

## **NEC Committees, 21 January 2021**

### **Disputes Panel**

This was the first meeting of the NEC cycle and Shabana Mahmood was elected as chair, with 18 votes to 11 for Yasmine Dar. Yasmine was thanked for all her work during an exceptionally busy time. Shabana is the fifth person to chair the panel in the last three years.

We then heard streams of numbers for membership appeals, disputes sub-panel hearings, auto-exclusions, suspensions and sexual harassment cases. These came too fast to note down, and we asked for written reports in future. It is clearly not appropriate to name individuals, but summaries provide key performance indicators and show where problems are greatest.

A majority of cases seemed to involve protected characteristics such as gender, race and religion, but there were questions about under-reporting of disability and Islamophobia. It was confirmed that Labour adopted the all-party parliamentary group definition of Islamophobia in March 2019.

### **Left in Limbo**

One in four of all suspensions were still unresolved after 18 months. There are plans to work through the backlog, but NEC representatives were deeply concerned about the impact on members unable to join in party activity or stand for office, and on their mental health. Nearly half the suspensions were waiting for a national constitutional committee hearing, despite increasing the NCC from 11 to 25 members in 2018. The NEC can now review cases in the NCC queue, but this just adds to the list of new NEC referrals.

Progress with the 70-odd suspensions arising from recent events was expected relatively soon. Too many CLPs are running without key officers, and members also asked that cases involving candidates for the May 2021 elections should be heard speedily. Otherwise the suspension would affect them for many years regardless of the eventual outcome. Other issues included whether disputes sub-panels apply consistent criteria, the wording of letters to respondents, and the perception that complaints of verbal or physical abuse are dealt with less promptly than others which do not involve immediate threat. Complainants wait too long before receiving any response, and the party is looking at an automated case management system which would help to keep everyone informed.

On sexual harassment I heard some of the first wave of cases referred to NEC panels back in 2018. I was disturbed that at least one was continuing three years later, ending when the respondent resigned halfway through the final NCC hearing. Even though the member's record will be flagged to prevent them rejoining this is extremely unsatisfactory and brings no closure for the victim. Hopefully implementing the recommendations of Karon Monaghan's review will begin to restore trust.

NEC members praised the staff and were concerned at the number of emails sent outside office hours. However it may not be possible to cope with the current volume and perhaps the party needs a system of triaging which identifies priorities and sets out what can and cannot be done within available resources.

### **Organisation Committee**

The committee was updated on internal elections through 2021. On 21 January all members should have received an email about standing for the conference arrangements committee and the national constitutional committee. Details are at

<https://labour.org.uk/activist-hub/governance-and-legal-hub/ballots-and-nominations/internal-ballots-2021/>

For constituency places candidates require nominations from five CLPs by noon on Friday 11 June 2021. Members interested in standing can submit a statement by 18 February 2021 which will be posted on the party website – this is not essential for a valid nomination, but useful for reaching beyond their own CLP.

Wendy Nichols of UNISON was then elected as chair, with 19 votes against 11 for Andy Kerr, and Michael Wheeler of USDAW as vice-chair, with 20 votes against 12 for Howard Beckett.

General secretary David Evans gave an update on the Forde inquiry into the leaked report and associated issues. The panel was guaranteed independence so that members could contribute in confidence, but the continuing delays were frustrating to everyone. He asked for NEC support in requesting delivery by 31 January 2021, and this was readily given.

## **Words Matter**

The most contentious item was a paper on ensuring high quality candidates at every level, to satisfy the rule that "Labour candidates must meet high standards as determined from time to time by the NEC". This was the first part of a framework to codify such standards. It was essential because the EHRC report held the national party responsible for the behaviour of its "agents", including Labour candidates, and also there have been recent episodes where candidates were removed following media revelations - see for instance

<https://www.independent.co.uk/news/uk/politics/labour-trevor-merralls-eradicate-islam-tweets-parliamentary-candidate-investigation-racist-muslims-islam-a7713111.html>

It is clearly better for the party to exercise due diligence in advance than to outsource it to the press.

The document proposed that candidates for public office should be held to higher standards of probity than other lay members. Application forms would require details of all social media accounts, and ask applicants whether there was anything in local, regional, national or social media which could be seen as embarrassing to them or to the party, and whether they had been involved in a company which was liquidated, or had business debts, or been convicted of a criminal offence. Answering yes would not automatically disqualify a candidate, but the selection panel or assessment team needed the full facts.

In some ways this just makes current good practice explicit. However there was unease about the punitive-sounding language, when Labour wants and needs more candidates with lived experience. Members may say silly things when young or in a state of mental distress, and spent convictions should not be a lifetime barrier. Several of us disliked the term "high quality" which suggests passing exams or being posh, and would rather refer to probity or integrity. "Embarrassing" was considered subjective but is probably the best we can do, and a proposal to remove or amend it was rejected 10-18 (I voted to keep it).

The NEC's power to remove endorsement of a local government candidate would be exercised by the general secretary. I supported an amendment which would require agreement by the chair of the organisation committee and provide some lay oversight, but that was defeated 12-16. There is no right of appeal where NEC endorsement is withheld or revoked, though where practicable the NEC will offer the affected candidate the right to make verbal or written representations. The paper was then carried 20-8.

While agreeing with the principles I worried about the feasibility of applying the new declarations to candidates standing in this May's elections. I was assured that regional / national offices will email all selected candidates and handle the replies, so local parties will be responsible only for filling any last-minute gaps which result.

## **Moving On**

The committee agreed a fast-track process for selecting a candidate for Liverpool mayor. Measures for improving BAME representation for mayoral positions would return to a future meeting.

A paper on data access updated the rulebook guidance in light of GDPR changes, and clarified who can use what information for what purposes. It seems that CLP representatives can continue to apply for lists of CLP secretaries, so we can keep our electorate informed.

The paper also covered the situation where a branch or CLP officer is not suspended from the party but has their access to Organise and MemberCentre withdrawn for inappropriate use. Legitimate uses are informing members of upcoming events and news, and organising for the purpose of campaigning. A first breach will lead to a written warning from the governance and legal unit, and a further breach will result in withdrawal of access for a fixed time. If there is a third breach the officer will be removed from their position.

The committee agreed procedures for electing equalities positions to the Young Labour national committee, and I voted with the majority to give the unions a role in nominating candidates. David Evans would discuss plans for the promised national youth conference in 2021 with the NEC youth representative.

Michael Garvey, Carol Turner, Adrian Weir and Carol Wilcox had been elected to the CLP places on the joint policy committee, and I am investigating ways to fill the socialist societies' place. New NEC members were allocated to policy commissions, and I am on the commission for justice and home affairs.

## **Boundaries Revisited**

The parliamentary boundary review is back, though it will now retain 650 constituencies rather than reduce the number to 600, so the consequences will be less drastic. Luke Akehurst was elected to the sub-committee which will do detailed number-crunching for party submissions. Procedures for trigger ballots, candidate selections and CLP reorganisation will come to the full NEC. Luke also has the privilege of liaising with Labour International, a role which I previously held but I sensed they would prefer a change.

Internally all regions are revising their rules in line with the 2020 rulebook. So far five of the nine English regions have submitted proposals, and the NEC will consider them en bloc when we get the rest. There are some interesting variations, notably annual affiliation fees which range from £100 to £270 per CLP. Flat-rate charges hit smaller CLPs harder, and I continue to argue for reform of the funding system, starting with retrieving the £300 annual levy for European elections. (This will also involve looking at the NEC development fund, to which all CLPs contribute, but from which most get nothing in return.)

On motions from CLPs there was consensus around supporting Sheffield Central's proposal to change council candidate selections so that if a disabled member on the candidates' panel is nominated, they will automatically be shortlisted. Other motions related to matters which the general secretary's guidance has classified as not competent business, and it was hard to see why some had come to us and others had not. Down on the ground, speakers against a motion which supports the party's action can have just the same impact as speakers in favour of a critical motion. On the general secretary's guidance, this was always issued on behalf of, and reported to, the NEC, and the NEC could choose to over-rule it. The immediate need was to protect the party's legal position in light of the EHRC findings.

## **A Kinder, Gentler Politics?**

The meeting endorsed a joint statement from the Jo Cox Foundation and the Committee on Standards in Public Life on the conduct of political party members. In part this states:

Our party members will aspire to:

- a. take responsibility for setting an appropriate tone for campaigning and communication;
- b. lead by example to encourage and foster constructive democratic debate and tolerance of other points of view; and
- c. promote and defend the dignity of others, including political opponents, treating all people with courtesy and respect.

Every other party has signed up except the Conservatives. While an admirable statement, this needs more than words. The party's Organise to Win project refers to culture change, reminding me of the old saying:

Q: How many therapists does it take to change a light bulb?

A: None. The light bulb has to *want* to change.

If members think there's nothing wrong with their local party apart from national interference, then nothing will change. And the NEC is not doing a great job of modelling inclusion. In the last five years I've been on both ends of the faction wars and neither is much fun. When I joined the NEC in 2000 – as a dangerous left-winger – there was a little more listening to other arguments, and some willingness to move away from entrenched positions. Unless all members of Labour's ruling body learn to work together across the aisle we have no right to lecture others on how to behave. And unless we spend more time and energy on looking outward, on developing Labour's vision and on campaigning, we will not succeed.

As usual please contact me with any comments or questions, and I'm happy to visit your meetings.

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