

Report of the AWL Working Group – 04/04/2018

This report has been compiled by the working group established by the AWL Executive Committee (EC) following the statement of our ex-comrade (O) published online in January 2018 and the AWL 'Response to a Statement.'

The remit of the working group was set as follows:

This Working Group will further investigate individual and collective responses made by the AWL from 2005 onwards, while respecting a stated wish by the complainant for the matter not to be taken further, e.g. to the police.

The Working Group will look at how the AWL looks after the welfare and safeguarding of young people.

It will re-examine the AWL's Code of Conduct (from 2014), its grievance procedures and arrangements for reporting. It will propose appropriate amendments to that Code, particularly in relation to safeguarding issues.

The Working Group will look at what guidance and support should be available for members and supporters, and at our events.

It will propose training in the implementation of all these systems.

It can propose disciplinary action if it sees fit.

We were not tasked with, and have not sought to, investigate the incident(s) itself. In general, any allegation of this nature should be taken at face value and if any investigation is carried out, then due process should followed. For the purposes of this report, we are not seeking, and are not able, to make a judgment about the incident(s).

O was contacted by an EC member at the point of establishing the working group to open a line of communication. O stated he did not want to pursue that, so the working group has not contacted O.

The working group has interviewed several members of the AWL and taken written information from others. The memory of conversations and incidents of many of those people were incomplete, however we have done our best to cross-reference and construct a timeline.

We have directly contacted a number of ex-members to ask for their input, where we knew they had some knowledge of the incidents of 2005. Our contact email was published for anyone who wished to input into the report.

We have sought advice from an HCPC*-registered independent trainer/consultant in safeguarding, who is completely independent from the AWL. We have also received scrutiny of this report from two independent activists, who work in areas related to this case.

*Health and Care Professions Council - <http://www.hpc-uk.org/>

1. The Working Group will further investigate individual and collective responses made by the AWL from 2005 onwards.

2005-2008

The incident is dated in O's statement as 31 July 2005. A second incident is referred to a couple of months later. At the time of the first incident O was 16. O was at that time a member of the AWL.

The accused (S) was also a member of the AWL at that time. He did not hold any positions in the organisation and was not, and has never been, on any of AWL's committees. The second reported event took place at a social event linked to the AWL.

Between 2005 and O and S both leaving the AWL in 2008, a number of AWL members (some now ex-members) knew about the first incident, including 7 people whom we have identified as being told directly by O. One member of the EC (executive committee) knew about the incident at this time. In this time period the incidents were not reported to other members of the EC, either at an EC meeting or individually. This EC member didn't see the matter as a collective issue for the AWL. He saw it as a personal issue for O, who had said he didn't want the matter to be escalated. The EC member saw this as respecting O's wishes and keeping a confidence.

As O outlines in the statement, those comrades report that O's description of the incident was not initially as an assault, but they say they were aware of his thoughts developing and by 2007/08 O had told at least 2 people, we have spoken to, that he was assaulted.

From interviewing a number of people who were O's confidants at the time, it seems that they offered sympathy and understanding. Nearly all of these people report asking him if he wanted to pursue a complaint or take the matter further. They state that, each time, he said that he didn't. One ex-member has reported that in early conversations with O about the incident he did discuss the broader behaviour and state of mind of the accused. It maybe that some conversations with individuals left O feeling embarrassed or blamed. This is in his statement and we can only take on board his feelings on this. This is regrettable, upsetting and something we should all reflect on. We have not, however, identified a generalised culture where issues of abuse were minimised.

All the people we spoke to who knew about the incidents at this stage placed a priority on O's wish not to take the matter further, some report offering support if he wished to do so. Most people we spoke to commented that O's age did not feature in their consideration of the issues. Some did not see it as relevant. Another stated O was seen as a political and intellectual equal, and for some comrades a leader, which may have led them to underestimate his personal vulnerability.

On one occasion, in 2007/8, two AWL members approached the EC member mentioned here above to report the matter to him. It's clear that they saw this as reporting to a person in authority within the AWL. According to one, they made the approach because:

- they were concerned that the issue was known about only by a relatively small social group within the AWL;
- they thought that the AWL collectively should be aware;
- they were concerned about the safety of AWL members.

This was not reported further by the EC member. The person whom it was reported to states that he did not consider taking it to the EC as a whole, because of the stated wish of O.

S was not spoken to about the incident and, although one person reported he stopped being invited to social events, no action was taken regarding his involvement in the AWL or attendance at political events.

There was no formal Code of Conduct or Complaints procedure in place in the AWL at this time. However, a Disputes Committee existed and there was some guidance in the AWL Branch Organisers' Pack in the section on 'Difficult conflicts'.

We have been unable to obtain a copy of the 2005 version but assuming it has not altered significantly since then, this stated, "If a comrade charges that they have been abused or seriously mistreated by another comrade (or by yourself), then keep a diary of all relevant matters to do with the charges and call the AWL office for help in bringing in the Disputes committee or an investigator from another branch."

In 2008, O left the AWL, citing political differences. Comrades we have spoken to say that in discussions they had with O about leaving the AWL the assault did not feature.

S became less active in the AWL in 2007 and was no longer a member from 2008.

During this time, the procedures that existed in the organisation for incidents such as this were inadequate. There was no guidance in relation to people under 18 and the conflict between confidentiality and safety.

Comrades who knew about the incident prioritised O's stated wish to not take the matter further. However, because O was under 18, when comrades became aware, and particularly when he described the incident as abuse or as an assault, the issue should have been reported to the Disputes Committee or the EC.

When two comrades appropriately raised the issue, with an EC member, that person should have formally taken the matter to the EC. We believe the reason this did not happen was because O had stated he did not want to take the matter further. However the AWL had a duty of care for O's well-being and for the safety of others. For an EC member not to report this to the EC was a serious mistake.

Measures could have been put in place to protect O's confidentiality, for example the issue could have been reported anonymously to the EC which could have discussed a way forward and potentially sought advice, externally if necessary. As a matter of safety for the individual and others, when an issue of abuse is disclosed by an under-18 year old, it should be reported, whether or not the person themselves wishes to take it further.

2008 -2013

After 2008 one comrade had some continued contact with O and the assault was occasionally referred to by O. Between 2008-13, ie after O left the AWL and before the SWP rape allegations the EC member recalls having very infrequent contact with O, including he thinks one conversation prior to 2011, where he again asked if there was anything the AWL could do and was told O did not want to take the issue further.

2013 onwards

In 2013 the issue in the SWP prompted some AWL members to re-discuss the incidents and the responses. In particular one comrade raised it with the (previously mentioned) EC member on a semi-formal basis. The EC member does not remember this but emails confirm these conversations took place. This person, from discussion at the time, believed that the EC member made contact with O. In his statement O states that the AWL student organiser contacted him in 2013. (Although the EC member was not the student organiser at that time, this would seem to refer to him.) During conversation with the comrade who raised it, the EC member stated he would discuss with another member of the EC. This second EC member thinks she was told some time in 2013, which could have been at this point.

It seems that some other EC members / people working in the office (not the same group but an overlap) knew about the incident from this point or soon after. One in particular, who knew about the incident during O's time in the group, and later became a member of the EC, recalls that the issue came up again in a conversation (initiated by the aforementioned EC member who had known about the incident for some years) in the AWL Office in early 2013 following the revelations about rape allegations in the SWP.

By this time, the immediate issues were not the same. Both O and S had been out of the AWL for more than four years and neither was associating, politically or socially, with the AWL (not attending AWL meetings, events, social occasions etc.).

The matter was still not raised formally on the EC, and it seems that a number of EC members still did not know about it until after this time.

In February 2014, the AWL adopted "Guidelines for a Code of Conduct" and "Guidelines on grievance procedures." This was, in part at least, in response to the SWP case and seeking to learn from it. The AWL was critical of the SWP's handling of the matter, but realised that the AWL also lacked robust and clear procedures that would make clear to AWL members their rights and how they can make a complaint.

From what we can tell, however (from asking EC members and from the documents), the incident from 2005 did not have an impact on the discussions about a code of conduct and procedures.

We have been told that that there was a view amongst everyone that, as both parties had left the AWL, there was nothing that could be done and so the issue was not raised or discussed collectively.

At this time, in 2013-14, those EC members who knew about it should have reported the issue to the EC as a whole. The view held by these people – that as neither of the parties involved was still a member, there was nothing that the organisation could do – was a serious misjudgement.

The EC should have discussed the matter from 2005 with a view to offering support to O if required, and also learning lessons, specifically regarding the welfare and safeguarding of children and young people (under-16/under-18).

Serious mistakes were made by comrades since the incidents in 2005. It seems that these resulted from, at different times, one or both of:

- a lack of awareness about young people's vulnerabilities (and, in this particular case, O's vulnerability as a young person) regarding sexual relations and interactions; and
- a failure to recognise and prioritise the duty of care that the AWL has towards young people.

The procedures and understanding of the issues across the organisation were not adequate to guide them in these decisions.

The priority of the organisation should be to put in place preventative measures to minimise the chance of a similar incident occurring again and to ensure the AWL has procedures and guidance in place so that comrades know what to do in the interests of protecting young and other vulnerable people in the future.

- **The AWL should ensure that channels of communication with the complainant remain open, despite political differences, so that he can, if he chooses, take the matter further.**

2. The Working Group should look at how the AWL looks after the welfare and safeguarding of young people.

Socialism, as well as being the self-emancipation of the working class, is, in particular, a carnival of the oppressed, the disenfranchised and the marginalised. Young people attracted to socialist ideas will be inspired in part by the idea of winning the empowerment and emancipation of themselves and of other young people.

Socialism means raising the principle of universal human solidarity to be the guiding principle for organising society. This means a society that places paramount importance on the well-being of all its citizens, in particular, its most vulnerable citizens including children and young people. For the AWL, reflecting the same belief in empowerment, emancipation and universal human solidarity, the welfare of its own young activists should be of paramount importance. Examining how we look after the welfare of young people is not separate from our broader political project.

Becoming politically engaged and active at a young age is an exciting and positive step in many people's lives and something the AWL would clearly want to encourage.

Some people join the AWL under 16 or 18. We are in contact with many young people, who are not members, including people attending our events as both politically active individuals and as children of members/supporters of the AWL.

Comrades of different ages should, with appropriate recognition of differing levels of life experience, be operating politically as equals. Young people in their teens can be politically very knowledgeable and confident. It would be patronising not to operate on this basis. However, political knowledge and confidence does not mean that a young person is not vulnerable in other respects.

In general it is not the AWL's business to intervene in members personal lives or to get involved in psychoanalysis of members. We are a political organisation. The AWL would also not wish to be heavy-handed in policing the social lives of (or sexual relations among) its young members. It would risk creating an austere, authoritarian culture and could be counter-productive in all sorts of ways, driving young people away from the organisation. However, as comrades, we are interested in each other's general well-being and, most importantly the AWL as a collective, and all individual members, have a duty to look after the safety of young people.

Looking after the welfare and safety of young people is a very broad subject, which includes:

- Appropriate and safe behaviour around, contact and communication with young people by members of the AWL, including one to one contact work, educational etc;
- Relations and interactions for new members within the AWL, avoiding exclusive/dependent relationships with longer standing/older comrades. An issue which is already addressed in our current guidance and code of conduct;
- Understanding of young people's mental and emotional lives, developing personally as well as politically, being around influential older people etc;

- Involvement in events, including informal events where alcohol/drugs maybe involved, see below;
- Welfare of young people with particular vulnerabilities eg mental health problems, alcohol and drug use;
- Support and welfare of young people facing abuse outside the organisation eg bullying at school, in families etc
- Sexual relationships between young people and others, e.g. someone several years older who may not be in a position of “of prestige or authority” but may instead be another “young person” in their twenties (e.g. the Young Labour age group is under-27; it’s not unusual for young people to stay involved in student politics into their mid/late-twenties).

We do not think it is for us, as two people making up a working group, to state what positions the AWL should take on all of these issues. There should be broad discussion in the organisation, which as a priority must involve and empower young members. This discussion will, in itself, raise awareness of the issues and minimise the possibility of incidents occurring.

The AWL should

- **Organise an event, as soon as possible and definitely before the next AWL conference – perhaps ongoing events/network – of its young members to have their say on these issues. This should help determine the policies and procedures that seek to ensure protection against abuse, assault, exploitation etc and provision of the support that they may, as young people, need specifically to participate effectively in the group, to resolve problems that they may encounter etc.**
- **Write and adopt at its next conference a child protection/safeguarding policy setting out measures for keeping children, and young and vulnerable people safe. This should consider the various contexts that these people may come into contact with the AWL eg in formal settings – meetings, events, campaign activities, educational classes/discussions etc, informal/social or as children of members/sympathisers. This policy should explain the duty to report (possibly externally) matters of safety for under 18 year, clearly set out our policy on confidentiality in this context, explain external reporting procedures and relevant contacts, reference external confidential support organisations and link into and be referenced in the Procedure for Complaints and Grievances.**
- **Appoint a safeguarding appointed person and deputy for the organisation with appropriate training (and preferably experience) who would be the lead on these issues. This person should have all matters of concern regarding safeguarding issues reported to them (by members, committees etc.) would act as an advisor for any concerns and be responsible for reporting issues of safety externally when necessary.**
- **Investigate, discuss and decide on the matter of DBS checks for safeguarding appointed person(s) and key organisers working with young people.**
- **Ensure systems to monitor and review any policies put in place, including, at least, a recall meeting of young members within 12 months, and putting on the agenda for review at the 2019 conference.**

3. Re-examine the AWL's Code of Conduct (from 2014), its grievance procedures and arrangements for reporting.

The current code of conduct and grievance procedures are inadequate. They are confusing in both their presentation and content. In 2014 when they were passed by AWL conference they were not intended to be the final word but have not been developed or amended since.

The guidance laid out in “Guidelines for a Code of Conduct” and another set of procedures in “Guidelines on grievance procedures” are different, and to some extent, contradictory. The two documents appear on the same page on the AWL website and may appear to be two parts of one document, rather than two distinct documents. The ‘Guidelines on comradely behaviour’ from 2010 also appear on the same webpage. The AWL branch organisers pack ‘trouble shooting’ section has further information which does not link to the other documents.

The form of the Code of Conduct is not readily accessible. It reads more as an article with a narrative but not as a reference document. This is not helpful for people who may need to use it to guide them in particular situations and may scan-read for the info they need. It needs clear bullet points, sub-headings etc. to organise the information.

The procedures to be followed are not clearly set out. There appears to be an assumption that someone who has a concern/complaint will know which set of procedures applies to their situation (i.e. how serious is the matter? Are they the victim/injured party or reporting a concern about someone else? Is there (yet) a victim/injured party or a concern about inappropriate behaviour that seems unsafe?). The distinction may not be clear to someone who wants to raise a concern.

The Guidelines for a Code of Conduct includes the following paragraph:

“There is a pattern in everyday bourgeois life of older people in positions of prestige or authority, at work for example, using that prestige or authority for sexual advantage with younger co-workers. It sometimes happens in the left, too. We must guard against it in AWL.”

However, there is no mention in these documents of specific child protection measures for children and young people (some AWL members join when they are under 16/18) There is no consideration of the possibility that strict confidentiality may need to be overridden (on a reporting-up, need-to-know basis) in the case of a young person (under 18) or otherwise vulnerable person disclosing abuse or assault.

- **We propose that the AWL should have i) a Code of Conduct, about promoting comradely behaviour, ii) a separate, integrated Procedure for Complaints and Grievances, iii) a child protection/safeguarding policy. Any supplementary information, guidance or historical information should be clearly separated. We have made some specific recommendations for these below.**

4. The Working Group will look at what guidance and support should be available for members and supporters, and at our events.

Along with the measures above to support members – safeguarding appointed person, adequate policies and procedures, the AWL should consider other measures to support members, particularly at our events. These should encompass formal events, including residential events and informal or semi-informal party/social settings (which may be alcohol/drug-influenced);

- Organise a network of local/regional welfare officers (with training) who could be known and accessible to members at branch level. They could be contacted by members as a 'trusted comrade' but would always report issues of concern regarding people under 18 to the safeguarding lead.
- Appoint a welfare / safeguarding lead person at all of its events, especially for residential and youth events e.g. summer camp. This person must commit to staying sober at the event.
- Consideration of areas at events where the social aspect is not orientated around alcohol/ spaces within social events that are designated as calm areas.
- Hold discussions to agree ground rules at events, especially residential events involving young people.

5. It will propose training in the implementation of all these systems.

There should be broad discussion of these issues in the AWL to ensure there is general understanding.

This report should be discussed at the EC, NC and at meetings of every branch.

Specific training should be organised on safeguarding and any new policies for

- Safeguarding appointed person(s)
- Welfare officers
- Branch and other lead organisers.

Suggested Amendments to the Code of Conduct and Grievance Procedures

This is intended as a starting point for a Code of Conduct written as a bullet-point list of do's and don'ts. It has been formulated by taking the main substance from the existing document "Guidelines for a Code of Conduct" but with each point of substance rewritten as either a "do" or "don't" on the list.

Two other points have been added which relate specifically to safeguarding and the protection of children and young people. However, besides this, the limitations (and points of repetition) of this document reflect those of the document on which it is based, so there is more work to be done, including in consultation with young members of the AWL, to make it a clear and comprehensive Code of Conduct.

Code of Conduct (draft)

These guidelines are intended to help us in our day-to-day dealings with each other, to allow us to function effectively politically as individuals and as an organisation.

In the AWL we call each other “comrades”, and our relations with each other should be comradely.

AWL members **should**:

- Maintain a spirit of solidarity with each other, even though we may sometimes have angry and bitter political or organisational conflicts.
- Treat each other with respect, regardless of any personal friendship issues or fallings-out.
- Communicate our ideas and values positively to friends, work colleagues etc.
- Relate to other AWL members in a comradely way, regardless of personal fallings-out.

The following points are the duty of all AWL members, in particular, of organisers:

- Work to safeguard the welfare of children (under 16) and young people (between 16 and 18) in the AWL.
- Report to the Safeguarding Officer any incident of concern about the welfare of a child or young person in the AWL. If in doubt, it is best err on the side of over-reporting rather than under-reporting. The Safeguarding Officer can then make a judgment on the gravity of the concern.

AWL members **should not**:

- Engage in discriminatory language or behaviour (for example, but not limited to, sexist, racist, homophobic, transphobic, disablist, against people with physical or mental ill-health).
- Monopolise contact with a friend who wishes to talk politics with the AWL, instead ask the AWL branch organiser to put them in touch with another AWL member who will meet them for political discussions. (This is to avoid a confusion of the personal and political relationships - so that the contact's political relationship with the AWL can be separated out from any fortunes or misfortunes of the personal friendship.)
- Use any position of prestige or authority for sexual advantage (in particular, in relation to younger comrades).
- Use sarcasm, put-downs, talking-over, or extended bad-mouthing of other comrades behind their backs, even where there is criticism or conflict between members.

In addition, AWL organisers **should**:

- Be sensitive to potential issues of power dynamics (e.g. gender, age, etc.) when pairing a new comrade with a more experienced comrade for political discussions.
- Only issue a rebuke to an AWL member for failing to undertake tasks, as and when this is necessary, objectively (in terms of the consequences for the cause of the AWL and of socialism), not in subjective terms (of the member having let down, inconvenienced or embarrassed the organiser personally).

AWL organisers **should not**:

- Bestow “patronage” – reward friendly personal relations with more prestigious roles in political activity (in particular, in relation to younger comrades).
- Pose the request as a personal favour when asking AWL members to undertake tasks or activities.

Suggested Procedure for Complaints and Grievances

In this section we have restructured the existing code of conduct and guidance to make an accessible procedure. We have added some sections where there was no clear process or specific safeguarding measures, (*these additions are highlighted in italics*)

In final form this procedure should contain contact information for the Executive Committee (EC), and independent contact points for the Disputes Committee (DC), safeguarding appointed person(s), and welfare officers. It should reference the safeguarding and child protection policy, once this is completed.

This procedure is

- Intended for use when normal comradely relations have broken down.
- For use in personal disputes and matters of behaviour, not political disagreement.
- *Accessible to members and non members*
- *Can be used in cases of collective complaints*
- To be used in conjunction with the AWL Code of Conduct and safeguarding policy.

This procedure has an informal and formal stage, designed to resolve situations as quickly and comradely as possible.

Mediation can be asked for by any party at any stage, and external independent mediation support will be investigated where necessary.

If the complaint is of a serious nature – e.g. serious bullying, predatory sexual behaviour, sexual harassment – it will be appropriate to go immediately to the formal stage

*If there are any concerns regarding any child or young person (under 18) or vulnerable adult any member aware of these **must** report this as soon as feasibly possible to the Safeguarding Appointed Person, even if this is against the wishes of the individual.*

If concerns regarding any child or young person (under 18) or vulnerable adult are reported to Branch Organisers, Executive Committee (EC) Members or Disputes Committee (DC) members at any stage of this process they must report this as above.

If the concerns are about the Safeguarding Appointed Person issues should be reported to the Deputy Safeguarding Appointed Person.

Where comrades are told of or witness or have a credible third party report of serious abuse which they feel would be grounds for complaint they may report this in line with this process.

Informal Stage

- 1) If you think a comrade is behaving in a way that is unacceptable it may be helpful to write down the behaviour you are not happy about. If this involves bullying or harassment of any kind, keep a diary of incidents, records of times and witnesses, and your feelings.
- 2) If you feel you cannot resolve the issue by talking to the person directly or in writing or if the behaviour persists beyond this, talk with another AWL member of your choice, a trusted comrade. *This may be an appointed welfare officer.* This person can support and advise and can accompany you to talk to the person, or do this on your behalf.
- 3) If there is still no result, make an approach to your branch organiser. The branch organiser will conduct an informal investigation or will ask another experienced comrade in the branch to do this. The informal investigation will establish the facts of what has happened. This should include speaking to you, anyone accused and any witnesses. The branch organiser will try to resolve the situation.
- 4) If the issue cannot be resolved within the branch, or if the complaint is against your branch organiser, approach a member of the Executive Committee (EC) or the Disputes Committee (DC).
- 5) The relevant EC or DC member will
 - Carry out an informal investigation as above and intervene in an attempt to resolve the issue;
 - ask another experienced AWL member from outside the branch to investigate and intervene; or
 - Initiate formal disciplinary proceedings.

Formal Stage

Given the lack of resources we have our operational assumption should be that the formal process would be used in a very select number of possible circumstances.

These would be-

- where informal procedure has failed to resolve matters;
- cases of serious complaint that are not matters for the criminal justice system (e.g. systematic bullying);
- in serious matters (such as sexual harassment or abuse) where complainants do not wish to go to the police.

We will always conduct our own investigation whenever a complaint is made, while seeking to ensure that investigation does not interfere with any outstanding or possible future police investigation.

We are aware that women and young people who complain of sexual harassment or abuse are often subjected to victim blaming; we should consciously work against this. Our starting point is such complaints will be dealt with as any other kind of complaint — at face value.

We will not prioritise our public reputation over ensuring an open and fair process. If a public allegation is made against one of our comrades we will investigate and make a public statement outlining what action we intend to take. We will share information about that investigation as appropriate with the complainant.

Given our resources we do not believe we can replicate the best professional standards of investigation. We will make complainants and alleged perpetrators fully aware of this deficit at the beginning of any grievance process.

We will seek whatever outside professional advice is deemed appropriate and within our resources at any stage.

Either party can request mediation at any stage.

Making a Formal Complaint

To initiate a formal investigation you should contact the EC or the Disputes Committee, in writing.

If the complaint is about the behaviour of the EC, or of a member of the EC, you can contact the Disputes Committee directly.

If a formal complaint is made to an EC member, or an informal complaint cannot be resolved as above, the EC as a whole must be informed at this stage at an EC meeting, respecting confidentiality if necessary.

If a complaint is made via the Disputes Committee the DC will report to an EC meeting that a complaint has been made, the nature of the complaint and DC action, respecting confidentiality if necessary.

The EC are responsible for ensuring the next steps in the Formal Procedure are followed.

Confidentiality

Anonymous reporting or reporting of incidents without naming an accused person should be avoided. However, rights to confidentiality will be respected and information will be handled in a way which is compatible with keeping control with the person making the complaint.

In complaints of serious sexual or physical assaults against adults over 18 we will support complainants in their choice of procedure, if that involves contacting the police or seeking professional help. We recognise, given the police's record in these matters, and for other reasons, complainants may choose not to go to the police.

If there are any concerns regarding any child or young person (under 18) it may be necessary to report these outside the organisation through the Safeguarding Appointed Person, even if this is against the wishes of the individual. In these instances confidentiality cannot be protected, however we will always handle cases with sensitivity to the person making the complaint.

If at any stage it is decided that a more appropriate course of action (e.g. reporting to the police) should be made, then this should also be done promptly.

Timescales

Wherever possible a formal complaint should be made in writing within 30 days of the alleged conduct.

We have no "statute of limitations" on complaints. Nonetheless it is better for comrades making complaints if this is done sooner. They will be supported in all instances.

Suspension from Political Activity or employment

The EC will take the necessary steps to ensure the proper functioning of the organisation after a complaint is made eg. the parties may need to be kept apart; it may be appropriate to suspend someone from political activity (and paid suspension if the comrade works for the organisation).

If the alleged perpetrator is to be suspended or “stood down” this should be done promptly and the reasons explain in writing.

Formal Procedure

- 1) After an internal formal investigation has been initiated, written details of the allegation should be lodged with the Disputes Committee.
- 2) The Disputes Committee (or alternates) should meet as soon as possible.
- 3) *The DC will write to the alleged perpetrator outlining the allegations.*
- 4) From the beginning and at every stage the complainant and the alleged perpetrator will have the right to, and are strongly advised to, have representation. The DC will approach both parties about this.
- 5) The DC will conduct a formal investigation, including:
 - Complainant and alleged perpetrator should be interviewed separately
 - The DC will interview any witnesses. Both parties will have the right to call witnesses to be interviewed by the DC.
 - The complainant will be supported through the process. Subsequent lines of investigation and questioning may need to test the evidence but will be compatible with the initial approach. None of this should contradict a fair process for all parties.
- 6) Timescales for each stage will be set and both parties informed of these;
- 7) Records and details of meetings will be completely confidential.
- 8) A final meeting of the DC will be held within 60 days of the complaint to discuss the complaint, investigation and outcome. This can take the form of a hearing with the DC and both parties present to give their point of view, separately if necessary.
- 9) The DC will write a report including making recommendations which may include
 - Mediation – external if necessary
 - Disciplinary Procedures

In cases of a serious nature eg. serious bullying, predatory sexual behaviour, sexual harassment; where the DC feel it would be useful; or where either party requests it; the report should be open to confidential, independent scrutiny.

If the complaint is upheld there will be disciplinary measures or expulsion. Levels of remorse, mitigation etc will be taken into account.

Mechanisms to monitor any procedures will be made.

There will be an appeals procedure (open to both parties).

Parties will be consulted regarding records retained by the organisation;

Membership of the Disputes Committee should be for a fixed term but longer than one year. The organisation should ensure members have appropriate training. Three alternates should be elected at the same time as full members are elected (for situations where there are potential conflicts of interest).

Definitions

a. General harassment

Harassment is now defined in law and takes in sex, sexual orientation, disability, race, religion and age.

b. Sexual harassment (adapted from TUC)

Can include:

* Unwanted (possibly repeated) verbal or physical sexual advances (touching, pinching, patting, kissing, leering, sexual gestures);

* Unwanted sexually explicit statements and messages (including jokes and displays of sexually explicit material);

* Sexually discriminating and derogatory remarks which cause someone to feel threatened, humiliated, patronised or harassed or which create a threatening or intimidating environment.

c. Bullying (adapted from ACAS)

Offensive, intimidating, malicious or insulting behaviour, and abuse or misuse of power through means that undermine, humiliate, denigrate or injure the individuals.

Examples (much longer list on PCS website):

- dissemination of personal criticism of others to third parties who do not need to know, demeaning comments, overbearing supervision, aggressive behaviour

d. Domestic violence

Domestic violence (DV) is physical and sexual violence, psychological and emotional abuse, threats and intimidation, financial blackmail, harassment, isolation, also belittling and unreasonable criticism within an intimate or family relationship. It could be part of a pattern of coercive and controlling behaviour.