

## **NEC Update, November 2021**

The next full NEC meeting is the post-conference awayday on 25 November, but until then here are some notes from subcommittee meetings. As usual please send any comments to [annblack50@btinternet.com](mailto:annblack50@btinternet.com)

### Equalities committee, 2 November 2021

The national women's officer reported that the online women's conference in June was highly rated by delegates and visitors. Planning was under way for the next conference, to be held in person over the weekend of 19 / 20 March 2022. Every CLP is entitled to send two delegates, of whom at least one must identify as LGBT+, BAME or disabled; to nominate three members for the national women's conference arrangements committee; and to submit motions or rule changes. The deadline is Friday 11 February 2022.

The 2018 democracy review also committed Labour to annual national BAME, Young Labour and disabled members' conferences, significantly increasing the workload for staff and costs for CLPs. The NEC will have to consider how to manage all these organisational demands alongside campaigning priorities.

The newly-elected national women's committee met for the first time on 9 September. Its work would include encouraging CLPs to set up women's branches; so far, there are fewer than 30 across the country, and I would be interested in why this is the case. There may be lessons for establishing BAME, disabled and LGBT+ branches, which all follow the same model.

The Jo Cox women in leadership programme was open to applications until 22 November, and members asked how it fitted with the Bernie Grant programme and the future candidates' programme (FCP). These complement each other with the Jo Cox programme covering personal and professional development, and the FCP more focused on selection processes. All we need now is several hundred winnable seats.

### **The Wider Picture**

The equalities committee brings together NEC members and representatives of socialist societies and other stakeholders. Disability Labour reported numerous access problems at annual conference, and they were concerned, as were others, that conference felt unsafe because most people did not wear masks, and chairs were too close together. LGBT+ Labour stressed the urgent need for a working definition and code of conduct on transphobia. The Labour Muslim Network drew attention to Islamophobia awareness month, and while rigorously holding the Tories to account we could not ignore issues in our own party. The Labour Women's Network were delighted with the appointment of Anneliese Dodds as shadow secretary for women and equalities, but noted that she already had a full-time job as party chair, and in 2019 Labour had pledged a standalone department for women and equalities. Members also asked for the general secretary and the leader to attend a meeting of the Gypsy, Roma and Traveller working group, as they had promised.

The Jewish Labour Movement had delivered training sessions on anti-semitism, most recently to regional executive committees, and felt that Labour was making progress, one year after the EHRC (equality and human rights commission) report. Rule changes enshrining independent complaints procedures were approved by conference with 74% in favour, and steps on implementation were reported to the committee. The motivation of the 26% who voted against was unclear. Momentum delegates argue that the new process contradicts the EHRC recommendations, whereas in fact the EHRC explicitly endorsed it. My concerns continue to be around complexity and timescales, with some members spending months in limbo.

### **No Turning Back**

All-women shortlists (AWS) were introduced by the last Labour government, and can be used to reduce inequality where women's membership of a body does not reflect the proportion of women in the population. These were so successful that more than half of Labour MPs are now women. The laws, perhaps never envisaging this situation, were not drafted to allow continued use of AWS to maintain that representation. All agreed that this is infuriating, and a future Labour government would change the law. Until then members differed on whether to fight the principle through the courts regardless of risk and cost, or put all our efforts into other measures for keeping strong women's representation, including shorter selection processes, lower spending limits, and positive narratives contributing to long-term culture change.

These are overdue, as reliance on AWS has led to failure to address underlying issues. Many women have stopped applying for open seats. In non-target seats, often the first step on the ladder, the majority of candidates continue to be men, and women still make up only 43% of party membership. And while there are many reasons to object to the sweeping use of NEC impositions in 2017 and 2019, the NEC has in fact consistently increased the numbers of women and improved the diversity of the parliamentary party.

## Keeping the Good Stuff

From March 2020 through to July 2021 no in-person meetings were allowed, and the party moved entirely online. In summer 2020 41% of CLPs reported lower attendance, 18% higher attendance and 41% about the same. It seems likely that online engagement has increased since then, and a new survey will be conducted. Physical meetings are now permitted, subject to risk assessments and Covid precautions. Members stressed that online participation particularly benefited disabled people and those with caring responsibilities, though ensuring that venues are accessible was also important. Fully hybrid meetings, with equal access for those online and those in the room, pose challenges regarding cost and technology, and secret ballots to select candidates or elect officers are difficult to combine across the two modes. However pilots of hybrid meetings, including robust voting systems, should be encouraged, and experiences shared.

Finally the committee noted the new rules for disabled members' structures and the code of conduct relating to Afrophobia and anti-Black racism, agreed by consensus after wide consultation.

## Disputes Panel, 9 November 2021

Since I returned to the NEC a year ago the levels of distress related to suspensions and expulsions have exceeded even those in the fraught days of the 2016 leadership election. My dossier includes

- Flimsy grounds for auto-exclusion, for instance a few Facebook likes
- Delving back into the distant past
- Delays of eight months or more in following up "urgent" suspensions with evidence
- Requiring members to respond within 7 or 14 days, after which they hear nothing more for months
- Impact on mental and physical health, exacerbated by the hurtful tone of the letters
- Instructions not to tell anyone about the contents, except their GP, the Samaritans or Citizens' Advice, on pain of further disciplinary action.

I raised many of these points. The last is particularly hard, as the main source of comfort is often other members of the Labour family, and members could not even say why they had withdrawn from party activities. In fact the rules on confidentiality changed a while ago, and the website states that members may disclose information for the purpose of obtaining legal advice, medical or social support, or support from close family members, trade unions or the NEC. At my request this should now be included in every letter. The party owes a duty of care to victims, but also to those against whom allegations are made.

The party will not reply to anyone other than the member, and this is frustrating for comrades who write in their support. I understand this, but where a local party writes to say that a suspended member is seriously ill and unlikely ever to be fit to answer charges I do feel this should at least be acknowledged.

Following recent rule changes members can still be summarily expelled for committing a proscribed act, such as standing against Labour candidates. However allegations of prohibited acts, including "support" for an organisation whose aims are inimical to those of the party, are referred to disputes sub-panels which decide whether to exclude them. If rejected they can then appeal to the NCC. As with panels which decide the fate of suspended members I would like greater assurances about consistency. The NEC awayday on 25 November will review the way that the disputes panel functions, but the numbers of cases still seem to exceed the party's capacity to deal with them, and this is stressful for staff and members alike.

## Statistics

We received updated figures for complaints, membership appeals, disputes sub-panel decisions, exclusions and national constitutional committee (NCC) hearings, most moving in the right direction but very slowly, with nearly 100 members still suspended for more than 18 months. The complaints backlog is gradually being cleared, but the team receive an average of 600 new emails a month, of which 16% are judged to be valid complaints requiring action. Of the rest, 39% relate to previous complaints (down from 49% in June) and 28% do not include any breach of rules, with smaller numbers rejected because they disagree with a previous decision, they do not involve a party member, or they criticise party policy.

Around 60% involved social media and 30% were lodged by the person directly targeted, with the other 70% reported by third parties. The largest single category related to anti-semitism, followed by uncomradely behaviour and bullying, and there were concerns that Islamophobia, misogyny, transphobia and discrimination on other grounds including disability were under-reported. Hopefully increased confidence in the process will encourage more members to come forward. So far very few people have been expelled for supporting the four recently-proscribed organisations, which suggests that either the party has been dragging its heels, or it was never a big problem in the first place and not worth the grief.

## Organisation Committee, 9 November 2021

This was a business-like meeting, with Labour planning in earnest for a possible general election in 2023. The boundary review is due to conclude in July 2023, so if the election is not held until 2024 it will use the new boundaries, but we cannot wait to get candidates in place. Because this review maintains 650 constituencies instead of reducing to 600, as in the previous round, the disruption should be manageable.

As the first stage sitting MPs will be asked if they intend to stand again, and the committee agreed procedures for reselection (aka trigger ballots). These are as defined by the 2021 conference, with party branches and affiliated branches voting in separate halves of an electoral college on whether to endorse their MP. If more than 50% of the weighted votes are cast for an open selection, then one will be held.

The "freeze date" was set at 9 November 2021, and all paid-up members who joined six months before that date will be able to vote. Some trade unions proposed that branches affiliating to a CLP by 31 December 2021 should be able to participate in trigger ballots held in 2022. This was rejected by 18 votes to 13. I voted against, because the change would mean that unions could affiliate dozens of separate branches to a CLP, at £6 a throw, between now and December, with the sole aim of influencing the trigger vote. Other union representatives stressed that affiliation was a long-term continuing relationship with local parties, based on shared values. However the committee agreed, with 18 for and 9 against, to set the cut-off date for affiliations at 9 May 2021, bringing it into line with the eligibility of individual members.

In January the NEC will agree procedures for full selections, hopefully simpler, cheaper and shorter than the current 9-10 weeks. That meeting will also give further thought to maintaining the representation of women, and improving diversity in general.

### **Retrospective Justification**

I raised the NEC's failure to implement the rule change, proposed by Southport and Durham and carried by conference, which specified that for snap elections, by-elections and any other occasions where there was no time for a full process, a panel of three CLP executive members, one regional executive member, and one NEC member should shortlist candidates. Seven days must elapse between shortlisting and the hustings and vote, and where this was not possible the CLP-led panel would impose a candidate.

The NEC does in fact have the power to do anything that it sees fit, under chapter 5 clause 1.2:

*"The NEC has the authority to modify these rules and any procedural rules and guidelines as required to meet particular circumstances or to further the stated objectives and principles of these rules. Further the NEC has the power to impose candidates where it deems this is required by the circumstances."*

but over-riding an explicit conference decision smacks of bad faith, and the reference to inexpert drafting was understandably infuriating. The national rulebook is not itself a model of expert drafting. If the NEC had been sympathetic help could have been offered to the proposers to make the amendment work, as with the Oxford East amendment on BAME representation in council cabinets. This was initially opposed by the governance and legal unit, but they worked with the delegate to produce a version which was lawful.

So far two by-election candidates have been selected using a compromise which adds a regional executive member and a CLP representative to three NEC members. This is a significant change, and though the NEC retains control, I expect further debate at conference in 2022. Personally I support a CLP majority on the shortlisting panel, because I have seen too many outrageous NEC stitch-ups. However for North Shropshire the time between moving the writ and close of nominations was less than seven days, and the new rule would require the EC-led panel simply to impose a candidate. I believe it is better for members to have a choice, whoever does the shortlisting, even at a day's notice. I've had complaints about the make-up of the panel, but none about holding a hustings and vote, and have asked the proposers to comment.

### **More Rules**

The committee then agreed procedures for selecting a mayoral candidate for South Yorkshire and received guidance on the independent complaints process approved by the EHRC. This is 24 pages long, and I hope there will be an easy-to-follow summary with diagrams. It will be used for all complaints involving protected characteristics, while the national constitutional committee (NCC) will continue to hear allegations around other issues. I am also keen that NEC decisions are implemented and am following up concerns about the Eastern region conference, where the rules used appear to contradict those agreed by the NEC.

As usual please feel free to circulate and/or post online, and contact me at [annblack50@btinternet.com](mailto:annblack50@btinternet.com) / 07956-637958. Previous reports are at [www.annblack.co.uk](http://www.annblack.co.uk)