

PROGRESS REPORT on the PROCESSES AND CULTURE of the LIBERAL DEMOCRATS

December 2014
Helena Morrissey

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Purpose of this Report

In Spring 2013, I conducted an Independent Inquiry into the processes and culture within the Liberal Democrats. The inquiry was catalysed by a series of high profile allegations that the Party had failed to act on sexual harassment complaints.

In my Report, published June 2013, I outlined a blueprint for change: the summary of recommendations is reproduced below.

Prevent	Address	Monitor
1. Bullying and harassment by making it clear such behaviour will not be tolerated; modifying all Standing Orders and writing model terms for volunteers and staff to include anti-harassment and bullying provisions. Clarify a single point of line management. Publicise these.	2. Complaints by setting up a Pastoral Care Office, appoint a paid, dedicated Pastoral Care Officer to be contact point for all complaints that can't be resolved locally. Advertise this service on the website. Publicise a simple escalation process.	3. Performance and standards by conducting annual employee and volunteer surveys. Publicise and act on the feedback. Set annual objectives for the survey results and for addressing problem areas.
4. Issues festering by encouraging formal complaints if informal efforts do not achieve resolution. Post fictitious case studies on the website to show managers what to do. Introduce online training. Drive the message home.	5. Complaints as a higher priority by devoting enough resources to it to be able to deliver speedier, clearer resolutions. Besides the new Pastoral Care Office, create a pool of advisors who can offer advice and additional resources.	6. Complaints-handling by introducing simple forms to record complaints and their resolution. Ensure records are kept, including for issues involving volunteers.
7. Women and minorities feeling undervalued by developing a joined up programme, involving men and women. Deliver unconscious bias training. Frame the topic to be an imperative as well as an opportunity for Liberal Democrats.	8. Under-representation of women and others by setting goals at all levels of the Party. Involve senior men as advocates, aim to move issue from 'special interest' into mainstream. Follow through at Conference. Personal ownership of Leader.	9. Progress and create a virtuous circle by measuring and advertising progress and the pace of change. Create a virtuous circle, where the positive impact of balanced teams is genuinely experienced, fuelling appetite for more progress.

To encourage action, I undertook to review progress during Autumn 2014. This is my report on what's been achieved to date and what more needs to be done to create a fair and inclusive environment for all working in the Party.

As highlighted last year, there are aspects of party politics generally that create an inherent risk that individuals will clash and problems will be hard to resolve. The intense forces of power and political belief, the competitive nature of party politics, the lack of alternative places for people to go if they fall out with others or suffer disappointments in their careers are challenges for *all* parties.

There are also features specific to the Liberal Democrats that have a bearing on the Party's culture – and the ability of any Leader to change that culture. The Party operates with a complex federal structure, with highly devolved decision-making reflecting its strongly democratic ideology. This diffusion of power makes it much harder to effect change than in a more streamlined organisation.

Purpose of this Report

A relative scarcity of financial resources (especially for a party in government) and a large proportion of voluntary workers (not subject to contractual terms of employment) are additional ongoing challenges.

Furthermore, the allegations that led to my original inquiry and the circumstances around them created heightened, lingering tension and split loyalties within the Party.

Eighteen months is too short a timeframe for any organisation to achieve significant, comprehensive cultural change. My intent in conducting a follow-up review now was to check that a significant effort is being made and whether this is having an effect, rather than to audit a 'final' result.

Overview

Considerable efforts *have* been made in a relatively short time, notwithstanding several new adverse revelations and complaints made since my original Report was published.

I am satisfied that there is real desire at the leadership level and at the Party's staff headquarters to improve the environment by making it more inclusive. The shock and embarrassment of last year's events and the lack of a satisfactory conclusion for *anyone* involved have been painful learning experiences. There is every motivation to try to prevent a recurrence of anything similar – and to resolve problems that do arise. A number of positive steps have been taken. In particular, as detailed below, the Party is attempting to establish high expected standards of behaviour, to clarify and implement better codes of conduct, grievance and complaints procedures and to adopt a more rigorous and timely disciplinary process.

The results of these efforts have yet to be widely felt, however, most notably in local and regional areas. I don't think this is just a matter of insufficient time passing to 'cascade' the changes: the Party's complex organisational structure is a significant impediment to broad progress. I recommend a post-election review and radical reform of this structure, which would have many potential benefits, including making the Party less vulnerable to individuals and groups not adopting best practices.

I am mindful of the upcoming General Election placing additional pressures on everyone involved with the Party, especially in light of its current poor polling. Those I interviewed recognise that these stresses may undermine efforts to improve. While it is impossible to completely safeguard against this, the Party leadership and management teams are alert to the risk. A new framework has been put in place to better manage volunteers, for example.

In this Report, I set out the specific steps taken and consider how effective they have been so far. The experiences of implementing the recommendations have been edifying and I'd like to suggest some refinements and additional actions that could be taken, in the hope of ensuring progress continues to be made.

I have also incorporated some of the practical suggestions from members and staff made in response to the first Pastoral Care Survey.

The final section of this Report reviews other developments since my inquiry, lessons that may be learned from these and observations around some of the remaining problematic areas for the Party (as far as the issues I was originally asked to review are concerned).

There are (and always will be) particular difficulty in achieving 'closure' of disputes that result from intense human interaction, but it is still important to try.

Ultimately, if a resolution cannot be found through due process, someone may need to be the 'bigger person' and forgive the other individual. In both this review and my original inquiry, I have come across disputes where the level of animosity has become disproportionate to the alleged wrongs committed. Even where the anger is justified, holding onto such a negative emotion is very destructive. It is, of course, very hard to forgive, not least because 'Forgiveness is giving up all hope of a better past' (Buddhist teacher Jack Kornfield). We all cling onto the past, wishing things had played out differently when we are frustrated with the outcome. Nevertheless, embracing forgiveness can free and empower us, helping us attain peace and even to feel compassion towards the person who has caused our hurt or suffering.

Creating an environment where fewer disputes arise is clearly important to the Party. Creating a more inclusive environment, not only for women, but for other under-represented groups, including ethnic

Overview

minorities, LGBT and disabled people, is another broader goal. This applies not just to the Liberal Democrats but to other parties as well.

More diversity in Westminster would be beneficial to our society, but remains an elusive aspiration. The progress seen in the corporate world over the past few years in the UK, particularly around the advancement of women as a core business objective for many companies, gives grounds for optimism that similar progress may yet be achieved in politics.

An environment where everyone is treated with respect is a basic starting point if people from diverse backgrounds (not just more women) are to consider a political career. One encouraging development since my original Inquiry is that the House of Commons Respect Policy has been updated. The revised Policy is very clear about expected behavioural standards and gives examples of bullying and harassment. It sets out what people should do if they think they have been subject to bullying or harassment, including where to go for help and advice. A Staff Notice was published in July 2014 when the new Policy was introduced, which included information about a training and awareness session.

At the same time, a confidential 24 hour helpline was put in place for all Parliamentary staff to assist them with problems ranging from relationships at work or home, stress, debt, drugs or alcohol etc. This service is outsourced to Health Assured, an Employee Assistance Programme and Occupational Health specialist provider. All calls are treated in confidence between the individual and a counsellor.

These are helpful steps forward, particularly towards addressing the fear of recrimination that I have seen when reviewing the Liberal Democrats and which I am sure is experienced within the other parties, given the nature of the working relationships that can develop in the context of power.

I hope that this Report may motivate *all* to intensify efforts underway to stamp out discrimination, to modernise behaviours and working practices and so attract the diverse talent that we need in politics.



Helena Morrissey
15th December 2014

How I conducted this Review

In preparing for this follow-up Report I made a call for written opinions, through a notice published on the widely-read 'blogging' website, LibDem Voice. I asked for submissions around three lines of questioning:

1. Are you more confident now that the Party will not tolerate bullying and harassment? What steps have been taken to create a more diverse and inclusive environment? Has sufficient priority been given to the issue?
2. When poor behaviour occurs, is there now more clarity over the processes for dealing with complaints? Do you have greater confidence that due process will be followed, to resolve disputes and investigate any allegations fairly and in a timely manner, with appropriate actions taken?
3. Do you have ideas about what the Party can do to further improve its culture?

I received written responses from 22 individuals and would like to thank them for taking the time to share their views and experiences. These responses included people making general observations and those in the midst of difficult situations, for example having made a complaint against a colleague. The latter included two issues around ethnicity and one involving disability. I heard again from one of the four women who made the high profile allegations against Lord Rennard. I have incorporated (unattributed, except where the person expressly asked that they be named) feedback in the shaded boxes below and sought permission from those who provided the comments to reproduce them here. I have also included anonymous comments from respondents to the Pastoral Care Survey for staff and party members, conducted in May and June 2014 to give a baseline reading about how people felt about making complaints and the current resolution processes.

I also held a 'surgery' alongside the October 2014 Conference in Glasgow, co-hosted by Jeanne Tarrant, who is the Party's Pastoral Care Officer, a new role outlined in Recommendation 2 of my original Report. Jeanne sent a notice of this surgery by email to all those registered to attend Conference.

We had a number of pre-booked appointments with individuals followed by a roundtable discussion. This was helpful in conveying views regarding the efforts made to date and outstanding areas of concern.

I interviewed various people within the Party and thank them for their time and insights. These included Nick Clegg and both the ongoing and incoming Presidents, Tim Farron and Baroness Brinton. I also met some of the staff at headquarters, activists and other (locally or regionally based) staff. I interviewed and received written submissions from Lord Rennard, who had been unable to contribute to my first Review due to the police investigation into the allegations against him, since concluded with no further action taken.

Once again, the Party provided me with access to any documents requested, including legal advice provided in August 2014 for the Chief Executive regarding the Party's obligations under the Equality Act 2010 and appropriate complaints and disciplinary procedure procedures. Employment law barrister Diya Sen Gupta provided this advice.

How I conducted this Review

Ms Sen Gupta was also asked to consider the appropriate standard of burden of proof for the Party's disciplinary procedures. It had been a matter of some controversy during the Rennard case that the prevailing procedures demanded a criminal standard of proof, 'beyond reasonable doubt', rather than the civil standard of proof, 'on the balance of probabilities'. She also reviewed a draft Respect Policy.

Ms Sen Gupta submitted her recommendations in August this year: the Party has accordingly been making further adjustments to its proposed revised codes, rules, policies and procedures – for both Parliamentarians and others. She confirmed that the lower standard of proof should apply in disciplinary cases.

I have had sight of the near-final draft Liberal Democrat Parliamentary Respect Policy. The intention is to take the final version plus other changes relating to disciplinary procedures and to incorporate these into Parliamentary Standing Orders.

I also studied the detailed results of the first member and staff survey ('Pastoral Care Survey') conducted in May and June of this year, instigated by the Pastoral Care Officer. In total, 833 people responded. The respondents were spread almost equally across four groups: volunteers, employed staff, elected officers (of local, regional or state party) and elected politicians.

As previously, this review is fully independent and the Party did not seek to influence my findings. I am not a member of or affiliated to any political party.

Progress against the Nine Recommendations

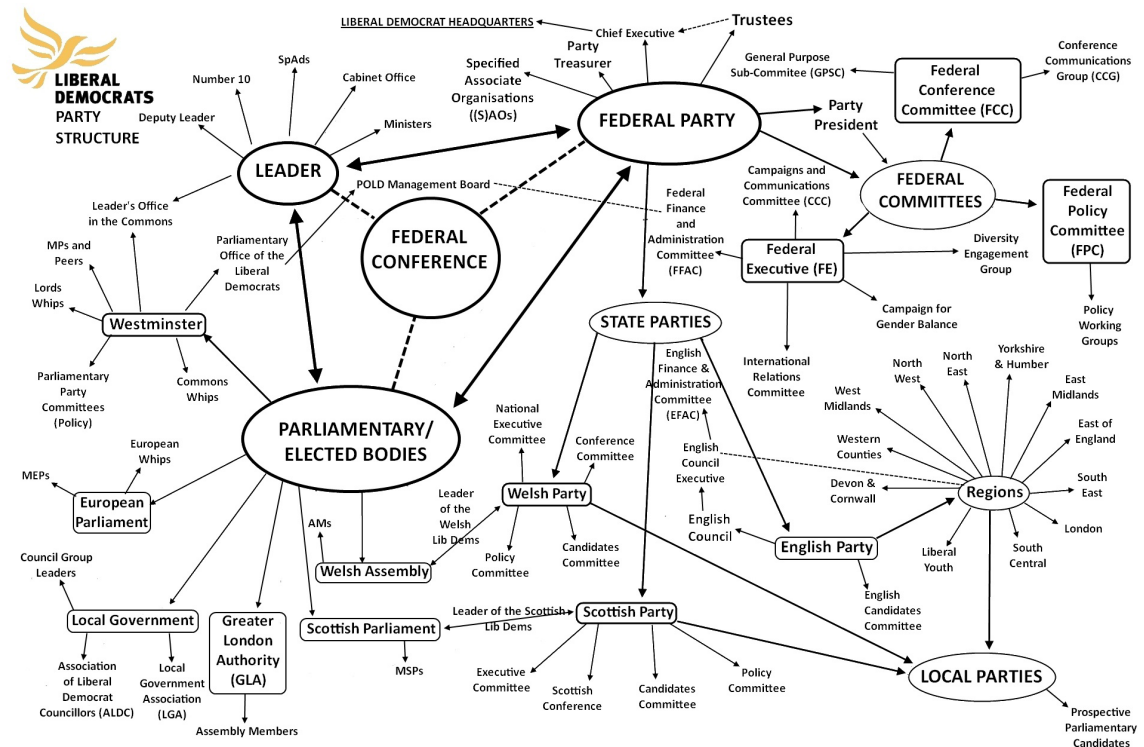
In accordance with the overall ambition of an improved culture, the Party has developed a framework aimed at preventing and addressing problems and monitoring progress, including new complaints, grievance and disciplinary procedures.

More broadly, the Party has also continued to work on ways to encourage women and minorities and to address their current under-representation at all levels.

There has been encouraging progress, item-by-item. However, the whole is less than the sum of the parts. I believe this is largely due to the sheer complexity of the Party's structure. I alluded to this in my initial Report and am now convinced that *any* efforts to build a more diverse and inclusive environment will have considerably less impact than they would in a simpler organisation.

Faster, more impactful change demands a streamlined structure. This would likely yield considerable other benefits for the Party.

Figure 1: Federal Party organisation – a labyrinth



In my opinion, the Party's democratic ideology is compatible with a simpler organisational construct. Decision-making can still be localised to a large degree, but within a clearer overarching framework that sets the standards around core principles and within a single constitution. I am a great believer in local autonomy, which encourages energy, commitment, ownership and accountability – but this should be within an agreed frame of reference. There is no sensible reason, for example, to have separate Constitutions for the three state parties (the English, Scottish and Welsh parties).

Progress against the Nine Recommendations

To give a parallel from my own industry, investment management, I have considerable autonomy to run Newton's business with my colleagues but we must adhere to certain standards (set either by the regulator or our parent company). So, for example, we accept and conform to overall corporate guidelines around Anti-Money Laundering controls. This makes it possible for our parent company to manage their risks around this particular issue, and allows us to benefit from expertise in the rest of the group. It's mandatory that we adhere to these standards, but that doesn't take anything away from our day-to-day autonomous decision-making around investments.

I believe the Liberal Democrats' highly devolved structure risks similar core parameters being decided upon locally – which is not only unnecessary but unhelpful.

I note that the three state parties have agreed to adopt the same new disciplinary and grievance procedures (see Recommendation 3) and this is a useful first step towards a more unified basic infrastructure.

Within the constraints of the current structure, progress has been encouraging. Action and results against each recommendation are assessed below.

Recommendation 1

PREVENTING BULLYING AND HARASSMENT

a. Progress to date

Nationally:

1. Unconscious bias training has been undertaken by some staff and activists, the majority of MPs and around 40% of Peers, on a voluntary basis.

For MPs, this training took place at an Away Day, with around 90% of the MPs present. There was a specially convened training session for Peers, with around 40 attending.

Delegates have been offered in-person training at two Conferences to date, provided by the Pastoral Care Officer and the Head of Diversity and Outreach, Vicky Booth. 35 people attended the training at Glasgow.

Unconscious bias training is also incorporated into training modules for candidate selection committee training.

Several unconscious bias training sessions have been held for staff at Party Headquarters, with almost full attendance.

2. A new structure for managing and overseeing volunteers has been put in place. Regional volunteer leaders are now being identified and trained to advise voluntary workers of the expected standards of behavior and who to turn to in the event of any problems arising.
3. **England:** The English Executive has updated and passed a new Member's Code of Conduct and is in the process of sharing this with the wider membership. The English Executive has also developed a training programme, 'Building effective relationships, launched in July 2014.
4. **Wales:** The Welsh Executive has made a number of changes to their Standing Orders and Constitution to reflect the recommendation.
5. **Scotland:** Constitutional amendments were passed by the Scottish Party taking into account recommendations regarding the prevention of bullying and harassment. The Candidates' Code of Conduct was updated to include recommended wording on bullying and harassment.

Recommendation 1

PREVENTING BULLYING AND HARASSMENT

b. Further work planned by the Party

1. The intention is to continue to roll out unconscious bias training and to make this part of the 'business as usual' training offered and to publicise it widely. Unconscious bias training will be refreshed and re-offered every electoral cycle.
2. All incoming party executive members will be encouraged to have unconscious bias training shortly after appointment.
3. Legal counsel's advice is being incorporated into the English Party's Disciplinary Rules. This includes wording that more clearly defines bullying, harassment and protected characteristics. All three state parties (England, Scotland, Wales) have committed to adopt the new Code of Conduct and Disciplinary Rules. This is a step towards a more consistent approach.
4. A Respect Policy (incorporating a grievance procedure) will be adopted by Parliamentarians, based on the recommendations of my original Review and the House of Commons Respect Policy, and further suggestions made by legal counsel. This includes a detailed definition of bullying and harassment. It also sets out what is meant by discrimination and victimisation. This Policy is in near-final form and the final version will be incorporated into Standing Orders.
5. All Local Party Chairs are to appoint an individual to safeguard standards – this person is (or will) also be the identified mediator for dealing with issues at a local level.
6. Case studies showing fictitious examples of unacceptable bullying and harassment will be incorporated into a resource page on the Party website.

c. Suggested further actions

1. Self-selection is not an ideal approach to take for unconscious bias training. We all have biases, but often those in most need of training will not be self-aware and put themselves forward. The training should be compulsory for all staff and Parliamentarians, federal and state committee members, regional officers and the volunteer team leaders. I recommend that this is in-person training, subject to cost. At present, however, this is not something that could be mandated in the context of the federal structure.

Classroom-style training should continue to be offered to Conference delegates.

An online course should be sourced and made available for members and other volunteers.

2. I suggest there are new unconscious bias training sessions offered after the General Election as part of the Party's induction for new MPs. There have also been a number of new appointments to the House of Lords since the Peers' training session, which in any case attracted only 40% of active Peers, so another session should be held for the Lords. Conference delegates, members and local/regional party officers also change frequently – so although individuals obviously do not need annual training it is important that it is available on an annual basis and that an attendance record is kept.
3. The actions above, including the ones that are still planned or work in progress, should be completed by end Q1 2015. One person commented in their feedback to me that they "will be a member of Jeanne's team of local mediators if that ever gets off the ground" – it is important to deliver on good intentions.

Recommendation 1

PREVENTING BULLYING AND HARASSMENT

4. Section 26 of the Equality Act 2010 defines 'harassment' as follows

"A person harasses another if he engages in unwanted conduct related to a relevant protected characteristic (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation) and the conduct has the *purpose or effect* of violating the dignity of the victim, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the victim. A person also harasses another if he engages in unwanted conduct of a sexual nature which has that *purpose or effect*. In deciding whether conduct has the effect above, each of the following must be taken into account: the victim's perception, the other circumstances of the case, whether it is reasonable for the conduct to have that effect."

Further incidences arising since I conducted my Inquiry suggest that an understanding or awareness of Act's emphasis on the *perceptions of the alleged victim* is too often lacking. I suggest this is clearly articulated on the website resource page under development [see (6) above].

The Equality Act 2010 definition is already being cited in the Parliamentarians' Respect Policy, with a welcome emphasis on the perception point.

5. There should be a full review of the Party's organisational structure after the General Election.

"This is a description of a current situation where Regional Officers think they can act with impunity regardless of the constitution or due process and National Officers have no respect for local party members, the bullying of whom they regard as low priority"

Witness 9

Recommendation 1

PREVENTING BULLYING AND HARASSMENT

d. Assessment of progress

The Party has taken a number of actions regarding improving its formal, written standards of expected behavior. It has then taken the appropriate step of seeking legal counsel's advice that these are sufficiently rigorous. Following a number of recommendations from legal counsel, the Party has further strengthened the wording of its standing orders, constitutions, rules, codes, policies and procedures. These are at various stages of being adopted but where they have not formally been passed, they are expected to be in place by end Q1 2015. This is all constructive.

A useful start has been made in unconscious bias training.

The issue remains how much of this is taken on board in day-to-day situations. Of the 833 respondents to the Pastoral Care Survey this year, 350 respondents (42%) said they had witnessed inappropriate behaviour or comments to others (defined as bullying and harassment, sexual harassment, verbal or physical abuse, discrimination on the basis of religion, disability, gender, race, sexuality or age). This is an alarming statistic. It is possible that those who felt they had something to report were more inclined than others to complete the survey, but this is still a high incidence. Elected politicians and officers reported an even worse experience: over 50% said they had witnessed inappropriate behaviour or comments.

The majority of survey respondents had mostly worked for the Party for over 5 years, were predominantly male and aged between 25 and 49 years. Interestingly, over 80% of respondents said that they did not have cause to make a complaint themselves. 82% of respondents felt they had some responsibility to challenge inappropriate behaviour when encountered. Those who felt enabled to tackle the inappropriate behaviour were more likely to have already done so in the past, described themselves as 'having the physical stature to deal with the issue' and would address the perpetrator directly.

Similarly, the feedback from a number of the individuals who contacted me suggests that the Party needs to continue to reinforce the message that bullying and harassment will not be tolerated – and to follow through with censuring those who do bully and harass.

"I am not sure that the member code of conduct will do anything to get rid of harassment and bullying. If it is in someone's nature to be a bully, then they will be. It feels like certain characteristics – women, LGBT are OK, the others – race, disability – are not and ignored... The theory may have changed since your Report but the culture has not changed, the clarity that is supposed to exist does not seem to be there in reality." *Witness 12*

"Those running higher-tier party bodies still tend to show weak leadership by backing off from confronting unacceptable behaviour'...People still don't recognise what is unacceptable behaviour. It would be helpful to have published specific examples of when a behavioural line has been crossed." *Witness 1*

"I have recently seen complaints raised by individuals against other individuals which are themselves a form of bullying. I don't think anything much has changed at a local party level." *Witness 5*

The 'Building effective relationships' programme is a good idea, but appears to have been rolled out in just one region to date, with low take-up. Again, I suggest that the benefits of this programme are widely advertised. Prevention is much better than cure.

Recommendation 2

ADDRESS COMPLAINTS BY SETTING UP A PASTORAL CARE OFFICE, APPOINT A PAID, DEDICATED PASTORAL CARE OFFICER TO BE CONTACT POINT FOR ALL COMPLAINTS THAT CAN'T BE RESOLVED LOCALLY – AND ADVERTISE THIS RESOURCE WIDELY

a. Progress to date

After a formal search process, including advertising for the role on the 'AdLib' blog site, Jeanne Tarrant was appointed as Pastoral Care Officer, joining in January 2014. Jeanne previously worked for the Royal College of Midwives as a team manager and a Trade Union Officer and has extensive experience managing negotiations, grievances, complaints and disciplinary processes and in supporting individuals in raising concerns through whistleblowing. Tim Gordon, Party Chief Executive, consulted me on the job description and final candidates.

Jeanne's appointment has been widely welcomed, although it is clear that she cannot deal with every issue or change things by herself.

"I applaud the appointment of Jeanne Tarrant as the Party's Pastoral Care Office. I've dealt with her on several occasions recently in my role as regional chair and while I have a very high regard for her and what she is doing, she is not going to be able to change the culture of the party single-handedly... I don't think anything much has changed at a local party level."

Witness 5

"The appointment of the pastoral care officer is a good move. At local level I have not noticed any difference."

Witness 1

"At this stage the national office head of pastoral care also become involved and I was greatly reassured by the professional and practical advice I received."

Witness 2

"At the moment we turn to Jeanne for advice whenever something comes up. We need to be able to move to a position where we can handle most things ourselves, with the PCO's office having a watching brief (as well as guidance and training and development responsibilities. I think we are still a very long way from that point as local parties."

Spencer Hagard, Chair, Cambridge Liberal Democrats

There has been widespread publicity of the Pastoral Care Officer by all state parties. Jeanne also posted a blog on LibDem Voice explaining her role, priorities and tasks achieved in her first 50 days.

Jeanne publicised the first Pastoral Care Survey by directly emailing all regional, local and state party chairs, MPs, MEPs, MSPs and key activists, asking them to disseminate the survey widely.

Recommendation 2

ADDRESS COMPLAINTS BY SETTING UP A PASTORAL CARE OFFICE, APPOINT A PAID, DEDICATED PASTORAL CARE OFFICER TO BE CONTACT POINT FOR ALL COMPLAINTS THAT CAN'T BE RESOLVED LOCALLY – AND ADVERTISE THIS RESOURCE WIDELY

b. Further work planned

1. Everyone I spoke to acknowledged that Jeanne is stretched and thought that it would be better if more issues could be resolved at a local level. Jeanne is working on developing a team of potential mediators, so that there is an identified 'go-to' person/mediator for each regional and local group.

The Party conducted a skills audit where volunteers were asked to state their aptitude and willingness to offer certain services – ranging from driving a van to digital expertise to mediation. There were around 2,500 responses: of these, 26 people said they would be prepared to mediate. A process is underway to ensure that these self-nominated individuals have the right profile to carry out this role – and then they will receive training.

2. The staff digital team is consolidating and signposting a resource page on the LibDem website so that staff and members can easily identify who to talk to and what the procedures are. Case studies are being compiled to post on this resource page.
3. As complaints have emerged, local constituent parties are being encouraged to use a complaints log, as this will help identify issues including training requirements.

c. Suggested further actions

1. Notwithstanding Jeanne's appointment and the publicity around this, it is evident from the Pastoral Care survey that many people are still unclear how to make a complaint: just 56% of respondents said they knew where to find information on how to make a complaint.

"I do not know how to escalate a complaint" *Female survey respondent*

"I wouldn't know whom to approach in the first instance" *Male survey respondent*

"No knowledge of where a complaint could be escalated to" *Female survey respondent*

There does appear to be some confusion over the role of the Pastoral Care Officer and the Compliance Office, which identifies and appoints an investigator if the decision is taken (by Jeanne) that a complaint needs to be investigated. Jeanne's role is more as expert in-house counsellor: the Compliance Office oversees the disciplinary process if that is embarked upon.

This delineation strikes me as sensible, but there is a tendency for a 'bottleneck' to develop as the issue moves to the Compliance Office, particularly around the first stage of the investigative process. One frequently cited problem is the length of time taken to investigate complaints and several weeks can pass before an investigator is even appointed.

As well as causing stress, delays can obviously exacerbate conflicts. Timely resolution gives people the best chance of healing and constructively moving on.

Recommendation 2

ADDRESS COMPLAINTS BY SETTING UP A PASTORAL CARE OFFICE, APPOINT A PAID, DEDICATED PASTORAL CARE OFFICER TO BE CONTACT POINT FOR ALL COMPLAINTS THAT CAN'T BE RESOLVED LOCALLY – AND ADVERTISE THIS RESOURCE WIDELY

“I am absolutely horrified by the length of time it is taking the party to deal with my formal complaints about being bullied and intimidated by another party member... it is over nine weeks since I first notified...of my wish/intention to make a formal complaint, seeking advice...” *Supplied by Witness 17 on behalf of someone being assisted by her*

“The stress and anxiety this extracted process has caused me has been immense”
Witness 2

This was mentioned in a number of submissions, with a typical reference being that the Compliance team has a demanding workload and ‘other priorities’. More resource is being added to this team and there should be a monitoring of their workload. Time limits should be set for every stage of the process and communicated to the complainant and the person being complained against, so expectations are set.

I appreciate that there may not be a ready supply of suitably experienced volunteers but it would help to identify a ‘core group’ of potential investigators. It would be sensible to have the local mediators form at least part of this group, with training provided on how to conduct an investigation process without unnecessary delays, as well as mediation training.

2. To ensure that only intractable issues are escalated to the Pastoral Care Officer, it is imperative that this group of local mediators is identified, trained and encouraged to resolve disputes between individuals where at all possible. Common sense must apply, if necessary facilitated by a trained individual at local level. There has been some progress here but it is incomplete. The need for more training was a recurring theme from those who submitted their views.

“As a Party we would stand a better chance of dealing with poor behavior and complaints if we provided training to people in positions of responsibility. I served for two years as Chair of a Regional Local Parties committee during which time it was my responsibility to sort out situations that had arisen in Local Parties. I did my best without any training.”

Witness 17

Recommendation 2

ADDRESS COMPLAINTS BY SETTING UP A PASTORAL CARE OFFICE, APPOINT A PAID, DEDICATED PASTORAL CARE OFFICER TO BE CONTACT POINT FOR ALL COMPLAINTS THAT CAN'T BE RESOLVED LOCALLY – AND ADVERTISE THIS RESOURCE WIDELY

3. As noted above, there needs to be a simplification of the overall structure so as to reduce the risk of standards deviating.

“Take all the necessary steps to achieve absolute consistency of approach across every aspect of the Party’s functioning: federally, nationally, regionally, in local parties, Specified Associated Organisations (SAOs) etc. and within the UK, Scotland, Wales and EU parliamentary parties”

Spencer Hagar, Chair, Cambridge Liberal Democrats

d. Assessment of progress made

The Party has implemented Recommendation 2. Jeanne is an excellent hire and widely respected. Her impact has been considerable – I witnessed this at Glasgow. Her capacity constraints and the convoluted nature of the process for instigating an investigation do limit her effectiveness, however, and should be tackled as a priority, through increasing resource in the Compliance team, setting deadlines at every stage and training the local mediators and investigators.

Recommendation 3

MONITOR PERFORMANCE AND CONTINUOUSLY IMPROVE STANDARDS. SET ANNUAL OBJECTIVES FOR A WORKPLACE SURVEY AND PUBLICISE AND ACT ON THE FEEDBACK

a. Progress to date:

1. The initial staff and member survey instigated by the Pastoral Care Officer in May and June has given a baseline reading on how well the party responds to complaints and how activists and others feel about making them – including the safety of the environment for making complaints (fear of retaliation was a repeated concern uncovered in my first Inquiry). The findings of the survey have been shared with the outgoing Party President, Tim Farron and the Chief Executive, Tim Gordon. The themes that have emerged from the survey will be shared more widely in the New Year.
2. All complaints coming through the national website are logged and actioned. They are currently collated by area and type of complaint. A report will be run over year end to identify geographic concentrations and the types of complaints. In addition, the Party now logs all incidents reported in a parliamentary capacity including any actions taken. A report is sent to the Chief Executive and the Pastoral Care Officer if action is taken.
3. Candidate and Diversity teams work closely with other departments and teams across the organisation to address under-representation and identify ways to increase participation of under-represented groups. The current data is included as Appendix 1. See also Recommendations 7 and 8.
4. The Scottish Executive has a formal diversity reporting mechanism in place and is presented to their Party AGM each spring. There is a duty on National Committee Conveners to consider diversity in the composition of their committees, using the co-option facility (up to 3 each committee) to rectify any gender imbalance.

b. Further Actions planned

1. A second Pastoral Care Survey will be conducted after the General Election, so that progress over the year can be measured. The messages from the first Survey have informed the PCO's priorities to date.
2. There is a proposal to introduce exit interviews to also learn from leavers about their experience working for the Party, and to use this to help improve.
3. In Scotland, active encouragement of potential women national committee members will be promoted by SLDW (Scottish Liberal Democrat Women). The intent is for this to also be promoted by all national committee members, including creating greater clarity around expectations, responsibilities and time commitments for national committee roles.

Recommendation 3

MONITOR PERFORMANCE AND CONTINUOUSLY IMPROVE STANDARDS. SET ANNUAL OBJECTIVES FOR A WORKPLACE SURVEY AND PUBLICISE AND ACT ON THE FEEDBACK

c. Suggested further work

Unfortunately, the findings of the 2014 survey suggest an ongoing lack of confidence and trust in the grievance and complaints processes, notwithstanding the appointment of the Pastoral Care Officer, who is not a Party member. The PCO reports to the Party President and has a separate reporting line to the Chief Executive in the event of any complaint against the President. However, it is clear that there is still a fear of recrimination.

“My boss is my line manager. They decide my pay, my employment. There is no one I feel I can speak with who would be able to deal with my complaint without there being repercussions”

Male survey respondent

“I don’t have faith that it wouldn’t harm my political career”

Female survey respondent

“I have never had a complaint, but if I did I probably wouldn’t as it’s pointless to do so. I have seen others do it and they have been ignored especially when they ‘go up against’ someone who knows how to play the system or who has any form of influence”

Male survey respondent

“Westminster is a closed club that you don’t want to be blacklisted from because you’re viewed as a snitch or someone who will whistleblow”

Male survey respondent

The level of distrust is worrying and suggests a need for urgent action. There are several indications that the Party under-estimates fears of reprisal or intimidation – this was evident in my initial Inquiry and remains so.

The initial drafting of the revised grievance procedure suggested that the subject of the complaint would be present at the grievance meetings, involved in discussions about the outcome and present at any grievance appeal meeting. As counsel pointed out, this would not be advisable.

“The most important recommendations are that the subject of the complaint should NOT be:

- a. Present at the grievance meeting at which the person who has presented the grievance is interviewed by the grievance manager;
- b. Involved in discussion with the grievance manager about the outcome of the grievance;
- c. Present at any grievance appeal meeting at which the person who has presented the grievance appeal is interviewed by the grievance appeal manager.”

It transpires that this suggestion had been made to address the unusual situation of MPs, who employ their staff directly. ACAS guidance on grievance handling is clear that employers, employees and their companions should attend any meeting. If a complaint is raised about an MP by a member of his or her staff, the person complained about is often, legally, the sole employer. If he or she does not attend the grievance meetings, the employer is therefore not represented. However, in reviewing some of the cases that have emerged since my initial Report, it is clear that alleged victims have felt intimidated by the presence of the person they are complaining about.

Recommendation 3

MONITOR PERFORMANCE AND CONTINUOUSLY IMPROVE STANDARDS. SET ANNUAL OBJECTIVES FOR A WORKPLACE SURVEY AND PUBLICISE AND ACT ON THE FEEDBACK

I consulted with an employment lawyer who suggested that there was no need for the employer to be represented provided a contemporaneous note is taken of any meeting where he or she is absent, so that he or she has the full opportunity to respond to what has been raised. In addition to modifying the draft procedure to reflect this, I suggest that a conscious effort is made by all to consider ways of addressing this prevalent concern. Protection from retaliation should be referred to.

I recommend including very precise questions in the 2015 Pastoral Care Survey to assess more general progress around building trust.

I also suggest a brief (online) survey at some point following the General Election to offer volunteers the opportunity to convey their experience of working for the Party.

Assessment of progress

The first Pastoral Care Survey was well-structured and has helped identify areas requiring further improvement. Setting explicit, high priority goals is important at this point. In particular, strong efforts need to be made to address the persistent tendency to distrust. It will again be easier to make progress here if there is a clearer overall structure with more consistency around modern standards of behaviour.

Recommendations 4, 5 and 6

PREVENT ISSUES FESTERING, TREAT COMPLAINTS AS A HIGHER PRIORITY AND MONITOR COMPLAINTS-HANDLING

a. Progress so far

1. As mentioned previously, a near-final draft complaints and grievance process for use by staff of MPs has been created, modeled on the ACAS code of practice and since refined. This document is for the use of staff of MPs to raise complaints and grievances. The focus of the document is on mediation, with the expectation that individuals will be able to access mediation at any point during the process. There is an appeals process built in to the process. MPs will shortly be consulted on the draft, with the intention being that it is in place by the end of January 2015.
2. **Wales:** The Welsh Party has defined a complaints process for other staff members which includes who to address the complaint to and who manages the complaint including the timescales for completion.
3. **Scotland:** there has been a raising of awareness of the current process for complaints handling amongst the Scottish Executive and Office Bearers as a result of recent cases. This has led to limited improvements in the process and a start to recording such complaints and their resolution.
4. Mediators have or are being identified and trained at local and regional levels, to address issues through 'common sense', in the hope that this will lessen the tendency for disputes or disagreements to fester or become intractable. These mediators can be used by staff or volunteers.
5. Issues that cannot be resolved at local level are now being escalated to the Pastoral Care Officer: this process has been widely publicised. To date, five cases have been escalated and investigated or will be investigated via this route. One case had reached near-completion when I began this follow-up review and has therefore tested the process put in place following my Report last year.
6. Once an investigation starts, there is a 14-week limit on its completion.
7. Any appeal has to be lodged within a month of a complaint being upheld or not upheld.
8. A complaints process for public and members is now also available with timescales for acknowledging and dealing with complaints. This is separate to the membership disciplinary rules and process and is to be used primarily for grievance/relationship issues between party members and as a means for the public to complain about a member of the party. These documents have been signed off by the Federal Executive and are available online, but are now being revised to reflect the additional input from legal counsel, with the final version anticipated by early February 2015.

Recommendations 4, 5 and 6

PREVENT ISSUES FESTERING, TREAT COMPLAINTS AS A HIGHER PRIORITY AND MONITOR COMPLAINTS-HANDLING

b. Further work planned

1. The complaints and disciplinary procedures are being revised. Under the draft rules, less onus is placed on the complainant. There is also more clarity about the investigation aspect – which starts with determining whether a disciplinary process should proceed following a complaint (therefore drawing a clearer distinction between the two). The role of the investigator is to conduct a fact-finding investigation.

In addition, clearer timescales are given, with an investigation to be completed and for the investigator to decide if there is a case to proceed to disciplinary action within 4 weeks of it starting.

The hope is that well-trained investigators will complete the whole process within 8 – 12 weeks.

Changes to the rules

1. The complainant no longer has to formulate the allegations. This is now the duty of the investigator, who once the complaint is upheld will set out formal allegations against the subject of the complaint. Additionally the complainant is no longer obliged to putting a complaint in writing. The responsibility for doing that is transferred to the party body initiating the procedure.
2. The complainant no longer has to state that they are seeking the subject of the complaint's revocation of their membership in order to make a complaint. They no longer have to state what outcome they are seeking (if they do not want to). This outcome is not limited to revocation of membership.
3. The acts of discrimination/harassment/bullying/intimidation are now added to the grounds for revocation.
4. Specifically providing for the lesser sanctions to justify the Disciplinary Procedure
5. Changes to the investigation process as per the recommendations of Diya Sen Gupta, including allowing for multiple investigators, providing that investigators should conduct interviews where appropriate and set out reasoned conclusions, and allowing them to nominate a third party for mediation to take place.
6. Changes in terminology – from “charges/complaints” to “disciplinary allegations”, from “meeting/hearing” to “disciplinary meeting” and “person being complained against” to “subject of the Disciplinary Procedure”.

2. All complaints from the public and members as described above are to be logged when received and the plan is to be able to report on the types of complaints the Party receives.

Recommendations 4, 5 and 6

PREVENT ISSUES FESTERING, TREAT COMPLAINTS AS A HIGHER PRIORITY AND MONITOR COMPLAINTS-HANDLING

c. Suggested further actions

1. It was suggested to me by a former Party President that “people like complaining, not making a complaint”. As was seen in the Rennard case, it is important that there is an understanding of the difference and I suggest that Jeanne and the team of local mediators continue to work to spell this out.
2. Issues fester if they are not resolved quickly and although there are time limits for certain stages of the complaints, grievance and disciplinary processes, there are some important points – for example, the appointment of an investigator – where there is no time limit. There should be a clear deadline for each stage of the process and this should be communicated clearly. I am aware that it may not be easy to find the right investigator but a drawn-out process is detrimental to everyone.
3. Reviewing the first case escalated to the PCO, the timeline has been protracted, causing the victim further distress, even though her complaint was upheld. She first raised her complaint in June and was ongoing when I met her in Glasgow on 6th October.

It is important that deadlines are not just set but adhered to at every stage of the process. If the person complained against does not co-operate with the investigation, there should be no time limit extension or delay, with clear penalties for non-cooperation.

4. The process as currently configured involves too many levels of hierarchy, again highlighting the potential benefits of more streamlined organisational construct.

“Process too long... Local Party investigation then Regional investigation then up to English Party to investigate, then Federal. For goodness sake!”

Female survey respondent

“Create a two tier complaints structure, local and federal and in doing so remove the regions and state parties from the disciplinary and grievance process”

Witness 13, regarding ideas for the Party to further improve

Recommendations 4, 5 and 6

PREVENT ISSUES FESTERING, TREAT COMPLAINTS AS A HIGHER PRIORITY AND MONITOR COMPLAINTS-HANDLING

d. Assessment of progress

1. There have been a number of intractable disputes between individuals, both prior to and since my Inquiry. It can obviously be difficult to reach a resolution in some cases. The new process involving the PCO has helped with escalation. The investigation process needs to be improved, however, as at present I think it actually contributes to the difficulties experienced in reaching a satisfactory conclusion.

In particular, the speedier appointment of an investigator is essential. I acknowledge that this is not easy, given that this may be a volunteer who will need to agree to spending considerable time on an issue. The problem is only likely to get worse, however, if an appointment cannot be made in a timely way.

2. In the case that has most advanced since the original inquiry, resolution has not been helped by having the person complained against present while the complainant gave evidence. The process needs amending as legal counsel has advised. It is also essential in this case, where the individual has been asked to take training or be expelled from the Party, that he respects the timeframe and that the Party does not extend the timeframe or retreat from the request.

Once a complaint is upheld, taking action is essential.

“There is no evidence that anyone has been sanctioned for either bullying or harassment since your report was published. The English Party have refused to provide any statistics on this or even evidence of any one incident where some action was taken.”

Witness 13

3. After the Rennard case, the Party has every incentive to resolve issues that do arise, and as quickly as possible. While I would encourage the ongoing use of mediation at the early stage of cases, I would discourage it once the process has concluded. Both in the Rennard case and in the case above, there has in my view been a mistaken attempt to persuade (or try to persuade) the complainant(s) and the person complained against into mediation after the conclusion of investigations.

Recommendations 7 and 8

PREVENT WOMEN AND MINORITIES FEELING UNDERVALUED AND ADDRESS SITUATIONS WHERE THERE IS UNDER-REPRESENTATION OF WOMEN AND OTHER GROUPS

I received a number of submissions from ethnic minorities and one disabled person in my call for evidence for this follow-up review and note that while there remains much to do to achieve gender equality, even more effort is required to reach a position where other under-represented groups feel valued. It is telling that in the summary of the Pastoral Care survey 'There is no analysis of the results based on race as the BAME responses are too low to be statistically significant.' (This statement applies only to the survey respondents, not to the overall member population).

A 'Morrissey-style' Review has been proposed to focus on participation of ethnic minorities post-Election. This appears much needed. Given this impending review, my comments on this and other aspects of diversity besides gender are limited to the actions already undertaken by the Party.

Recommendations 7 and 8 refer to the broader goal of improving opportunities for women and others, which is not a new aim for the Party. A number of the efforts summarised below were already in existence long before I conducted my Inquiry but it may be useful to capture a reasonably comprehensive picture at this point.

a. Progress so far

There are a number of Party initiatives aiming to increase the representation of women in Parliament and to make the working environment more inclusive:

The Candidate Leadership Programme, devised by the newly-elected Party President Sal Brinton and launched in 2011, is designed to identify and develop some of the best and brightest talent from groups that are currently under-represented in the Parliamentary Party. Individuals are selected who have demonstrated the combination of passion, drive, aptitude and commitment that it takes to win a Parliamentary seat. Leadership Programme Candidates receive training, mentoring, access to additional resources and briefings from Senior Party Representatives, MPs and Ministers to support them in their aspirations to become MPs. There are 44 participants in the programme for this electoral cycle, 29 are women (66%) and 4 are women from a BAME background (there are 14 BAME participants in total). Selection statistics for the upcoming General Election are included in Appendix 1.

Liberal Democrat Women

The women's organisation within the Party, working on policies, campaigns and strategies to eliminate discrimination on the basis of gender and to increase female representation at all levels. This includes work on how policies and culture of the party and Parliament can help to elect more women Parliamentarians.

Liberal Democrat Women work closely with the Diversity and Outreach team at Party headquarters to run the **Campaign for Gender Balance (CGB)**. This initiative, originally the Gender Balance Task Force dates back to September 2001. Its remit is to motivate and enable more women to stand for Parliament, by ensuring that all potential women candidates have all the encouragement, skills and support necessary. Through CGB, women can benefit from a number of opportunities that will not only help them build up their profile as a future parliamentary candidate, but will also help them develop a set of invaluable skills.

Recommendations 7 and 8

PREVENT WOMEN AND MINORITIES FEELING UNDERVALUED AND ADDRESS SITUATIONS WHERE THERE IS UNDER-REPRESENTATION OF WOMEN AND OTHER GROUPS

The activities are as follows:

Mentoring

- CGB provides ongoing mentoring to women candidates at different stages of their political careers, including a number who applied for the Leadership Programme.

Training

- Female-only training in key skills are offered at all Party Conferences.
- Future Women MPs Weekend – this is a women-only residential training weekend, attended by many MPs, PPCs and members of the Leadership Programme. In this electoral cycle, 60 women have attended one of these weekends, including 3 current female MPs and 9 current female Prospective Parliamentary Candidates (PPCs).

'Inspiration Days'

- Informal information and training events designed to motivate and inspire women members to develop their political careers.
- Two such days have been held this quarter: one in London in October (26 women attended), one in Watford on 6th December.

MP Shadowing

- There is an option to shadow an MP in constituency or Westminster.

Other points to note

- All competitive and held seats must have a gender-balanced shortlist when they select their candidate and diversity awareness is integrated into all selection committee training.
- The Party had a (naturally occurring) all-female Presidential election in November 2014 with three strong candidates. Sal Brinton was elected.
- At least one third of all Federal Party elected committees must be women.
- Several Liberal Democrat MPs (e.g. Tim Farron and Danny Alexander) now operate a policy of not taking part on any panels without at least one female speaker. This approach is encouraged throughout the Parliamentary Party.
- The senior management team at Liberal Democrat HQ is gender-balanced i.e. Tim Gordon's direct reports are 50% men and women.
- An attempt was made to pass a resolution at the Glasgow Conference that federal committees would have a 50:50 gender balance. This failed but cast a spotlight on the issue. Elections to the federal committees have just been held and the gender split is 44% women, 56% men.

Recommendations 7 and 8

PREVENT WOMEN AND MINORITIES FEELING UNDERVALUED AND ADDRESS SITUATIONS WHERE THERE IS UNDER-REPRESENTATION OF WOMEN AND OTHER GROUPS

- There is a mean 0.5% gender pay gap between women and men at staff HQ, based on a review conducted in July 2014. This is much narrower than the national average pay gap of 9.4%.
- The diversity of approved and selected candidates is monitored by the Candidates Office and published regularly on the main Party website.
- The Liberal Democrats have the highest percentage of women peers (33%) of any party or group in the House of Lords.
- None of the five Liberal Democrat Cabinet seats are held by a woman. It was recently announced that there would be no changes to the ministerial team in the final months of this parliament, provoking some disappointment. Of course it is counter-productive to promote a woman in a 'tokenistic' way, but there was certainly at least one very credible female candidate and this was a missed opportunity.
- Local Government figures are difficult to get hold of and change often, but Liberal Democrat council candidates stand consistently around 30% according to the recent briefing by the Centre for Women and Democracy. This is amongst the highest of the main political parties.
- The Diversity and Outreach team communicates the work around diversity via a monthly newsletter distributed to Parliamentarians, SAOs, Party committee members and other key stakeholders.
- In the Scottish Party, the Scottish Diversity Champion, Sophie Bridger, ran two diversity training sessions in Edinburgh and Glasgow in early 2014. These were promoted in a members' newsletter and were aimed at local party office bearers. There has been specific formal and informal training for Scottish women to access. The Party Leader, Willie Rennie MSP has appointed Amer Masood as his advisor on Community Relations to engage with BAME groups to encourage membership of the Party, which has led to an increase in membership amongst the Asian community.
- Scottish Liberal Democrat Women present an award every year at spring conference to the person who has done the most to increase diversity each year highlighting this issue and rewarding good practice. The Scottish version of the Federal Leadership Programme has been effective so far in engaging women in becoming candidates and looks likely to support the drive to increase the number of women parliamentarians by 2016.

b. Further work planned

1. The names of the diversity champions will be posted on the resource page once it is available and existing champions will be encouraged to share their work.
2. Learnings from the success of the Leadership Programme will be used to increase the profile of Campaign for Gender Balance and the mentorship programme for under-represented groups.

Recommendations 7 and 8

PREVENT WOMEN AND MINORITIES FEELING UNDERVALUED AND ADDRESS SITUATIONS WHERE THERE IS UNDER-REPRESENTATION OF WOMEN AND OTHER GROUPS

c. Further suggestions

1. I wanted to explore the relative success of the Leadership Programme, established in 2011, to see whether there were any replicable factors.

It transpired that this programme did not receive support from various influential committees and the creators feared that the proposals might be blocked. The Programme did get approved by Federal Conference but the English Candidates Committee, for example, did not advocate for the Leadership Programme or propose any other alternative solutions to these issues. This lack of engagement from influential groups inevitably limits the effectiveness of any initiative.

I enquired how people get onto such a committee and was told that the first qualification is to be a member of one of the English Councils. These council appointments are made at regional conference. After that, the process is opaque: there is no job description or list of skills or experience, so the tendency arises for a core existing group to self-perpetuate. Turnover is also low – there is no maximum term. The English Council Executive elections recently took place – at the same time as the federal committees, where the proportion of women elected was 44%. In contrast, the English Council Executive now comprises 22 men and just 3 women.

This highlights the need for transparent election processes at *all* levels – again, something that could be more easily achieved if there was and standardised good practice within a simpler structure.

2. There are fears that the Leadership Programme may fall by the wayside after the General Election partly owing to the lack of buy-in from powerful groups such as the English Candidates Committee. I recommend that there is commitment to the continuation of the Leadership Programme.

d. Assessment of progress

The Party is certainly not where it wants to be in terms of gender parity and representation of minorities at all levels. However, the efforts are multiple and where they exist, are heartfelt. The issue remains (as in the corporate world) how to reach the unconverted.

- 23% of total selected candidates so far for the 2015 GE are women, 28% if reselections are excluded.
- Women comprise 36% of candidates in the most winnable seats (including held seats where MPs are retiring).
- Women have been selected in 4 out of 9 Lib Dem held seats where Lib Dem MPs are standing down in the next election.
- 73% of selected candidates from LP are women.
- Women represent 44% of elected members in the Federal Party Committees.

Recommendation 9

MONITOR THE EFFECTIVENESS OF THE EFFORTS

Overall, it is too early to judge the results of the efforts to date. The Party has put in place several means of gauging how much progress has been made. The first Pastoral Care Survey has given a useful baseline. Further steps planned include encouraging the use of staff exit interviews at all locations. The Head of Diversity and Outreach is to evaluate the unconscious bias training. In Scotland, Diversity is a standing agenda item on the executive.

These should all be followed through; the journey towards a more diverse and inclusive environment is not an easy or quick one for any organisation. It will not happen in a straight line, making it vital to measure progress and adjust course if needed.

Other developments subsequent to my June 2013 Report

For the purposes of this follow-up, these fall into two main areas: the next steps in the Rennard case and the five complaints that have been escalated to the Pastoral Care Officer.

In addition, around the time my Report was published, Mike Hancock, MP for Portsmouth South stood down from the party whip while contesting allegations of sexual assault brought by a constituent in a High Court civil action. A confidential settlement was reached a year later, at which point Hancock issued a full apology for making her feel 'degraded', 'deeply uncomfortable and discriminated against', and acknowledging her 'vulnerability'. He resigned from the Party in September ahead of an internal disciplinary. This case brought fresh public embarrassment for the Party but given that it has concluded and he has left the Party I have not investigated further.

Regarding the five complaints escalated to the PCO, I note that these do not all involve a complaint by a woman against a man. One concerns a dispute between two women, another alleged bullying of a man by a woman. Studying the cases farthest along the process, it is evident that there is now a professionalism and adherence to procedure. This is good to see and I hope might give encouragement to others who have problems.

As noted earlier, the investigative process is, however, too long-winded (particularly at the start) and I recommend a change here, including regarding the appointment of the investigator, which should be the responsibility of the PCO. Deadlines need to be set for each stage of the process.

As now recognised, it is also important that the complainant be able to give their account without the person they are complaining against being present. If the complaint is upheld, it is vital to censure the person who has committed the hurt or offence.

As a new, better system is adopted, the limits of rules and formal processes must, however, be recognised. According to evolutionary theory, human beings are hardwired to come into conflict with one another, but we are also social beings and have the capacity to resolve fights – but not necessarily through following a formulaic approach. Intelligence, sensitivity and good judgement are needed.

There have been several significant developments in the Rennard case since the publication of my Inquiry findings in June 2013. I recapitulate them here in order to show how difficult it has been for the Party, or anyone involved, to achieve a satisfactory outcome and therefore to move on. For the sake of all, though, it is imperative that they do, and I make some suggestions below.

In September last year, the Metropolitan Police concluded its investigation into allegations of sexual touching by Lord Rennard, instigated in February 2013 after media reports, with a statement that 'there is insufficient evidence to support a prosecution.' This decision was made by police, without referring

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the case to the Crown Prosecution Service – in accordance with the Director of Public Prosecutions guidance on charging. Lord Rennard welcomed the decision and the Party confirmed that the police decision not to prosecute him with a criminal offence meant that the Party's internal disciplinary process, led by Alistair Webstair QC, would resume.

Alistair Webster QC had been appointed under Rule 76 of the English Party's membership rules to investigate and determine whether or not it was appropriate to charge Lord Rennard with acting in a way that brought the Party into disrepute. Webster reached the conclusion just before Christmas last year that the allegations should not proceed to a disciplinary hearing since there was less than a 50% chance that a charge against Lord Rennard could be proved to the requisite standard set out in the Party's prevailing English Disciplinary Procedure, the criminal standard of proof.

This conclusion was published in mid-January after the Party's Regional Policy Committee had met to consider it and to decide next steps. Alistair Webster issued a statement in which he said 'Let me be clear from the outset that the evidence suggests that Lord Rennard's behaviour has caused distress in a number of women'. He described the women's evidence as 'broadly credible' and added, 'it is my view that Lord Rennard ought to reflect upon the effect that his behaviour has had and the distress which it has caused and that an apology would be appropriate'.

Tim Farron, then Party President, responded: "As a Party, we have no choice but to accept Alistair Webstair QC's conclusions but that does not mean I am content. Nick Clegg and I are clear that we need to look again at our disciplinary procedures...Lord Rennard must reflect on his actions and apologise to the women involved."

The Party doesn't usually publish internal investigations. The four complainants and Lord Rennard were understandably keen to see the full Report. The Party took legal advice and was advised that sharing the Report would contravene the Data Protection Act.

Since Lord Rennard had not been issued with the Report, he obviously did not know its contents. The legal advice he received (from a number of lawyers) was therefore not to apologise since he was not in a position to know what an apology would cover, leaving him defenceless in any future civil action.

This impasse was highly unfortunate to say the least. With all the investigations concluded with 'No further action', Lord Rennard intended to resume the Liberal Democrat whip in the House of Lords, which he had voluntarily stood aside from, pending the outcome of all the inquiries. The Regional Policy Committee announced, however, that 'he is suspended from the Party while it investigates whether he has brought it into disrepute by refusing to apologise.' Lord Rennard then issued a 2,600 word statement in which he said "If ever I have hurt, embarrassed or upset anyone, that would never have been my intention and of course I regret that they may have felt any hurt, embarrassment or upset... but for the reasons given, I will not offer an apology to the women concerned."

Mediation was attempted between Lord Rennard and the women, but this failed. As part of the mediation, it was decided that it would be helpful for those directly involved to see the Webster Report. A second legal opinion was sought regarding whether it could be shared on this limited basis. This advice was that a redacted version could, provided the parties respected its confidentiality. Lord Rennard and the women were given sight of the full Report on 7th March.

Chris Willmore, an academic, party member and former barrister was appointed to conduct the new disciplinary process around whether Lord Rennard brought the party into disrepute by failing to apologise: she also concluded that there was insufficient evidence for any further action.

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On 29th May, Lord Rennard issued an apology through his lawyer, who said that “he wishes to achieve closure...he would therefore like to apologise sincerely for any...intrusion and assure that this would have been inadvertent. He hereby expresses his regret for any harm or embarrassment caused to them or anything which made them feel uncomfortable”.

During the course of this year, all four women who made complaints have resigned from the Party, a development described to me as a ‘tragedy’ by the Leader, the outgoing President and the Chief Executive.

As I concluded in my original inquiry, the whole episode ‘is a salutary lesson in what can go wrong if due process is not followed at the time a problem surfaces. Unresolved issues fester and come back to haunt everyone. It is not fair on the women, not fair on the accused and causes great propensity for misunderstanding and further accusations.’

At this point, December 2014, every investigation has concluded with no further action to be taken against Lord Rennard. The process over the past nearly two years – conducted according to the prevailing rules – has run its course and although the outcome is a source of great frustration to some, I believe that the Party can only move on if that outcome is accepted. At this stage, *given that the Party applied its own processes*, there is no justification for it remaining ambivalent towards Lord Rennard – he should be just as welcome a participant or guest at Party events as any other.

I empathise with those who feel resentment or anger about the situation, but urge them to seek peace by accepting and, if possible, forgiving. Alexander Pope’s ‘To err is human, to forgive is divine’ reminds us all that forgiveness can be the ultimate positive outcome – benefitting the forgiver as well as the forgiven, freeing the one wronged against from negative emotions and feelings of powerlessness. Forgiving is a very strong and empowering thing to do.

The women involved can also take comfort from the fact that their actions shone a spotlight on the need for high behavioural standards throughout the Party and more effective processes for dealing with problems when they do occur. If the women who feel wronged can focus on this, they will realise that their complaints have left an indelible, positive mark, helping others to avoid the distress they have experienced. This is a significant achievement.

I am convinced that the leadership and senior management team within the Liberal Democrats have focused on the issues that catalysed my first Inquiry with a sense of urgency and determination. They are limited in what can currently be achieved owing to the Party’s complex federal structure and as pointed out several times this needs addressing with just as much urgency following the General Election in 2015.

I hope that the Liberal Democrats’ experiences regarding the various scandals that played out in public over the past two years have encouraged other parties to consider their own behavioural standards, disciplinary processes and above all, the need to attract more diverse talent into politics.

We are a modern, diverse society needing Parliamentarians that reflect and represent us – something that will not happen if we simply extrapolate the past. Good can come out of ill and the events of the recent past have, I believe, accelerated much-needed change within the Liberal Democrats.

As voters, we need to demand change from all parties, to the point where men and women from a wide variety of backgrounds feel not just welcome in politics, but empowered to lead ongoing improvements in our society and economy.

Summary of Recommendations

1. After the 2015 General Election, review and simplify the Party's organisational structure. Aim for a structure that combines high consistent standards at all levels with local decision-making.
2. Implement the Respect Policy and new, amended complaints, grievance and disciplinary processes. Introduce deadlines for each stage of the grievance and disciplinary stages and ensure these are communicated to both complainant and the person complained against. Identify and train investigators to select from – and refresh this group periodically.
3. Continue all the programmes underway to promote a diverse and inclusive culture – unconscious bias training, identification of local mediators and investigators, regional volunteer team leaders, Candidates Leadership Programme – but make more training mandatory. Spell out examples of bullying and harassment – use the website.
4. Ensure the feedback loop is sustained – keep surveying staff, volunteers and members and prioritising actions.
5. Tackle distrust. For example, ensure that a complainant is respected throughout the process and guard against intimidation. Use the Pastoral Care Survey to gauge whether progress is being made.
6. Continue to encourage more early mediation around developing conflicts or complaints. Ensure that those trained to mediate can spot the signs when this route has been exhausted.
7. When a case is escalated to the Pastoral Care Officer, establish and communicate a timetable for all stages of the investigation and disciplinary processes.
8. At the conclusion of investigations, if the complaint is upheld, ensure the perpetrator is censured.
9. If resolution proves elusive, devise a way of achieving closure: fostering a culture of forgiveness is the highest goal. At a minimum, consciously seek to eliminate grudges.

Appendix 1

SELECTION STATISTICS: UP-TO-DATE AS AT 8 DECEMBER 2014

Held seats – where MPs are retiring

	Selections	LP Candidates	Women Candidates	BAME Candidates	LGBT Candidates	Disabled Candidates
Total	11	6	5	2	1	0
% of Total		55%	45%	18%	9%	0%

Most competitive seats – including held seats where MPs are retiring

	Selections	LP Candidates	Women Candidates	BAME Candidates	LGBT Candidates	Disabled Candidates
Total	25	13	10	4	3	0
% of Total		52%	40%	16%	12%	0%

All seats – including MPs

	Selections	LP Candidates	Women Candidates	BAME Candidates	LGBT Candidates	Disabled Candidates
Total	247	23	63	21	8	3
% of Total		9%	26%	9%	4%	1%

All seats – not including current MPs

	Selections	LP Candidates	Women Candidates	BAME Candidates	LGBT Candidates	Disabled Candidates
Total	202	23	58	21	8	3
% of Total		11%	29%	10%	4%	1%