the Party expressly to say the Officers must actively investigate allegations in every case, but if they are to persuade the Executive Council of a breach of a principle or rule, it stands to reason that some investigation may be necessary. Turning a blind eye to a serious potential problem is not acceptable. Officers are responsible for managing and administering their Association, subject to the direction of and accountable to their Executive Council and they are expected to do that properly.
- 3.4 If the Officers decide to investigate allegations, they must act fairly. They should be tactful and discreet and always have in mind the well-being of everyone involved for whom the situation may be stressful and difficult. They must also make sure they obey the law, including data protection laws, the laws of slander and libel and human rights laws (especially the human rights to a private life and a fair trial).
- 3.5 The Officers should also be mindful that not every allegation will be true and they should avoid assuming the truth of a complaint before the investigation has been conducted.

## 4. How should a local complaint be investigated?

- 4.1 As a guide, the CCHQ Member Governance Team asks for the following:
- a. Full name and contact details of the person making the complaint.
  - b. The name of the member the person wishes to complain about and their position in the Party (if known)
  - c. Details of the rule(s) which the member is alleged to have broken (where applicable)
  - d. A clear factual description of what the member has done, including:
    - i. When they did it
    - ii. How they did it
    - iii. Why it is being complained about
  - e. Any documents or written evidence which would support the allegations
  - f. Any statements from witnesses which would support the allegations
  - g. Details of any steps undertaken to resolve the matter informally, an explanation of what these are and the outcome (if appropriate).
  - h. If the matter has been reported to the police, another disciplinary body (either internal to the Conservative Party, such as the Area Management Executive, or external, such as Council Monitoring Officer) or is in court proceedings, details of this and the outcome (if appropriate).

It may be that some of these points are already covered by the person making their initial complaint or that some are clearly not relevant to the complaint, but these details are generally what is required to begin investigating.

- 4.2 Once this information has been received the Chairman should confer with the other officers and respond to the person making the complaint. It may be a simple acknowledgement of receipt, in which case it should also give an indication of the date by which the person may receive a further response.
- 4.3 In some circumstances it might be that the complaint is of a delicate and sensitive nature and as such needs careful handling which should be tailored to the specific complaint. The Chairman should always seek advice from one of the Party's Voluntary Party Managers or other staff before proceeding further.
- 4.4 Depending upon the nature of the complaint, it may be possible to resolve it very quickly. In some circumstances it will be reasonable to dismiss it with a short explanation, in other cases it will require further investigation and resolution.
- 4.5 The investigation will involve considering the seriousness of a complaint, taking written accounts from those involved where appropriate and ensuring that everyone who can contribute to the understanding of the matter is given a say. Written statements are useful because there is a clear record of the communications that have taken place.
- 4.6 In some cases it will be necessary to speak with both the member being complained about and the person making the complaint. When this happens it is important that this is done carefully. One to one conversations should be avoided as there is no record of them, so it is advisable that two Officers would join the conversation. A written factual record should always be kept of the conversation. Officers should be careful to avoid demonstrably assuming the truth of one side of a story at the outset and should be wary of expressing an opinion.
- 4.7 In due course it will be necessary to reach a conclusion based on what has been submitted and this is where it is important to keep the matter in perspective and strike the right balance between a draconian solution and being dismissive of someone's concerns.

On some occasions it useful to ask the person making the complaint what they would regard as a successful outcome. For example it might be that they would simply like to receive an apology.

## 5. Dispute Resolution as an Option

- 5.1 It is good practice to seek to resolve a matter before disciplinary proceedings are considered. An Association is advised to explore every reasonable option which may include, but not be limited to, a cooling down period, an impartial investigation, informal discussions or the use of a mediator where it is appropriate and where there is a reasonable chance it will succeed. If appointed, the mediator will, as far as practicable, seek to reconcile areas of disagreement and establish alternatives to disciplinary proceedings. Mediation cannot be forced on a party who does not want it and requires all parties to agree to participate.
- 5.2 Further advice about dispute resolution should be sought from one of the Party's Voluntary Party Managers, some of whom are themselves trained and practiced mediators.
- 5.3 Where this is not a viable option the officers will need to decide on their own conclusion. This does not always mean that action has to be taken against anyone. Sometimes the answer might be that whilst it is regrettable that two parties cannot get on, no one has done anything that is sufficient to take matters further and there is nothing more to be said.
- 5.4 It is inevitable that when someone complains about someone, they expect something to be done about it. Sometimes the answer really is that more tolerance is needed on the part of one or more individuals and, in so far as anyone can be said to be "at fault", it may be that it is even the person who made the complaint.
- 5.5 There are of course numerous small practical ways of addressing situations where personalities are involved or where members have perhaps acted inadvertently but these will vary from one situation to another.

# 6. Undertaking the Suspension or Expulsion of a Party Member in your Association

- 6.1 This and following sections deal with the situation where the outcome of the investigation of a complaint or the behaviour of a Party member can only be addressed by taking disciplinary action against that member. Any other avenues of resolution must have been exhausted or the seriousness of the matter must be such that it can only be dealt with by this process.
- 6.2 The authority for the Officers of Conservative Associations to be able to move to suspend or expel, and why the Executive Council may actually suspend or expel, is because they are allowed to do so under the Constitution and the Association's Rules. These are set out in **Appendix A**.
- 6.3 The standard test for the Officers to use before deciding to propose these measures is *"Would an honest and fair-minded person, who has all the relevant knowledge to hand at the time the alleged wrongdoing happened, say to themselves: "This is serious"?"*



## 7. Can a Member be suspended prior to a formal disciplinary hearing?

- 7.1 On occasions, the allegations made against a member might be so serious that it is necessary to act with great urgency. It could require their membership of an Association to be suspended temporarily, pending an investigation and the full consideration of the matter at a meeting of the Executive Council. The type of situation where this may be necessary is where there is a need to protect the reputation of the Association or the Party or the financial well-being of the Association or where a member is particularly disruptive or is acting against its interests. It could also involve a serious safeguarding issue or a potential criminal matter.
- 7.2 **Officers should always contact a Voluntary Party Manager or other member of the Party's professional staff before taking this exceptional step.**
- 7.3 The procedure for an emergency temporary suspension is for the Association Chairman to summon a meeting of the Association Management Team (The Officers) at short notice to deal only with the matter of temporary suspension. This can be in person, by telephone, by virtual platform or by email. The power is derived from Schedule 7 (5.8) – Constitution of the Conservative Party which states that the Officers are the Management Team and have responsibility for the “day to day management and administration of the Association”. There is no limit on how short the notice need be.
- 7.4 The Chairman must present to the Officers:
- (i) the prospective grounds for suspension and expulsion including the principle which is believed to be breached (which will be one of the four principles listed at the beginning of Appendix A)
  - (ii) reasons why temporary suspension is necessary in the interests of the Association and/or the Party, taking into account the effect suspension might have on the member.

**It must be stressed that this measure should only ever be taken as a last resort. Emergency suspension should never be used in disputes where the member poses no threat to other members or The Conservative Party.**

- 7.5 There is no need to prove the main case in advance. The single test should be:

Is temporary suspension necessary to safeguard the interests and/or the reputation of the Association and/or the Party pending the conclusion of an investigation or hearing of the motion?

If the Officers agree by a simple majority to a temporary suspension, the Chairman must notify the member in writing immediately. (See [Template Letter 3](#)). A written note of the meeting should be written and retained.

- 7.6 The Chairman must also ensure that VoteSource has been updated to accurately reflect the suspension of membership. The date the suspension is lifted should be set as several days after the meeting of the Executive Council.

If the suspension is pending the outcome of a police investigation, legal proceedings or other external investigation which has no end date, this should be set at a date significantly in the future to ensure it is not lifted automatically whilst the proceedings are ongoing and that the suspension is still in place.

The notes (in the VoteSource “Notes” section of the member’s record) should be a clear outline of the action taken. For example, “suspended pending outcome of investigation by Association Officers. Meeting of Executive Council to be held on [date]” or “suspended pending outcome of external legal proceedings/investigation by Monitoring Officer”.

- 7.7 Minutes must be taken of this decision, including how it was made i.e. by virtual call, email etc and who took part in the decision. All Officers should be invited unless one of the Officers were to be the subject of the decision.

There is no right to appeal this emergency decision. It is important however, that the Association progresses the investigation and proceeds to the suspension or expulsion proceedings at the Executive Council quickly to ensure that a member is not suspended longer than is necessary. Eight weeks should be the maximum period between a temporary suspension and the Executive Council Meeting except when the suspension is pending the outcome of a criminal trial or police investigation.

- 7.8 If it should become apparent that the need for the temporary suspension no longer applied, then the officers may lift the suspension without recourse to the Executive.
- 7.9 If the member is a Councillor, the Association Chairman must notify the relevant Conservative Group Leader.
- 7.10 The Membership Department at CCHQ must also be informed by email at [membership@conservatives.com](mailto:membership@conservatives.com) within 24 hours.
- 7.11 Sometimes a member on learning of their suspension may respond by saying that they have resigned. A suspended member cannot resign as, for the duration of their suspension, they are not a member. The suspended member should be invited to continue co-operating with the investigation, but if they choose not to do so they should be informed that the suspension would not be lifted until such time as they do. A suitable note should be made on their VoteSource record and the date of suspension should be set to cover an indefinite period.

## 8. The Executive Council

- 8.1 If and when the Officers consider there is sufficient evidence of a serious breach of a principle of Party membership and the Officers consider that suspension or expulsion is appropriate, they must “move [the suspension or expulsion] before the Executive Council” (Schedule 7: 3.5)
- 8.2 When a meeting date has been agreed, the member must be told. (see [Template Letter 1](#)). If they are unable to attend the meeting due to a prior commitment it is reasonable to accommodate this in setting the date but if it appears that they are being obstructive then they would need to be told that the meeting could proceed without them and that they may prefer to send a written statement setting out their response, once they have seen the motion and evidence that will be presented to the Executive (see below).
- 8.3 Of particular relevance for Officers is Rule 3.6. The Officers must comply with this “at least 14 days” before a meeting of the Executive Council takes place. This means calendar days. The Council must not convene unless and until the Association Chairman has notified the member in writing:
1. That the Executive Council has been moved to suspend or expel them.
  2. Of the grounds for the motion.
  3. Of all the evidence relied on (providing copies).
  4. Telling them expressly that they have the opportunity to appear before the Executive Council and to make representations and provide evidence as to why they should not be suspended or expelled. It should be explained that their representations must be limited to responding to the allegations and evidence. They should also be advised that if they wish to use any documentary evidence in advance of the meeting, they should send it to the Association at least 7 days in advance of the meeting, as no evidence for or against the motion will be circulated at the meeting.
- 8.4 Correspondence to the member should be sent by means of recorded delivery in conjunction with email. Both the email and letter must be sent within the correct timeframe and a “read receipt” should be used to provide a record that it has been received. The Chairman must ensure that all reasonable steps are taken to ensure that communications reach the member.
- 8.5 The allegations against the member must be set out as fully as possible, articulated in such a way that there is no doubt what the allegations are and in such a way that the member can establish their position or prepare their defence. It is not sufficient to invite a member to “explain their conduct”. The phrase “bringing the Party into disrepute” is not sufficiently specific. Equally, it is insufficient to state that their conduct was or had been “inconsistent with the objects of the Association” without stating when, where and how the member’s conduct was or had been inconsistent with the objects of the Association.

It is important to note however that allegations and grounds for the motion should be limited to those that would justify the motion. Including trivial allegations alongside more serious ones could serve to distract from the seriousness of the key allegations and this distraction could pertain both at the hearing by the Executive and also at any subsequent appeals.

**The allegations must not be supplemented or amended after they have been provided to the member so this is the only chance to get it right.**

- 8.6 Members of the Executive Council should also receive **at least** 14 days notice of the meeting together with the grounds and evidence to support the motion. It is important that this should be **exactly the same** as that supplied to the member who is the subject of the motion.

Any written submission received from the member, not less than seven days before the meeting (see 8.4 above) should be circulated by email to the Executive at least 48 hours before the meeting.

***It is strongly advised that longer notice is given than the above minimum requirements.***

- 8.7 The composition and membership of the Executive Council should be checked to ensure that only those who attend the meeting and/or vote are entitled to do so.

The Association Chairman is responsible for:

- (i) ensuring that the Executive Council is properly constituted and
- (ii) the preparation, adequacy, transmission and retention of all paperwork and record keeping, including paperwork created by or for the Executive Council and also correspondence with the member.

# 9. The conduct of the Executive Council meeting

- 9.1 The person who Chairs the agenda item that considers the motion must be neutral and have had no prior previous connection or involvement with the member appearing. It must not be a member of the Association. It is their responsibility to ensure that the parties receive a fair hearing. The Area Chairman should first be asked to chair the item. If they are unavailable or feel in any way conflicted or could be seen as being conflicted, they should refer this to the Regional Chairman who will either take on the role or, in consultation with a member of the Party staff, appoint someone else to do so.

A best practice step by step guide for the Independent Chairman, running this part of the meeting is given in **Appendix B**.

- 9.2 Although the Executive Council has a wide discretion to “*adopt their own procedures for determination of the motion*”. (3.7.1) it should be noted that this is “*subject to adherence to the guidelines from time to time by the Board of the Party*”.
- 9.3 At the outset, the Independent Chairman should draw the attention of the members of the Executive Council to the importance of Natural Justice reminding them:  
*Members of the Executive Council are required to be unbiased when holding any hearing or making any decision or recommendation, which must be made based on a balanced and considered assessment of the information and evidence before them without favouring one party over another.*
- 9.4 There are a number of important points that should inform the conduct of the meeting:
- a. During the process, the Executive Council should, naturally, be sensitive to the well-being of the member and witnesses who may find the entire matter stressful and difficult
  - b. The Officers must prove their case on the evidence. It is not the Executive Council’s role to get into this contest and favour either side, but to weigh up the evidence and assess the arguments presented to them.
  - c. Whatever procedure is adopted, it must be fair. The Executive Council and the member must be told what the procedure is so they can understand what is happening. If a member is expelled, the procedure which was used and the way it was explained to the Executive Council and the member will be scrutinised by the Committee on Membership, and so a clear record of it must be made.
  - d. Any procedure must give the member a reasonable opportunity to present their case and defend themselves. This does not mean that the Executive Council must do whatever the member demands or tolerate bad behaviour. The Independent Chairman of that item will be expected to keep the meeting to order.
  - e. Any witnesses should remain outside before they give evidence and should be asked to remain inside once they have given it, in case they needed to be asked further questions. If a witness refuses to remain they cannot be compelled to stay, but they and the person who called them must be told that their evidence may be given less weight if they leave.
  - f. Any witnesses can be questioned by the Officers or the member (as the case may be) and by the Executive Council. A witness cannot be compelled to appear.
  - g. The Independent Chairman will ensure that witnesses, as well as the member, restrict their contributions to those relating to the allegations.
  - h. The member, not the Officers, has the last word before the members of the Executive Council retire to consider their decision. “*Do you have anything further to say before we retire?*” is a good, final question to ask the member. Alternatively, the Independent Chairman may decide to invite closing statements from the proposer and then the member.

- 9.5 Following this conclusion, the member should be asked to leave the meeting and the members of the Executive Council should proceed immediately to vote on the motion **by secret ballot without any further discussion**. If there is a tied vote the motion fails.
- 9.6 All decisions must be recorded in the Minutes of the meeting. The reasons for the decision (which with a secret ballot can only be that the Executive Council passed the motion on the basis of the case as presented and defended), the processes followed and the documentation considered must be set out.

# 10. After the Executive Council meeting

- 10.1 The Minutes of the meeting should be prepared immediately following the meeting. These will later be reviewed by the Committee on Membership.
- 10.2 The Member must be informed formally within five working days of the outcome of the motion.  
(See [Template Letter 2](#))
- 10.3 In accordance with Article 55 of the Constitution, the Association must **immediately** inform the Board of the Party via the Membership Department by email (membership@conservatives.com).
- 10.4 The word “*immediately*” in the paragraph above should be interpreted strictly, i.e. immediately after the meeting and certainly within 24 hours. Failure to notify the Board of the Party “*immediately*” may render any process void.
- 10.5 If the member has been suspended or expelled from the Party, their membership record on VoteSource should also be updated by the Association to reflect accurately the decision of the meeting.

The notes (in the VoteSource “Notes” section of the member’s record) should be a clear outline of the action taken. For example, “Suspended or expelled for a period of x years following decision of the Executive Council”.

- 10.6 There are also a number of practical things which the Association Officers should ensure take place:
- If the member has access to VoteSource, remove their ability to do so. If you need help, please contact Support Services.
  - Collect any Association property from them e.g. office keys, materials related to Association finances, campaign materials.
  - If the member pays their membership or regular donations by standing order, ask them to cancel it. You will need to refund any payment received after their suspension or expulsion otherwise.
  - If the member has indicated their attendance at a future event (fundraising, campaigning or otherwise), they will not be allowed to attend. Any pre-paid tickets for events should be refunded to the individual.

If the member had already been suspended before the Executive meeting all the above should already have taken place.

- 10.7 The Committee on Membership will “consider the circumstances surrounding the Association’s decision”. The Committee on Membership shall either confirm or refuse to confirm the decision, or take other such action as it may think it fit.
- 10.8 The Officers must provide the Committee on Membership with all the information necessary for it to “consider the circumstances” surrounding the decision of the Executive Council. It is not possible to set out a comprehensive list of this information because each case will be different. However, at the very least, the Officers must provide copies of: (i) the allegations and evidence put to the individual; (ii) any written response and evidence; (iii) the record of the Executive Council’s decision and the Minutes of the meeting when that decision was made.
- 10.9 If the Committee on Membership upholds the Executive Council’s decision, the Committee will confirm that the member is expelled from the Association and expel the member from the Party by removing their name from the National Membership List.
- 10.10 If the Committee does not uphold the Executive Council’s decision to expel, the member’s membership of the Association shall be restored subject to the Executive Council’s right to appeal.
- 10.11 After the Committee on Membership has made its decision, both the member **and** the Executive Council, as the case may be, have the right to appeal that decision to the Party Board. The Board delegates this function to the Individual Member Review Committee.
- 10.12 Once the Individual Member Review Committee has heard that appeal and made its decision, no further appeals are possible.

# 11. Right of Appeal

11.1 It is important that parties understand that any appeal is by means of a review. It is not a re-hearing from scratch.

The tests to be applied by the Disciplinary Sub Committee, are:

1. Was there a material flaw in the reasoning of the decision makers (i.e. the Executive Council and/or the Committee on Membership)? If so, what was the material flaw? An appeal can only succeed where it is established that the decision challenged was unreasonable, unconstitutional, perverse or that the sanction was disproportionate.
2. Is there compelling and credible evidence before the Appeal Panel which could not reasonably have been presented before the Executive Council which could have made a material difference to the outcome of the decision



## TEMPLATE LETTER 1 – ADVISING A MEMBER OF DISCIPLINARY PROCEEDINGS

[Date]

*By recorded delivery and email*

*I am writing to inform you that the Officers of this Association have resolved to invoke disciplinary proceedings against you on the grounds that they consider, in their judgement, that your conduct has been inconsistent with the objects of the Association and the values of the Conservative Party.*

*The specific allegations are as follows [ ]*

*The evidence in support of these allegations is enclosed with this letter.*

*Given the nature of these allegations, you are advised that the Officers intend to move before the Executive Council of the Association the suspension or termination of your membership.*

*The next meeting of the Executive Council will be held on [date, time and venue]. I am obliged by the provisions of the Constitution of the Conservative Party to provide you with notice of this meeting in writing and at least 14 days before the date of the meeting.*

*You have the right to appear before the Executive Council and to make representations and provide evidence as to why the motion to suspend or terminate your membership should not be confirmed by the members of the Executive Council.*

*I must inform you that the determination of the Executive Council will be based on the grounds set out above and no further grounds will be considered at this meeting. Similarly your case must be based only upon responding to the allegations and evidence above.*

*The person who will chair this Agenda item cannot be me or any other Officer or any member of the Association and must be someone unconnected with you and the circumstances relating to this matter. {Name of person/ occupation/position within the Party} will Chair the Agenda item.*

*Following a determination by the Executive Council, I shall write to you within five working days informing you of the outcome of the motion and, if the motion has been confirmed, informing you of your right of appeal.*

*Please inform me if you intend to make representations to the members of the Executive Council in person. If not, you may submit these in writing. If you wish to produce any documentation in presenting your case, please submit this to me at least 7 days before the date of the meeting and it will be circulated to members of the Executive Council by email. No documents in support of or against the motion will be circulated at the meeting.*

*You may be accompanied by someone at the meeting for moral support or advice, but that person may not take part in the meeting. Please inform me in advance of the meeting of their name if someone will be accompanying you.*

*I would be grateful if you would please acknowledge receipt of this letter.*

*Yours sincerely*

*Association Chairman*

## TEMPLATE LETTER 2 – INFORMING A MEMBER OF THE OUTCOME OF THE MEETING OF THE EXECUTIVE COUNCIL

[Date]

By recorded delivery and email

*At a meeting of the Executive Council of the Association held on [date, time and venue], it was resolved to suspend/expel you from membership for a period to be determined by the Conservative Party's Committee on Membership. I am obliged under the provisions of the Constitution of the Conservative Party to inform you of this decision within 5 working days.*

*I enclose a copy of the Minutes of the meeting of the Executive Council held on [date].*

*You will not be eligible for renewed membership of the Association without the express approval of the Executive Council.*

*I have informed the Board of the Conservative Party and the Membership Department at Conservative Party Campaign Headquarters.*

*For so long as you are suspended/expelled, you are not entitled to (i) represent the Conservative Party in any way; and or (ii) attend or participate in any events carried out in the name of the Party (including association meetings) and/or (iii) carry out any functions or offices on behalf of the Conservative Party and/or (iv) be selected as a Conservative Party candidate in any election and/or (v) canvass for the Conservative Party or any member of it or (vi) hold yourself out as a member of the Conservative Party. You must not arrange or cause to be arranged, directly or indirectly, any gathering which purports to portray or appears to be connected in any way with the Conservative Party.*

*If you are in possession of any property belonging to the Conservative Party (including intellectual property), you must return it at once to the office of the Conservative Association.*

*Article 55 of the Constitution of the Party states that the Committee on Membership will consider the circumstances surrounding the Association's decision. The Committee on Membership will either confirm or refuse to confirm the decision, or take other such action as it may think it fit.*

*Under Article 3.9.2 of Schedule 7 of the Constitution you are required to inform the Secretary of the Party Board within 14 days of this email if you wish to appeal the decision of the Executive Council and to provide grounds for appeal within 28 days. You should do so via the Secretary to the Disciplinary Sub Committee of the Board by email at [complaints@conservatives.com](mailto:complaints@conservatives.com).*

*Yours sincerely*

*Association Chairman*

## TEMPLATE LETTER 3 – TO ADVISE A MEMBER OF A TEMPORARY EMERGENCY SUSPENSION

[Date]

By email only or recorded delivery if no email address is available

### **Private and Confidential**

*This email is to inform you that your membership of the Association has been suspended pending an investigation into your conduct which may potentially lead to disciplinary proceedings being taken against you. This decision was taken at an emergency meeting of the Officers of the Association held on [date, time]*

*The specific allegations we are investigating are as follows [ ]*

*For so long as you are suspended, you are not entitled to (i) represent the Conservative Party in any way; and or (ii) attend or participate in any events carried out in the name of the Party (including association meetings) and/or (iii) carry out any functions or offices on behalf of the Conservative Party and/or (iv) be selected as a Conservative Party candidate in any election and/or (v) canvass for the Conservative Party or any member of it or (vi) hold yourself out as an unsuspended member of the Conservative Party. You must not arrange or cause to be arranged, directly or indirectly, any gathering which purports to portray or appears to be connected in any way with the Conservative Party.*

*You are asked not to make any public comment or announcement. This includes posting anything on social media.*

*You are reminded that this email is marked Private and Confidential. Confidentiality is designed to protect you and any other person connected with this matter who may become involved in the investigation. Furthermore, you are reminded that the Party may notify any relevant authority where there is an allegation of criminality. The Party may do this without first speaking to you and without telling you that we have done so.*

*Your suspension from membership remains in place until [the conclusion of any criminal investigation by the authorities/a hearing by the Executive Council to be held within 8 weeks of this communication]*

*If you are in possession of any property belonging to the Conservative Party (including intellectual property), you must return it at once to the office of the Conservative Association.*

*If you have any doubts about what you can and cannot do, you must seek guidance from us in writing.*

*I shall contact you again as soon as possible.*

*Yours sincerely*

*Association Chairman*

## APPENDIX A – RELEVANT EXTRACTS FROM THE PARTY CONSTITUTION

### a. Acceptance of the Constitution – its Rules and Principles

By agreeing to become a member of the Conservative Party, every member has accepted the Party Constitution. That means they have accepted **four underlying principles of conduct**:

1. *To sustain and promote the objects and values of the Conservative Party (Article 2 of the Constitution and Schedule 7 (2));*
2. *Not to bring, or do anything likely to bring, the Party into disrepute (Article 79 of the Constitution);*
3. *To act consistently with the objects of their Association as described in Schedule 7 (3.5);*
4. *To act in a manner consistent with the financial well-being of their Association as described in Schedule 7 (3.5)*

Any suspension or expulsion must have a serious breach of one or more of these principles at its root. These of course can be very subjective principles on which to decide. But the **rules** in the Constitution that flow from these are rather more defined.

In order to act fairly, the Executive Council of the Association is expected to weigh up the evidence and decide that the allegations are more likely to be true than not.

### b. What does the Constitution state?

“The Executive Council of an Association may resolve either to refuse membership to its Association of any individual or expel any existing Party Member from the Association *only in accordance with the procedure set out in Paragraphs 3.5 to 3.7 of the Rules of Conservative Associations contained within Schedule 7.*”

(Article 54: Constitution of the Conservative Party)

- 3.5 *The Officers of the Association may move before the Executive Council the suspension or termination of membership of the Association of any member whose declared opinions or conduct shall, in their judgement, be inconsistent with the objects or financial well-being of the Association or be likely to bring the Party into disrepute. Similarly, the Officers may move the refusal of membership of the Association for the same reasons. Following such a motion, the Executive Council may by a majority vote suspend, terminate or refuse membership for the same reason.*
- 3.6 *If the Officers so move, they shall ensure, in the case of a suspension or proposed expulsion, that the individual receives in writing, at least 14 days before the meeting of the Executive Council considering the motion:*
  - (i) *notification that they have moved the suspension or termination (as the case may be) of their membership of the Association;*
  - (ii) *the grounds for the motion and any supporting evidence;*
  - (iii) *notification that they have the opportunity to appear before the Executive Council and to make representations and provide evidence as to why such motion should not be confirmed by that body.*
- 3.6.1 *An application for membership may be refused in the first instance by a decision of the Association officers, so long as this is subsequently confirmed by a meeting of the Executive Council within 48 days and subject to the decision being upheld by the Board of the Party. The initial refusal must be communicated to the applicant within 30 days of the receipt of payment otherwise the membership is considered confirmed. There is no right of appeal for an applicant once the Board of the Party, through the Committee on Membership, has confirmed a refusal. If either the Executive Council or the Board of the Party does not confirm the refusal of membership then the individual will be invited to join the Party and shall have the option of backdating the commencement of their membership to the date of their initial payment, subject to their resubmitting the required subscription.*
- 3.7.1 *The determination of the Executive Council shall be based on the grounds provided to the individual by the Officers of the Association and no further grounds shall be considered by them at this meeting. The person who shall chair the item concerning the motion must not be the Chairman, other officer or any member of*

*the Association and shall be someone unconnected with the individual and the circumstances related to the case. Subject to these matters and to adherence to the guidelines produced from time to time by the Board of the Party, the Executive Council may adopt their own procedures for determination of the motion.*

**3.7.2** *Following the determination by the Executive Council, they shall write within five working days to the person informing them of the outcome of the motion and, if the motion has been confirmed, informing the individual of their right of appeal.*

In addition, Officers and Executive Councils should ensure that they are familiar with the following articles of the Constitution of the Conservative Party (as amended January 2021):

1. Articles 55 - 59.
2. Schedule 6 (26)
3. Schedule 7 (3.1 – 3.10)

## c. Natural Justice

“Any removal of rights of membership of, or removal of office or other positions from, any Association or other body within the Party will only be made after due consideration of natural justice.”

(Schedule 6, Article 26: Constitution of the Conservative Party)

## APPENDIX B - Summary Guide for the Independent Chairman of the Expulsion or Suspension Item at an Executive Council Meeting

1. The Association Chairman is responsible for ensuring the membership of the Executive is correct, the independent Chairman shouldn't be drawn into this – if someone is not on the list provided by the Association Chairman they should not be at the meeting. At the start of the item at the meeting the Independent Chairman should explain the process to those present, including the member who should be in the room from the commencement of the item.
2. The Independent Chairman will then ask the Association Chairman, or a nominee on behalf of the Officers, to put to the meeting the allegations and explain to the meeting why it is considered necessary that he/she should be expelled or suspended as the case may be.
3. The person presenting the case may choose – at any point during the making of their argument – to invite a witness or witnesses to speak. If they do so choose, then the witness should be invited by the person presenting the case to give their statement, after which the member before them or members of the Executive will be invited to ask questions of that witness.
4. The Independent Chairman should ensure that the person presenting the case, the member, any witnesses or questioners from the Executive Council confine their contributions to those relevant to the allegations and this should be made clear at the beginning of the meeting and to any witnesses when they are called into the room.
5. Other members of the Executive Council will then be invited to ask factual questions of the person presenting a case, but not to make any statements. It is not an opportunity for cross-examination.
6. After this is concluded, the member will be invited to present their case in defence.
7. The member may choose – at any point during the making of their argument – to invite a witness or witnesses to speak. The witness should be invited by the member to give their statement, after which the person presenting the case on behalf of the Association will be invited to ask questions of that witness.
8. Other members of the Executive Council will be invited to ask factual questions of the member, but will not be permitted to make any statements. It is not an opportunity for cross examination.
9. The person speaking on behalf of the Association will then be given a final right to speak

10. The member will be given a final right to speak and then leave the meeting. No further discussion must take place between this point and the vote.
11. A secret ballot will be held, on the motion, which the Independent Chairman will read out before the vote takes place and will then count the votes. This ballot will require a majority to carry, and if it is a tie then it does not pass.
12. The Independent Chairman will announce the result of the vote.
13. Ballot papers should be put into a sealed envelope and retained by the Independent Chairman.
14. At this point the meeting will conclude.

**Please also be aware of the following points:**

- a) Should the member fail to appear before the Executive Council, having given no reasonable explanation, the Executive Council may consider the motion to expel and vote on the matter in their absence.
- b) Neither the Association's case nor the member's case will be subject to an explicit time limit, but both should be given approximately 30 minutes. In the interests of all concerned, the Independent Chairman should ask both parties to keep to this guidance.
- c) The Association should make arrangements to have someone take minutes of the meeting. If this is to be undertaken by someone not a member of the Executive Council then this is an exception to point 1 above.
- d) Minutes of the meeting must be taken and approved by the Independent Chairman, ideally within two working days.
- e) Following the meeting of the Executive Council, the Association Chairman should write to the individual member within two working days (in order to meet the constitutional requirement that they be informed within five working days) informing them of the decision and, if the motion was confirmed, informing the individual member of their right of appeal. This is template letter No 2 in the main document "Handling Complaints at Association Level"
- f) If the motion is carried, the Association must also write immediately to the Secretary to the Board of the Conservative Party. If the expelled Member is a councillor the Association must also write to the relevant Group Leader of the Conservative Council Group.
- g) If in respect of any witnesses that are to be called, under points 3 or 7 above, these witnesses must remain outside the room until invited to give evidence, after which they should remain in the room.
- h) The member facing a motion to expel should remain in the room throughout the hearing but should be asked to leave the meeting before the vote is taken.