

Handling Complaints and Disputes at Association Level

January 2026

1. Introduction

- 1.1 The Conservative Party expects its members to uphold high standards of behaviour at all times, and has a robust disciplinary process to ensure that members can be held to account when the expected standards of behaviour are not met.
- 1.2 This document serves as a guide for Association Officers in conducting a disciplinary process locally, without referring complaints to the central disciplinary process, administered by the Member Governance Team at CCHQ. It has guidance on gathering evidence from those who wish to make a complaint, how to run disciplinary hearings and contains templates of documents to be used throughout the process.
- 1.3 This guidance has been created in consultation with senior members of the Voluntary Party. It replaces previous documents published in January 2014 and is a revision of the latest guidance issued in March 2023. It should be read in conjunction with the relevant provisions of the Constitution of the Party and the Association's Rules which reflect the importance the Party attaches to fair procedures and natural justice.
- 1.4 **Further advice should be sought from a member of the Party's professional staff in advance of opening any disciplinary process. A list of key contacts can be found below:**

Member Services – MemberServices@conservatives.com

CCA Team – CCA@conservatives.com

Safeguarding – Safeguarding@conservatives.com

Data Protection – DataProtection@conservatives.com

Financial Compliance – FinancialCompliance@conservatives.com

Election Law – Election.Law@conservatives.com

Jargon

Investigating Officer – The individual appointed by the Association Chairman to conduct the investigation into the complaint. They are impartial, and do not have a role in the decision making process.

Complainant – The person who has made the complaint.

Respondent – The person who has been complained about.

Executive Council – The Association Officers who will sit in judgement on the complaint.

Working days – Working days are defined as all weekdays and exclude bank holidays. For the purposes of calculating times, the day in which correspondence is sent is not to be included as one of the days allotted.

*Throughout this guidance 'Association' equally refers to a Federation.

2. What Complaints can Associations handle and what should be referred elsewhere?

- 2.1 Association Officers will receive complaints relating to a variety of issues, or they may become aware of incidents independently. Complaints may be received from Party members, or members of the public. The nature of these complaints will typically be: allegations of a breach of the Association's rules; behaviour-related issues involving Party members i.e. bullying or harassment; social media complaints; and complaints about selections.
- 2.2 The Member Governance Team in CCHQ is responsible for overseeing the Party's central disciplinary process under the Code of Conduct. Any complaint received relating to a 'Protected Characteristic' defined in the Equality Act 2010 **must** be referred to the Member Governance Team to be handled centrally. The nine 'Protected Characteristics' are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 2.3 Also handled by the Member Governance Team are complaints which fall under the *Opposition Candidacy and Agency Rules*. This includes standing against a Conservative Party candidate, acting as an agent for a candidate standing against a Conservative Party candidate or signing nomination papers for such an individual. Any Association Officer who becomes aware of a matter of this nature should raise this with the Member Governance Team.
- 2.4 Any submissions to the Member Governance Team should be submitted through the online complaint submission form: www.conservatives.com/code-of-conduct/make-a-complaint.
- 2.5 Complaints relating to selection processes, or the running of meetings such as AGMs should be referred to the Area Management Executive. They can also be referred to the Party's Compliance Officer to review any procedural issues. These complaints do not fall under the Code of Conduct and are not investigated centrally by the Member Governance Team.
- 2.6 Some complaints which arise relatively frequently are beyond the scope of both local and central disciplinary processes. Complaints relating to disagreements over policy cannot be investigated; this is outlined in the Constitution. Complaints relating to an elected official's performance in their role also fall outside the remit of any Party disciplinary process. Complaints received about a member's conduct in their professional life should first and foremost be directed to their employer and/or regulatory body.
- 2.7 The Party does not investigate alleged criminal offences. If you become aware that a member may have been involved in criminal activity, you should report it to the police immediately.
- 2.8 **If you are unsure as to whether a complaint should be handled locally or centrally, or require more guidance on where to refer a complaint, please contact the Member Governance Team who will advise on the best course of action.**

Complaint Subject	Where to Direct
Protected characteristic	CCHQ - Member Governance Team
Opposition candidacy	CCHQ - Member Governance Team
Selection processes	Area Management Executive or Compliance Officer
Party policy	Chairman's Office or CPF
Alleged criminal offence	Police
Performance of elected official	N/A
Member's conduct in professional life	Regulatory body or employer

3. Making the decision to investigate

- 3.1 The Party takes allegations of misconduct seriously, and there is an expectation that Officers will take action when made aware of this. Equally, any matters which should be referred to the Party centrally, or an alternative body, **must** be appropriately reported in a timely manner.
- 3.2 Officers should also be mindful that not every allegation will be found proven and they should avoid assuming the truth of a complaint before the investigation has concluded.
- 3.3 The Constitution does not define a method of investigation and it will likely depend on the nature of the complaint. The Association Chair should not see this as an individual task to complete, and should work with other Association Officers to handle the disciplinary process. We would strongly recommend appointing a named Investigating Officer to take the lead on investigating the complaint that has been made.
- 3.4 The Investigating Officer should be impartial and should not have a role in the final decision-making process. The Investigating Officer may be the Association Chair, another Officer from the Association, or a Chair or Officer from a neighbouring Association if this is more appropriate.
- 3.5 Before making the decision to investigate, the Complainant/s should be approached by either the Investigating Officer or any of the Association Officers to obtain any evidence they have to support their allegations. This may include but are not limited to: screenshots from message conversations; email chains; screenshots of social media posts; and audio or video recordings. The Investigating Officer may also wish to request that the complainant writes a written witness statement which describes in detail the allegations they are making. This may also be extended to any other witnesses of the alleged misconduct.
- 3.6 The test that the Officers should apply to determine whether the matter should be investigated is set out in rule 3.5 of Schedule 7 of the Constitution: “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”. Any case must have a reasonable prospect of meeting one of the specified grounds for action.
- 3.7 The decision on whether to investigate is a matter of discretion and judgement of the Officers. They are not professional investigators or police officers, nor do they have unlimited time and resources to investigating complaints. Each case depends on its own facts and the evidence provided.
- 3.8 If a case is deemed not to meet the threshold to investigate (i.e. there is insufficient evidence to support the allegations, or the matter raised is of a trivial nature), it is possible for the Association Officers to dismiss the complaint. If this is the case, we would advise you to provide the complainant with detailed reasons as to why their complaint will not be progressed in writing.

4. Benefits and disadvantages of local and central processes

- 4.1 Formal disciplinary proceedings should only be initiated as a last resort. Engaging in a formal disciplinary process can be emotionally challenging for all parties involved in a complaint and handling the process can take up a significant amount of time and resources for those managing it.
- 4.2 Prior to commencing a local disciplinary process or referring a matter to be investigated centrally (assuming it does not fall into one of the categories that must be handled centrally), it is advisable to seek to resolve a matter informally. This may include an informal meeting, a cooling down period, or seeking professional mediation services.
- 4.3 If achieving a resolution informally is unsuccessful, the Association Officers must determine whether to invoke the local disciplinary process, or to refer the matter to be handled centrally by the CCHQ Member Governance Team under the Code of Conduct. Each option has its own merits and disadvantages.
- 4.4 Handling the process locally means that, whilst it is still a formal process, it is carried out more informally than the central process. It is also likely to produce an outcome more quickly than the central process and gives greater scope to allow for in person hearings.
- 4.5 Not every Officer may feel comfortable conducting a formal disciplinary investigation. As written above, it takes a toll on all involved, and dealing with an issue within an Association can be complex given the context of the individual Association's internal politics and relations between members. If Officers decide to conduct a local disciplinary process, they are still able to seek advice from Regional and Area Officers, or CCHQ.
- 4.6 Referring a complaint to the central process means that first and foremost, it does not occupy the Association Officers' time. Adopting a hands-off approach means that the Officers can devote more time to the running of the Association and campaigning. The process will be run by staff who have experience in managing a disciplinary process and are detached from the parties involved in the case. However, the central process broadly allows for less flexibility in the handling of the complaint, as the process is designed for the decision makers to determine an outcome through a more binary viewpoint, namely, *'has a breach of the Code of Conduct occurred?'* and *'what is the appropriate sanction?'* The central process is also typically carried out on the papers, unless in exceptional circumstances when an in person oral hearing is called.

5. How should it be investigated?

- 5.1 As outlined in Section 3, for a complaint to progress to an investigation, there must be sufficient evidence to support the allegations that have been made, and the Investigating Officer should have obtained key pieces of information from the Complainant. This includes:
- a) The full name and contact details of the Complainant
 - b) The name of the Respondent and position within the Party (i.e Councillor, Member, Officer)
 - c) A clear, factual description of the Member's alleged conduct
 - d) Evidence to support the allegations (i.e. messages, video footage, witness statements)
 - e) Details of any steps taken to resolve the matter informally, with an explanation of what this was and the outcome
 - f) If the matter has been reported to any other authority such as: the police, a council Monitoring Officer, another disciplinary process (i.e. the Party's central process, Area/ Regional Management or professional regulatory body), or whether it is in court proceedings, and the outcome of any of these processes.

It may be that these are all covered by the Complainant in their original submission, or the Investigating Officer may need to request further information from them.

- 5.2 Before formally commencing the investigation, it is advisable for the Investigating Officer to take into consideration the existence of any conditions that may present challenges to the Respondent when engaging with the disciplinary process. Considerations may need to be made around conditions such as autism or dyslexia, or if you are aware that the Respondent suffers from mental health issues.
- 5.3 While engaging in a formal disciplinary process is naturally going to be challenging, it is important that those leading on an investigation consider any additional support that may be made available to those who need it. That is not to say that an investigation should not take place into an individual who has a condition such as autism or poor mental health, but Investigating Officers should take this into consideration and to act with greater sensitivity where necessary. Failure to make the appropriate adjustments required by an individual may, in future, form grounds for a successful appeal.
- 5.4 All parties involved in the investigation process, including Association Officers, should be reminded that the process should be confidential. Details of any disciplinary case should only be shared with those necessary and contact with the press should be avoided. For the avoidance of doubt, Complainants and Respondents are allowed to approach witnesses to obtain evidence, such as witness statements and character references, however, it is advisable to keep sharing of information on cases to a minimum.
- 5.5 Once the Investigating Officer is satisfied that all evidence has been obtained and the process can begin, they must inform the Respondent of the case that has been made against them. The Investigating Officer may wish to refer to the *Notice of Disciplinary Action* template which can be found on page 22 of this document. In exceptional circumstances, it may also be necessary to suspend the Respondent pending investigation. Guidance on making the decision to suspend pending investigation can be found on page 9 of this document along with a template letter informing the Respondent of this on page 22.
- 5.6 The Investigating Officer must then present the Respondent with the allegations and evidence in full within **ten working days** of the *Notice of Disciplinary Action* or *Notice of Suspension* letter being sent. A template *Investigation Letter* can also be found within

the Appendix at the end of this document, along with further guidance on how to put the allegations into writing. When sending the *Investigation Letter*, the Investigating Officer should provide the Respondent with a copy of all evidence that has been submitted to support the Complainant's case.

- 5.7 Once the *Investigation Letter* has been sent by the Investigating Officer, the Respondent will be entitled to **ten working days** to provide a response. It is important that the Respondent has sufficient time to prepare a comprehensive response to the allegations that have been put to them.
- 5.8 It is also important that if any further allegations against the Respondent come to light, they **must** be presented to them in advance of the disciplinary hearing. If new allegations are raised at the disciplinary hearing that have not already been presented to the Respondent, this could open up a strong ground for appeal. If the Investigating Officer wishes to present new allegations to the Respondent, they should be given a reasonable extension to their deadline to submit their response to the allegations.

6. Suspension pending investigation

- 6.1 Some allegations received by Association Officers will be of a serious nature and as such it may be necessary to suspend the member pending investigation. Suspension pending investigation is designed to be a precautionary measure where there is a potential threat to members of an Association, or the Party and should only be used in exceptional circumstances. It can be issued for an initial period of **20 working days**, after which it can be extended by up to **two further 20 working day periods**, subject to the approval of the region's National Convention Officer. In most instances, the process should have concluded within this period, however, if Association Officers wish to extend the period of suspension beyond **60 working days**, they must contact the Member Services Team to request a national membership suspension pending investigation from the Party Chairman.
- 6.2 Circumstances where suspension pending investigation may be necessary include: allegations that risk causing significant reputational damage to the Association or Party; risk to the financial wellbeing of the Association; dealing with a member who is particularly disruptive; a safeguarding issue; or a potential criminal matter. Officers may wish to seek advice from members of staff in the Member Governance or Campaign teams in advance of taking this action .
- 6.3 If Officers decide to suspend a member pending investigation, they **must** inform the Member Services Team at CCHQ.
- 6.4 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.
- 6.5 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 and must be reviewed every 20 working days.**
- 6.6 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?
- 6.7 If the Officers agree by a simple majority to a temporary suspension, the Chairman must notify the member in writing immediately. A template letter for informing a member of this can be found on page 23 of this document.
- 6.8 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.

- 6.9 If the suspension is pending the outcome of a police investigation, legal proceedings or other external investigation which has no specified 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.
- 6.10 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”.
- 6.11 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. A copy of these minutes **must** be sent to the Respondent when they are informed of the decision to suspend them.
- 6.12 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. There will be instances where the duration of the suspension is beyond the control of the Officers, such as when the suspension is pending the outcome of a criminal trial or police investigation.
- 6.13 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.
- 6.14 If the member is a Councillor, the Investigating Officer must notify the relevant Conservative Group Leader.
- 6.15 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 do not hold full membership. 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.
- 6.16 In cases where the member will be suspended pending investigation, once these steps have been completed, the Investigating Officer may commence the investigation by sending their *Investigation Letter* to the Respondent as outlined in Section 5. This should be within **ten working days** of the notice of suspension being issued, unless the Respondent is subject to an external process such as a police investigation.

7. Making a decision at the Executive Council

- 7.1 Once the Respondent's period to provide a response to the complaint has ended and their response has been received by the Investigating Officer, the matter can then be referred to the Executive Council to review the case and make a decision on the outcome of the complaint. If a Respondent refuses to engage with the process and does not submit a response, a case can still go to the Executive Council in the absence of any submission from the Respondent.
- 7.2 The Executive Council members must review the case objectively, and any members who have a conflict of interest should not be acting as decision makers. A conflict of interest may include, but is not limited to: a close personal relationship to the complainant or respondent; stand to gain politically, personally or financially from any outcome of disciplinary action. An identifiable conflict of interest could easily result in a successful appeal.
- 7.3 In the first instance, it is advisable to invite the Area Chair to chair the Executive Council meeting. If they are unable to chair the meeting, they should defer responsibility for this to the Regional Chair, who will either take on the role of chairing the meeting, or appoint another individual in consultation with CCHQ staff.
- 7.4 Once the Executive Council has been formed and a date and location for the meeting to take place has been established, the Respondent should be informed of this at the earliest available opportunity. The hearing should be scheduled for at least **ten working days** after the date the notice of the hearing was issued to the Respondent. The hearing may take place virtually, or in person at a suitable venue.
- 7.5 If the Respondent states that they are unable to attend the meeting on the given date and is able to provide a valid reason for this, the Executive Council should seek to find an alternative date that is mutually agreeable. However, if it appears that the Respondent is being deliberately obstructive, or is not able to provide a valid reason for why they are unable to attend on the original proposed date, they should be informed that the meeting may go ahead in their absence, and the case will be decided on the papers alone.
- 7.6 Correspondence to the member in relation to the Executive Council meeting may be sent electronically, by recorded delivery, or by both means, and a record of all correspondence should be kept. The Investigating Officer must ensure that all reasonable steps have been taken to ensure that correspondence has reached the member. If the Investigating Officer cannot demonstrate that they have taken reasonable steps to inform the member of the Executive Council meeting, this may also lead to a further avenue for appeal.
- 7.7 In some cases, it may be beneficial for the Complainant as well as any other witnesses on either side of the complaint to be invited to attend the Executive Council meeting to be cross-examined by the Executive Council. This should be determined on a case-by-case basis by the Investigating Officer in consultation with the meeting Chair. However, a Complainant, nor any other witnesses, cannot be compelled to attend.

8. Executive Council meeting

8.1 The Executive Council meeting should provide the Respondent, and Complainant if present, with the opportunity to address the allegations directly with the Executive Council as the decision makers in the complaint. The Executive Council members should have been provided with the evidence submitted to support the complaint and the Respondent's written defence, if applicable, in advance of the meeting so they are fully aware of the details of the case.

8.2 At the outset, the Chair of the meeting should draw attention of the Executive Council members 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 based on a balanced and considered assessment of the information and evidence before them alone, with no weight given to any other matters that the Executive Council members may be aware of.

8.3 Important points to note in relation to the running of the meeting include:

- During the meeting, Executive Council members should be mindful of the wellbeing of the Respondent, and any other individuals present, who may find the meeting challenging.
- The Respondent must be given a reasonable opportunity to present their case and to defend themselves. There is an expectation that the Respondent will conduct themselves in a professional manner and will cooperate with the Executive Council, however the Executive Council should not tolerate bad behaviour from the Respondent or any other person present. The meeting Chair is expected to keep the meeting to order.
- The meeting Chair should ensure that contributions made by all parties in attendance at the hearing (Respondents, Complainants, witnesses) are **linked to the allegations at hand**. The Executive Council meeting is **not** the appropriate forum to discuss other disputes or matters within an Association. As stated earlier, new allegations should **not** be put to the Respondent in the Executive Council meeting.
- The Respondent **must** have the final right of reply. It is advisable to invite closing statements at the end of the meeting, as this will ensure that the Respondent has had the opportunity to state everything they wish to in their defence.

8.4 Once the meeting has concluded, the Respondent and all non-executive attendees, should be asked to leave and the Executive Council members can begin to deliberate on the case.

8.5 Executive Council members should consider the case against the Respondent, and the Respondent's written and oral evidence in order to determine whether the allegations can be found proven. The test for this is the Balance of Probabilities. This means that if an allegation is considered more likely than not to be true, then it is proven.

8.6 The Executive Council must also determine the appropriate sanction. In doing so, they should look to identify any aggravating and mitigating factors, and review the sanctions guidance as seen below. It is important that the sanction is proportionate and can be well reasoned.

8.7 Decisions taken in sections 8.5 and 8.6 must be done so by a majority.

9. Sanctions guidance

- 9.1 It is important that the decision makers issue reasoned and proportional sanctions to Respondents. When determining what sanction to issue, the decision makers should review all evidence submitted by the Complainant and Respondent as well as any aggravating and mitigating factors that have been identified.
- 9.2 Aggravating factors may include an existing disciplinary record, seniority of the respondent, or repetition of the offending behaviour. Mitigating factors may include a clean disciplinary record, clear and credible evidence of remorse and insight into wrongdoing, or meaningful remedial steps that have been voluntarily taken. The member's tone and conduct during the disciplinary process may also be taken into account as possible aggravating and mitigating factors.
- 9.3 The Executive Council should be aware that any membership sanction (suspension/ expulsion) they issue applies only to the Respondent's membership of that Association. If a Respondent has memberships in multiple Associations, this is not carried over. Equally, the Executive Council does not have the ability to issue a national membership suspension/ expulsion. However, once the sanction has been reviewed by the Membership Committee, they may raise the sanction issued to a national sanction at their discretion.
- 9.4 The Executive Council members should note that expulsion and suspension are the only formal sanctions they can issue. However, there is also a range of further actions available the Executive Council may issue informally. These include a rebuke or severe rebuke, an apology or training. As they are not formal sanctions, the Executive Council cannot compel a Respondent to issue an apology or to undertake training, however it is hoped that a Respondent acting in good faith would cooperate with the Council's ruling in order to resolve the situation.
- 9.5 It is within the scope of the decision makers to issue a combination of sanctions. For instance, they may issue a suspension, and a request to undertake training.

Guidance for the Executive Council to consider when determining sanctions can be found in the table below:

Sanction	Guidance for Executive Council
Expulsion	Expulsion should be reserved for the most serious of allegations. The Executive Council should consider whether there is any prospect of the Respondent being able to be involved in the Party in future, and whether they have identified a significant number of aggravating factors against the Respondent
Suspension	The Executive Council may issue suspension from the Association for a set period of time, up to 12 months. A suspension may be used in instances where serious allegations have been found proven, but not of the most serious nature, and where the Executive Council believes that there is a possibility of the Respondent being able to rejoin the Association in future.

Informal Sanctions	<p>The Executive Council may consider issuing a rebuke or a severe rebuke where they have identified that the allegations have been found proven, but where they are of a less serious nature, and/or there are significant mitigating factors which have been identified. In some instances, the Executive Council may consider an apology to be a satisfactory resolution to a complaint. An apology may be issued as a singular sanction, or combined with any of the above. The Executive Council may in the wording of their decision stipulate that failure to issue an apology may result in a further sanction, such as a suspension, being issued until an apology is issued. The Executive Council may also wish to consider whether training may be useful for the Respondent. Commonly issued training modules are Social Media Usage, Equality of Opportunity, and Communicating With Respect. These can be assigned by the Training Team at CCHQ and can also be issued in conjunction with other sanctions.</p>
--------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

10. After the executive council meeting

- 10.1 The Executive Council's decision should be formally written up to be communicated to the Respondent and Complainant. Included in this document is a template *Decision Letter* which may be used by the Investigating Officer to record the decision. A draft of the decision letter should be circulated to the Executive Council members who sat in judgement to approve before being shared with the Respondent.
- 10.2 The decision letter should be shared with the Respondent and Complainant within **10 working days** of the meeting.
- 10.3 The Respondent's VoteSource record should also be updated to reflect any sanction. Please include in the 'Notes' section a brief outline of the action taken, i.e. 'Expelled/suspended for [X period] following decision of Executive Council'.
- 10.4 Other duties that the Association Officers must fulfil if the Executive Council issues a **suspension** or **expulsion** are:
- If the Respondent has VoteSource access, this must be removed
 - Collect any Association property from them i.e. keys, campaign materials
 - If the Respondent pays their membership or regular donations by standing order, ask them to cancel it. Officers will need to refund any payment received after their suspension/expulsion
 - If the Respondent has indicated their attendance at a future event (fundraising, campaigning or otherwise), they should not be allowed to attend. Any pre-paid tickets for events should be refunded to the Respondent
 - If the Respondent had been suspended pending investigation, the above should already have taken place. However, it is good practice to check that this has been correctly carried out.
- 10.5 If the Respondent is suspended or expelled, the Investigating Officer **must** inform the CCHQ Member Services Team as soon as possible.
- 10.6 Where a member is expelled, this sanction will need to be ratified by the Party's Membership Committee. For this to take place, the Investigating Officer must provide the Member Services Team with specific documents to be passed on to the Membership Committee. These documents are:
- Notice of the complaint/suspension pending investigation
 - Investigation Letter sent to the Respondent with accompanying evidence
 - Notice of the Executive Council meeting sent to the Respondent
 - Decision letter communicated to the Respondent
- It is **not** the role of the Membership Committee to reassess the complaint or to make a decision on the allegations contained within it. The Membership Committee exists to verify that the disciplinary process has been fairly and appropriately carried out.
- 10.7 The Respondent and Investigating Officer will be informed of the Membership Committee's determination as soon as possible after the Committee has met.

10.8 If the Investigating Officer does not provide the CCHQ Member Services Team with the relevant documentation for the Membership Committee within **20 working days** of the hearing taking place, the Executive Council's decision shall be nullified.

11. Right of appeal

- 11.1 Once the sanction issued through the Local Disciplinary Process has been ratified by the Membership Committee, the Respondent has the right to appeal any sanction issued, which will be heard by the Individual Member Review Committee (IMRC). The IMRC is part of the Disciplinary Sub-Committee of the Party Board and derives its power from the Party Board. It is governed by a separate set of rules which can be found here: <https://www.conservatives.com/code-of-conduct/rules-of-the-individual-member-review-committee>.
- 11.2 As with the Membership Committee, it is not the role of the IMRC to rehear the case against the Respondent. There is no appeal process for Complainants, nor is there a further avenue for appeal after the IMRC.
- 11.3 The Respondent must submit their appeal within **20 working days** of being informed of the Membership Committee's decision. Any appeal submitted after this deadline will not be heard. The Respondent must submit their grounds for appeal by email to complaints@conservatives.com or by post to CCHQ Leeds, 10 Wellington Place, Leeds, LS1 4AP
- 11.4 The IMRC will apply the following test:
- a) Was there a material flaw in the reasoning of the decision makers? If so, what was the material flaw? An appeal can only succeed where it is established that the decision challenged was either
 - i. one which the decision maker had no power to make; or
 - ii. Perverse; or
 - iii. that the sanction was disproportionate; or
 - b) Is there compelling and credible evidence before the Committee that could not reasonably have been presented to the previous decision maker and which could have made a material difference to the outcome of the decision?

An appeal submitted **must** provide compelling grounds for appeal and **not** simply seek to rehear the case.

- 11.5 After the appeal has been received, the Chair of the Disciplinary Sub Committee will consider whether the appeal should be rejected or accepted. If the grounds for appeal appear, on their face, to be admissible and to raise arguable grounds, the Chair shall grant permission to appeal and remit the matter to the Individual Members Review Committee for their consideration of the appeal. The decision to grant or refuse permission to appeal is final. The appellant will be told of any rejection of the appeal at this stage as soon as possible.
- 11.6 After the appeal has been accepted, the matter shall be referred to a decision-making panel as soon as possible. The panel will comprise of at least three and at most five persons and will be drawn from the Party's Disciplinary Sub-Committee (DSC). The panel will comprise of members of the Committee who have no prior knowledge of the local disciplinary case and are independent of all parties involved. If there is any potential conflict of interest, DSC members are expected to raise this and recuse themselves from the panel.
- 11.7 The panel will review appeal documents submitted by the appellant, the written decision from the previous decision maker, and the documentation used by the original decision maker (evidence, allegations, defence, etc). so that the panel can determine whether the appeal is upheld or rejected. In both circumstances, the appellant will be told the decision in writing as soon as possible with reasons.

- 11.8 If it is upheld, the panel is entitled to review and adjust the previous sanction with sanctions that are available under the rules that the case was originally heard under. The Respondent must be aware that the panel is entitled to apply a **more severe sanction** than was previously issued and the sanctions and steps are deemed to be effective immediately unless stated otherwise.
- 11.9 The Investigating Officer from the Local Disciplinary Process can expect to be informed where appeals are upheld and of any changes to sanctions.

APPENDIX A – Template Letters

The template letters below serve as a guide for the Investigating Officer when communicating with Respondents. They are designed to standardise correspondence across the Voluntary Party when undertaking the disciplinary process and facilitate the hearing of cases by the Membership Committee and Individual Member Review Committee. However, there is no obligation for Investigating Officers to use these templates, and they may be adapted to fit individual cases at the discretion of the Investigating Officer.

Throughout all of the templates square brackets and XXXs are used to indicate areas that are required to be edited or are optional.

The templates listed below include:

- Witness Statement template
- Notification of action
- Investigation letter
- Invitation to executive council meeting
- Decision letter

Witness Statement Template

When gathering evidence from the Complainant, the Investigating Officer may wish to provide the Complainant with a copy of the Witness Statement Template for them to provide a written account of the allegations they are raising. The Complainant may share this template with any other witnesses they intend on seeking supporting statements from. The evidence should be set out in numbered paragraphs.

PRIVATE AND CONFIDENTIAL

IN THE MATTER OF [insert name of Association] CONSERVATIVE ASSOCIATION

AND IN THE MATTER OF A COMPLAINT AGAINST

[insert name of respondent]

WITNESS STATEMENT

OF

[insert name of witness]

I, **[insert name of witness]** of [address] **WILL SAY:**

1. XXXXX

2. XXXXX

The contents of this statement are true.

Dated XX of XXXXX 20XX

Signed

.....

[witness name]

Notification of Disciplinary Action Letter

The Investigating Officer should send this letter to the Respondent once the case against them has been prepared and the Investigating Officer is satisfied that the allegations are of a suitable nature to proceed. The Investigating Officer does not need to send this letter if the Respondent is to be suspended pending investigation. In such instances, the Investigating Officer should send the Suspension Pending Investigation Letter template below. The Investigating Officer should also provide the Respondent with a copy of the Local Disciplinary Process Guidance Document for Respondents when sending this correspondence.

Private and Confidential

Dear [Respondent],

[Association Name] has received a complaint against you, which will be heard in line with the Party's local disciplinary guidance and the Party Constitution. I am the Investigating Officer who has been appointed to oversee the investigation.

You are asked not to make any public comment or announcement in relation to this at any point. This includes posts on social media.

You are reminded that this email is marked 'Private and Confidential' meaning it should not be shared or published. 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 I may notify any relevant authority where there is an allegation of criminality. I may do this without first speaking to you and without telling you that we have done so.

You can expect to receive the full details of the case against you within the next ten working days.

Kind regards,

[Name]

Investigating Officer

Notification of Suspension Pending Investigation

An Association Officer must inform the Respondent that they have been suspended pending investigation. They must also share the minutes of the meeting at which the suspension was determined. The Investigating Officer should also provide the Respondent with a copy of the Local Disciplinary Process Guidance Document for Respondents when sending this correspondence.

Dear [Respondent],

This email is to inform you that your membership (Membership Number XXX) of [insert Association name] Conservative Association has been suspended pending an investigation into [insert brief description of allegations].

You are reminded that suspension from membership means that you may not participate in any Association events or meetings, as well as Party Conference if your membership of [insert Association name] is the only active Party membership you hold.

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

Disciplinary proceedings are strictly Private and Confidential. This means details of the allegations and investigation should not be shared publicly by you or by anyone else. 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. We may do this without first speaking to you and without telling you that we have done so. We will also notify your local association.

For so long as you are suspended, you are not entitled to (i) represent the Conservative Party in any capacity as a member of [insert Association name] Association; and/or (ii) attend or participate in any events carried out in the name of the Association (including association meetings or campaign sessions) and/or (iii) carry out any functions or offices on behalf of the Association.

You must not hold yourself out as an unsuspended member of the Association.

It also means that if you are in possession of any property belonging to the [insert Association name] Association (including intellectual property), you must return it at once to the Association office.

You are also requested not to 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 [insert Association name] Association.

If you have any doubts about what you can and cannot do, please seek guidance from me in writing.

You will receive further correspondence from me within ten working days outlining the allegations which have been made against you and providing you with evidence which has been submitted to support these claims. You may also find it useful to review the attached document which outlines what to expect during your involvement in the disciplinary process.

Please also be aware that this action is taken as a precautionary measure. It does not mean

that any finding of misconduct has been made, and will be reviewed after an initial period of 20 working days.

Kind regards,

Investigation Letter

The Investigating Officer must send their Investigation Letter to the Respondent within ten working days of the Notice of Disciplinary Action/Suspension letter.

When writing the 'Evidence and Allegations', the Investigating Officer should clearly outline the allegations which have been made against the Respondent and describe the nature of the complaint. It is advisable to use language such as 'it is alleged that XXX' as opposed to directly accusing the Respondent.

If the Investigating Officer is uncertain on the language they have used in the letter, they are welcome to contact the Member Governance Team (complaints@conservatives.com), who would be happy to proofread draft investigation letters and provide further guidance if necessary.

Dear [Respondent],

The Association has received a complaint against you and will be investigated in line with the Party's local disciplinary guidance and the Party Constitution. I am the Investigating Officer who has been appointed to oversee the investigation.

My Role

My role is to investigate the complaint thoroughly, impartially and objectively, in accordance with the Rules. It is not my role to take sides, or to help you build up a defence, or to gather evidence on your behalf. You must provide the statements or documentations upon which you wish to rely.

By the same reasoning I take the same approach for the complainant.

I investigate alleged breaches of the Constitution. I do not investigate crimes, which only the police should do. I do not prosecute and am not involved in final judgement.

Evidence and Allegations

1. Please find attached [describe the appropriate evidence i.e. screenshots of social media posts, witness statements, audio recordings].
2. [Describe the nature of the complaint which has been made]
3. [State allegations that are to be put to the Respondent]

What happens now?

You are entitled to respond to these allegations. Should you wish to deny the complaint you must provide your reasons or defence for your alleged actions and evidence supporting your position.

If you admit to the complaint and wish to take action to resolve it, please set out in your response the action you propose to take or have already taken.

Timing

You are asked to respond to me within **10 working days**. If you choose not to do so, I reserve the right to move the process on without your response. If you require an extension, please do not hesitate to ask.

Confidentiality

We ask that you maintain confidentiality surrounding this investigation. This means that you should not share or publish this letter, or share posts on social media in relation to this investigation. We also ask that you do not share details of this complaint beyond those with whom it is absolutely necessary to share. For the avoidance of doubt, you are allowed to approach witnesses to obtain evidence, such as witness statements and character references, however, as a rule, it is advisable to keep sharing of information on cases to a minimum.

[OPTIONAL] We would also like to remind you that you, or anyone acting on your behalf, should not contact the complainant, nor any witnesses who have submitted evidence, in relation to this complaint. Any breach of this may result in further disciplinary action or be detrimental to your case.

Kind regards,

XXXXX

Investigating Officer

Invitation to Hearing Letter

*The Investigating Officer should provide the Respondent with the invitation to attend the disciplinary hearing as soon as a date has been confirmed. The date should be **at least ten working days** after the invitation has been issued.*

Dear [Respondent],

This email is to inform you of the upcoming hearing which has been organised to resolve the complaint you are involved in. The hearing is scheduled for [insert date and time] and will be held at [insert location]. The Executive Council members, who will be sitting in judgement on the case, are [List Executive Council members].

If you are unable to make this date, please inform me immediately. While we can be flexible to a degree with the timings of the hearing, if you are seen to be behaving in a deliberately obstructive manner, we will proceed with the hearing on the original date.

Your attendance at the hearing is not compulsory, however, I would strongly encourage you to attend in order to provide your defence to the Executive Council in person.

The Executive Council will ask you questions based on the allegations that have been provided by the Complainant. They may also refer to points you have made in your written response to the case. The Executive Council should not bring before you new allegations at the hearing, and any complainant or witnesses who are in attendance at the hearing will be instructed to keep their contributions in relation to the allegations at hand.

Should you have any questions about the Executive Council meeting, or the process more broadly, please do not hesitate to ask. Otherwise, I kindly request that you confirm your attendance on [insert date of hearing] at your earliest convenience.

Kind regards,

XXX

Investigating Officer

Decision Letter

The Decision Letter should be approved by the Executive Council and shared with the Respondent within ten working days of the Executive Council meeting.

The Conservative Party

Record of Decision of [Association] Disciplinary Investigation

The Executive Council comprised of: XXXXX (Chair)

XXXXX

XXXXX

Respondent: XXXXX (MEMBERSHIP NUMBER)

Date of hearing: XXXXX

Complaint found proved: Yes/No

Sanction: XXXXX

Documents and/or oral evidence considered by the decision makers:

- [List evidence submitted to support the case from both sides]
- [List evidence submitted to support the case from both sides]

PART I - THE COMPLAINT

The case against the Respondent

1. [Numbered points detailing the allegations presented in the Investigating Officer's email to the respondent.]
2. [Numbered points detailing the allegations presented in the Investigating Officer's email to the respondent.]

Defence

3. [Numbered points detailing the response submitted by the respondent in their defence.]
4. [Numbered points detailing the response submitted by the respondent in their defence.]

Issues of fact and law

5. The standard of proof is the balance of probabilities.
6. The test applied to whether the allegations are proved is objective, namely, the opinion of the reasonable and fair-minded observer. The test on the interpretation of words is also an objective one: to give them their ordinary and natural meaning within the context in which they were made and to ascertain their meaning from the viewpoint of a reasonable and fair-minded observer armed with the relevant context at the time the words were expressed.
7. The complaint [is/is not] upheld.

PART II - CONCLUSIONS AND REASONS FOR DECISION

8. [Numbered points explaining the rationale of the Executive Council when approaching the evidence and allegations. Addressing all points raised by the respondent and rebutting them where necessary.]
9. [Numbered points explaining the rationale of the Executive Council when approaching the evidence and allegations. Addressing all points raised by the respondent and rebutting them where necessary.]

PART III - SANCTION

Matters relevant to sanction

The Executive Council had regard to the sanctions it is permitted to impose by the Rules. It was satisfied that no lesser sanction than the one imposed was appropriate.

Mitigating factors are:

- [List any mitigating factors identified by the Executive Council]
- [List any mitigating factors identified by the Executive Council]

Aggravating factors are:

- [List any aggravating factors identified by the Executive Council]
- [List any aggravating factors identified by the Executive Council]

The sanction imposed by the Executive Council is therefore [INSERT SANCTION].

PART IV - APPEAL

The Respondent has the right to appeal this Decision.

A notice of appeal must be made in writing within 20 working days of the decision being received by the Respondent, excluding (for the purposes of calculating time) the day of receipt. Any notice of appeal made after this time shall not be valid.

Notice is given when it is received, not when it is sent. An appeal must be made in writing and set out full grounds by email to complaints@conservatives.com or by post to Conservative Party, 10 Wellington Place, Leeds LS1 4AP. The appeals procedure set out in the Rules and Procedure of the Disciplinary Sub-Committee shall apply. These are available at: www.conservatives.com/code-of-conduct/disciplinary-sub-committee-rules-and-procedures.

All appeals are decided by the Individual Member Review Committee in accordance with its Rules and Procedures. It is permissible for an appeal committee to impose a different penalty to the one imposed by the panel, including a more serious penalty where available.

Date of written record of decision: [Insert date decision finalised by Executive Council]

APPENDIX B – Examples of how the process should run:

- A) A member of the Association approaches an Officer to inform them that they have witnessed behaviour they believe falls short of what is expected by a Party member.
- B) The Association Officer reports the allegations to the Association Chair who contacts the member to request further information. They provide the member with a witness statement template and ask them to submit any further evidence they have to support their allegations in a timely manner.
- C) The member writes a statement which outlines in detail the incident they witnessed as well as a statement from another individual who was present.
- D) The Association Chairman reviews the evidence that has been provided closely and consider that based on the nature of the complaint, it meets the threshold for disciplinary action. They also consider whether there is a need to suspend the Respondent pending their investigation, however, as there is not a risk posed to any members of the Association or the Party, they decide that this is not necessary.
- E) The Association Chairman appoints an Investigating Officer to run the investigation, and the Investigating Officer contacts the Respondent to inform them that a complaint has been made about them and they are under investigation. They also provide them with a copy of the Guidance Document to help them understand what to expect from the Disciplinary Process.
- F) The Investigating Officer now writes up the Investigation Letter which clearly communicates to the Respondent the nature of the complaint that has been received and sets out allegations which they are to respond to. Once completed, this is sent to the Respondent along with the two statements that were submitted by the witnesses as evidence to support the allegations.
- G) Whilst the Respondent is preparing their response to the allegations, the Investigating Officer sets about arranging the Executive Council meeting that will review the case. As one of the proposed Executive Council members has a business partnership with the Complainant, they recuse themselves as this is a conflict of interest that could lead to a strong ground of appeal for the Respondent.
- H) Having established a time and location to convene in consultation with the Executive Council, the Investigating Officer invites the Respondent to the hearing. They also invite the Complainant and other witness to the meeting, however they decline the invitation.
- I) By this time, the Respondent has also prepared their response to the allegations and provides a copy of this to the Investigating Officer. The Investigating Officer then shares this with the members of the Executive Council to review in advance of the meeting.
- J) At the meeting, the Chair leads the discussion with the Respondent, supported by the other Executive Council members. They ask questions about the alleged incident and the Respondent's written response, and the Respondent has the opportunity to respond to them.
- K) After the meeting, the Respondent is asked to leave and the Executive Council deliberates on the outcome. The Investigating Officer should be present to take a note of the Executive Council's discussion, so that they are able to provide the Respondent with a comprehensive Decision Letter.
- L) After a decision has been reached, the Investigating Officer begins to write up the Executive

Council's decision, noting aggravating and mitigating factors that have been identified and explaining in full the reasoning for the decision made. In this instance, the Executive Council has issued a suspension for six months.

- M) The Investigating Officer circulates a draft of the decision letter to the Executive Council members to review and provide any feedback before being sent to the Respondent.
- N) The decision letter is then sent to the Respondent, and the Complainant is also informed of the outcome of the complaint. As the sanction issued is a suspension, the Investigating Officer also provides all documentation relating to the case to the CCHQ Member Services Team as listed in Section 10 of this document, so that the sanction can be ratified by the Membership Committee. The Investigating Officer should also ensure that the other duties in Section 10 are completed, such as removing VoteSource access if necessary and the return of any Association property.
- O) At this point, the Local Disciplinary Process has concluded. In the event that the Respondent wishes to exercise their right to appeal the decision that has been made, this is then handled by a central process and there is no action that needs to be taken by the Investigating Officer or any other Officers of the Association.

APPENDIX C – Relevant extracts from the 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)