

THE SINGH INVESTIGATION

Independent Investigation into Alleged Discrimination

Citing Protected Characteristics within the Conservative
and Unionist Party in England, Wales and Northern Ireland



Contents

03	Overview of the report
10	1 Foreword
13	2 Findings
16	3 Recommendations
20	4 Structure of the Investigation
24	5 Detailed findings
50	6 Individual case studies
59	7 Conclusions
62	8 Appendices
62	Appendix 1: Report methodology
72	Appendix 2: The Terms of Reference of the Investigation
76	Appendix 3: Data collected by the Investigation
82	Appendix 4: Conservative Party structure and processes
95	Appendix 5: Summary of recommendations

Overview of the report

Background

This investigation was set up following certain high-profile allegations of discrimination, including what is sometimes referred to as “Islamophobia”, within the Conservative and Unionist Party (the “Party”). The Party had also been accused of failure to address allegations of Islamophobia¹. Following discussions with the Equality and Human Rights Commission (the “EHRC”), the Party set up this Independent Investigation (the “Investigation”) to consider such allegations and appointed a Chair in December 2019.² On 12 May 2020 the Investigation³ published the Terms of Reference, on which the EHRC had provided detailed comments. This is the Report of that Investigation.

¹ For example, <https://www.bbc.co.uk/news/uk-politics-51756463> and <https://www.theguardian.com/politics/2019/nov/13/lady-warsi-hits-out-at-tory-failure-to-tackle-islamophobia>
² <https://www.bbc.co.uk/news/election-2019-50830833>
³ <https://www.conservatives.com/investigation>

Overview of the report cont

Terms of Reference

The remit of the Investigation was to establish the nature and extent of complaints of alleged discrimination because of a person's Protected Characteristics, as defined under the Equality Act 2010,⁴ including religion or belief and specifically Islam; to determine whether the Party had effective and efficient processes to deal with such complaints; to consider whether appropriate sanctions had been applied in keeping with the Party's codes of conduct; and to make recommendations on how the Party might improve its processes to better identify and eliminate discrimination.

Following discussions with the Party, the Chair decided to widen the scope of the Investigation beyond the complaints database at Party headquarters (CCHQ), so as to enable the Investigation to consider cases that had not been raised formally with the Party.

The Investigation had no statutory powers to compel individuals to provide evidence. To ensure that individuals were able to speak freely, the Investigation sought informed consent for naming individuals either in specific cases or when directly attributing a quote to a person. Some individuals, having voluntarily given evidence to the Investigation, later declined to give consent to be named, and in a few instances, made such consent conditional upon their evidence being presented in a particular manner. The Investigation declined such requests and some direct evidence could therefore not be included or attributed in the Report. However, relevant findings from such evidence have been included where admissible and recommendations made accordingly.

Summary of findings

Nature and extent of complaints:

- > Over the six years 2015 to 2020 (inclusive of both years), the Party's central database recorded 1,418 complaints concerning 727 incidents of alleged discrimination; i.e. an average of 237 complaints relating to 122 incidents per year in a party with 200,000 members (latest CCHQ figure);
- > Two-thirds of all incidents reported to the complaints database at Party headquarters ("CCHQ"), related to allegations of anti-Muslim discrimination⁵;
- > Three-quarters of all incidents recorded in the complaints database at CCHQ involved social media activity;
- > An overwhelming majority of valid complaints lodged with the CCHQ Complaints Team – by which we mean evidenced complaints that concerned Party members – were upheld and resulted in a sanction;
- > Of those interviewed who had one or more Protected Characteristics (as defined by the *Equality Act 2010*), most denied any personal experience of discrimination. Where such discrimination was experienced, it was most likely to have occurred at the level of a local Party association;
- > Anti-Muslim sentiment has been evidenced at local association and individual levels, as demonstrated by a number of social media complaints against Party members which were upheld by the Complaints Process;
- > Many of those interviewed by the Investigation agreed that Islamist extremism should not be conflated with Islam, and that concerns about Islamism should not prevent the Party from significantly improving its community outreach efforts into Muslim communities.

Complaints handling:

- > There is clear evidence of a Party complaints system in need of overhaul. The Party has an under-resourced and inadequately trained Complaints Team and a weak data collection system, and communications between the Complaints Team and complainants and respondents have been poor. When compared to best practice as recommended by organisations such as the EHRC, the Party complaints processes falls short;
- > There has been lack of transparency in the complaints process, with no clear decision-making process as to how complaints should progress; and no specified time frames for resolution;
- > Systems for identifying discrimination and the handling of complaints at local Party association level are weak, with no common understanding of the process, and with association chairs expressing low confidence in the system;
- > There is no evidence that complaints related to Islam are treated differently from those related to other forms of discrimination;
- > Neither is there evidence of attempts to pressure or interfere with the handling of individual complaints, and no evidence that Party chairs have overturned decisions made by the CCHQ Complaints Panel;
- > There is clear evidence that, in relation to the Party's Codes of Conduct for members, social media rules are not widely known or adhered to. Minimal training is given to members on compliance, and there is at present no requirement to read the Codes as a condition of membership.

4 Equality Act 2010, section 4.

5 34% of incidents citing anti-Muslim discrimination were dismissed, as these did not relate to the behaviour of a Party member. See Section 3.2 and Section 6, Appendix 3.2 for more details on the outcomes of incidents.

Overview of the report cont

Appropriateness of sanctions:

- > Complaints related to a Protected Characteristic were more likely to result in a sanction than complaints not related to Protected Characteristics;
- > There are no clear guidelines as to which behaviours should attract which sanctions;
- > Sanctions applied in the specific cases reviewed by the Investigation appeared reasonable, proportionate and appropriate;
- > The time taken to investigate and conclude the cases reviewed ranged from a resolution on the same day to an investigation that lasted seven months. Since the information relating to the duration of the investigation was not available for almost half (nine) of the cases studied, it was not possible to determine the average time taken for cases to be resolved;
- > CCHQ has not published guidelines on how long investigations into certain types of complaint should reasonably be expected to take.

Specific cases:

- > There were examples of anti-Muslim discrimination by individuals and groups at local association level;
- > There was one serious allegation of direct discrimination at local association level whose investigation showed serious failings in the complaints process; and
- > There is a perception among some respondents that incidents such as certain remarks made during Lord Goldsmith's mayoral campaign and Prime Minister Boris Johnson's comments about Muslim women (prior to him becoming Prime Minister) suggest a Party and leadership that is insensitive to Muslim communities.
- > Discrimination can be seriously detrimental to the emotional health and wellbeing of those with "lived experience" of it. The Investigation team heard powerful testimonies about the adverse impact of perceived or actual discrimination on a victim's wellbeing and self-confidence, and concerns that making a complaint may lead to negative consequences such as being seen as a "troublemaker". Regrettably, none of those who offered such personal accounts were willing to be identified or have their verbatim testimony included in the final report.

Findings on general and specific allegations made by the Muslim Council of Britain and Baroness Warsi

Before the Investigation had started its work, the Muslim Council of Britain (the "MCB") and Baroness Warsi appeared to question the impartiality of the Investigation Chair.⁶ Harun Khan, chair of the MCB, stated that the appointment of the Chair risked the Investigation being "a whitewash...in the same light as the Conservative Party's customary approach to Islamophobia, that of denial, dismissal and deceit".⁷ Baroness Warsi stated that the Chair's appointment "doesn't bode well".⁸

MCB – Allegations of “whitewash”

The MCB did not provide evidence in response to the public Call for Evidence. The Investigation contacted the MCB both by email (twice) and by post in November 2020, but did not receive a response on any occasion. The MCB continued to criticise the Investigation for alleged selectivity in its choice of people from whom to receive evidence;⁹ that this approach "undermined any claim to independence of the [Investigation]"; and that it supported the concerns of those who thought the Investigation was "aimed at whitewashing the issue".¹⁰

In January 2021, the Chair sent an email of congratulation to Ms Zara Mohammed on her election as MCB's new Secretary General. Ms Mohammed expressed a desire to speak with the Investigation Team. We subsequently spoke with both Zara Mohammed and Miqdaad Versi of the MCB. While the Investigation noted the concerns raised by the MCB, we could not incorporate any new evidence. The MCB provided the Investigation with a list of recommendations in a letter dated 16 Feb 2021, which we include in Appendix 3.3 of this Report.

We noted that several recommendations made by MCB in its letter were similar to our recommendations (e.g. updating the Party's Code of Conduct; a new complaints process with greater transparency; no tolerance of any form of discrimination). We therefore have reason to believe that implementing the recommendations of this Investigation Report should also address many of the concerns of organisations such as the MCB.

Baroness Warsi – Allegations of “Institutional Racism”

Baroness Warsi has publicly stated that she believes the Conservative Party to be institutionally racist and Islamophobic.¹¹

Baroness Warsi provided the Investigation with the details of a number of cases that she considered to be evidence of anti-Muslim discrimination. Analysis of these cases can be found in Section 6, Case Study B of this report.

Following in-depth scrutiny of the individual cases provided by Baroness Warsi, alongside the totality of evidence gathered by the Investigation, we concluded that allegations of institutional racism against the Party were not borne out by the evidence available to the Investigation. Specifically, no evidence was found to support the suggestion that the Party had collectively or systematically failed any particular community or group in its processes for dealing with complaints relating to Protected Characteristics, including race, religion or belief, or specifically Islam.

We found no attitudes or behaviours within the complaints process or relating to the imposition of sanctions by the Party that were discriminatory against any group or individual possessing a Protected Characteristic, including those with the Protected Characteristic of being Muslim.

6 <https://www.theguardian.com/politics/2019/dec/18/tory-islamophobia-inquiry-chair-swaran-singh-in-fresh-row-over-kashmir> and <https://www.independent.co.uk/news/uk/politics/tory-islamophobia-boris-johnson-sayeeda-warsi-conservative-party-swaran-singh-a9250841.html>
7 <https://www.independent.co.uk/news/uk/politics/tory-islamophobia-boris-johnson-sayeeda-warsi-conservative-party-swaran-singh-a9250841.html>
8 <https://www.theguardian.com/politics/2019/dec/18/tory-islamophobia-inquiry-chair-swaran-singh-in-fresh-row-over-kashmir>
9 <https://twitter.com/miqdaad/status/1327701482372796416?s=21>
10 <https://twitter.com/miqdaad/status/1327703022311526400>
11 https://www.huffingtonpost.co.uk/entry/signs-of-institutional-racism-over-islamophobia-says-baroness-warsi_uk_5c7948b6e4b087c2f2957979

Overview of the report cont

Summary of recommendations

We recommend that the Party publishes an Action Plan within six weeks of the publication of this report. This Action Plan should clearly set out the Party's actions, timescales for implementation and measures of success for each of the recommendations accepted by the Party. Should the Party choose not to accept any particular recommendations, it should give clear reasons for its non-acceptance.

The Party should follow up the Action Plan by publishing a six-month Progress Report prepared by the Party, followed by a One-year Review prepared by the Investigation or some other appropriate body, to determine the extent to which the recommendations have been implemented.

The detailed recommendations of the Investigation can be found in Section 3. Our summary of recommendations is set out below.

Nature and extent of complaints: essential action:

- > **Within six weeks**, the Party's leadership should publish an Action Plan laying out (1) how the Party and its leadership plan to tackle the failings highlighted, referencing all the recommendations in this report, and (2) the criteria against which the success of the Action Plan will be measured.
- > **Within six months**, the Party should publish a six-month Progress Report, prepared by the Party.
- > **After twelve months**, the Party should instruct a One-Year Review to be carried out by this Investigation or other appropriate body, to determine the extent to which the recommendations have been implemented.
- > **Within six months**, the Party should produce and implement a single, easy to understand and mandatory Code of Conduct to be applied across the entire membership of the Conservative Party in England, Wales and Northern Ireland. This new Code should bring all local Party associations into line with the practices and policies of the Party and into compliance with the Equality Act 2010¹². A notice that this new Code of Conduct will be deemed to be accepted by every person who remains a Party member beyond a certain date should be issued **within six months**, and the Code should be signed (or expressly be deemed to be accepted) by every new member as a condition of membership.

- > **Within twelve months**, each Party association should have at least one named member who has received appropriate training on:
 - the *Equality Act 2010*, including Protected Characteristics and the various forms of discrimination, harassment and victimisation,
 - the Party's complaints and training processes, and
 - the Party's constitution, Code of Conduct and social media rules.
- > Training courses should be offered on **an annual basis** to those who have not previously had the training. For those who have previously had the training, refresher courses should be offered **every three to five years**, with records of completion kept.

Complaints handling and appropriateness of sanctions:

- > **Within six months**, the Party should publish a comprehensive policy and procedure describing how complaints are handled, including criteria on what types of behaviour will be subject to investigation, what sanctions (or range of sanctions) are considered appropriate for different types of behaviour, and clear timeframes for each stage of the complaints process. This should also include a dedicated online form for complaint submissions.
- > **Within six months**, the Party should decide whether to handle all complaints centrally at CCHQ or enhance the capacity of local associations to handle complaints. Either decision requires increased staffing and training.
- > **Within six weeks**, the Party should develop a strategy for how to improve the training it offers to local associations. **Within six months**, the Party should have developed training and have begun disseminating this to local associations.

Specific cases:

- > **Within six weeks**, the Party should review its investigations into the cases included in this Report where the Investigation has found that the complaints process has fallen short. **Within six months**, the Party should have identified lessons to be learned from these cases and, where appropriate, reached a resolution.

Evidence gathering and methodology

The Investigation took a systematic approach to data gathering. The methodology for evidence gathering is described briefly in the relevant sections below and in detail in the attached appendices. The Investigation conducted a systematic Internet search for all cases of alleged discrimination within the Party reported in the media to identify those that appeared to be missing from the central database. Data from complaints on the central database were subjected to both quantitative and qualitative analysis, including in-depth scrutiny of twenty cases, selected by stratified sampling as a representative cohort.

The Party's codes of conduct and complaints process were compared with published best practice from other organisations. A public Call for Evidence was published on the Investigation's website and publicised to national media.¹³ All local Party association chairs were surveyed about local processes used to identify and deal with discrimination. A range of stakeholders, including victims of discrimination, were interviewed to allow the Investigation to factor in their lived experiences.

The evidence gathered included:

- > Analysis of the anonymised details of 1,418 complaints relating to 727 separate incidents recorded in CCHQ's complaints database between 2015 and 30 November 2020;
- > 17 responses to our public Call for Evidence, including submissions from Hope Not Hate, Muslim Engagement and Development (MEND), Friends, Families and Travellers, the Board of Deputies of British Jews and the Hindu Lawyers Association UK;¹⁴
- > 29 in-depth interviews with 40 Party members, elected officials including MPs and Peers, party staff and individuals who had experienced the complaints process. Some interviews were conducted with more than one interviewee, where this was appropriate or requested – such cases included interviewees with shared roles and responsibilities, employees in the same team or organisation, and interviews where the interviewee had specifically asked for another person to be present as their advocate or to provide support;
- > An Internet search which discovered 80 cases that had not previously been recorded in CCHQ's database; and
- > A review of the Party's policies and procedures relating to its internal complaints procedure and equality and diversity policies.

The method of data collection and the data itself are described in detail in the Appendices to the Report.

¹² For example, the EHRC has published guiding principles for associations which could be easily adapted for use by the Party: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-2010-guiding-principles-associations#terms>

¹³ The full text of this Call for Evidence and the dates it was active can be found in Section 6, Appendix 1.1

¹⁴ The MCB did not respond to our requests for submissions but the Investigation considered the evidence they published in March 2020 in its analysis of Call for Evidence submissions at Section 3.5.

1 Foreword

by Professor Swaran Singh

I have lived in the United Kingdom now for over thirty years. I arrived during the first Gulf War.¹⁵ I used to wear a turban, which made many assume that I was a Muslim. In those early years, I experienced first-hand the pernicious manifestations of racism within certain parts of British society. I was spat at, assaulted, abused and denounced, once by a medical colleague who said I “should go home” if I didn’t like it here.

In my NHS work as a psychiatrist, I witnessed the damage done to people’s health and lives by racism, discrimination, bullying and harassment. Three decades on, much has changed for the better. Britain is now my homeland and that of my children. But perhaps not enough has changed, and not everywhere.

Despite the experience of my earlier role as an EHRC Commissioner (2013 - 2019), when I was first asked to lead this Investigation I questioned whether I had the skills to do justice to the role. Despite, or even because of, my non-legal and non-political background, in completing this Investigation I have been assisted by such clinical acumen as I might possess, my knowledge of the scientific method, and my personal experiences of discrimination and racism. In the Report I have tried to reveal the emotional cost of discrimination on individuals, while also remaining methodologically exact. Anyone else following this methodology should arrive at the same conclusion as this Investigation did. I have kept subjective interpretations to a minimum, letting the data and individual accounts speak for themselves.

I was acutely aware that accusations of Islamophobia against the Party were long-standing and widely reported. The term ‘Islamophobia’ is itself deeply contested, and I decided not to deviate from the main aim of the Investigation, which was to identify evidence of discrimination in the Party and help change the Party’s handling of such discriminatory behaviour as might be found. Changing the focus from one exclusively concerned with Islam to include all Protected Characteristics as defined in the Equality Act 2010 was not to divert attention away from anti-Muslim discrimination, but was done to cast a wider net to include all forms of discrimination, some of which may attract less attention but are equally damaging. By reporting on other forms of discrimination, it also provided me with a yardstick by which I could compare and contrast how the Party was treating different forms of discrimination against individuals belonging to different groups. As the Report shows, the bulk of incidents investigated cited discrimination on the grounds of an individual’s Islamic faith. I hope that those who questioned the credibility of the

Investigation even before it started are reassured that I have not shied away from reporting anti-Muslim discrimination where I have found it.

I was also certain from the outset that looking solely at the complaints database and the complaints process would be too narrow an approach, as it would run the risk of confusing the tip with the entire iceberg. With agreement from the Party, I conducted a wider exercise - to explore problems at all levels, and not just those that culminate in complaints. I also explored whether the Party had systems in place for proactively identifying discrimination and harassment early and effectively. High-profile cases that have garnered public attention were carefully scrutinised and some are presented as individual case studies, as are cases where I felt the evidence of discrimination was egregious or the complaints process particularly lacking. Not all cases have been detailed or even specifically referred to in this report, as some of the persons who agreed to be interviewed subsequently exercised their right not to be identified in the Report.

The Investigation had no powers to summon people or gather evidence under oath. We did, however, have the benefits of complete independence, highly experienced and motivated members, and a commitment to dispassionate scrutiny, fairness, honesty, impartiality, objectivity and non-partisanship. I could not have asked for a better team. Interviewees gave their time freely and candidly, and despite the pandemic restrictions we managed to gather the evidence we needed. It was ultimately disappointing that some individuals made their consent to be included in the Report conditional, demanding that the Report include contested details or evidence outside the remit of the Investigation. We chose to anonymise or exclude these cases rather than give preferential treatment to these interviewees over the rights and legitimate expectations of others. We heard powerful testimonies of how perceived or actual discrimination on the basis of a Protected Characteristic had affected those with such ‘lived experience’. Individuals spoke of their feelings of anger, guilt, loss of confidence, marginalisation and exclusion. I regret that we could not include detailed or verbatim accounts of such experiences since we were not given

1 Foreword cont

explicit consent to do so. While we focused objectively on discrimination within the complaints process, the Investigation was also a continual reminder that the subjective experience of discrimination, both perceived and real, can be seriously adverse, damaging and long-lasting.

This has been an unfamiliar landscape through which I have had to map the territory, plot a course, and identify a destination. I have had to learn and respond quickly, including when and where to turn for expertise and advice. This has been both humbling and rewarding. I am grateful to everyone who has contributed to the Report, too many to name individually, and also to the Equality and Human Rights Commission for monitoring my progress with a view to delivering the Report within reasonable timelines given the substantial scope of the task. My wife, Dr Christina Pourgourides, provided unwavering support.

I realise that this Report is only the beginning of a process whose success is beyond my control. The onus is now on the Party to act openly, publicly and decisively on the recommendations. Where things have worked well, the Party should learn from the positives. Where it has fallen short, the Party should make necessary changes, with measurable impact and progress. Were the Party to have robust and well-understood disciplinary processes, with a widely shared ambition of eliminating all forms of discrimination, and leadership that led by example, the Party would be better able to defend itself against some negative perceptions held against it. This will take more than adjusting codes and procedures. It will require that everyone in the Party, particularly those in a position of responsibility, follows anti-discrimination principles not just by the letter of the law, but also in the spirit and attitudes that befit a fair, open, modern democracy.

The team

Ms Sarah Anderson CBE

Having originally worked in HR in a large private-sector company, Sarah has run a number of businesses and social enterprises and has served as a non-executive director for a variety of businesses in the commercial

sector. She was a Commissioner for the Equality and Human Rights Commission (EHRC), a Council Member for ACAS and a non-executive director of JobCentre Plus. Sarah set up The Listening Place in July 2016, a registered charity providing free, sustained, face-to-face support by appointment to those who feel life is no longer worth living.

Mr Wasiq Wasiq

Wasiq Wasiq is an academic and trustee for the charity Muslims Against Anti-Semitism¹⁶. Specialising in the field of extremism, radicalisation, social cohesion and terrorism, Wasiq worked as a lay advisor to the Investigation, supporting the Chair with scrutiny of evidence, interviews, drafting sections of the Report and advising on strategy and communications.

Mr Richard Wilson QC, LL.D

Richard Wilson QC, LL.D is a Commercial law, Public and Administrative law and Employment law specialist. He has been involved in some landmark decisions in the Supreme Court of the United Kingdom and the Court of Appeal on a range of matters, including the interpretation of the European Union Reception Directive, the misuse of confidential information and account of profits as a remedy, and the principles governing the entitlement to costs in judicial review cases. Richard was Legal Counsel to the Chair of the Investigation.

Etoile Partners

The team at Etoile Partners, comprising Victoria Smith, Trevor Datson, Elaine Craig and Ronald Hepburn, benefited the Investigation with their decades of experience of providing geopolitical advice and analysis to governments, NGOs and businesses around the world, helping us to see and avoid potential bumps in the road.

Peer reviewers

The Report was independently peer-reviewed by Professor Ian Acheson, extremism expert and Visiting Professor at Staffordshire University and Dr Romy Hassan, Senior Lecturer, Science Policy Research Unit, University of Sussex and Visiting Professorial Research Fellow at the Civitas Thinktank.

¹⁶ <https://muslimsagainstantisemitism.org/>

2 Findings



2 Findings

Nature and extent of complaints:

- > 727 incidents have been reported to CCHQ citing at least one Protected Characteristics between 2015 and 2020 in a Party with an estimated membership of 200,000;
- > The majority (68%) of complaints recorded in CCHQ's database relate to anti-Muslim discrimination.¹⁷ Three-quarters (74%) relate to social media activity;
- > An overwhelming majority of valid complaints lodged with the CCHQ Complaints Team – by which we mean evidenced complaints that concerned Party members – were upheld and resulted in a sanction;
- > Many of those interviewed by the Investigation agreed that Islamist extremism should not be conflated with Islam, and that concerns about Islamism should not prevent the Party from significantly improving its community outreach efforts among Muslim communities;
- > The Party's approach to challenging discrimination has been reactive, driven by media attention rather than by the seriousness of the allegations themselves, and has focused on 'firefighting' rather than on action as part of a clear strategic vision and plan. Identifying, challenging and rooting out discrimination should be the active business of every member, and the Party leadership should lead by example;
- > Of those interviewed¹⁸ who had Protected Characteristics (as defined by the Equality Act 2010),¹⁹ the majority had not personally experienced discrimination. Where discrimination was experienced, it was most likely to have occurred at the level of a local association;
- > There is evidence of anti-Muslim sentiment at local association and individual levels, as evidenced by a number of social media complaints against Party members which were upheld by the Complaints Process;
- > High-profile incidents, such as remarks made during Lord Goldsmith's mayoral campaign²⁰ and Prime Minister Boris Johnson's comments on Muslim women in burqas (prior to becoming him becoming Prime Minister), give the impression to many that the Party and its leadership are insensitive to Muslim communities;
- > CCHQ lacks both the mechanisms and the power to identify and proactively prevent discriminatory behaviours at grass roots level. The federated structure of the Party does not allow for a centralised and prescriptive 'Command & Control' operation by CCHQ.

Significant findings:

- > There is clear evidence that in relation to the Party's codes of conduct for members, social media rules are not widely known or adhered to, minimal training is given to members on compliance, and there is no requirement to read the codes as a condition of membership;
- > Many of those who volunteer for the Party are not formal members, and are hence not bound by the Party's codes;
- > A quarter (25%) of respondents to our survey²¹ did not feel adequately informed about the Party's codes of conduct, and attributed this to a lack of training;
- > Just under half (49%) of survey respondents believed that association members are not fully informed about the codes of conduct;
- > There was a general agreement that more training was required at all levels of the Party, both to better communicate expectations of behaviour and to improve the complaints process;

Complaints handling:

- > There is clear evidence of a complaints system in need of an overhaul. When compared to best practice as recommended by organisations such as the EHRC, the Party complaints process falls significantly short;
- > The CCHQ Complaints Team (the "Complaints Team") co-operated in full with the Investigation. We found the team to be diligent and committed members of staff who took their work seriously. However, they were under-resourced and inadequately trained, with a weak data collection system and poor communications between the Complaints Team, complainants and respondents.
- > There was a lack of transparency in the complaints process, with no clear decision-making process as to how complaints should progress; no specified time frames for resolution; and no clear guidelines on which behaviours would attract which sanctions. Basic information such as the nature of the complaint or the composition of the Complaints Panel is sometimes not disclosed to the complainant or the respondent;
- > Systems for analysing discrimination and complaints handling at local association level are weak to non-existent, with no common understanding of the process. Association chairs expressed low confidence in the system;

- > There was no evidence that complaints relating to Muslims and their faith are treated differently from those related to other forms of discrimination. Overall, complaints relating to a Protected Characteristic were more likely to result in a sanction than complaints not related to a Protected Characteristic;
- > There was no evidence of pressure or interference in the handling of individual complaints, and no evidence that Party Chairs have overturned decisions made by the CCHQ Complaints Panel;
- > The lack of a standardised method for submitting complaints means that information is not collected consistently. The most significant gap is in the recording of the geographic location of incidents, which hampers efforts to identify regional clusters of complaints. More broadly, the database is not structured to support such analysis;
- > Of the 20 cases selected from the dataset for detailed scrutiny, we identified shortcomings in half. These included indeterminate periods of time taken to resolve some complaints, poor communication between the Complaints Team and complainants or respondents, poor record keeping, and an example of an inconsistency between the decision-making of the Complaints and Appeals Panels (the "Complaints Panel");
- > Complainants are often not informed of why a particular decision was reached. The Investigation found one example where an anonymous phone call to CCHQ resulted in a case being closed without the complainant being notified;
- > A lack of awareness of complaints at a local level coupled with unclear rules on serial breaches of the code restricts the Party's ability to ensure that it is aware of all complaints and has mechanisms to act against serial transgressors;
- > Only half (51%) of survey respondents reported that their local association maintained a database of complaints they receive;
- > Survey responses revealed that there was no common understanding about how to manage local complaints and when to escalate to a higher level;
- > Survey respondents reported low confidence in the existing systems for identifying and managing complaints based on Protected Characteristics;
- > There are no clear and published guidelines as to what sanctions should be applied to which types of behaviour. This contributes to a mismatch between individual case outcomes and expectations for both complainants and defendants.

Appropriateness of sanctions:

- > Overall, complaints related to a Protected Characteristic were more likely to result in a sanction than complaints not related to Protected Characteristics;
- > There are no clear guidelines as to which behaviours would attract which sanctions;
- > Sanctions applied in the specific cases we reviewed appeared reasonable, proportionate and appropriate;
- > The time taken to investigate and conclude the cases we reviewed ranged from a resolution on the same day to an investigation that lasted seven months. As the information relating to the duration of the investigation was missing for almost half (nine) of the cases studied, it was not possible to determine the average time taken for cases to be resolved;
- > CCHQ has not published guidelines on how long investigations into certain types of complaint should reasonably be expected to take.

Specific cases:

- > There were examples of anti-Muslim discrimination at a local association level by individuals and groups, showing serious failings in the current complaints process;
- > The local association case²² suggests a local organisation with poor governance, a poor complaints mechanism, confusion about due process, and failure among the leadership to identify, challenge and eliminate discrimination. This association should be considered 'failing' and remedial measures put in place. The victims of discrimination should be offered an unreserved apology.
- > Incidents such as remarks made during Lord Goldsmith's mayoral campaign,²³ and Prime Minister Boris Johnson's comments about Muslim women before he became Prime Minister, give an impression to some of a Party and leadership insensitive to Muslim communities.
- > The lived experience of discrimination can be seriously detrimental to emotional health and wellbeing. The Investigation Team heard powerful testimonies about the adverse impact of perceived or actual discrimination on a victim's wellbeing and self-confidence, and the worry that making a complaint may lead to negative consequences, such as being regarded as a "troublemaker". Regrettably, none of those who gave such personal accounts were willing to be identified or have their verbatim testimony included in the final report.

¹⁷ 34% of incidents citing anti-Muslim discrimination were dismissed by the Complaints Team as they did not relate to the behaviour of a Party member.

See Sections 5.2 and 3.2 for more details on the outcomes of incidents citing anti-Muslim discrimination against Party members.

¹⁸ More details from these interviews can be found in Section 5.7.

¹⁹ Equality Act, section 4.

²⁰ <https://www.theguardian.com/politics/2016/may/07/top-conservatives-condemn-zac-goldsmiths-disgusting-mayoral-campaign>

²¹ The Investigation sent a survey to all Party Association Chairs. Analysis of survey results can be found in Section 3.6, more details about how and when the survey was run can be found in Section 6, Appendix 1.2 and a selection of results can be viewed in Appendix 3.1.

²² This case is covered in Section 4, Case Study E.

²³ <https://www.theguardian.com/politics/2016/may/07/top-conservatives-condemn-zac-goldsmiths-disgusting-mayoral-campaign>

3 Recommendations

We recommend that the Party publish an Action Plan within six weeks of the publication of this report. The Action Plan should clearly set out the Party's actions, timescales for implementation and metrics for success for each of the recommendations accepted by the Party. Where recommendations (if any) are not accepted and adopted, the Party should clearly explain why.

The Action Plan should be followed up by publishing a six-month Progress Report, prepared by the Party, and a One-year Review by the Investigation, or other appropriate body, to determine the extent to which the recommendations have been implemented. Appendix 5 to this Report shows the recommendations with time scales in a tabular form.

R1. Nature and extent of complaints - Essential action

- R1.1 Within six weeks, the Party's leadership should publish an Action Plan describing how the Party and its leadership plan to tackle the failings and all recommendations highlighted in this report, and criteria against which the Action Plan's success will be measured;
- R1.2 Within six months, the Party should publish a six-month Progress Report, prepared by the Party;
- R1.3 After twelve months, the Party should instruct a One-year Review carried out by this Investigation or some other appropriate body, to determine the extent to which the recommendations have been implemented;
- R1.4 Within twelve months, the Party should produce and implement a single, easy to understand and mandatory Code of Conduct to be applied across the entire membership of the Conservative Party in England, Wales and Northern Ireland. This new code should bring all local Party associations into line with the practices and policies of the Party and in compliance with the Equality Act 2010.²⁴ This new Code of Conduct should be accepted and signed by every existing member and should be signed by every new member as a condition of membership;
- R1.5 Within six months, the Party should develop a strategy for how to improve the training it offers to local associations. Within twelve months, the Party should disseminate:
 - R1.5.1 Guidance for local associations on how to improve their communication on social media rules to their members;
 - R1.5.2 Guidance for local associations on how to share lessons learned and best practice.

The Party should also provide:

- R1.5.3 Training for local associations on what constitutes direct and indirect discrimination, harassment and victimisation on the grounds of Protected Characteristics; and
- R1.5.4 Training and guidance for association chairs, volunteer leaders and individuals responsible for handling and investigating complaints. Training courses should be offered on an annual basis to those who have not previously had the training. For those who have previously had the training, refresher courses should be offered every three to five years, with records of completion kept.
- R1.6 Within six weeks, the Party should review its social media rules and clarify what is meant by "misused or abused social media".²⁵ Within six months the Party should develop training on acceptable social media use and distribute this to local associations.
- R1.7 Within six months, the Party should ensure that all local, area and regional associations have consistent human resources and complaints policies and procedures to ensure consistency of culture and processes at all levels;
- R1.8 Within six months, the Party should have developed a community outreach strategy that identifies key communities and representative groups with which the Party needs to develop or improve relations. This strategy must have a particular focus on improving meaningful engagement with Muslim communities;

²⁴ For example, the EHRC has published guiding principles for associations which could be easily adapted for use by the Party: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-2010-guiding-principles-associations#terms>

²⁵ <https://www.conservatives.com/code-of-conduct>

3 Recommendations cont

R1.9 **Within twelve months**, each association should have at least one named individual who has received appropriate training on the Equality Act 2010, including Protected Characteristics and the various forms of discrimination and harassment, the Party's complaints and training processes and the Party's Constitution, Code of Conduct and social media rules. For those who have previously had such training, refresher courses should be offered every three to five years, with records of completion kept;

R1.10 **Within twelve months**, the Party should be conducting regular spot checks of local associations to ensure that training is being carried out and meets the required standards;

R1.11 **Within twelve months**, all candidates standing for elected positions must be required to demonstrate they have read and understood the constitution, codes of conduct and equal opportunities policy.

R2. Complaints handling & appropriateness of sanctions:

R2.1 **Within six weeks** of a complaint being lodged with CCHQ, the Party should be notifying all complainants and respondents about whether their complaint will be referred to a complaints panel, and if so they should be notified of the membership of the panel that is assessing their case. The expertise of the members of the panel should be recorded to show the relevance to the nature of the complaint;

R2.2 **Within twelve months**, the Party should publish a comprehensive policy and procedure describing how complaints are handled to ensure this matches or exceeds best practice (for example as set out by the EHRC²⁶). This includes establishing criteria on:

R2.2.1 What types of behaviour will be subject to investigation;

R2.2.2 When and how to make a complaint to a local association;

R2.2.3 How to escalate a complaint made at local level to an area or regional association;

R2.2.4 When and how to make a complaint to CCHQ;

R2.2.5 How to make a complaint about social media activity, including how to archive and submit evidence of this activity to the Complaints Team;

R2.2.6 The complaints process itself, including timeframes for an investigation to be completed and how the Complaints Team will communicate with complainants and respondents;

R2.2.7 Guidance to members if someone has made a complaint about them;

R2.2.8 Information about the composition of the Complaints Panel and how they assess the evidence;

R2.2.9 A sanctions framework which specifies the types of behaviour that could be subject to each sanction;

R2.2.10 The appeals process, including how to submit an appeal and how long appeals should take to be reviewed;

R2.2.11 The Party's Equality and Equal Opportunities Policy;

R2.2.12 Contact details for the CCHQ Complaints Team.

In addition:

R2.2.13 The Party should consider setting up a confidential helpline to support complainants and respondents through the complaints process; and

R2.2.14 The Party should also link to the complaints page from the 'Code of Conduct'²⁷ and 'contact us'²⁸ pages of their website.

R.2.3 **Within six months**, the Party should develop and publish a policy to that would enable it to sanction the behaviour of volunteers who are not members but whose behaviour brings the Party into disrepute, for example by banning them from attending Party events or from volunteering for the Party;

R.2.4 **Within six months**, the Party should publish internal guidance on the complaints process including:

R.2.4.1 How to communicate empathetically with complainants and respondents throughout the process;

R.2.4.2 How to set expectations about the length of time an investigation is likely to take;

R.2.4.3 How and when to inform complainants and respondents that their case has been dismissed or progressed to the next stage, when an outcome has been reached or if there are circumstances resulting in delays;

R.2.4.4 How to recognise the emotional strain that the complaints process has on complainants and respondents and to ensure communication is appropriate and empathetic; and

R.2.4.5 How to ask complainants what outcome they are seeking from the process and set expectations.

R.2.5 **Within six months**, the Party should decide whether to handle all complaints centrally in CCHQ, or whether it should enhance the capability of local associations to handle complaints. Either decision will require increased staffing and training;

R.2.6 **Within six months**, the Party should ensure that complaints are recorded consistently across all local associations and CCHQ and recorded centrally;

R.2.7 **Within six months**, the Party should ensure that the reasons for suspending, overturning or lifting a sanction are recorded consistently across all local associations and CCHQ;

R.2.8 **Within six months**, the Party should have a clear process in place to investigate members at all levels of the Party which allows for independent investigations into allegations of discrimination against senior Party members;

R.2.9 **Within six months**, the Party should improve the consistency and quality of data collection and analysis of complaints. These improvements would be significantly easier to achieve with the introduction of an online form with required fields;

R.2.10 **Within six months**, the Party should ensure that all suspensions and expulsions are recorded accurately and consistently in the Party's *VoteSource* database to ensure that no one can be readmitted if they are still serving a previous sanction;

R.2.11 **Within six months**, the Party should ensure that all sanctions which require action by the respondent, such as attending training or issuing an apology, are made requirements for continued membership. The respondent must provide evidence that they have fulfilled the requirements, and suspensions should be imposed or extended until proof of completion is submitted to the Complaints Team for verification;

R.2.12 **Within twelve months**, the Party should be working actively to identify changing trends (such as complaints arising from social media activity) or regional clusters of behaviour;

R.2.13 **Within twelve months**, the Party should find an appropriate balance between confidentiality and transparency, which allows it to publish data on case volumes, completion times and outcomes, especially where these cases result in the most serious sanctions such as suspension and expulsion from the Party, or relate to specific Personal Characteristics, such as Religion & Belief (e.g. Islam);

R.2.14 The complaints handling process should be externally audited **annually** and identified issues should be addressed **within six months**.

R3. Specific cases:

R.3.1 **Within six weeks**, the Party should launch a formal investigation into allegations of racism in the local association (Case Study E) and begin providing the relevant association members with training to improve complaints handling and support to initiate cultural change;

R.3.2 The Party should reopen investigations into the cases described in this Report where the complaints process has fallen short in the ways highlighted. **Within six months**, the Party should have reached a resolution on these cases.

²⁶ <https://www.equalityhumanrights.com/en/publication-download/complaints-policy-and-procedure>

²⁷ <https://www.conservatives.com/code-of-conduct>

²⁸ <https://www.conservatives.com/contact>

4 Structure of the Investigation

4.1 Background

This Investigation was set up following a series of high-profile accusations of discrimination, including that of Islamophobia within the Conservative and Unionist Party (the “Party”), and allegations of failure to adequately investigate such complaints. For example, on 31 May 2018, the Muslim Council of Britain (the “MCB”) wrote to the then Conservative Party Chair Brandon Lewis MP formally requesting an inquiry into the Party and documenting nine allegations of Islamophobia against Conservative election candidates and other representatives.²⁹ Three weeks later, on 26 June 2018, the MCB wrote once again to Brandon Lewis MP stating his view that the Party hoped allegations of Islamophobia would “magically go away” and asserting that it was not acceptable to turn “a blind eye to legitimate concerns about bigotry.”³⁰

29 Muslim Council of Britain Website, 31 May 2018, “The Muslim Council of Britain Officially Requests Inquiry into Islamophobia in The Tory Party”, <https://mcb.org.uk/press-releases/the-muslim-council-of-britain-officially-requests-inquiry-into-islamophobia-in-the-tory-party/>

30 Dan Sabbagh, “Muslim group accuses Tories of turning blind eye to Islamophobia claims”, The Guardian, 26 June 2018, <https://www.theguardian.com/politics/2018/jun/26/muslim-group-accuses-tories-of-turning-blind-eye-to-islamophobia-claims>

On 4 July 2018, the former Conservative Party co-Chairman, Baroness Sayeeda Warsi, published an opinion piece in The Guardian newspaper calling for a “fully independent inquiry” into Islamophobia within the Conservative Party, accusing it of failing to deal with accusations against its members and citing the “blatantly, deliberately Islamophobic mayoral campaign against Sadiq Khan” in the London mayoral campaign run by Lord Zac Goldsmith in 2016.³¹

On 27 November 2018, the All-Party Parliamentary Group on British Muslims published its working definition of Islamophobia, namely: “Islamophobia is rooted in racism and is a type of racism that targets expression of Muslimness or perceived Muslimness”.³² This definition was adopted by the Labour Party, the Liberal Democrats, the SNP and many local councils but it was rejected by the Conservative Government.³³ Concerns were also expressed by bodies such as the National Police Chiefs Council that the All-Party Group’s definition was too vague, could cause confusion amongst police officers and could hamper the fight against terrorism. Others were concerned as to whether the definition might lead to issues with freedom of speech, and even aggravate community tensions.³⁴

Increased scrutiny of allegations of Islamophobia within the Party resulted in a number of media investigations into Conservative Party representatives, including:

- A BuzzFeed investigation in March 2019 into anti-Muslim comments made on Facebook by Party members. In response, the Party suspended 14 members and announced it would launch an investigation;³⁵

- An investigation conducted by The Guardian in March 2019 which revealed that 15 local councillors who had been suspended by the Conservative Party for posting Islamophobic or racist content had later been readmitted to the Party;³⁶
- An ITV News report in May 2019 publishing a dossier containing more than 100 alleged cases of Islamophobic content issued or posted by people claiming to be Conservative Party members;³⁷
- Research by the BBC published in September 2019 highlighting 20 “new examples” of people claiming to be Conservative Party members supporting or sharing anti-Muslim posts on social media;³⁸ and
- An investigation published by the Guardian in November 2019, containing evidence of 25 current and former Conservative councillors alleged to have posted Islamophobic and racist material on social media.³⁹

On 28 May 2019, the MCB wrote to David Isaac CBE, the then Chair of the Equalities and Human Rights Commission (“EHRC”), to formally request an EHRC Investigation into whether the Conservative Party had breached its obligations under the Equality Act 2010⁴⁰. The Party and the EHRC had been engaged in correspondence since 10 May 2019, and a substantive response was provided by the Party to the EHRC on 14 June 2019.

31 Sayeeda Warsi, “No more excuses. Time for an inquiry into Tory Islamophobia”, The Guardian, 4 July 2018, <https://www.theguardian.com/commentisfree/2018/jul/04/inquiry-tory-islamophobia>

32 All Party Parliamentary Group on British Muslims, “Islamophobia Defined”, 27 November 2018, p.50., <https://static1.squarespace.com/static/599c3d2febbd1a90cfffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>

33 “Government rejects Islamophobia definition ahead of debate”, BBC News, 15 May 2019, <https://www.bbc.co.uk/news/uk-politics-48283337>

34 Open letter signed by over 40 academics - see “Government rejects Islamophobia definition ahead of debate”, BBC News, 15 May 2019, <https://www.bbc.co.uk/news/uk-politics-48283337>

35 Alex Wickham, “The Tory Party Has Suspended 14 Members Over A Series Of Anti-Muslim Facebook Posts”, BuzzFeed News, 5 March 2019, <https://www.buzzfeed.com/alexwickham/the-tory-party-suspended-14-members-over-islamophobia>

36 Frances Perraudin and Simon Murphy, “Tory Islamophobia row: 15 suspended councillors quietly reinstated”, The Guardian, 24 March 2019, <https://www.theguardian.com/politics/2019/mar/24/tory-islamophobia-row-15-suspended-councillors-quietly-reinstated>

37 “ITV News Exclusive: Dossier exposes more than 100 accusations of Islamophobia and racism from Conservative Party members”, ITV News, 17 May 2019, <https://www.itv.com/news/2019-05-17/dossier-exposes-more-than-100-cases-of-islamophobia-and-racism-from-people-claiming-to-be-conservative-party-members/>

38 Alex Forsyth, “Islamophobia: Conservative Party members suspended over posts”, BBC, 20 September 2019, <https://www.bbc.co.uk/news/uk-politics-49763550>

39 Simon Murphy, “Revealed: Tory councilors posted Islamophobic content on social media”, the Guardian, 12 November 2019, <https://www.theguardian.com/politics/2019/nov/12/revealed-conservative-councillors-islamophobic-social-media>

40 Letter from MCB Secretary General Harun Khan to Chair of the Equalities and Human Rights Commission David Isaac, 28 May 2019, <https://mcb.org.uk/wp-content/uploads/2019/05/201905-Complaint-to-the-EHRC-about-Islamophobia-in-the-Conservative-Party-website.pdf>

4 Structure of the Investigation cont

Against this backdrop, Sajid Javid MP called for an independent investigation into alleged Islamophobia in the Conservative Party in a televised leadership debate on 18 June 2019. Mr Javid and all of his four fellow candidates expressed their support for such an investigation.⁴¹ On 17 December 2019, the Conservative Party confirmed that it was to launch an Independent Investigation into all forms of discrimination within the Party, including anti-Muslim discrimination, following consultations with the EHRC. On 12 May 2020, the Party published the Terms of Reference for the Investigation.⁴²

The EHRC reported that it had, pending the outcome of the Independent Investigation, decided that it was not proportionate to carry out its own inquiry given the Conservative Party's commitment to an independent investigation.⁴³

This is the Report of that Investigation. While the Investigation is independent from both the Conservative Party and the EHRC, we consulted the EHRC on the Terms of Reference and methodology used in the Investigation prior to adoption and publication of the same. The Investigation provided regular updates to the EHRC Board on progress of the Investigation against a planned timeline, any risks to progress and circumstances requiring additional time to complete certain steps.

4.2 Scope of the Investigation

The Investigation has considered and reported on:

- The nature and extent of complaints between 2015 and 2020 inclusive against the Party, Party Members, Party Representatives and Volunteer Leaders of alleged discrimination (direct and indirect)⁴⁴ related to a Protected Characteristic.
- Complaints of harassment and/or victimisation during the same period; and
- How the Party has investigated and dealt with these complaints, including any sanctions applied by the Party in circumstances in which complaints have been investigated and upheld.

In addition, the Investigation has examined related areas, including:

- Whether the Party's Constitution, Code of Conduct (together with the related investigatory and disciplinary processes) and the Volunteer Code have enabled the Party to deal efficiently, effectively and in a timely manner with complaints of discrimination and any harassment or victimisation;
- Whether Party Members, Party Representatives or Volunteer Leaders have been suspended or have resigned from membership of the Party prior to any investigation having been carried out or sanction imposed for alleged misconduct, whether appropriate sanctions have been or could be applied and whether such complaints have been investigated and upheld;
- Whether the Party has responded to complaints in a timely, efficient and effective manner, in accordance with timeframes established in best practice;
- Whether the Party has effective processes at a local level to identify instances of discrimination, even when these have not led to a complaint (formal or otherwise), and whether such processes facilitate robust action; and
- How the Party might improve the early identification of discrimination, victimisation or harassment at all levels of the organisation, and what resources (including training needs) might be required.

4.3 Party organisation, constitution and Code of Conduct

The Conservative Party has grown organically since its inception as a collection of private members' associations in the 1830s. It formally adopted a constitution⁴⁵ in February 1998. In 2017, the Party board agreed a Code of Conduct (the "Code of Conduct"),⁴⁶ including specified procedures for dealing with any breaches of the Code, a complaints process, and a list of sanctions for such breaches. In 2018, the board approved additional social media complaints rules, which are now published on the same webpage as the Code of Conduct. The Party has approximately 200,000 active members in England and Wales, and 508 local associations.⁴⁷

CCHQ has set up a central database of all complaints lodged with it: their nature, details of complaints and respondents, the investigation conducted, and outcomes. The earliest complaint recorded in this database dates back to 2015.

In joining the Party, all members agree to act in accordance with the Party's Constitution.⁴⁸ The Party also has a Code of Conduct⁴⁹ for anyone representing the party as an elected or appointed official or office holder, and a separate Code of Conduct covering the leadership and management of volunteers.⁵⁰

Individuals who are not members of the Party are not bound by the Party's Constitution or Code of Conduct. They do not pay a subscription or affiliation fees to the Party and have not committed to work to 'sustain and promote the values of the Party'. Allegations made against individuals who are not members of the Party were therefore beyond the scope of this Investigation.

Informal volunteer groups, associate groups and Conservative clubs that have no formal affiliation to the Party operate independently from it. They do not pay membership subscriptions and are not required to sign up to the Party's Constitution or Code of Conduct. They were therefore also beyond the scope of this Investigation.

The Investigation did not have statutory powers. It could not therefore make factual determinations where the facts were in dispute and had not been determined by an appropriate body, whether within the Party or outside the Party (such as a court or statutory tribunal). The Investigation did not have the power to determine whether complaints related to unlawful activity, or whether the Conservative Party itself was legally responsible for any acts or omissions raised in complaints. Rather, the essential focus and scope of the Investigation was to examine how the Party dealt with complaints, and with discrimination that had been admitted or proved.

The Investigation covered complaints made in England, Wales and Northern Ireland⁵¹ against Party members. The Investigation also examined the Party's complaints process and whether it has applied this process fairly and effectively. The full Terms of Reference of this Investigation, as published on the Conservative Party's website on 12th May 2020, can be found in Appendix 2.2.

4.4 Evidence gathered

The Party has maintained a database of all complaints against Party members and representatives since 2017, with the earliest complaint on the database dating back to 2015. However, a focus on the database alone would have risked missing instances in which individuals did not feel able to complain, in which the complaint itself had not 'jumped through all the procedural hoops' that lead to a record in the database. In addition, the database does not document the 'lived experiences' of discrimination and harassment that can only be ascertained by exploring the personal and experiential aspects of those involved in the complaints process.

The Investigation therefore supplemented the database with additional information from:

- A public Call for Evidence, which was also emailed to every Party member;
- A survey sent to all association chairs of the Party;
- Individual interviews with senior Party members (a selection of individuals with Protected Characteristics, involved in the Complaints Process, or involved in high-profile cases), individuals who have reported experiences of discrimination, Party staff and representatives from civil society organisations;
- An Internet search of instances of discrimination and harassment that are in the public domain;
- An analysis of the Party's complaints procedure; and
- An analysis of the Party's Equality and Diversity policies.

The details of the methodology used to collect and analyse data for each of these can be found in Appendix 1: Report Methodology.

⁴¹ Kevin Rawlinson, "Sajid Javid puts rivals on the spot over Tory party 'Islamophobia'", The Guardian, 18 June 2019, <https://www.theguardian.com/politics/2019/jun/18/sajid-javid-puts-rivals-on-the-spot-over-tory-party-islamophobia>

⁴² Independent Investigation Terms of Reference: <https://www.conservatives.com/Investigation>

⁴³ Kate Proctor, "Equalities watchdog drops plan for Tory Islamophobia inquiry", The Guardian, 12 May 2020, <https://www.theguardian.com/society/2020/may/12/equalities-watchdog-drops-plan-for-tory-islamophobia-inquiry>

⁴⁴ See Equality Act 2010, sections 13 and 19

⁴⁵ https://www.politicalpartydb.org/wp-content/uploads/2017/02/UK_CONSERVATIVE_PARTY_CONSTITUTION_2009.pdf (amended October 1999, July 2002, July 2004, April 2009)

⁴⁶ <https://www.conservatives.com/code-of-conduct>

⁴⁷ The number of Associations is less than the number of constituencies as some small Associations form federations and we have counted these federations rather than their individual member Associations.

⁴⁸ The Conservative Party Constitution is available online here: https://www.politicalpartydb.org/wp-content/uploads/2017/02/UK_CONSERVATIVE_PARTY_CONSTITUTION_2009.pdf

⁴⁹ The Code of Conduct can be viewed in full on the Conservative Party's website: <https://www.conservatives.com/code-of-conduct>

⁵⁰ The Conservative Party Code of conduct for the leadership and management of volunteers can be viewed in full on the Conservative Party's website: <https://volunteer.conservatives.com/volunteer-code>

⁵¹ Scotland has been excluded from the Investigation since it operates their own independent national party which does not fall under the remit of the central Conservative Party.

5 Detailed Findings

5.1 Internet search

We conducted a systematic Internet-based search to identify any cases of complaints of discrimination, harassment or victimisation based on Protected Characteristics, as defined by the Equality Act 2010, against Party members that were in the public domain between January 2015 and April 2020 but not included in the CCHQ Complaints database. The search methodology is provided in Appendix 1.4.

In total, we identified and analysed 400 news stories, relating to 300 separate complaints, to determine whether these involved a complaint that was not already recorded in the CCHQ Complaints Database.

We asked the CCHQ Complaints Team to check these names against its database. Details of the Protected Characteristics cited in the cases found, and how many of these were not previously recorded in the Party's Complaints Database, are shown in Table 1 below:

Table 1: Cases identified by media audit broken down by protected characteristic

Protected Characteristics	Characteristics cited in Recorded Cases	Characteristics cited in Unrecorded Cases
Age	0	0
Disability	6	4
Gender reassignment	0	0
Marriage	0	0
Pregnancy and maternity	2	2
Race	50	33
Religion/ belief- Islam	208	19
Religion/ belief- Judaism	21	6
Religion/ belief- other	3	2
Sex	11	9
Sexual orientation	18	15
Total	319	90

Some complaints cited more than one protected characteristic. Table 1 records all Protected Characteristics cited in complaints as separate entities, so there are more records for Protected Characteristics than for complaints. Table 2 below shows the reasons why these cases had not been recorded in the CCHQ Complaints Database.

Table 2: Reason for omission from CCHQ's Complaints Database

Outcome	Case count
Contacted by the Party but did not wish to make a complaint	1
No evidence to support the complaint	1
Dealt with locally	3
No record of complaint made	63
Accused was not a Party member	2
Accused was not found to have posted or directly endorsed inappropriate comments on social media	10
Total	80

Complaints of discrimination on the grounds of religion or belief, specifically those relating to Islam, constituted by far the largest category, accounting for almost 70% of cases identified. Some 84% of cases relating to religion or belief were already recorded in the database and had been dealt with.

The second most frequently-cited Protected Characteristic in complaints reported in the media was race. More than half of these cases had not been reported to CCHQ's Complaints Team.

There were 37 complaints (12%) relating to disability, pregnancy and maternity, sex and sexual orientation reported in the media. Thirty of these cases were previously unrecorded in the database.

5 Detailed findings cont

5.2 CCHQ's Complaints Database

On 30th November 2020, the CCHQ Complaints Team's database contained 1,418 individual complaints,⁵² relating to 727 separate incidents involving at least one Protected Characteristic. The highest number of complaints received in relation to a single incident citing Protected Characteristics was 133. As multiple complaints can be lodged about the same incident, the Investigation chose to analyse data relating to the number of incidents, rather than the number of complaints.

Analysis of the dataset revealed that of the 727 incidents involving a Protected Characteristic, 682 (94%) cited one single Characteristic, most commonly Religion & Belief at 530 incidents (73% of total incidents). Of these, 496 incidents (68% of total incidents) related to Islam, 28 (4%) to Judaism, and six where the faith/belief was not provided. The next most cited Protected Characteristic was Race, which was cited in 97 incidents (13%).⁵³

Table 3 shows the outcomes of incidents that cited Religion & Belief/Islam. It shows that 170 (34%) of these incidents could not be investigated as they did not involve the behaviour of a Party member.

Table 3: Outcomes of incidents citing religion & belief, Islam

Case Outcome	Total
Not a member of the Party	170
Suspended	97
Expelled	61
Resigned prior to conclusion of investigation	43
Dismissed	38
Insufficient evidence provided to investigate	22
Diversity training	18
Previously investigated	14
Rebuke	14
Expired	9
Passed on to relevant authority	4
Complaint Withdrawn	3
Apology	1
Severe Rebuke	1
Unable to Investigate	1
Total	496

The remaining 6% of incidents cited more than one Protected Characteristic. Here again, the most frequently cited Protected Characteristic was Religion & Belief, accounting for 42 incidents, including 28 incidents involving Islam and Race (58%), and a further eight involving Islam and at least one other Protected Characteristic.

In total, 541 incidents (74%) involved social media activity.

For the 64% of cases for which geographic location was recorded, the proportion of complaints received broadly mirrored the proportionate membership of the Party in that region. The largest disparities were in the Eastern region, which accounted for 12% of membership and 5% of complaints, and the South West, which accounted for 13% of membership and 6% of complaints.⁵⁴

With regard to outcomes, 231 incidents (32%) resulted in a sanction. In 50% of these cases the sanction was a suspension, and 29% of sanctions taking the form of expulsion from the Party.⁵⁵ No action was taken in 418 incidents (57%) for diverse reasons, including insufficient evidence, prior investigation, or a complaint being made about an individual who was not a member of the Party. At the end of 2020, 78 incidents (11%) were still under investigation. We tried to determine the percentage of cases that were referred to the Disciplinary Panel, but the quality of the data in the Complaints Database did not allow such an analysis.

Case outcomes were broadly similar on some parameters for incidents that involved Protected Characteristics and those that did not, while there were differences in other parameters. Some of the key differences were:

- > 24% of incidents involving Protected Characteristics resulted in suspension, compared to 6% of incidents that did not.⁵⁶
- > 17% of incidents involving Protected Characteristics were dismissed, compared to 35% in cases that did not;
- > 13% of incidents involving Protected Characteristics resulted in expulsion, compared to 8% of incidents that did not;
- > 3% of incidents involving Protected Characteristics were passed on to another authority, compared to 16% of incidents that did not.

We contrasted dichotomised outcomes (sanction vs no sanction) to compare complaints citing a Protected Characteristic with complaints that did not. Within the data on complaints related to Protected Characteristics, we compared outcomes of those citing Islam versus those citing another Protected Characteristic.

Excluding incidents that were still being actively investigated and those whose complaints were withdrawn, 46% of incidents citing a Protected Characteristic resulted in a sanction compared to 35% that did not. This was a statistically significant difference; complaints related to Protected Characteristics were more likely to lead to a sanction.⁵⁷

Within complaints related to Protected Characteristics, 47.5% citing Islam resulted in a sanction compared to 39.2% that did not. This was not a statistically significant difference.⁵⁸

Findings

Over the six years (2015 to 2020 both years inclusive), the Party's central database has recorded 1,418 complaints about 727 incidents of alleged discrimination. For a party of approximately 200,000 members, this amounts to an average of 237 complaints relating to 122 incidents per year. Even if all the 122 incidents were proven to be discriminatory, it would average as fewer than 0.0007 incidents per member per year. The Investigation found that local reporting of incidents was inconsistent, so it was not possible to determine an exact figure for all complaints received by the Party at both local and central levels.⁵⁹ Based on our analysis of the central database, the incidents and complaints are likely to relate to a few individuals, rather than discriminatory behaviour being spread evenly across the membership.

Complaints related to Protected Characteristics were more likely to result in a sanction than complaints unrelated to a Protected Characteristic and this difference was statistically significant. Within Protected Characteristics, a higher proportion of complaints citing Islam resulted in a sanction as compared to those citing non-Islam-related discrimination, but this difference was not statistically significant.

In total, 68% of all incidents citing Protected Characteristics recorded in CCHQ's complaints database cited anti-Muslim discrimination. This figure shows that allegations of anti-Muslim discrimination represent the most widespread form of alleged discrimination recorded in CCHQ's complaints database. The Investigation noted a relative lack of complaints against the Party about the treatment of those holding most other Protected Characteristics (with the exception of race); and within religion, the relatively few complaints about the treatment of other faith groups.

Three-quarters (74%) of all incidents involved social media activity. The Investigation is aware that in the past some respondents have tried to use their unfamiliarity with social media as an excuse to justify re-posts or "likes" of problematic content. Facebook has existed since 2004 and Twitter since 2006. This Investigation is firmly of the view that anyone who is able to create a social media account can also learn how to use it properly, so unfamiliarity should only be considered a mitigating factor in exceptional circumstances.

To make a complaint to CCHQ, complainants must send an email or letter to the addresses provided in the Code of Conduct for Conservative Party Representatives.⁶⁰ The website lists the types of information that should be submitted when making a complaint, but it does not provide a standardised form to collect this information. In the absence of a standardised complaints submission process, the onus of manually logging the details of each complaint falls on the Complaints Team. This is both time-consuming and potentially introduces an element of subjectivity in how complaints are categorised.

The lack of standardised reporting of complaints means that the recording of information is not consistent between cases, as complainants can choose which information they do or do not provide, resulting in data gaps. One of the largest gaps was that 36% cases did not record the geographical location of the complaint. This hindered attempts to identify whether there was any regional clustering of complaints. In practice, 69% of incidents that did not record a geographic location were deemed to have insufficient evidence for the Complaints Team to investigate.⁶¹ Our analysis has been unable to determine whether this is significant or coincidental.

52 The original dataset contained 2,512 complaints, meaning that 56% of all complaints received cited at least one Protected Characteristic.

53 Please see Appendix 3.2 for more information on the breakdown of complaints citing Protected Characteristics.

54 Please see Appendix 3.2 for more information about complaints recorded in CCHQ's Complaints Database

55 Please see Appendix 3.2 for more information about complaints recorded in CCHQ's Complaints Database

56 Please see Appendix 3.2, for more information about the difference in outcomes between cases that do and do not relate to Protected Characteristics

57 Chi-square 16.81, df=1, p<0.0001

58 Chi-square 3.13, df = 1, p =0.08

59 The results and findings from our Survey of Association chairs can be found in Section 3.6 and Section 6 Appendix 3.1

60 <https://www.conservatives.com/code-of-conduct>

61 Please see Appendix 3.2, for more information about case outcomes by region

5 Detailed findings cont

Throughout the Investigation, we requested different types of analysis of the database data. The Complaints Team carried out this analysis on our behalf. This was because data protection issues meant that the Investigation was not granted access to the raw data. However, it was clear that the database was not structured to support in-depth analysis in several domains. For example, breaking down outcomes by Protected Characteristics was a manual and time-consuming process, while other requests such as the percentage of incidents referred to the Disciplinary Panel could not be determined with confidence.

5.3 In-Depth analysis of twenty cases

Twenty complaints recorded in the Complaints Database were selected through a process of stratified sampling based on Protected Characteristics and range of outcomes, ensuring that cases with the most severe sanctions (expulsion from the party and/or legal action) were included, as were cases of alleged discrimination, prejudice, victimisation or harassment on the basis of Islam. The methodology for case selection (sampling) is described in Appendix 1.6.

The two Lay Advisors scrutinised ten complaints each on;

- The *process* (effective, transparent, fair etc.);
- Its *efficiency* (time taken to deal with the complaint); and
- The *outcomes* (proportionality of the sanctions).

The Chair independently reviewed all 20 cases. Some cases cited more than one Protected Characteristic. More than half of the cases (65%) cited Religion & Belief. 20% of complaints cited Race with 10% citing Sexual Orientation. Of the complaints citing Religion & Belief, 12 complaints related to anti-Muslim sentiments and one complaint to anti-Semitism. Age, gender and gender reassignment were each cited once.

Duration of the investigations

The Investigation reviewed the length of time between a case being reported to the CCHQ Complaints Team, and the conclusion of their investigation. Of the 20 cases examined, 16 cases had a recorded date of complaint and four were unrecorded. Thirteen cases had a recorded date of response while seven cases did not. This means that determining the duration of investigations was only possible for 11 of the 20 cases (55%). The duration of these cases is shown in Table 4 opposite:

Table 4: Investigation duration

Investigation Duration	Number of Cases	Case Number(s)
Unknown	9	2, 3, 4, 5, 10, 11, 14, 19, 20
Up to 7 days	5	1, 7, 9, 13, 16
Within 15 Days	2	15, 17
Within 3 months	2	6, 18
Within 6 months	1	8
Within 7 months	1	12

Case outcomes

The final variable of consideration was the outcome of each of the cases as shown in Table 6 below. It shows that the most common outcome was for a complaint to be dismissed or overturned on appeal (35%), followed by suspension from the Party (25%). Undertaking diversity training was recommended or cited as a condition for readmittance to the Party in six cases (30%).

Table 5: Case outcomes

Outcome	Number of Cases	Case Number(s)
Expulsion from the Party	1	4
Whip withdrawn	1	20
Suspension from the Party	5	3, 9, 11, 13, 14*
Warning or rebuke issued	3	1, 15, 6
Respondent resigned from the Party	2	2, 8
Complaint dismissed or overturned	7	5, 7, 17, 19, 12, 16, 18
No recorded outcome	1	10

* Case 14 recorded a three-month suspension, but due to incomplete records it is unclear whether an appeal was formally lodged or upheld.

In-depth review of eight cases

The Investigation selected eight cases to illustrate instances where the complaints process had worked well and others where it had not. Of these, five cases cite Religion & Belief, specifically Islam, and one case each was chosen from those citing Age, Race and Sexuality. Case outcomes were distributed across the range of potential outcomes. Brief details of each of these eight cases are below.

Case 3 cited Religion & Belief, specifically Islam. The respondent had posted discriminatory remarks on social media. Following investigation by the Complaints Team they were given a 12-month suspension from the Party and required to undertake diversity training. Their appeal to overturn this decision was dismissed. The correct complaints process was followed all the way to the appeal. However, it was unclear whether a subsequent counter-complaint made by the respondent was properly investigated.

Case 4 cited Religion & Belief, specifically Islam. The respondent was expelled from the Party after posting comments on social media and they did not appeal against the decision. The Investigation found that the correct complaints process had been followed. However, it appeared that the respondent was expected to inform their group leader and association chair of the outcome. The Investigation felt that this should be the responsibility of the Complaints Team.

Case 6 cited Sexuality. The respondent was given a warning and required to undertake diversity training after posting inappropriate comments on social media. The Investigation found that it had taken two months for the Complaints Team to reach a decision, which we considered unduly long. There was no evidence to determine whether the training had been undertaken.

Case 9 cited Religion & Belief, specifically Islam. A Conservative councillor had posted discriminatory comments on social media. Following an investigation by CCHQ, the individual was barred from holding office for the duration of their term as councillor and required to undertake diversity training. The respondent also offered an apology to the victim, which was accepted. They were re-admitted after meeting conditions for re-admission to the Party. Another complaint was made about the re-admission of the individual to the Party. The Investigation found that the complaints process had again been correctly followed and that the respondent had fully cooperated with the process.

This case exemplifies an important aspect of the complaints process and its outcome. There is often a mismatch between outcome (even when correct as per Party procedures) and the expectations of a complainant. This arises from a lack of transparency about the Complaints Process, and in particular which sanctions are likely to be imposed for which types of behaviour, subject to the panels' discretion when considering any mitigating circumstances.

Case 14 cited Race. The respondent was suspended from the Party for three months for racially offensive behaviour, required to undertake diversity training and asked to apologise to the victim(s). The Investigation found a number of flaws in the complaints process in this case. Notes and evidence were missing from the records. It was not clear whether the respondent had completed diversity training or issued the required apology.

Case 17 cited Age but the complaint was dismissed as 'trivial'. While the Investigation found that the complaints process had been followed, and the dismissal of the complaint appeared proportionate, the Complaints Team had not explained their reasoning for dismissing the complaint to the complainant.

Case 18 cited Religion & Belief, specifically Islam. The respondent was initially suspended from the Party after posting inappropriate comments on social media. The suspension was overturned on appeal. The Investigation found that the Complaints Team had not communicated adequately with the respondent. The respondent was not given any details about the nature of the complaint or why the post was considered to be offensive. When the Appeals Panel applied the same test as the original Complaints Panel, they found that the comments did not breach the Code of Conduct, resulting in the original suspension being overturned. The Appeals Panel criticised the complaints process for its lack of transparency, fairness and the quality of the initial response to the respondent.

Case 19 cited Religion & Belief, specifically Islam. The respondent was initially suspended from the Party, pending an investigation, after posting comments on social media. The respondent provided evidence of their innocence to the Complaints Team. This was reviewed and verified by the Party's expert witness as correct. The suspension was immediately lifted. Our Investigation was concerned that the respondent had been suspended before an investigation had been conducted. The respondent, who had a history of poor mental health, had found the process very stressful.

5 Detailed findings cont

Findings

The Investigation had concerns with the complaints process in half of the 20 cases studied in detail. These included an inordinate length of time taken to resolve complaints, poor communication between the Complaints Team and complainants or respondents, poor record keeping and one example of inconsistency between the decision-making of the Complaints and Appeals Panels. Of the other half, eight were found to have followed the complaints procedure correctly, one had insufficient information to allow it to be assessed satisfactorily, and one related to an MP – this case was therefore handled by the Chief Whip and not the Complaints Team.

Two cases highlighted a perceived lack of empathy in the Complaints Team’s handling of complaints, and we would comment that while the process must of course try to independently assess the facts of the case, there is also a need for the Complaints Team to recognise the impact of an investigation on those involved.

A number of cases involved lost correspondence or missing records, sometimes as a result of individuals leaving the Party and emails being deleted – demonstrating that information relating to cases is not always stored centrally or consistently. Records of whether a respondent has completed diversity training or issued an apology as a condition of re-admittance to the Party are also not consistently kept. This raises questions about the Party’s ability to ensure that previously expelled members are not readmitted, along with its ability to reopen investigations into former members trying to rejoin Party if their membership was discontinued during the original investigation.

The time taken to investigate and conclude cases ranged from a resolution on the same day to an investigation that lasted seven months. As information relating to the duration of the investigation was missing for almost half (nine) of the cases studied, it was not possible to determine the average time taken for cases to be resolved. CCHQ has not published guidelines on how long investigations into certain types of complaint should reasonably be expected to take.

Thirteen complaints (65%) related to social media activity. This is consistent with our analysis of the complaints database, which showed that 64% of complaints and 74% of incidents citing Protected Characteristics involve social media. More needs to be done to improve training and awareness of the Party’s expectations of members’ social media use.

Another recurring theme was lack of transparency in the complaints process. Basic information such as the nature of the complaint or the composition of the Complaints Panel was sometimes not disclosed to respondents. A combination of a lack of transparency and poor communication also resulted in complainants not being informed of the reasons why decisions were reached.

An absence of clear published guidelines on which sanctions should be applied to different types of behaviour contributes to a mismatch between case outcomes and expectations. This can result in a spiral of counter-complaints with cases of people who have been correctly sanctioned and then readmitted still being wrongly considered as a failure of process.

Two of the cases recorded no outcome because the respondent resigned their Party membership before an investigation was completed.

5.4 Comparing best practice in complaints handling

In order to assess objectively the Conservative Party’s complaints process against best practice, we compared it to the processes published by the Parliamentary Health Services Ombudsman (PHSO)⁶² and the Equality and Human Rights Commission (ECHR).⁶³

We selected ten areas for comparison. These areas, and how each Framework compares, are detailed in Figure 1 opposite:

Figure 1: Comparing best practice complaints handling

Policy Area	PHSO Framework	EHRC Framework	Conservative Party Framework
Clear, fully written complaints policy	Entire complaints policy in one document.	Entire complaints policy in one document.	Entire complaints policy in one document. Published online as part of the Code of Conduct. There is an explanation of the process but in less detail
Timescales	Step 1: Make sure they can deal with the complaint within 5 working days. Step 2: Decide whether to investigate within 20 days. Step 3: Investigation within 3-6 months, 98% completed within a year.	Acknowledgement within five days, full response within 20 days. Same timescales for an appeal.	Commits to investigating in “a timely and confidential manner” and the onus mostly lies on complainants/respondents to engage with the process
Correspondence regarding delay in complaint	Not mentioned	Full justification	Commits to investigating in “a timely and confidential manner” - no commitment to justification correspondence
List of remedies/outcomes	Not mentioned	Listed	Listed on Code of Conduct page on website
Clarity of what is covered by the complaints system	Covered through advice on following the right procedure- making sure the complaint has been through the involved organisation first etc.	Listed	Listed but throughout several codes
General declaration of how complaints will be handled & equality commitment	Service Charter ⁶⁴	Outlined in complaints policy	Not mentioned
Policy regarding vexatious/ repetitive/abusive complaints or treatment	Service Charter (see above)	Outlined in complaints policy	Not mentioned
Recording of complaints	Not mentioned but they must record complaints in order to deal with them	Outlined in complaints policy	The Party has a central database in which all complaints and details are logged, however this does not include local complaints
Reasonable adjustments & alternative formats	Case studies of where they have investigated reasonable adjustments on website	Outlined in complaints policy	Not mentioned
Clear contact details for how to make a complaint	Helpline and advice ⁶⁵	Outlined in complaints policy	How to make a complaint outlined after Code of Conduct on Code of Conduct page

62 <https://www.ombudsman.org.uk/organisations-we-investigate/complaint-standards-framework/about-complaint-standards-framework>

63 <https://www.equalityhumanrights.com/en/publication-download/complaints-policy-and-procedure>

64 <https://www.ombudsman.org.uk/making-complaint/how-we-deal-complaints/our-service-charter>

65 <https://www.ombudsman.org.uk/making-complaint>

5 Detailed findings cont

Findings

The Investigation found that the same process was used to report and process complaints within CCHQ regardless of whether these related to a Protected Characteristic, and regardless of which Protected Characteristic, or combination of Protected Characteristics, were cited in the complaint. We did not find evidence that complaints relating to any specific characteristics were dealt with differently from complaints in other categories.

The Party maintains a database of all complaints received, detailing their nature, the complainants and respondents, the investigation and outcomes. However, this database only records complaints registered centrally. Complaints that are reported and handled at a local level are not recorded.

It is unclear whether there is a policy specifically relating to vexatious complaints or abusive behaviour, aside from a statement that three 'severe rebukes' would result in suspension. A lack of awareness of complaints at a local level coupled with unclear rules on serial breaches of the code restrict the Party's ability to ensure that it is aware of all complaints and has mechanisms to act against serial transgressors.

The Party does not commit to resolve cases within a specific timeframe. Resource constraints mean that the time taken to investigate complaints varies with the number of complaints received, the nature and complexity of the complaint and how (and when) the complainant and respondent choose to engage with it. We understand that the Party plans to increase the team from four to five members in 2021, which may start to alleviate some of these workload pressures.

With regard to the Party's stated commitment to equality there is an Equal Opportunities Policy, but this is published on the Party's recruitment pages and is not mentioned in relation to complaints. There is also no reference of how to access the relevant information in alternative formats.

Contact details for complaints are listed at the bottom of the Code of Conduct page. As the complaints process is included in the Code of Conduct, there is no separate page that specifically focuses on how to make a complaint. Contact details for how to make a complaint are not listed on the Party's general "contact us" page.

5.5 Call for Evidence

The Investigation published a public Call for Evidence online between 18 September 2020 and 17 October 2020. The full text of this can be found in Appendix 1.1. A press release Appendix 1.12) was issued on 16 September 2020 to 36 national journalists from leading UK media organisations including broadcasters, newspapers, news agencies and the political media.

This public Call for Evidence was made to ensure that all stakeholders had an opportunity to report any incidence of discrimination, harassment or victimisation against the Party which had not previously come to the Party's attention, regardless of the reasons (for example, if an individual felt unable to complain) for withholding the complaint from the Party. Although the Terms of Reference (Appendix 2.1) focused only on the complaints process, the Investigation Team wanted to ensure that any instances of discrimination, harassment and victimisation that had, for whatever reason, not been included in the Party's complaints database could also be examined.

In total, the Investigation's Call for Evidence received 17 submissions. Four of those who submitted did not provide evidence and decided to withdraw their submissions. In one submission, the individual concerned did not respond to the Investigation's attempts to contact them to collect their evidence.

One individual submission consisted of a statement that the individual had not personally experienced discrimination in the Party. There were also submissions from the Board of Deputies of British Jews and Hindu Lawyers Association UK.

The remaining submissions comprised three made by the organisations Hope Not Hate; Muslim Engagement and Development (MEND); and Friends, Families and Travellers.

Due to of the Muslim Council of Britain (the "MCB")'s history of highlighting allegations of anti-Muslim discrimination by Party members and its calls for an investigation into Islamophobia in the Party, the Investigation proactively sent the MCB two emails and one letter in November 2020 asking whether the MCB wished to contact the Investigation. No response was received. The MCB did not make a submission in response to our Call for Evidence. In the absence of direct evidence submitted by the MCB, we reviewed the public dossier published by the MCB on 5 March 2020.⁶⁶

Summary of evidence received from organisations:

The dossiers submitted to the Call for Evidence listed a large number of alleged cases of discrimination in varying levels of detail. The Investigation explored cases for which there was sufficient information to identify the individuals involved to check against the CCHQ Complaints Database. However, in instances such as Facebook or Twitter screenshots of posts by, for example, "Joe Bloggs", and where the Party had several members named Joe Bloggs, the Complaints Team could not reasonably investigate every single allegation. The Complaints Team investigated all those cases for which they had sufficient information and resources.

Hope Not Hate

Hope Not Hate published its dossier in September 2020,⁶⁷ and submitted it as evidence to the Investigation. The submission included an analysis of the Party's disciplinary processes and recommendations for improving procedural and cultural issues related to anti-Muslim discrimination in the Party. Hope Not Hate also included the results of its own survey of Party members' views on Muslims, and included 40 case studies of Conservative councillors, MPs and activists accused of anti-Muslim acts.

The CCHQ Complaints Team had already investigated the majority of the cases raised in Hope Not Hate's submission, with the exception of two cases in which Hope Not Hate was able to provide new evidence for complaints that had previously been closed due to lack of evidence. The investigations into these cases were ongoing. The overall outcome of these 40 cases according to the Conservative Party database is provided in Table 6 opposite:

Table 6: Hope Not Hate dossier – outcomes of investigations

Case Outcome	Total
Suspended	16
Not a member of the Party	8
Insufficient evidence provided to investigate	4
Expelled	3
Rebuke	2
Sanctioned by local association chair	1
Resigned prior to conclusion of investigation	1
No action	2
Expulsion overturned on appeal	1
In progress	1
Severe Rebuke, recommended Diversity Training	1
Total	40

Muslim Engagement and Development (MEND)

MEND first published its dossier in November 2019⁶⁸ and submitted this to our Call for Evidence. The first record showing that the CCHQ Complaints Team was aware of this Report was logged on 21 January 2020. The CCHQ Complaints Team identified 60 cases in this dossier with sufficient evidence to attribute to a Party member.⁶⁹ Of these, 14 had been previously investigated. The outcomes for these 14 investigations are set out in Table 7 below:

Table 7: Outcomes of previously investigated complaints raised by the MEND dossier

Case Outcome	Total
Suspended	10
Passed on to local association chair	1
No action	1
Rebuke	1
Resigned prior to conclusion of investigation	1
Total	14

66 <https://mcb.org.uk/wp-content/uploads/2020/03/20200305-MCB-EHRC-Request-Conservative-Islamophobia.pdf>. However, as noted earlier in this report, the new leadership of MCB did have some contact with the Investigation in January 2021, well after the deadline for the admission of evidence. While the Investigation noted the concerns raised by the MCB at that time, we could not include any new evidence, as by this time the Report was being finalised for publication. The MCB provided the Investigation with a list of recommendations which we offered to pass on to the Conservative Party on submission of the final Report (Chair's Note).

67 <https://www.hopenothate.org.uk/wp-content/uploads/2020/09/conservative-party-investigation-islamophobia-2020-09-v5.pdf>

68 <https://www.mend.org.uk/wp-content/uploads/2019/12/Islamophobia-in-the-Conservative-Party-MEND.pdf>

69 MEND's submission and the MCB's dossier both included some allegations with insufficient evidence to attribute to a specific Party member. For example, where a screenshot of a social media post was provided, with no further information, it was not always possible to verify that the individual was a Party member, rather than an unaffiliated individual with the same name.

5 Detailed findings cont

CCHQ then investigated the remaining 46 cases, and recorded the outcomes set out in Table 8 below:

Table 8: MEND dossier: outcomes of investigations

Case Outcome	Total
Apology	1
Dismissed	13
Expelled	3
Not a Member	12
Resigned	12
Complaint passed to relevant authority	3
Suspended	2
Grand Total	46

MEND also provided the Investigation with an email exchange with an MP showing that the MP had initially agreed to attend MEND's Islamophobia Awareness Training along with their (MP's) staff and local officials. The MP later withdrew from the training day after confirming with MEND that the organisation does not support the Government's Prevent Strategy.⁷⁰

Muslim Council of Britain (MCB)

While the MCB did not engage with the Investigation, we considered the evidence they published in March 2020.⁷¹ The CCHQ Complaints Team became aware of the MCB report on publication. The Complaints Team reviewed the evidence provided and identified 262 cases with sufficient evidence to attribute to a Party member. Of these, 135 complaints had previously been investigated. The outcomes of these complaints are shown in Table 9 opposite:

Table 9: Outcomes of previously investigated complaints raised by the MCB dossier

Case Outcome	Total
Expelled	39
Suspended	72
Dismissed	2
Diversity Training	1
Severe rebuke	2
Rebuke	10
Resigned	3
No action	2
Not a member	2
Passed to Scotland	2
Total	135

Of the remaining 127 cases identified, the outcomes of the CCHQ Complaints Team's investigations are shown in Table 10:

Table 10: MCB dossier - outcomes of investigations

Case Outcome	Total
Not a Member	61
Resigned	35
Insufficient Evidence to Investigate	18
Expired, Not a Member	4
Expired	2
Unable to Investigate	2
Apology	1
Dismissed	1
Diversity Training, Severe Rebuke	1
Expelled	1
Complaint passed to relevant authority	1
Grand Total	127

Friends, Families and Travellers

Friends, Families and Travellers⁷² submitted 34 complaints to the Investigation. Of these, only nine complaints had previously been recorded in the CCHQ Complaints Database. Seven of these cases were dismissed. In two cases investigation was ongoing and the remaining 25 cases had not been reported to the CCHQ Complaints Team. As the dossier provided to the Investigation has not been published, it remains confidential to the Investigation. These complaints would need to be formally lodged with the CCHQ Complaints Team to allow it to investigate the allegations.

The number of complaints in the dossiers provided by Hope Not Hate, MEND, Friends Families and Travellers, our review of the MCB's published dossier, individual submissions and names raised during interviews totalled 430. However, this includes complaints relating to a single incident that were made by multiple sources. Removing this duplication left a total of 359 incidents. The outcomes of these cases are shown in Table 11 below:

Table 11: Outcomes of all cases raised in dossiers

Outcome	Total
Expelled	43
Suspended	81
Other Sanction	22
Dismissed	54
In progress	3
Unable to Investigate (e.g. lack of evidence)	23
Not a Member	72
Membership resigned or lapsed	47
Complaint passed to relevant authority	13
Successfully appealed	1
Total	359

When the outcomes of these cases were compared with the outcomes of incidents citing Protected Characteristics in CCHQ's Complaints Database, we found a higher percentage of cases resulted in sanctions – 41% (compared to 32% in the CCHQ Database). In the cases with the most severe sanctions, 12% were expelled (compared to 13% in the CCHQ database) and 23% were suspended (compared to 24%).

Board of Deputies of British Jews

The Board of Deputies of British Jews submitted a statement confirming that it had not experienced any problems with the Party or its complaints process.

Hindu Lawyers Association, UK

The Hindu Lawyers Association stated in its submission that the Conservative Party and its members and representatives had been welcoming and had engaged well with the Hindu community. The Association was not aware of any instances of discrimination against British Hindus by the Conservative Party.

Individual submissions

Of the eight submissions made on behalf of individuals, one was a statement of support for the Conservative Party by an ethnic minority individual. Of the other seven, six were already recorded in the CCHQ Complaints database, and one had been handled by a local association. These seven submissions, with our findings, are described below.

The cases were:

1. A case of direct discrimination on the basis of race and religion that the Investigation considered to have been poorly handled by the Party. The case is presented separately in Section 6, Case Study E;
2. A case in which an individual complained against a Conservative councillor for allegedly making an anti-Semitic remark. The complaint was investigated by the local association and dismissed, with the explanation that the alleged remark did not have any religious or racial connotations. The complainant escalated this to the Party's central Complaints Process. The complainant told CCHQ that they had written evidence of the full context of this remark, which the CCHQ Complaints Team has asked to see multiple times. The complainant has so far refused to provide the evidence, so the complaint remains unresolved. The complainant remained dissatisfied with the process. We did not find fault with operation of the Complaints Process in this case;
3. A case relating to an incident reported in the media about a Conservative association officer having allegedly made an offensive remark to a Muslim woman. The local association had issued an apology and asked the association officer to step down whilst the CCHQ investigation was ongoing. The CCHQ Complaints Team referred

⁷⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

⁷¹ <https://mcb.org.uk/wp-content/uploads/2020/03/20200305-MCB-EHRC-Request-Conservative-Islamophobia.pdf>. See also footnote 68 above.

⁷² An organisation that describes itself on its website as working on behalf of "all Gypsies, Travellers and Roma regardless of ethnicity, culture or background".

5 Detailed findings cont

the matter to be heard by a panel chaired by an independent QC. The panel dismissed the complaint. The person who raised the matter here was neither complainant nor witness to the event but asserted that it must have happened, given their knowledge that the officer had a reputation for being “abrasive”. The person who submitted to the Call for Evidence was concerned that the officer remained a Party member and that there was a “hierarchy of racism” in some parts of the Party. We did not find any shortcomings in the Party’s complaints process or appropriateness of sanctions applied;

4. A submission relating to alleged discrimination on the basis of disability, race and religion by members of one ethnic minority group against another in a local association. The complainants and the respondents belonged to two different ethnic groups with evidence of long-standing hostility between them. The complainants had made a complaint centrally which was referred to a local level due to counter-claims by the respondents, but this was not satisfactorily resolved. This remains a longstanding and unresolved complaint. Further complaints were submitted centrally about related matters in September 2020. The outcome of that investigation is pending;
5. A complaint about a series of anti-Muslim remarks made on social media by a Conservative Councillor. Following a Party investigation, the Councillor was suspended and the social media remarks deleted. The individual who submitted to the Call for Evidence is not the original complainant. This individual remains dissatisfied with the original suspension and has previously expressed this concern to the CCHQ Complaints Team. As this case had already been properly handled and closed, this further correspondence was not considered a formal complaint by CCHQ and no further action was taken. We did not identify any shortcomings in the complaints process;
6. A lengthy submission involving a series of complaints between an ethnic minority Conservative councillor and the senior leadership team of the local association. The original complaint had been withdrawn, but was resubmitted once our Independent Investigation opened. The outcome of that complaint is pending;

7. A case involving allegations of racism, harassment, and bullying by the Chair and Deputy Chair of a local association against ethnic minority members. The original letter of complaint to CCHQ was signed by four ethnic minority individuals. We also received a complaint alleging racism and discrimination against the original complainant, whose submission was stated to be “racially motivated”. In our view, this was example of local politics and infighting with allegations and counter-allegations, which the local and central Party processes had dealt with appropriately.

In January 2021, The Investigation Team was notified of a further case in which an allegation of discrimination had been made by an individual expelled by the Party. An agreement had been reached between the complainant and the Party. We did not investigate the case in detail partly because of the late notification and partly because it was not directly related to the Complaints Process.

Findings

The number of submissions in response to the public Call for Evidence was low. The Investigation Team was surprised and disappointed at the scant coverage of the Call in the national media. Although the COVID-19 outbreak was a major news story at that time, the Team had expected the Call to prove more newsworthy. The submission process itself was not complicated, but there was a condition that any submission must be supported by documentary evidence, which may have deterred some potential submissions. After the deadline for the Call had passed, the Investigation Team directly approached organisations which had been expected to submit evidence but had not, such as the Muslim Council of Britain.

One individual submission to the Call for Evidence was an allegation of direct discrimination⁷³ on the basis of religion and race. This case is presented separately as Case Study E in Section 6. Of the remaining six individual case submissions, two are still under investigation. Three show evidence of the complaints system working well, other than that the process of making complaints could be clearer. In one case a submission was made by an individual not directly involved in the complaint who expressed concern that the complaints process might be dealing differently, and therefore in a discriminatory manner, towards various religious and ethnic groups, but the Investigation did not find any evidence to substantiate

this claim. Even in cases where we found no fault with how the complaints process had worked, individuals who had made the submission remained dissatisfied with the outcome. Two of the seven submissions appeared to consist of local infighting between groups, with the complaints process used to make allegations and counter-allegations.

Most of the cases raised in the collected dossiers reviewed by the Investigation concerned allegations of anti-Muslim discrimination and/or racism. Of these, complaints that had come to the attention of the Party’s Complaints Team had been investigated properly in the majority of cases, with some still ongoing. It is worth noting that an overwhelming majority of valid complaints lodged with the CCHQ Complaints Team – by which we mean evidenced complaints that concerned Party members – were upheld and resulted in a sanction.

The percentage of cases reported during the Call for Evidence that resulted in sanctions or no actions was consistent with our findings for these outcomes in the CCHQ Complaints Database.

Some 13% of incidents resulted in the member resigning or allowing their membership to lapse before the investigation had concluded. The Party should have robust systems in place to ensure that resignation is not a way of circumventing the complaints process by an individual rejoining the Party at a later date.

The Party does not make the outcome of individual cases public out of concern for confidentiality. This leads to dissatisfaction with the process if the complainant is him- or herself unaware of the outcome. A situation in which dossiers of allegations are published but there are no means for those compiling them to find out whether these allegations have been previously investigated also contributes to a perception of discrimination in the Party.

We did not accept that a refusal to participate in Islamophobia awareness training evidenced an incident of direct or indirect discrimination. The MP had been willing to attend the training in the knowledge that it was run by a Muslim organisation, and the decision not to attend was actually a result of conflicting views on government policy, not religious belief.

5.6 Survey of association chairs

The Investigation conducted a survey of all Conservative Party association chairs to obtain a better understanding of how complaints are dealt with at a local level, whether associations have mechanisms to identify discrimination and harassment, and whether the individuals involved feel adequately equipped and resourced to manage complaints regarding Protected Characteristics. A preliminary version of the survey questionnaire was pilot-tested with a small selection of local chairs and the version used incorporated feedback from the pilot data. The survey gathered data on local demographics, understanding and awareness of the Equality Act 2010 and the Party’s codes of conduct, local complaints processes and training needs. The Investigation requested explicit consent from survey respondents to use their anonymised responses in our analysis. The survey questions and accompanying letter can be found in Appendix 1.2.

The survey was sent to 481 associations. This is fewer than the total number of UK constituencies because:

- > The Investigation’s remit does not include Scotland;
- > The Party does not have an association in every constituency;
- > The post of chair may be temporarily vacant; and
- > Small local Conservative Party associations form ‘federations’ or ‘groupings’ in which several associations combine into a larger organisation.

The survey was first conducted between 9 July 2020 and 7 September 2020 and returned 180 responses. In order to maximise returns, the survey was re-run between 27 September 2020 and 30 October 2020, and returned 53 additional responses.

The Investigation received 233 responses to 481 invitations (48% response rate). More details about the response rate and related findings discussed in this section can be found in Appendix 3.1.

Over 80% of respondents felt adequately informed about eight of the nine Protected Characteristics; the exception being gender reassignment.⁷⁴ About three quarters (75%) felt adequately informed about the Party’s Code of Conduct. The reason most commonly cited for not being fully informed was stated as a lack of training.⁷⁵

73 Equality Act 2010, section 13.

74 See Section 6, Appendix 3.1

75 See Section 6, Appendix 3.1

5 Detailed findings cont

Just under half of respondents (49%) believed their members to be familiar with the Code of Conduct. Only one respondent said they had been briefed by the Party, and one other said they had been reminded about the Code of Conduct at an Annual General Meeting. Almost two thirds (64%) of respondents believed that the Party had effective local systems and processes to identify and challenge discrimination against Protected Characteristics, while a third disagreed.

A third (36%) of respondents had dealt with at least one relevant complaint in the previous five years. Of these, over half (54%) had received only one complaint, 23% had received two and the rest had received between three and eight complaints. Just over half (51%) maintained a record of complaints, making it difficult for the Investigation to assess the completeness of the reported data.

Actions taken in response to the complaints, including forwarding the complaint to CCHQ, are shown in Appendix 3.1. Suspension was the most common outcome in these cases (35%), followed by expulsion (14%). Fewer than half of these complaints (40%) related to social media.

Some 60% of respondents said it was up to the Chairman to decide whether to forward the complaint to CCHQ, while 31% said it was a collective decision made by association officers. Just under 5% of complaints had led to police involvement.

Only 10% of respondents felt that existing local systems for identifying and dealing with discrimination on the basis of Protected Characteristics were adequate. Over 30 suggestions were made regarding strengthening of local processes, including;

- > Training and guidance (32%);
- > A shared 'local complaints' database, held by CCHQ but accessible to local associations (10%);
- > A defined process for investigating complaints at local level (7%);
- > Improved communication about expected behaviour and the Code of Conduct (7%); and
- > More support from CCHQ in dealing with complaints (5%).

The most common training requests were for regular, accessible training (online and written) and relevant specialised training (including social media) using case studies based on the codes of conduct. Another suggestion was for a training policy, cascaded to grassroots Party members, under which training requirements for specific posts were clearly specified. However, support was also requested in a range of other areas including:

- > More support developing job descriptions, both for voluntary and paid positions, and clearer guidelines to hold post-holders to account if they underperform or overstep their authority;
- > Information presented in more engaging formats than occasional emails, which are easily discarded without being read;
- > More support for association chairs, and candidates wishing to stand for such positions, to engage a more diverse range of potential candidates and members; and
- > Potentially, targeted recruitment drives to improve BAME representation and the introduction of a Diversity Officer position in local associations.

Findings

A quarter (75%) of respondents did not feel adequately informed about the Party's codes of conduct and attributed this to lack of training.

Just under half (49%) of respondents believed that local association members are not fully informed about the codes of conduct.

Only half (51%) of respondents maintained a database of complaints they received.

There was no common understanding about how to manage local complaints or when to escalate to a higher authority.

Respondents had very low confidence in the existing local system for identifying and managing complaints based on Protected Characteristics.

There was urgent need for the Party to develop uniform policies and procedures, backed with adequate and regular training, and implemented at all levels.

5.7 Individual interviews

We conducted in-depth qualitative semi-structured interviews with a range of stakeholders, including individuals with Protected Characteristics and those of Islamic faith.

The methodology for sample selection, interview guide and other sources of evidence is provided in Appendix 1.3.

In total, 29 interviews were conducted with 40 individuals. Some individual interviews are presented as Case Studies, chosen because of the salience of the matters discussed or the individuals involved.

Below we describe the main themes identified in the analysis of the interview data, with illustrative quotes (excluding data from the case studies cited below).

Personal experiences of discrimination

A number of interviewees with Protected Characteristics (race, religion and disability) said that they had never personally experienced discrimination in the Party. Paul Maynard MP said that the only experience he had of discrimination on the basis of his disability was in Parliament when MPs from an opposition Party had made gestures and comments mocking him. He later received a full apology. He said he had never experienced any discrimination within the Conservative Party at any level. Stakeholders interviewed who were not Party members - Fiyaz Mughal from Faith Matters, the academic Dr Rakib Ehsan, and Haras Rafiq from the Quilliam Foundation - also said they had not personally experienced discrimination from the Conservative Party.

No Muslim individual we interviewed said that they felt inherent conflict between their Islamic faith and their membership of the Conservative Party or their British identity.

Several interviewees pointed out that there was wide individual variation in what might be considered offensive and felt that individual experience could often be regarded as anecdotal rather than substantive evidence.

“Sensitivity to racism is personal...In the Party my race has never been an issue”

James Cleverley

One MP said that they had once experienced their faith as a barrier but attributed it to attitudes at a local association level. They had narrowly lost one selection race and were later told that local members felt that “they could not choose a Muslim to be their MP” because they feared this would be a problem for the voting public. The individual dismissed these comments as “an excuse” since the constituency was a safe Conservative seat with a large majority. However, the MP said that their experience in another constituency was very different: the local executive was much more open-minded and focused on finding the candidate that would deliver most for their town rather than on the colour of their skin.

Class and background as a greater barrier than race and ethnicity

Interviewees from diverse ethnic backgrounds with various Protected Characteristics said that in their experience, social class and a perceived ‘fit’ between the local constituency and a potential candidate could be a greater barrier within the Party than race, ethnicity or religion. They also felt that barriers were more likely to operate at a local level than in the Central organisation and that higher up the hierarchy one rose, the less likely one was to experience discrimination.

“I consider myself as someone who is very middle class. If I was to look at barriers, I would say you have a little bit more of a barrier in certain places, not everywhere. If you are a middle-class person, but English is not your first language and you are asked to speak, people sort of think, oh, well, this person is not really what we’re looking for. ... if you are not easily understood whether you’re black or white, then I think that does create some sort of barrier... There is a very strong association between being black and being urban, and constituency associations often look for fit at the selection. I was told by a former chairman that I was easily the best candidate, but they were looking for someone who had a rural background, which I didn’t have.... I don’t think there is a barrier to winning. It’s just the getting selected. That can be tricky”

Anonymous MP

5 Detailed findings cont

“There appears to be issues with class and clubbiness, but not on faith or race. There is a correlation of minorities coming from relatively deprived areas – which can create socio-economic challenges: be it from the dinner you might want to go to or the seat you want to travel to in order to build your brand. So if the door feels closed on an opportunity, to some it might feel like a heritage problem, when it actually isn’t. There should be more events and more accessible entry points to finding your way”.

Myles Stacey, Head of Outreach, Conservative Party

“I never experienced any racism in London Conservative Associations... I felt more uncomfortable about class than race”

Anonymous MP

Other perceptions of discrimination in the Party

Interviewees had mixed views on whether the Party was more or less discriminatory than the country at large and whether there was a systemic problem. One interviewee said:

“My experience in the Party has been considerably, considerably easier than my experience in the real world as it were... the thing I will say though, it can sometimes be location-specific... I’m in London, Londoners have a very multicultural view of the world... so it’s very different... I couldn’t promise you it would be the same if you went to slightly less multicultural places”

Anonymous party employee

Founder of Faith Matters and Tell MAMA Fiyaz Mughal did not believe that there was a greater tendency for Conservatives to be more anti-Muslim than the general public, but acknowledged that a perception that the Party was anti-Muslim had grown over recent years.

“The easy assumption to make is that ‘well they could be anti-migrant, because the Conservatives have an anti-migrant tendency’ ... but the reality doesn’t fit that... first of all, the people that took the Ugandan Asians in was a Conservative government ... I find many great, progressive, listening, wanting-to-change individuals in the Conservatives as I do in LabourSo this is not a simple black and white issue.

“I’m not saying there are no issues in the Conservative Party in associations... I’m saying there are issues, but these issues transcend and move into other political parties because actually, the issue is about lack of awareness, the lack of training on diversity issues, the lack of leadership and appropriate online checks can be found in other parties.”

Fiyaz Mughal

During his time at Tell MAMA, Fiyaz Mughal had found a spike in reported anti-Muslim events after high-profile events such as the 2017 Manchester attack and the 2019 Mosque attack in Christchurch, New Zealand. In his opinion, although the attackers were driven by anti-Muslim sentiments, he did not think that those responsible for these anti-Muslim attacks were making a specific party-political statement. He added that Boris Johnson’s comments about women wearing the burqa led to a large increase in anti-Muslim events reported to Tell MAMA.⁷⁶

“We look forward to a plan of action by the Conservatives to deal with this persistent problem. Otherwise we will not sit idly by and let business go back to usual. At the very least the victims of anti-Muslim rhetoric from Conservative members and councillors deserve to know that action is taken immediately and that it will not be tolerated by re-admitting members and councillors by the back door.”

Fiyaz Mughal

[On Christchurch attack against Muslims]

“Why I’m giving you that example, is because there’s a latency of anti-Muslim hatred in parts of this country that gets triggered by something [...] unrelated internationally; they get triggered [...] and retarget them.”

Fiyaz Mughal

However, Mohammed Amin, former Chair of the Conservative Muslim Forum, thought the Party was more likely to harbour racists since the Labour Party had a more diverse membership.

“If you look at the membership of the Labour Party, the Labour Party has far more ethnic minority members proportionately than the Conservative Party does... I’m sure there are plenty of racist Labour Party members, but proportionately I expect to see far fewer than in the Conservative Party.”

Mohammed Amin

Dr Rakib Ehsan, a Muslim academic and writer, said he did not believe that the Conservative Party had a systemic problem with Islam or with British Muslims in general, but comments such as those made by Boris Johnson about the wearing of the burqa had been unhelpful and contributed to a perception of the Party as being anti-Muslim. Another MP felt that being visibly pious (e.g. in terms of dress for instance) might be a barrier to being selected as a Conservative candidate:

“It is not about religion per se, but rather people might think someone who held such strong Muslim values might be in conflict with other British values. For instance, people might assume that the individual had particular views about women.”

Anonymous MP

Sir Mick Davis, former Conservative Party Chief Executive, agreed that there might be local pockets of bad behaviour stemming from individual racism rather than a systemic culture:

“A few people within the Party have unacceptable views [but] it is not systemic and is not tolerated by the Party... there are pockets of individual racism locally... which are isolated ... [but] the Party is so much more than its members.”

Sir Mick Davis

The party was perceived by some as:

“...slightly old-fashioned and dominated by grey-haired men. In the past the Party has not paid homage to diverse backgrounds or represented the proper cross-section of society.”

Lord Davies of Gower, Chairman, Welsh Conservative Party

Some interviewees felt that the competitive nature of politics and the ambition of those who participated meant that failure was both difficult to accept and easier to attribute to the ill-will of others:

“If you are a white male old Etonian barrister and you don’t get selected, there is only one place to go (to explain the lack of success) which is yourself ... If you haven’t come from that background, it’s easy to have that little niggling doubt in your mind (whether your race or religion played a role), I don’t think that’s playing the race card, but it will always be there.”

James Cleverley MP

Interviewees raised the political problem of the Party wanting to be seen as strong on domestic and international security without seeming to be anti-Muslim. Mohammed Amin noted that former Prime Minister David Cameron, when talking about Muslims in the years following his 2011 speech at the Munich Security Conference,⁷⁷ “struggled to talk about Muslims without mentioning security.” Amin mentioned that even a short Eid message from Cameron to Britain’s Muslims had mentioned security. He said that while the Party had tried to distinguish between Islam and Islamists, the way the message was communicated meant that it was not received clearly by British Muslims.

“Cameron always tried to do that (to make a distinction between ordinary Muslims with Islamists) but he was never very good at sounding sympathetic to Islam and ordinary Muslims”

Mohammed Amin

A number of high-profile incidents were raised by interviewees as examples of why people may think there was discrimination in the Party. A recurrent concern was the perception that Lord Goldsmith’s mayoral campaign had played on anti-Muslim sentiments. Lord Goldsmith’s mayoral campaign is covered in greater detail in Case Study C.

“He [Cameron] substituted the desire for short-term political advantage by winning the London Mayoralty over the long-term positioning of the Conservative Party.”

Anonymous party member

Haras Rafiq, CEO of Quilliam, described the Goldsmith Mayoral campaign as follows:

“I think that the campaign that was run for Zac Goldsmith, because he didn’t actually run all the campaign himself, that was run for him and ultimately he has to take responsibility, was a very poor campaign, was a very shoddy campaign, there were elements where the campaign itself was run in a manner where they played on people’s insecurities around terrorism and violence.”

Haras Rafiq

Some interviewees admitted to personal errors of judgement that had fuelled the perception of Conservative Party being racist. These included Bob Blackman MP (see Case Study D) and Andrea Leadsom MP.

⁷⁶ <https://www.politicshome.com/news/article/boris-johnson-burqa-comments-led-to-surge-in-antimuslim-attacks>

⁷⁷ <https://www.gov.uk/government/speeches/pms-speech-at-munich-security-conference>

5 Detailed findings cont

Andrea Leadsom had been accused of Islamophobia in a debate on the Government’s refusal to accept the APPG⁷⁸ definition of Islamophobia. Ms Leadsom had responded to a question by Naz Shah, Labour MP suggesting that Ms Shah “can discuss this with Foreign Office ministers.”⁷⁹ The accusation was made that Ms Leadsom was portraying British Muslims as foreigners. Ms Leadsom explained to the Investigation that in her response to Ms Shah she had been referring to a global definition of Islamophobia and not to British Muslims, but admitted that this had caused damage:

“If you make a mistake in politics, you can’t correct it as no one is interested.”

Andrea Leadsom, MP

Central control versus local autonomy

Interviewees noted the challenges the CCHQ has in directing or controlling the activities of Conservative Party members and local associations, which are largely run by volunteers.

One interviewee agreed and suggested a need to change the Party structure so as to enable it to assert more control over local associations:

“You change the structure of the Party... Our federation was great when largely the country all fought for the same thing and all had the same cultural touchpoints. Currently, we have a Party that has to represent the most diverse country on the face of the planet, that will require slightly more control.”

Anonymous Party member

Brandon Lewis MP highlighted the communication challenges CCHQ can have when trying to implement central rules on local associations. He added that in 2019 he had secured board approval to review the current structure and wrote to local chairs asking them to keep CCHQ informed of local complaints. However, this change was never implemented. Chairs frequently change, keeping CCHQ informed is not considered a priority, and in the end the leadership challenge distracted attention from the review.

Both current co-Chairs of the Party (Ben Elliot and Amanda Milling) agreed that:

“...the Conservative Party must reflect the country it serves. We will work relentlessly with our associations and members to achieve this.”

Amanda Milling

Several interviewees recommended better vetting of people joining the Party or wishing to represent it:

“Any new member should have scrutiny of their social media postings.”

Paul Maynard, MP

Sir Mick Davis emphasised that the complaints process could not be improved locally unless there was a legal change to the structure of the Party away from a federated organisation. Father Martin Hislop added:

“The traditional federated structure whereby the Conservative Party was a union of individual Constituency associations once gave the Party and its members a very real sense of localism and autonomy. Historically each association was able to employ a professional agent who ensured standards and professionalism was maintained ... With the passage of time, expectations and legal requirements have greatly increased and increasing compliance demands are now placed on volunteer association officers... Association officers, unlike school governors or charity trustees, can assume office with no requirement to have undertaken any training or accreditation course to equip them for their important roles.”

Father Martin Hislop, Deputy Chairman Membership of the London Region and Chairman of the Richmond Park Conservative Association

Complaints process

Interviewees were divided on whether CCHQ or local associations were better placed to handle complaints, although there was agreement that if local associations were to take on more responsibility for complaints handling, extra training and resources would be needed.

One MP said that a lack of resources in local associations pushes the responsibility of investigating complaints up to CCHQ. Brandon Lewis MP suggested improvements to local complaints handling that would allow CCHQ to deal with only the most serious complaints that needed professional legal support.

Lord Davies of Gower highlighted Wales as an example of an area affected by a lack of professionalism in complaints handling:

“The Welsh (Conservative) Party lacks an in-house structure to deal with complaints. It is really a resource problem.”

Lord Davies of Gower

There was widespread agreement on the need to make the complaints process more transparent. One MP recommended reforming the complaints process to make it fully independent and transparent, with reports that the Party Chairman should respond to publicly. Ben Elliot suggested publishing the annual number of cases and outcomes as a matter of routine. He admitted a procedural dilemma in “trying to maintain both confidentiality and transparency”:

“The diverse governance of the Conservative Party and the absence, until very recently, of clear codes of conduct has not made it clear what expectations exist for Officers and Members in terms of their behaviour... The exact nature of the complaint procedures remains opaque. It is not clear who has responsibility for initial handling, investigation, let alone determination of misconduct complaints...The role, responsibilities and powers of the association, area, region, CCHQ and ultimately the Party Board needs to be more exactly defined and publicised.”

Father Martin Hislop, Deputy Chairman Membership of the London Region and Chairman of the Richmond Park Conservative Association

With regard to sanctions, a number of current weaknesses in the system were identified.

Head of the Voluntary Party Ian Sanderson said:

“...while the Party could provide new members with a copy of the Constitution, there was currently no effective way of ensuring they had read it, short of making it compulsory for members to sign confirmation that they had read it, so they could not use ignorance as an excuse for poor behaviour.”

Ian Sanderson

Co-Chairs Ben Elliot and Amanda Milling MP agreed that individuals found to have brought the Party into disrepute should not be able to circumvent the complaints process:

“We have to make our systems robust. People should not be able to re-join the Party easily [if they are found to have offended]. We need more due diligence in our membership process... and have more resources in the Complaints Team.”

Ben Elliot

“I was annoyed reading about cases where people had been reinstated and felt the Chairman at the time was not across the details of them.”

Anonymous MP

Currently, volunteers who are not members cannot be sanctioned by the Party. Andrea Leadsom MP suggested that a ban on attending Party events might deter inappropriate behaviour from volunteers. Kemi Badenoch MP suggested that sanctions should be appropriate to the damage done by the action. For example, social media comments with a much wider potential reach should have harsher penalties:

“Especially on social media, where people take less care with their words, the risk there is more significant that someone will be upset or offended... things that are online have much wider reach and can cause more problems. We should not lower the threshold for investigation but ensure that the penalties when a complaint is upheld act as a deterrent.”

Kemi Badenoch MP

Training

Some interviewees recognised that more training was required to improve the professionalism of local associations. However, they warned against training as a ‘tick box exercise’ and emphasised that the training had to be meaningful and relevant to the task at hand.

Kemi Badenoch MP highlighted the absence of training for association chairs, adding that association chairs are volunteers, “with their own agendas,” and there is no mechanism to ensure that the central Party’s increasingly high expectations of professionalism are supported by adequate training:

“The top of the Party is also more professional and recognises what it needs to do more than the hundreds of disparate groups of volunteers. [...] there’s no real training, they’re volunteers, they come and go they have their own agendas, often about specific local issues and not the wider party, which means it’s hard to tackle that problem... We increasingly expect professional standards within an organisation that relies on volunteers and, unlike in a business, there is no mechanism to enforce them.”

Kemi Badenoch MP

⁷⁸ All Party Parliamentary Group on British Muslims, “Islamophobia Defined”, 27 November 2018, p.50., <https://static1.squarespace.com/static/599c3d2febbd1a90cfd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>

⁷⁹ <https://www.bbc.co.uk/news/uk-politics-parliaments-47495727>

5 Detailed findings cont

Ben Elliott, Conservative Party Co-Chair, stated that CCHQ was taking steps to improve professionalism and training at all levels of the Party.

Paul Maynard MP admitted that in his own association he had only met a fraction of the members, and that many paid their annual subscription but took no active role in the association. He acknowledged the challenges of policing the views of such a large number of people and suggested improved training and oversight as mitigation.

Another interviewee said that to improve engagement with non-traditional Conservative voting communities the whole organisation needed to raise its skill levels:

“Active engagement is more effective than enforcing click-through equality and diversity training modules.”

Anonymous party employee

Interviewees acknowledged the difficulty in striking a balance between centrally prescriptive directives and the autonomy of volunteers who played a major role in campaigning for the Party. Opinions differed on how best to strike this balance but were largely based around greater central power and more local training.

“We have tried to do this [train local volunteers] through the process of education. Too much checking may put people off interacting with us [CCHQ] – there is a balance to be struck.”

Ian Sanderson, Head of the Voluntary Party

Multiple codes of conduct

Many interviewees felt that there were too many codes with rules “not sitting comfortably” with the Constitution. However, there were differing views on how best to resolve this.

James Cleverley MP contrasted the bottom-up evolution of the Party around shared political values with the reactive, top-down nature of the codes of conduct imposed by CCHQ on local associations:

“It is quite bottom-up, and there’s this kind of crossover element, this kind of blending element. So you have a grassroots party, predominantly volunteers... with varying levels of experience... we then have a professional party which we try and weave in but the number of professionals that we have means that they’re spread pretty thin, and so we really do have to rely on our network of volunteers. And that gives us certain strengths, I think it gives us a real intimacy with the country and it keeps us grounded

and connected to the country... the disadvantage is if you were building a commercial organisation you would have a powerful headquarters with branch offices scattered around the country... I think a lot of people assume that’s what the Party’s like, but actually it’s really not. It is a federation... We’re trying to deal with things at the most appropriate level, so for small things of modest indiscretion is best dealt with at association level”

James Cleverley, MP

Andrea Leadsom MP agreed that the Party had been reactive rather than proactive and that she saw this as a “sin of omission”. She suggested that the Party should seek to emulate the Parliamentary Standards Procedures that apply one set of rules and codes to everyone on the parliamentary estate, regardless of position or level.

Community outreach

Interviewees agreed that more needed to be done to improve the Party’s outreach. Several interviewees commented that the perception of the Party as racist was a major problem and agreed that the onus was on the Party to improve its relationship with communities with Protected Characteristics.

Fiyaz Mughal called for the Party to develop better partnerships with organisations like Tell MAMA rather than seeing them as outsiders or troublemakers. He also called for a policy of “zero-tolerance” for the most egregious cases. In his view the Party had initially rushed to embrace all Muslim groups with their own distinct agendas during David Cameron’s tenure as PM, but had then retreated from all. Dr Rakib Ehsan also suggested improved outreach to increase the numbers of Conservative Muslim councillors, and more work to connect with them and their communities:

“Even with trusted partners there is no sense of shared information or trust (in the Conservative Party)... We were seen as outsiders and probably sometimes just being troublemakers, than actually people who they should embrace to say ‘what’s the problem let’s listen to you’... In dealing with these things, there really has got to be a zero-tolerance approach to some degree on the most egregious cases.”

Fiyaz Mughal

Conservative Party ex-Head of Outreach Department Chloe Schendel Wilson felt that the Party needed greater outreach and improved communications with diverse communities. Such an outreach would:

“...work with local Associations and give representatives a better understanding of the community and give them confidence to go out and engage with these communities... There is sometimes a shyness and lack of confidence in the Party, as opposed to prejudiced opinions. We want to upskill representatives and give them confidence to approach everyone.”

Chloe Schendel Wilson

Relationship between Muslim Community and the Conservative Party

Several interviewees were devout and practising Muslims. Many commented that the cultural values of several minority groups like Hindus and Sikhs were the same as those of Muslims – strong family and intergenerational bonds, self-reliance, community support and extensive social capital. These were to some extent matched by Conservative Party values, yet the Party was not seen as a natural political home for these communities. While views differed on whether the Conservative Party had a ‘specific problem with Islam’, all interviewees agreed that the Party needed to do more to engage with the Muslim community:

“There’s some interesting data which shows that the vast majority of British Muslims are satisfied with their way of life. And in the UK, one of the main reasons for this, they said, was freedom of religion. So I do think that it is much better to have the broader analysis of British Muslim attitudes as opposed to going to specific Muslim organisations [who have personal agendas]... A report showed that over four in five British Muslims felt Muslims were fairly treated by the National Health Service. And for all the talk of PREVENT⁸⁰ alienating the ‘British Muslim community,’ the study showed that the majority of British Muslims had not even heard of it. But these kinds of results are an inconvenience for certain actors. I would also be interested to see whether members of the general population are more likely to have a Muslim friend, for example, or a Muslim neighbour or a Muslim work colleague when compared to Conservative Party members. Interactions between people of different backgrounds can break down barriers.

I remember when David Cameron became leader, he actually spent a few days up in Birmingham with a Muslim family... one of the most remarkable statements he made was that he came to the realisation that the mainstream could learn from the strong family bonds and intergenerational cohesion in British Muslim Communities.”

Dr Rakib Ehsan, academic

Findings

Most interviewees with Protected Characteristics had not personally experienced discrimination in the Party, although they acknowledged the existence of the problem, which they felt was more pronounced at a local level.

The Conservative Party was seen to have a perception problem. High-profile incidents such as remarks made during Lord Goldsmith’s mayoral campaign and Prime Minister Boris Johnson’s comments on Muslim women in burqas give an impression to some of a Party and its leadership that are insensitive to certain communities. However, the view was expressed that the perception of the problem is greater than the actual prevalence of discriminatory and anti-Muslim attitudes at senior levels of the Party.

The Central Party lacks both the mechanisms and the power to identify and prevent discriminatory behaviours. The federated structure of the Party does not allow for a centralised and strict ‘Command and Control’ operation at CCHQ. The Party needs volunteers for grassroot operations, but by their very definition, volunteers are not Party members, which presents difficulties in enforcing a Code of Conduct.

Training is required at all levels of the Voluntary Party to increase professionalism, better communicate expectations and improve complaints handling.

There is appetite within the Party for improving the transparency of the complaints process and publicising information on outcomes. However, there are differing views on how this could best be achieved. Some favoured improved complaints handling at a local level to free up CCHQ resources to handle the most sensitive cases, while others saw an increased role for CCHQ in handling all complaints. There was general agreement that more training was required at all levels of the Party to better communicate expectations of behaviour and improve the complaints process.

⁸⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

5 Detailed findings cont

The Party needs to find ways of disassociating itself from those volunteers whose behaviour brings the Party into disrepute. This could be achieved by preventing them from attending Party events, as one interviewee suggested.

The Party's community outreach needs improvement. As the section on Call for Evidence shows, some organisations stated that certain minority groups feel welcome in the Conservative Party and do not feel any sense of discrimination. However, several interviewees expressed specific concerns about the relationship between the Party and the Muslim community. The Party needs to maintain meaningful engagement and sustained dialogue with the Muslim community, which is not monolithic and does not have a single organisation representing its diverse make-up and views.

5.8 Interview with the CCHQ Complaints Team and Disciplinary Panel

The Complaints Team (the "Team") was established in its current form in February 2019, with one full-time member dedicated to handling complaints and a second team member recruited externally and joining in April 2019. In response to rising numbers of complaints, two additional staff members were assigned to the team in March 2020 and a fifth member was externally recruited, with a start date of February 2021.

Team members all undergo the Party's equality, diversity and unconscious bias training. This is required of all staff members and is the same training that some sanctioned members are asked to take. Team members also undergo the formal CCHQ HR induction process when they join. While some staff members have had previous experience of handling complaints, the Party offers no specific training in complaints handling to the Complaints Team. The Team has developed a system of internal shadowing to train new team members. The team recognised that additional training on "the Equalities Act or other specific areas which we receive complaints on could be useful to the Complaints Team and panel members. However, at the moment we rely on legal advice for support when required in these areas."

Complaints handling processes

The Complaints Team assess complaints according to the rules laid out in the codes of conduct and social media rules. Team members have no additional material such as guidelines on what is a reasonable threshold of evidence or targets to resolve complaints within specific timeframes. The Team did not regard this as a problem as Team members say their role is to conduct an independent investigation, to assess the evidence and decide whether there is a case to answer or not. They then either dismiss the case or refer it to an Independent Panel for final assessment and a decision on whether to apply sanctions. This Panel is not provided with any guidance on what types of behaviour should result in the various sanctions, and these decisions are left to the Panel's discretion. The Team also has no written procedure for record-keeping of complaints, and Team members acknowledged that their experience was that the records were difficult for anyone unfamiliar with their layout to understand.

When in doubt, the Team can consult legal advice, and this is normally used in particularly complex or sensitive cases such as:

- > Allegations of criminal behaviour;
- > Witness statements or interviews that are required to investigate the complaint in full;
- > When medical records are involved in a complaint;
- > To interpret the parameters of the Code of Conduct in relation to certain complaints received – which can be difficult in some cases; or
- > If a complainant has already taken legal advice to submit the complaint.

The Team's legal advisors have worked for the Party for many years and have experience and knowledge of the Party's disciplinary processes and Constitution.

In terms of categorising cases as protected or non-Protected Characteristics, Team members say that this is an internal categorisation that does not affect how the complaint is investigated, and the complainant will have no knowledge of how their complaint has been categorised. The Team is aware that it is HR standard practice to ask complainants what outcome they would like to see, but they do not ask this. However, complainants frequently say that they expect the respondent member to be expelled, which means that their expectations are usually not met.

While the Team frequently receives character references and other forms of defence from respondents and their supporters, the Team has never experienced a respondent trying to influence the outcome of a case. The Team have on occasion received requests to fast-track a complaint, or even dismiss it, or requests to be kept informed of decisions. However, these requests have come from other interested parties, not from senior Party members. The Team informs the correspondent of the process, and the requests are politely refused. Team members also emphasised at this point that they do not decide on the outcomes of the individual cases that meet the threshold for a complaint and highlighted the integral role of the Party Chair in the disciplinary process. Team members also stated that they had never had a request to alter a decision from within CCHQ, and disagreements are played out through the appeals process, sometimes with a local association chair supporting the respondent's appeal.

When the Team receive dossiers of complaints from the media, each name is checked against the database to see whether a complaint has already been logged. In the case of names that do not match existing records, efforts are made to identify who the respondent is and whether the respondent is a Party member. The Team also requires corroborating evidence such as date of birth, location or photos of respondents at campaigning or association events which match a membership record. This is to ensure that the Team can match a complaint to the right member. Names that do not match existing database records are retained in case they can be matched with evidence provided at a future date. This work can be very time consuming as the quality of the evidence provided varies, and the work can distract the Team from focusing on other complaints.

The Team stressed that the onus of providing evidence about a complaint should fall on the complainant. Team members did not see their role as policing the social media activity of Party members, for both practical and ethical reasons – Party membership is large and policing everyone would be impractical, and in any case this would not be a proportionate response ethically or legally. Members are not required to inform the Party of their social media accounts.

The Team considered the distinctions between complaints about Party members and those relating to staff members as clear. Complaints relating to members of staff are referred to CCHQ's HR department. The Team has never received a complaint about a staff member in their capacity as a Party representative, but such a complaint would be handled in accordance with the Code of Conduct.

The Team works closely with the Chief Whip's office as both handle disciplinary matters relating to MPs. Such complaints are taken very seriously and a decision on how they are handled is made on a case-by-case basis. Ultimately, the Chief Whip has the final say in such cases as set out in article 89 of the Party's Constitution.

Confidentiality

The Complaints Team highlighted the dilemma it faces between maintaining confidentiality and calls for greater transparency. Team members say they have taken legal advice in the past about this balance and the Team was very aware of the sensitivities involved in balancing the reputation of the Party and the integrity of the process whilst potentially exposing themselves to legal challenges; for example, in cases where sanctions were overturned on appeal. Confidentiality also prohibits the Team from responding to media reports about individual cases or dossiers, as it cannot reveal how individual cases have been resolved, how many cases contained in the dossiers it was already aware of or publicly comment on the status of those complaints. Team members were also concerned that if complainants felt that their complaints would not be kept confidential, this could deter people from making complaints in the future, which would undermine the process.

Resignation while under investigation

The Investigation asked the Complaints Team whether it would be theoretically possible for a member to resign their membership while under investigation in order to avoid sanction. The Team said that cases that are closed when Party members resign or allow their membership to lapse are reopened if they rejoin the Party. The Team cited a specific example of an individual who resigned while under investigation in 2019 and re-joined in 2020. This individual was immediately suspended from the Party, pending the outcome of the investigation.

5 Detailed findings cont

The Team also said there was a disciplinary section on *VoteSource*, the system that records Party membership and notes whether a member is suspended or expelled. This system is about to be upgraded. Part of this upgrade will include a function to note that an investigation is pending should an individual try to re-join the Party in the future. Associations can then take this into account when processing applications. If the individual were allowed to re-join then the investigation would be reopened. The system automatically lifts a suspension after the end date.

Independent Disciplinary Panel

We interviewed three individuals with experience of participating in the Independent Disciplinary Panel; namely, Lord David Hunt (Baron Hunt of Wirral), Ms Amelia McCourtly (Senior Volunteer) and Ms Tori Peck (Head of Women's Engagement, CCHQ). They described the functioning of the Panel and the written guidance available to them from CCHQ⁸¹. Panel members felt adequately informed about the evidence in each investigation and were satisfied with the competencies of the Complaints Team, while recognising that the Complaints Team could be better resourced. The Panel aims for unanimous decisions, but sometimes arrives at a majority verdict, in which case the minority view is also put on record. Judgments were arrived on using the civil court standard of a 'balance of probabilities'. Panel members believed strongly that the *Nolan Principles of Public Life*,⁸² which they adhere to, were sufficient to ensure impartiality, integrity and independence in the functioning of the panel. They did not receive, nor did they feel the need for, additional training to participate on the Panel.

Areas for improvement

The Complaints Team acknowledges that there is room for improvement in the process, and measures are already in place to begin addressing some of these problems. Team members reported that the previous year had seen a significant increase in numbers of complaints, and the Party has responded by increasing the team to five full time members of staff. The Team is also reviewing options for a new complaint handling system to replace the existing database. This would make it easier to record evidence and correspondence in dedicated case files, reducing administration time and giving the Head of Complaints a clearer oversight of the process. The Team appeared willing to further evaluate its performance in the future and make improvements if gaps or weaknesses were identified.

The Complaints Team believed that the complaints process was lengthy and costly, as it takes legal advice and often pays a QC, but the result of this process was not always conclusive and involved further referral. The Team highlighted the social media rules as an area that needed review, both in terms of the rules themselves and with regards to the training given to Party members about social media.

The Complaints Team identified a number of training requirements across the Party to support complaints handling and investigations at both CCHQ and local associations. Team members recommended training for elected representatives to ensure they fully understand their extended responsibilities, particularly with regards to social media activity. The Team is already in discussions about this with the Party's Local Government Team. Members also raised the question of whether more support could be offered for complainants, perhaps by working with external organisations. Finally, they suggested that local association chair HR complaints could be improved by adopting CCHQ HR processes, and noted that there was one instance where this was being trialled.

Findings

The Investigation received both written and oral evidence from the Complaints Team, which co-operated in full with the Investigation. We found Team members to be diligent and committed individuals who took their work seriously. Most Team members are junior members of staff who clearly rely on legal advice and support from senior Party members such as the Chief Whip and Party Chair in the most difficult cases.

We felt that the Complaints Team was let down by the lack of structured training in key areas such as complaints handling or the Equality Act 2010. While the Complaints Team spoke highly of the informal training system of shadowing more experienced staff members, and the Complaints Team's culture of working closely together, we felt that this was not an adequate substitute for formal and structured training.

The current complaints database was recognised by the Complaints Team itself as time-consuming to maintain, difficult for external reviewers to understand and lacking the facility to record all the evidence relating to a specific case in one place. While the Complaints Team was confident that it kept good records of cases, the Investigation found examples in case studies where evidence had been lost. We therefore welcome the arrival of a new system specifically designed for complaints handling.

We were surprised that there was no guidance for Panels to support their decision-making on sanctions.

The Party needs to review the process for handling complaints relating to the social media rules. As the majority of complaints seen by this Investigation relate to social media activity, there needs to be an appropriate process for handling these.

The Investigation recognises the difficult balance between transparency and confidentiality when handling complaints. However, the Party's failure to respond to questions surrounding high-profile cases and dossiers of complaints compounds the perception that the Party has a problem with discrimination.

The Investigation also notes the Complaints Team's efforts to ensure that details of members who resign pending investigation are recorded.

81 See Section 8, Appendix 4.2 for more details

82 <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

6 Individual case studies

We present the following cases individually, either because these refer to high-profile incidents that have been widely publicised, or because these have important bearing on our Terms of Reference.

Case study A – Prime Minister Boris Johnson

The Investigation gathered oral testimony from Prime Minister Boris Johnson on three areas related to discrimination and the Party's complaints handling of the process: his role as Leader of the Conservative Party; his role as Prime Minister; and past comments that have been attributed to him.

The Prime Minister was specifically asked whether he thought the Party had problems with discrimination on the basis of Protected Characteristics in general and anti-Muslim discrimination in particular. He said that the Party had changed over the last 20 years but acknowledged the struggle to eliminate discrimination was not yet over. He felt that the Party's complaints procedures were robust and his personal experience of the complaints process made him feel that the Party acts decisively. He added that he wanted to be informed if the Investigation found any evidence of weaknesses in the complaints process, or if there were instances of members being readmitted after having serious complaints made against them. He also wanted to know whether the Investigation had found that complaints of discrimination were not being taken seriously. He emphasised that he himself did take such matters seriously.

With regard to the Code of Conduct, the Prime Minister said he had read it and felt it was comprehensive. He did, however, acknowledge that the Party could do more to educate its members about the Code of Conduct, and that it was a "failing" that members were not required to read it. He supported better training at local and regional levels. In his view, the federated structure of the Party was a strength, and that CCHQ had the power to disaffiliate any branches that "go rogue".

He said that while discrimination could exist in the selection of candidates it doesn't exist in the "vast majority of cases". He added that: "if you are a young Muslim child and you want to grow up and be Prime Minister, you should join the Conservative Party.

We believe in opportunity and talent. If we have an image problem, it is because the wider public is not aware yet of how much the Party has changed in recent years."

When asked about past comments attributed to him saying women in burqas⁸³ "go around looking like letterboxes"; an article in which he also said that "to any non-Muslim reader of the Quran, Islamophobia – fear of Islam – seems a natural reaction",⁸⁴ and referred to some black people as having "watermelon smiles",⁸⁵ Mr Johnson said that he had written "millions of words as a journalist" and that sometimes "snapshots from articles" had been taken out of context. He said that he had studied the Quran and did not believe that Islam or Muslims in Britain posed a threat to the nation. He stated that his article comparing women wearing the Burqa to letterboxes was a liberal defence of a Muslim woman's right to choose what she wore.

"My writings are often parodic, satirical....It (the Telegraph article) was an honest defence for a woman's right to wear what she chooses."

We offered the Prime Minister an opportunity to apologise for his past remarks. He said the following and that he did not wish to add anything further:

"I do know that offence has been taken at things I've said, that people expect a person in my position to get things right, but in journalism you need to use language freely. I am obviously sorry for any offence taken. Would I use some of the offending language from my past writings today? Now that I am Prime Minister, I would not."

The Prime Minister believed that the Party had to make it understood at all levels that racism and discrimination were not tolerated. He said there should be more women in Cabinet and more minorities in government at all levels.

Finally, the Prime Minister committed to implementing the recommendations made by this Investigation, and if not, to clearly explaining to the Chair of the Investigation the reasons for not acting on the recommendations.

⁸³ <https://www.telegraph.co.uk/news/2018/08/05/denmark-has-got-wrong-yes-burka-oppressive-ridiculous-still/>

⁸⁴ <http://archive.spectator.co.uk/article/16th-july-2005/12/just-dont-call-it-war>

⁸⁵ <https://www.telegraph.co.uk/politics/0/blairs-good-running-congo-let-stay/>

6 Individual case studies cont

Evidence provided by CCHQ

We asked CCHQ how the Party had handled the complaint about the Prime Minister’s remark. We were told that the Conservative Party investigating officer received a complaint on 10 August 2018 arising from an article by Mr Johnson that had been published in *The Daily Telegraph* on 5 August 2018. The allegation was that in describing Muslim women who wear the burqa as looking like “letterboxes” and “bank robbers,” Mr Johnson was being deliberately offensive. This was not acceptable under the Code of Conduct for the Conservative Party representatives. Such ridicule, it was alleged, did not foster or encourage tolerance or respect for Muslim women.

The Party convened an Independent Panel chaired by a QC to investigate the allegation. The panel considered the evidence, including the representation made on behalf of Mr Johnson by his solicitor. In his defence, Mr Johnson argued that he personally considered the invisibility rendered to women by the burqa oppressive, and that he was defending the right of women to dress as they wished, even if some people found it dehumanising and absurd. Mr Johnson argued that his words staunchly defended the right of women to wear the burqa and that the UK was more tolerant and respectful than several governments within the EU and certain Muslim countries. Just because offence had been taken, he felt his words should not be withdrawn or prohibited. He did not think that he had contravened the Code of Conduct. Mr Johnson believed that the complaint was meant to damage him politically.

The panel met on 4 December 2018. The panel was “unanimous that there was no evidence that the complaint was vexatious or malicious, nor was it trivial”. The Panel found that while the words chosen by Mr Johnson “were undoubtedly provocative, the majority of the panel considered that, in a democratic society, it should be careful not to be over-zealous in its scrutiny or censure of language.”

The panel felt that while an individual’s right to expression under Article 10 of the European Convention of Human Rights was not untrammelled, “the Code of Conduct did not preclude a member of the Party from using satire to emphasise a particular viewpoint.” There was a minority view on the panel that while Mr Johnson’s right to hold and express a viewpoint was not in question, the language used in the article was offensive and did not lead by example to encourage and foster respect, and that as a result Mr Johnson had breached the Code of Conduct.

As the majority view on the panel was that the Code of Conduct had not been breached, the matter was not recommended for progress to the next stage of the investigation process, as laid out by Party procedures.

Findings

It is not within the remit of the Investigation to decide whether the Prime Minister’s comments in his articles breached the Party’s Code of Conduct.

The Investigation noted that several interviewees considered Mr Johnson’s language as discriminatory and unacceptable. Mr Johnson declined to add anything to his previously expressed regret that offence had been taken at his comments. He asserted that he would not make such remarks now that he was Prime Minister. While this could be considered leading by example, the Investigation would like to emphasise that using measured and appropriate language should not be a requirement solely for senior people, but ought to be expected throughout the Conservative Party.

The complaint against Mr Johnson has been investigated by the Party, under due process by an Independent Panel chaired by a QC. The Panel’s findings were made public, but not its deliberations. Some individuals interviewed by this Investigation considered the fact that the Panel deliberations were not made public to be a “whitewash.”

This case illustrates the need for complaints handling to be not only independent of the Party structure but also for greater transparency about process and outcome on individual complaints, particularly those that might be considered “high profile”.

The leadership of the Conservative Party ought to set a good example for appropriate behaviours and language as a guide for the rest of the Party to follow.

Case study B – Baroness Warsi (*Baroness Warsi of Dewsbury*)

Baroness Warsi provided the Investigation with the names of 30 individuals who had been involved in the complaints process. In a number of these instances both the complainant and the respondent were named, and four names were connected to the same complaint, which was under investigation by a local association chair.

The Investigation searched the CCHQ database for evidence of these cases. In total there were 25 recorded outcomes for the cases raised with the Investigation as follows:

Table 12: Outcomes of cases raised by Baroness Warsi

Case Outcome	Total
No record of complaint	3
Matter for Whips	1
Expelled	2
Suspended	4
Not a member	2
Dismissed	6
Local inquiry ongoing	4
Apology, Diversity Training	1
Rebuke	1
No Action	1
Total	25

These case outcomes reflect the percentage outcomes of CCHQ’s database. The table shows that a sanction was recorded in a third (32%) of the cases she raised, which is the same percentage of cases incurring sanctions citing Protected Characteristics as in the CCHQ Complaints database. It is not known whether sanctions were applied in the case referred to the Whips or the four ongoing cases. Eight percent of these cases resulted in expulsion from the Party (compared to 9% in the database) and 16% resulted in a suspension (compared to 16% of cases in the database).

One of the cases raised illustrated the gap between the perception and reality about the Complaints Process. The case involved a third party who made a complaint on behalf of someone that they thought the Party had discriminated against.

When the Investigation approached the individual on whose behalf the complaint had been made, the individual stated that they did not consider that any discrimination had taken place during the event in question. They confirmed that they had been approached by the Complaints Team and had declined an invitation to submit a complaint. Ultimately the complaint was dismissed, leading to an erroneous perception that the case had been badly handled by the Complaints Team.

Findings

We conducted an in-depth scrutiny of the individual cases provided to us by Baroness Warsi. Alongside the totality of evidence gathered by the Investigation, we concluded that her allegation of ‘institutional racism’ against the Party was not borne out by evidence available to the Investigation as regards the way the Party handled the complaints process, went about its findings and/or imposed sanctions in respect of those complaints that had been upheld.

Of the cases raised by Baroness Warsi, the Complaints Team were only unaware of three. Among those that have been resolved, six resulted in the most serious sanctions; namely, two expulsions and four suspensions.

6 Individual case studies cont

Case study C – Lord Goldsmith (Baron Goldsmith of Richmond Park)

Lord Goldsmith was elected MP for Richmond Park in 2010. He was selected to run as the Party’s candidate for the 2016 London Mayoral Elections. He is currently a Conservative Peer with responsibilities within DEFRA, as well as being Foreign Office Minister for the Environment.

The Investigation interviewed Lord Goldsmith since his campaign for the 2016 London was widely reported as “racist”⁸⁶ and “Islamophobic”.⁸⁷

Lord Goldsmith acknowledged that he had been accused of Islamophobia, charges he said had been made to damage him politically. He said that the mayoral campaign turned out to be “ugly and heavily racially charged”. While he accepted that mistakes were made in his campaign, he also claimed that his opponents had used divisiveness and race as a tactic against him. He said at the start of his campaign that it had not crossed his mind that race would be a paramount issue.

He claimed that during his campaign he had not considered himself vulnerable on the issue of race. He believes that race was used as a tactic to reframe his campaign to make him appear to be anti-Muslim. He said that he had tried to raise legitimate concerns about individuals associated with people who seek high office, as he considered it to be a reflection on their character and judgment. He continues to believe that this is a reasonable matter to raise in a political campaign.

“During the Mayoral campaign I believed that it was important to hold Sadiq Khan to account for his record of associating with extremists, in particular Islamists. I never believed that Sadiq himself was an extremist. Nor did I or my campaign ever suggest that that he was.”

However, he stated that his stance was not portrayed as concerns about an individual; rather it had been presented by others as attacks on a faith. He gave an example of his use of the term “radical” to describe his opponent (Sadiq Khan). He had meant it to refer to ‘radical politics’, i.e. fiscally extreme Left, by dint of the fact that Sadiq Khan had nominated Jeremy Corbyn for leadership of the Labour Party and had subsequently said he had no regrets in doing so. This was reported as Lord Goldsmith having called his opponent a religious extremist. Lord Goldsmith provided other

examples including his campaign leaflets and a newspaper article he wrote whose headlines and accompanying image had been chosen by the paper’s editor, and how these were used to paint him as anti-Muslim. Lord Goldsmith said both he and his campaign heavily lobbied the editor of the newspaper to remove the image and change the headline, but these requests were refused.

Lord Goldsmith felt that once tarnished as harbouring anti-Muslim sentiment, his campaign was derailed and he found himself on the defensive in the media, unable to campaign on all the things that mattered to him, most prominently his environmental concerns.

“In hindsight it should have been obvious that the issue was too combustible to be discussed reasonably. On one side, there were anti-Muslim groups and individuals actively accusing Sadiq of being an extremist - a gross calumny. And on the other, Labour campaigners reframed legitimate questions about their candidate’s judgement in such a way that it appeared he was being smeared because of his faith... a large number of Muslim Londoners felt personally insulted by what they had been told was my campaign message, that is of course a source of major regret and sadness on my part.”

He also strongly felt that there would be no advantage to the Conservative Party being Islamophobic. He said:

“What I don’t think the Party would be clever or right to do would be to pretend there are no problems in the Party, because there are... but I don’t believe that this is a problem of the structure or the hierarchy of the Party... We’re not a safe place for Islamophobes but that’s not to say we don’t attract them.”

Lord Goldsmith felt that the existing complaints process in the Party was not working:

“...all we have is this complaints process and it’s quite subjective. It is very slow as well. And the problem is that there’s always going to be lots of complaints when you’ve got a mass membership organisation. And every time that a complaint lingers and is not dealt with, it’s a potential aggravator. So it’s not in the interests of the party to not deal with them very quickly. But the mechanism they have at the moment isn’t working”.

As far as the Investigation could determine, the Conservative Party received only one official complaint against Lord Goldsmith. This was submitted four years after his Mayoral campaign The Complaints Team was not provided with any evidence to support the complaint, and subsequently dismissed the complaint as unsubstantiated.

Findings

Lord Goldsmith’s 2016 London Mayoral campaign attracted widespread criticism from a number of organisations and individuals.

He accepts poor judgement in the way his campaign was conducted but forcefully denies harbouring anti-Muslim sentiments or using such sentiments for political advantage.

The Investigation notes that some interviewees held a negative view about Lord Goldsmith’s Mayoral campaign. However, it is beyond the remit of the Investigation to pass comment on the general quality of a political campaign.

Lord Goldsmith’s mayoral campaign received one complaint, which was dismissed as unsubstantiated.

The Party should consider introducing a system for rapid rebuttal of allegations relating to Protected Characteristics if allegations are genuinely unfounded. At the very least, there ought to be immediate clarification of its position or its candidates’ position on matters relating to religion or race if it is felt their position is being misconstrued, whether deliberately or otherwise.

Case study D – Bob Blackman MP

The Investigation interviewed Bob Blackman as his name was raised in a number of other interviews as well as in dossiers compiled by Hope Not Hate, Muslim Engagement and Development (“MEND”) and the Muslim Council of Britain (“MCB”). The complaints in these dossiers had been investigated previously by the Whips’ Office.

Bob Blackman is the MP for Harrow East, which is an ethnically diverse constituency; 37% of his constituents are Hindu and around 6% are Muslim. He is the Chairman of the All-Party Parliamentary Group of Sri Lankan Muslim Organisations UK⁸⁸ (“COSMOS”)⁸⁹ and has helped to create an Islamic faith free school in his constituency. He said that throughout his political career he has been involved with several religious/faith-based initiatives, including the creation of new mosques and religious centres and an independent Muslim school.

The Muslim Council of Britain (MCB) and Baroness Warsi⁹⁰ have criticised Bob Blackman for allegedly hosting an individual in Parliament who is alleged to have previously made anti-Muslim statements. MCB spokesperson Miqdaad Versi has highlighted other incidents in which Mr Blackman has allegedly shared content from anti-Muslim websites and one occasion in September 2019 when he shared a platform with right-wing commentator Katie Hopkins and right-wing blogger David Vance.

In his role as Chairman of the Parliamentary group on British Hindus, Mr Blackman hosts events for the Hindu Forum of Britain and National Council of Hindu Temples (“NCHTUK”). He described this role as that of an “arm’s length sponsor” and said that he was not normally involved in the details of the organisations and invitations. NCHTUK booked Tapan Ghosh, a Hindu nationalist leader from West Bengal, India and founder of Hindu Samhati, as a speaker. Mr Blackman was not involved in the decision to invite Mr Ghosh. The late Tapan Ghosh is alleged to have made anti-Muslim remarks in India. Mr Blackman said that he was unaware of this background and was not present during Mr Ghosh’s speech in Parliament. When he found out about Mr Ghosh’s reputation Mr. Blackman says that he:

86 <https://www.theguardian.com/commentisfree/2016/may/07/zac-goldsmith-racist-campaign-london>

87 <https://www.theguardian.com/analysis/2016/05/04/sadiq-khan-on-islamophobia-zac-goldsmith-and-their-vicious-battle-for-london/?cmpredirect>

88 <https://publications.parliament.uk/pa/cm/cmallparty/181010/council-of-sri-lankan-muslim-organisations-uk.htm>

89 <https://publications.parliament.uk/pa/cm/cmallparty/181010/council-of-sri-lankan-muslim-organisations-uk.htm>

90 <https://www.bbc.co.uk/news/uk-44311092> and <https://www.theguardian.com/politics/2019/nov/27/sayeeda-warsi-tory-islamophobia-muslim-prejudice-investigation>

6 Individual case studies cont

“...publicly condemned the remarks he (Ghosh) has made in India and on Twitter and disassociated myself from any remarks he may have made in the past... I was furious with the National Council of Hindu Temples.”

He said that he now conducts more due diligence on invited speakers. He had found the allegations personally very distressing as his name is mentioned:

“...every time there is an issue of alleged Islamophobia in the Conservative Party... They are trying to paint me as an Islamophobe, which couldn’t be further from the truth... all the important work I do with Muslim groups in my constituency doesn’t suit their narrative, so they ignore it.”

In 2016, Mr Blackman retweeted a post by Tommy Robinson that contained a link to an article in one of the major Indian newspapers about Muslim violence against Hindus. When questioned about this retweet Mr Blackman said he was new to Twitter and visiting India at the time. The story concerned a high-profile murder conducted by “Islamic thugs”. Mr Blackman claims that he retweeted it because it was a big story in India and he had not realised who had originally posted the story. He said he intended to raise awareness of violence against Hindu priests and would not have retweeted the post had he been aware that it was from Tommy Robinson. He said that he was not aware of any official complaint being made in relation to this and that he had addressed the concerns of the Conservative Muslim Forum. However, Mr Blackman was heavily criticised for failing to delete this Tweet for three weeks after it was publicly reported. Mr Blackman also conceded that at one time his Facebook page “was a complete mess”. He claims he had been added to groups without his knowledge, but he has now gone through his page and removed his name from any such groups.

Mr Blackman denied ever sharing a platform with Katie Hopkins or David Vance. He had been invited to a UN meeting on Kashmir. Mr Blackman sent a pre-recorded version of his talk since he was not able to physically attend the meeting. Mr Blackman was not aware of other speakers who had been invited.

With regards to continued criticisms from Baroness Warsi, he said that they have known each other for a long time but they have a very different view on the situation in Kashmir. He added:

“I am probably one of only three or four MPs who have an interest and will speak on behalf of the Kashmiri Pandits and the Dogra communities. I think she would like nothing more than for me to keep quiet and stop making the case for some of the affected communities. It’s a deep-seated issue. I refuse to be bullied into silence by those who distort the position for their own ends. We are diametrically opposed on the key point of the entirety of Jammu & Kashmir being an integral part of India.”

He said he had submitted evidence on Baroness Warsi to the Complaints Team.

Mr Blackman said that he has frequently taken up issues affecting Muslim communities around the world, notably the Rohingya in Myanmar, Muslim communities in Sri Lanka and the Uighur minority group in China. He said that he did not consider himself to hold anti-Islamic views “but I do think it is possible to criticise people who use their faith as a reason for bad behaviour.”

Mr Blackman said that all of the complaints discussed in the interview had been put to the Party Chairman and had been dismissed.

Findings

Mr Blackman acknowledges that hosting Mr Ghosh to Parliament without due diligence and knowledge of his social media posts were errors of judgement on his part, which he deeply regrets.

There does not appear to have been a formal complaint against Mr Blackman recorded by the CCHQ Complaints Team.

Mr Blackman’s case demonstrates the importance of having a formal and transparent complaints process, where decisions relating to high-profile cases, and the justifications behind the decisions are published. The failure to do so in this case has resulted in the repetition of allegations made against Mr Blackman, with no resolution either for him or for those who feel aggrieved by his actions.

Case study E – Anonymous

This case was brought to the Investigation’s attention by two members of a local association, one of whom (the complainant) had personally experienced discrimination based on a Protected Characteristic. The second individual had joined to provide support and corroborate the account of the complainant. Neither individual wished to be identified in this report. They also requested that the local association not be named. The events of concern had occurred two years previously and while they were unhappy with how the complaint had then been dealt with both locally and centrally, they felt that there had been a recent change in leadership and efforts to rebuild the Party locally, which they do not wish to undermine.

The complainant has held various executive roles in the local association since joining the Party over ten years ago. Their work has focused on increasing the Conservative Party’s engagement with local Asian communities. The individual described “a culture of racism” in the local association. This included being treated differently or being avoided by other Party members, behaviours which they attributed to their race. They had witnessed a Councillor shouting a racist slur at the end of a meeting. They asked another witness to raise a complaint about this incident, but the witness was unwilling to make a complaint. They were not sure whether the treatment they had experienced was a result of racism, anti-Muslim sentiment or a combination of both. They believe that there was an “old guard” of predominantly white Party members who feel threatened by the arrival of new non-white members.

The complainant had made a formal complaint about the social media activities of an elected councillor. Several other Conservative members of the association signed this complaint. The complainant was given no opportunity to meet with the officer team to discuss the complaint. The initial response from the local association was inadequate and because of the persistence of the complainant, the matter was referred to the area chair. It is the complainant’s understanding that the area chair rejected the local chair’s response as inadequate and asked for a full investigation.

The complaint was discussed at an executive meeting, at which two signatories on the original complaint presented their evidence, their first opportunity to do so, and the chair of the association presented a defence. A secret ballot was held which voted in favour of the motion to endorse the investigation conducted by the association chair.

The complaint was then escalated to the CCHQ Compliance Officer and a number of additional concerns were highlighted about the process and the way the Executive Meeting had been handled. The individual said that although the Complaints Officer at CCHQ was very helpful, their complaint was not progressed. When they contacted CCHQ again, they were informed that the case had been closed following an anonymous phone call from someone in the local association, who told CCHQ that the complaint had been resolved locally. The individual described their reaction as “shocked and horrified” not only because it was not true that the complaint had been resolved locally, but also that no one had told them that the case had been closed.

In 2019, the complainant wrote to the Deputy Chairman of the Party, copying in the Local chair, to share their experience and make the point that the process was not satisfactory. They received a reply thanking them for their letter and telling them that the Complaints Team would be in touch. They never heard anything further from CCHQ. The individual says that at that point they had given up on the complaints process until the current Investigation was launched and they decided to get in touch.

The individual feels let down by the Party. They described their frustration at spending their own time and money on campaigning for the Party. They were also very disappointed that as a result of the failure of the Party to handle this complaint properly, many of the members they had worked so hard to recruit had left the Party.

Findings

This individual and their co-signatories have clearly been let down by the complaints process at all levels. The local and area associations were either unwilling or unable to handle the complaint. There was clearly insufficient separation between those who were tasked with investigating the complaint and the respondent.

Once the complaint was escalated to CCHQ, an anonymous phone call should not have been sufficient to close the complaint.

Inadequate communication between CCHQ and complainants was also highlighted during the Investigation’s review of the CCHQ Complaints Database. The CCHQ Complaints Team should have been proactive in informing this individual that their case had been closed.

This individual’s experience of prevalent racist and anti-Muslim attitudes in their local association are in contrast to many of the other witness testimonies provided to this Investigation.

6 Individual case studies cont

Case study F – Anonymous

The Investigation has repeatedly heard criticisms that the Party failed to act in certain high-profile cases. This perception is exacerbated by two key factors; first, the Party does not have a framework that clearly lays out the sanctions for different types of behaviour – there is often a gap between complainants’ expectations and the sanctions imposed. Second, as the Party does not make the findings of individual cases public, this creates a perception that the Party has failed to act, even when the Party has in fact taken appropriate action but for reasons of confidentiality cannot publicise this.

The following case study reflects both difficulties in managing in the complaints process, and the consequences of high-profile cases that are resolved confidentially by the Party. We have anonymised the case because we could not obtain consent from the individuals involved.

X was involved in three separate incidents. X was suspended from the Party while under investigation and finally expelled from the Party upon conclusion of the investigation.

The case of X was repeatedly mentioned to our Investigation as one in which the Conservative Party had failed to act.

Findings

There have been repeated claims made by critics that the Party has failed to act, when in fact the Party has expelled X.

The Party confirmed it had never made a public announcement of the expulsion. X has not responded to any further contact by the Party, so the Party feels unable to disclose information about X given concerns over possible breaches of confidentiality.

Despite the Party’s actions, this case has had no public resolution for those who feel aggrieved by X’s behaviour, or for the Party which continues to receive criticism for failing to act, despite it having imposed the strongest sanction available.

7 Conclusions

7.1 Conclusions

The Conservative and Unionist Party of the United Kingdom has faced sustained allegations of discriminatory behaviours and practices against minority groups, with Islamophobia being the most prominent and damaging allegation in recent years. The perception that the party has a ‘Muslim problem’ is widespread, with numerous instances of Party members and elected officials alleged to have behaved in a discriminatory manner.

In 2017, the Party instituted formal codes of conduct, adding to the perception that complaints against the Party had not been taken seriously for a very long time. Theresa May, former Conservative Prime Minister, said in her 2002 Conference speech: “Our base is too narrow and so, occasionally, are our sympathies. You know what some people call us – the Nasty Party.”⁹¹

⁹¹ <https://www.theguardian.com/politics/2002/oct/07/conservatives2002.conservatives1>

7 Conclusions cont

In this Investigation we have explored whether reality matches the perception of discrimination within the Party on the basis of Protected Characteristics, as defined by the Equality Act 2010, at least so far as the complaints process is concerned. We looked at the nature and magnitude of all such discrimination, victimisation and harassment. We found that since 2015, allegations of anti-Muslim discrimination or harassment or victimisation against the Party accounted for the bulk of complaints that cited at least one Protected Characteristic.

Judging by the extent of complaints and findings of misconduct by the Party itself that relate to anti-Muslim words and conduct, anti-Muslim sentiment remains a problem within the Party. This is damaging to the Party, and alienates a significant section of society.

While the Party leadership claims a ‘zero tolerance approach’ to all forms of discrimination, our findings show that discriminatory behaviours occur, especially in relation to people of Islamic faith. The data collection of such incidents is weak and difficult to analyse, hampering early identification of problems and effective remedial action.

The Party needs to be explicit and specific about what ‘zero tolerance’ means in the context discrimination, both in policy and practice. Having explicitly defined what zero tolerance means, the Party must then implement this policy robustly, unequivocally, consistently and transparently, especially in relation to anti-Muslim sentiment or behaviour at all levels.

We found that local associations have weak or non-existent systems to record allegations or incidents of discrimination, with half (49%) of the survey respondents admitting to not keeping records of complaints. We consider this to be a major shortcoming. The federated structure of the Party only allows limited central control, or, in the case of non-member volunteers, no control at all, which means that the Codes of Conduct are often not followed. The Party’s approach to challenging discrimination has been reactive, driven by media attention rather than the allegation in and of itself, and has focused on immediate ‘firefighting’ rather than on action as part of a clear strategic vision and plan.

There are shortcomings in the codes of conduct, too, which are not adequate given the twenty-first century social media landscape and 24-hour rolling

news cycle. As we have suggested, these should be strengthened and merged into a single Code of Conduct. We discovered some examples of discrimination and anti-Muslim sentiment, most of which were at local association level. We did not, however, find evidence of a Party which systematically discriminated against any particular group as defined by the Equality Act 2010, or one in which the structure of the Party itself disadvantaged any group, on a direct or indirect discriminatory basis.

In her 2002 speech Theresa May also noted that: “there’s a lot we need to do in this party of ours.” This Report shows that the Party still has much to do, and it must act on the recommendations made in this Report as a matter of urgency. If the Party acts as we recommend, it will at least begin to both address the perception and act appropriately to challenge and eliminate discrimination within its ranks.

In our diverse, multi-ethnic and multicultural society, no Party can afford to leave any group alienated or mistrustful. Identifying, challenging and rooting out discrimination should be an active part of ‘everyone’s business’ and the Party leadership should lead by example. This is not just a political imperative, but also a moral and ethical one. In commissioning this Report, the Conservative Party has taken the first step. It must now take the Report’s recommendations seriously and implement these speedily. The foundations of our democracy depend upon our political parties being representative and inclusive. It is now for the Conservative Party to take the lead against discrimination of all kinds. If the Party can take a lead with its own members today, it becomes far more likely that the vast majority of wider society will follow suit over time.

7.2 A note on equality, diversity and unconscious bias training

This Investigation heard repeated calls for better training on diversity, equality and unconscious bias to be implemented at all levels of the Party. While the demand for such training was unequivocal, there was no consensus on the form and content of any such training, other than agreement that it should not be ‘tokenistic’ or ‘a tick box exercise’. There was a minority view that instances of racism and discrimination are so self-evident that calls for training are simply an excuse and evidence a reluctance to change persistent bad behaviour.

It was not within the Investigation’s remit to define appropriate behaviours in relation to Protected Characteristics or to attempt to delineate the boundaries of free speech. A consistent theme that emerged is, however, worth reporting. There was widespread agreement that Islam should not be conflated with Islamism; the former being described as a faith with over a billion peaceful adherents worldwide, and the latter is typically defined as a religio-political ideology that aspires towards an Islamic state or form of government, which can be achieved through violent and non-violent means.⁹² Everyone we interviewed agreed that the actions of Islamists should not be used to stereotype Muslims or discriminate against them.

The Investigation has chosen not to recommend or endorse any particular form of equality or diversity training. Our brief perusal of published literature confirms that few, if any, of the suggested training models have been proven to show any sustained change in behaviours or attitudes, while there is some evidence of potentially adverse consequences such as promoting divisions, fostering a ‘shame and blame’ culture and the training being perceived as patronising and infantilising.⁹³ In healthcare, where cultural diversity training has been extensively used to reduce health inequalities, evidence for its effectiveness is lacking.⁹⁴

Rather than introducing compulsory or instructional forms of equality and diversity training, the Party may consider peer learning and mentoring as ways of reducing discriminatory attitudes and behaviours. There is evidence that diversity initiatives as part of a larger organisational change, showing leadership by example in a spirit of shared learning to solve complex problems, are more likely to effect behavioural change than compulsory courses.⁹⁵

Newly-appointed association chairs should be required to shadow and be mentored by more experienced colleagues who understand the complaints process and have a track record of being inclusive and challenging discrimination. Party representatives must lead by example; the complaints

process is too distal and too unwieldy to deliver the changes at grass-roots levels that are needed, as shown by the evidence received by the Investigation. Other forms of mentoring and supportive learning may also be useful. The enforcement of the Code of Conduct, in a timely, effective, fair and transparent manner should underpin all other attempts by the Party to reduce discrimination and harassment.

7.3 A cross party consideration

The Investigation recommends that all major political parties consider, in discussion with the EHRC, the creation of a cross-party, non-partisan, and independent mechanism for handling complaints of discrimination against their parties or party members on the basis of Protected Characteristics. This could be similar to the current Parliamentary Independent Complaints and Grievance Scheme for Sexual Misconduct.⁹⁶ Such a mechanism has several potential advantages:

1. Investigations can be truly independent of party-political interference;
2. Common standards, shared definitions and mutually agreed sanctions can be applied;
3. It would create a fair, transparent and consistent approach for reporting, investigating and responding to complaints of discrimination;
4. Confidence in and integrity of the system would improve; and
5. Any incentives to make vexatious complaints for damaging a political opponent might be reduced.

The Investigation recognises the barriers - political, procedural, financial, logistic and motivational - to creating such a cross-party system. However, the benefits of such a new system might well be greater than the perceived disadvantages.

⁹² Peter Mandaville (2007), *Global Political Islam*, New York: Routledge, p.57

⁹³ <https://www.pnas.org/content/116/16/7778>

<https://journals.sagepub.com/doi/10.1177/0950017017719841>

<https://bmcmmededuc.biomedcentral.com/articles/10.1186/s12909-018-1450-5>

<https://www.gov.scot/publications/works-reduce-prejudice-discrimination-review-evidence/pages/1/>

⁹⁴ <https://pubmed.ncbi.nlm.nih.gov/11092163/>

⁹⁵ <https://hbr.org/2016/07/why-diversity-programs-fail>

⁹⁶ <https://www.parliament.uk/globalassets/documents/conduct-in-parliament/sexual-misconduct-policy.pdf>

8 Appendices

Appendix 1: Report methodology

Although the Party has a database of all complaints against Party members and representatives since 2017, with the earliest complaint on the database dating back to 2015, focussing only on the database risked missing instances where individuals did not feel able to complain or their complaint itself did not ‘jump through all the procedural hoops’ that lead to a record in the database. In addition, the database does not document the ‘lived experiences’ of discrimination and harassment that can only be ascertained by focusing on the personal and experiential aspects of the complaints process.

The Investigation Team therefore supplemented the database with additional information from:

- > A public Call for Evidence;
- > A survey of all association chairs of the Party;
- > Individual interviews with senior Party members (a selection of individuals with Protected Characteristics, involved in the Complaints Process, or involved high-profile cases) and some individuals who have reported experiences of discrimination;
- > An Internet search of instances of discrimination and harassment that are in the public domain;
- > An analysis of the Party’s complaints procedure; and
- > An analysis of the Party’s Equality and Diversity policies.

The methodology used to collect and analyse data for each of these is detailed in the individual sections below.

1.1 Call for evidence

The Investigation published the Call for Evidence online between 18th September 2020 and 17th October 2020.

This public Call for Evidence was made to ensure that all stakeholders had an opportunity to report any incidence of discrimination or harassment against the Party, which had not previously come to the Party’s attention, regardless of the reasons (e.g. individual felt unable to complain) for withholding the complaint from the Party.

The full text for this public Call for Evidence, as it appeared on the *Singh Investigation* Website is below:

Independent Investigation into Discrimination within The Conservative and Unionist Party

Background

This Call for Evidence forms part of the Independent Investigation (the “Investigation”) into alleged discrimination within the Conservative and Unionist Party (the “Conservative Party”). The Investigation is being chaired by Professor Swaran Singh (the “Chair”).

On May 12, 2020, the Terms of Reference for the Independent Investigation were set out. These can be read in full at www.conservatives.com/investigation. The Investigation covers England, Wales and Northern Ireland (but not Scotland).

The Investigation is nearing the end of Phase I of its work, in which it has examined all existing documentary evidence of formal complaints of unlawful discrimination made to the Conservative Party Complaints Department since January 1, 2015. The Investigation is now moving to Phase II, in which it seeks further evidence of instances of alleged discrimination which have been raised in the past (perhaps informally or at local level), but which may not have been considered by the Conservative Party Complaints Department, for whatever reason.

The Investigation is, at the discretion of the Chair, empowered to obtain information in relation to any previously unexamined evidence of incidents in which discrimination, harassment and/or victimisation are alleged. It is now seeking to do this.

The evidence called for

Accordingly, the Chair now invites members of the general public or relevant organisations to provide new evidence to the Investigation relating to existing allegations of discrimination, including harassment and/or victimisation (within the scope of the Terms of Reference), alleged to have been committed by the Conservative Party, Party Members, Party Representatives and/or Volunteer Leaders since January 1, 2015, but which has not yet been examined by the Conservative Party Complaints Department. Specifically:

- > Individuals or organisations who have made a complaint (perhaps locally or informally) since January 1, 2015 and have not been in contact with or contacted by the Conservative Party Complaints Department should submit their evidence to the Investigation below.
- > Individuals or organisations who have already been in contact with the Conservative Party Complaints Department (even if they feel the outcome was unsatisfactory) should not re-submit that evidence, since the Investigation will examine all such evidence (on an anonymous basis) submitted since January 1, 2015.
- > Individuals or organisations with new complaints should submit these to the Conservative Party Complaints Department in the normal way. Please visit <https://www.conservatives.com/code-of-conduct> for information on how to make a new complaint.

Appendix 1 cont

Please note that to be treated as evidence for the Investigation, any submission must be:

- > Made via the Investigation's online submissions form below.
- > Made by the individual (or organisation on behalf of an individual) who claims to have experienced first-hand discrimination, harassment and/or victimisation. The Investigation has the right to seek proof of identity, at its discretion. It also has the right to reject the submission unless satisfactory evidence and proof of identity are provided.
- > Based solely on a "Protected Characteristic" as set out in the Equality Act 2010. This means that an individual making submissions in response to the call for evidence must be able to say that they were treated in the manner they regard as discriminatory because of one or more of the following characteristics;
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion & Belief
 - Sex
 - Sexual Orientation

Supported by relevant documentary evidence (e.g. letters, emails, faxes, social media communications, audio or audio-visual recordings).

One, which has not been made previously to the Conservative Party Complaints Department. (Please note that evidence relating to allegations already made to the Conservative Party Complaints Department will have been considered by the Investigation during Phase I.)

The Chair will make every reasonable effort to ensure that all evidence that meets the above criteria is considered by the Investigation.

How to respond

To respond to this call for evidence, please complete the online submission form below.

We will contact you once your details have been authenticated.

Note:

You must provide an active email and postal address for us to contact you.

You must have all the necessary documents to support your case.

The closing deadline for submissions in response to this call for evidence is 1600 BST on October 17, 2020. After this date, this call for evidence will automatically lapse and no further evidence will be considered.

Confidentiality and Data Protection

Any evidence provided in response to the Call for Evidence will remain confidential to the Investigation Team. The Investigation may share limited data with the Conservative Party to confirm that the evidence is within the scope of the Call for Evidence (that the alleged is a Conservative Party member and that it has not already been dealt with by the Conservative Party Complaints Department).

For the full Privacy Policy of the Investigation, please visit <https://singhinvestigation.co.uk/privacy-policy/>.

1.2 Survey of association chairs

The Investigation contacted all Conservative Party association chairs asking them to complete a survey. These individuals work on a voluntary basis and are not paid members of staff. They may conduct local investigations or deal otherwise with complaints when necessary. Complaints that are dealt with locally therefore may not reach the Central Party's Complaints Database. The survey was conducted to give the Investigation a better understanding of how complaints are dealt with at a local level, whether associations have mechanisms to identify discrimination and harassment, and whether the individuals involved feel adequately equipped and resourced to manage complaints regarding Protected Characteristics.

A preliminary version of the survey questionnaire was pilot tested with a small selection of local Chairs and a final version drafted, incorporating any feedback from the pilot data. The survey gathered data on local demographics, understanding and awareness of the Equality Act and the Party's codes of conduct, local complaints processes and any training needs. The Investigation requested explicit consent from survey respondents to use their anonymised responses in our analysis.

Due to GDPR restrictions, the survey was distributed by the Conservative Party via email to association chairs rather than by the Investigation Team. For similar data protection reasons, responses were anonymised (removing personal identifiable details

of the respondent) before analysis by the Investigation Team. Data relating to responses to individual questions can be found in Appendix 3.

The survey was sent to 481 associations. This is not equal to the number of constituencies because:

- > The Investigation's remit does not include Scotland;
- > The Party does not have an association in every constituency;
- > The post of Chair may be temporarily vacant; and
- > Small local Conservative Party associations form 'federations' or 'groupings' whereby several associations combine into a larger one.

The survey was first conducted between 9 July 2020 and 7 September 2020 and returned 180 responses. In order to maximise returns, the survey was run again between 27 September 2020 and 30 October 2020, and returned 53 additional responses.

The Full text of this invitation, and the survey that was sent out are published below:

Written request to Conservative Party association chairs and volunteer leaders asking for assistance with the Investigation

Dear

Investigation into prejudice and discrimination within the Conservative and Unionist Party

I am writing to all Conservative Party Association Chairmen and Volunteer Leaders to request their assistance with my investigation into prejudice and discrimination within the Conservative and Unionist Party ("The Party").

I am a Professor of Social and Community Psychiatry at Warwick University and an NHS Consultant Psychiatrist. I am a former Commissioner of the Equality and Human Rights Commission (EHRC). I have considerable experience of human rights work within the voluntary sector, both in UK and overseas. In December 2019, the Party appointed me as the Chairman of this independent investigation.

In chairing the investigation, I want to ensure that every voice in the Party is heard. I am therefore conducting a survey of Association Chairmen and Volunteer leaders to fully understand the nature of the problem, its magnitude, and existing internal processes to deal with such matters.

Your responses will be invaluable to the investigation.

Please be assured that no individual will be named in the final report, without their explicit consent. You can therefore be completely open and transparent. While the survey is not mandatory, it is very important that I get a comprehensive and detailed understanding. So please complete it as fully as possible.

Please refrain from sharing the survey or your feedback with anyone else. I would value your particular and unique perspective, in addition to responses to the structured questions.

If you consider there to be important relevant aspects missing, please feel free to send me additional feedback at this confidential email address: singh.investigation@conservatives.com.

I hope to complete the investigation and submit my Report later this year, so your prompt response will be greatly appreciated.

With kind regards,

Professor Swaran Singh
Chair of the Investigation

Text of the survey sent to association chairs and volunteer leaders

Please answer all the following questions to the best of your knowledge.

You may answer either from your overall awareness or a provide a more considered response based on membership list/area demographics.

Please choose one of the two options (Yes-No) but feel free to give further details in the text boxes provided.

Your responses are confidential to the investigation. However, if you could specify your region then it could help the Party focus and prioritise resources for future training.

Please select your region [drop down]

Eastern
East Midlands
London
North East
North West
West Midlands
South East
South West
Wales
Yorkshire & the Humber

How many members does your local association have? (Please round to nearest 5).

Appendix 1 cont

What percentage are from Black, Asian and Ethnic Minority (BAME) groups? (Please round to nearest 5%)

What percentage of the population in your constituency are from BAME communities? (Please round to nearest 5%).

Party's Code of Conduct

Do you feel adequately informed about the requirements of the Equality Act 2010, especially in relation to all Protected Characteristics? Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion & Belief, Sex, Sexual Orientation YES/ NO

Do you feel adequately informed about the Party's Code of conduct for Representatives and for Volunteers? YES / NO

You may provide more details.

In your view, are your members and people who volunteer for the party locally aware of the Party's Codes of Conduct? YES / NO

You may provide more details

Complaints process

Do you have effective local systems and processes in place to identify and challenge discrimination, prejudice or victimisation against Protected Characteristics (including anti-Muslim discrimination)? YES / NO

Please describe the process in a few sentences

In the past 5 years (since 2015) have you received any complaints about Party members or representatives being in breach of the Codes of Conduct in respect to prejudice, discrimination and victimisation? YES / NO [If yes, proceed to q 13, if no, proceed to q 17]

How many times has this occurred?

Were these forwarded to Conservative Central Office? YES/SOME OF THEM/NO

You may provide more details

What action was taken?

Who makes the decision of whether to forward a complaint to CCHQ?

On how many occasions have complaints led to police action?

How many of the complaints related to inappropriate postings on social media?

Do you maintain a database/record of any such complaints or instances and the outcome of any local inquiry?

How could your local systems and processes be improved? What additional resources might you require?

What would you find helpful in terms of training and support to help you to prevent discrimination, prejudice and victimisation within your Association or Council group and to ensure adherence to the Codes of Conduct?

Do you have any further comments/suggestions that would help the Investigation?

[tick box] Disclaimer:

So that we can support the Independent Investigation into prejudice and discrimination within the Conservative Party and Unionist Party (hereinafter 'the Party') we are inviting Association Chairmen to participate in a survey designed to help the Investigation. The information that you provide by completing this survey will be processed by the Party as part of the Independent Investigation. The Party will anonymise and then share your response with Professor Swaran Preet Singh (hereinafter 'Professor Singh') and his investigation team. Professor Singh will hold this anonymous data for the duration of the Independent Investigation to assist and evidence the final report. No personally identifiable data will be used in the final report. Your response will be retained by the party until the completion of the investigation.

You may be contacted by CCHQ if a particular anonymous response is of interest to the Investigation Team. The Party will seek your explicit consent should the Team wish to contact you.

Should you change your mind you have the right to object to the use of your data until the close of survey date, at 11pm on 27th August 2020. You can exercise this right by contacting singh.investigation@conservatives.com expressing the desire to do so.

1.3 Individual interviews

Prior to data collection, stakeholder groups were identified following review of existing evidence and relevant documents, including:

- The Party's Constitution;
- Codes of Conduct;
- CCHQ Complaints Database;
- Correspondence between the Party and EHRC;
- Discussions with senior Party Officials;
- Internal discussions within the Investigation Team;
- Review of the existing database; and
- The public Call for Evidence submissions.

Prior to conducting the interviews, the team created a topic guide for semi-structured interviews in four versions differing according to the interviewee - as a senior Party member, a member of the Complaints Team, complainants with lived experience of the Complaints process, and individuals against whom complaints had been made. Common questions for all groups were about personal experiences/knowledge of discrimination or harassment within the Party, understanding and experiences of the Complaints Process, and views on improving the identification and handling of discrimination and harassment on the basis of Protected Characteristics within the Party. Specific questions were asked depending on the role of the interviewee (complainant, defendant, senior Party member etc).

Interviews lasted between 60-140 minutes and were conducted at a range of venues (including at CCHQ for staff, on the Parliamentary Estate, in Downing Street and in private offices) and modalities (face to face, video conference) as agreed between the Investigating Team and the respondents. Where consent was given, interviews were audio-recorded and transcribed, otherwise detailed notes were made.

1.4 Internet search

Aim

We conducted a systematic Internet-based search to identify any cases of complaints of discrimination or harassment based on Protected Characteristics against Party members that were in the public domain between January 2015 and April 2020. We wanted to identify whether there were any that were not included in CCHQ's Complaints database.

Approach

Two different search engines were used (Google Chrome and Microsoft Edge), to counter any possible selection bias within either of the search engine's search functions and to provide a comprehensive set of results.

Multiple searches, using different combinations of terms were run. Where quotation marks have been used, this is to return searches with that exact phrase. This approach was taken in both search engines. Each time a date range of January 2015 to April 2020 was set and the following search terms applied:

- Conservatives OR "Conservative Party" OR Tory AND discrimination OR discriminate
- Conservatives OR "Conservative Party" OR Tory AND Islamophobia OR Islam OR Muslim
- Conservatives OR "Conservative Party" OR Tory AND Jewish OR antisemitism
- Conservatives OR "Conservative Party" OR Tory AND complaint OR case
- Conservatives OR "Conservative Party" OR Tory AND "protected characteristic" OR "Equality Act"
- "Member of Parliament" AND Islamophobia
- Conservative AND councillor AND complaint OR complain OR accuse
- Conservatives OR "Conservative Party" OR Tory AND dossier
- Conservatives OR "Conservative Party" OR Tory AND complaint OR case OR sex OR "sexual orientation" OR homophobia OR homophobic
- Conservatives OR "Conservative Party" OR Tory AND complaint OR case AND disability OR disabled
- Conservatives OR "Conservative Party" OR Tory AND complaint OR case AND maternity OR pregnancy
- Conservatives OR "Conservative Party" OR Tory AND complaint OR case AND gender OR "gender reassignment"

Appendix 1 cont

Search results

Articles, reports and opinion pieces which did not detail specific cases or did not provide details about an individual (either the alleged victim or the accused) were discarded for lack of sufficient detail to determine which complaint these related to. Of the remaining, we extracted the following information;

- The name of the accused person;
- The publication reporting the accusation;
- The date of publication;
- The nature of the accusation;
- Individuals involved; and
- A hyperlink to the story.

As the CCHQ Complaints Database was anonymised before being shared with the Investigation, the details of these complaints were passed to CCHQ's Complaints Team to cross-check the details against their database. The Complaints Team notified the Investigation of all cases which were not previously recorded in the database.

Of the 300 individual cases discovered in media reporting, 212 were already recorded in the Party's database at least once. Eight cases were not applicable as these involved the Scottish Conservative Party, leaving 80 cases that were not previously recorded in the database. We then reviewed these to determine which Protected Characteristics they related to and try to determine why they had not been reported to CCHQ.

1.5 CCHQ Complaints Database

In order to analyse the number and types of complaints relating to Protected Characteristics, we requested access to the central database held by the CCHQ Complaints Team.⁹⁷ To ensure anonymity for all complainants and respondents, and comply with GDPR rules, the Complaints Team removed any personal identifying information before access was granted to the Investigation. The CCHQ Complaints Team also removed complaints that were outside the remit of the Investigation. We assessed complaints to be out of scope if they:

- > Occurred before 1st January 2015 or were not recorded by 30 November 2020;
- > Related to incidents originating in Scotland, which is not within the remit of the investigation; or
- > Did not cite one or more of the nine Protected Characteristics as defined in the Equality Act 2010.⁹⁸

This exercise determined that 1,094 cases were out of scope of our Investigation, leaving a dataset containing 1,418⁹⁹ individual complaints relating to 727 separate incidents involving at least one protected characteristic. We analysed these cases to answer the following questions:

- > Whether certain Protected Characteristics were cited in complaints more frequently than others;
- > Whether there were regional variations in the Protected Characteristics cited in complaints;
- > What outcomes had been assigned to complaints that cited Protected Characteristics;
- > Whether there were geographical variations in case outcomes; and
- > Whether there were variations in the outcomes of complaints citing Protected Characteristics in comparison to complaints citing other reasons.

Some cases in the database may relate to the same incident; for example, multiple complaints could be raised about a party member's social media posts. As the database was anonymised it was not possible for the Investigation Team to identify complaints relating to the same incident. We therefore asked the CCHQ Complaints Team to let us know how many separate incidents were recorded in the database, as well as how many complaints were recorded in total for each protected characteristic.

In addition, 20 cases were selected from the database using stratified sampling for representativeness on Protected Characteristics and range of outcomes, ensuring that cases with the most severe sanctions, such as expulsion from the party were included, as were cases of alleged discrimination or harassment on the basis of race and religion, especially Islam.

1.6 In-depth scrutiny of 20 cases identified in the CCHQ Complaints Database

In-depth scrutiny of a representative sample (n=20):

Twenty complaints recorded in the Complaints Database were selected through a process of stratified sampling based on Protected Characteristics and range of outcomes, ensuring that cases with the most severe sanctions (expulsion from the party and/or legal action) are included, as are cases of alleged discrimination, prejudice, victimisation or harassment on the basis of Islam.

The two Lay Advisors scrutinised ten complaints each on;

- > The process (effective, transparent, fair etc.);
- > Its efficiency (time taken to deal with the complaint); and
- > The outcomes (proportionality of the sanctions).

The Chair independently reviewed all 20 cases.

All three team members- the Chair and two Lay Advisors – jointly shared their conclusions to ensure reliability and consistency of approach. In determining whether the Party has acted fairly and proportionately in its handling of individual complaints, the Investigation applied the test of "balance of probabilities" as used in civil court trials.

1.7 Data analytical plan

Data collected during the Internet searches, database analysis and Call for Evidence were subjected to analysis as follows:

- > Quantitative data: All complaints related to any protected characteristic were analysed to determine the total number, nature, and geographical location stratified by individual Protected Characteristics (while recognising that a complaint may cite more than one protected characteristic);
- > The Investigation sought to identify clustering of complaints either by protected characteristic, geographical location or individuals against whom the complaint was made;
- > Case outcomes were also reviewed to assess whether they were consistent across Protected Characteristics and between complaints that did and did not relate to Protected Characteristics; and
- > Additional analysis was conducted on the chronology of the process and outcomes to determine whether cases were resolved in an appropriate timeframe.

1.8 Complaints procedure

The investigation conducted an analysis of the Party's Complaints Procedure and compared it to those published by the Parliamentary Health Services Ombudsman (PHSO)¹⁰⁰ and the Equality and Human Rights Commission (EHRC).¹⁰¹ The PHSO Framework was chosen as it sets out a single set of standards for handling complaints as well as explaining how organisations can capture and act on the lessons learned from complaints. The EHRC refers complaints to the PHSO for independent review in cases where the complainant is dissatisfied with the EHRC's process. The ECHR Framework was chosen for comparison because of its expertise in promoting and upholding equality and human rights laws in the UK.

The Party's formal complaints procedure, sanctions and other internal policies can be found in Appendix 4.

1.9 Equality and Diversity policies

The Investigation conducted a search for all public information relating to the Conservative Party's policy on Equality and Diversity. These policies were compared with best practice and opportunities for improvement were identified.

1.10 External peer-review

A draft of this Report was sent out for independent external peer review to two reviewers (Dr Romy Hasan and Professor Ian Acheson) along with the Terms of Reference, methodology and study tools. A final version was produced incorporating such suggestions and recommendations of the peer review as the Chair, in his discretion, considered to be relevant, appropriate and fit.

1.11 GDPR compliance and data confidentiality

The Investigation produced three kinds of data:

- > That which belongs exclusively to the Party (e.g. complaints database etc.);
- > That which is jointly shared between the Party and the Investigation (e.g. survey responses); and
- > That which belongs exclusively to the Investigation (Call for evidence data, individual interviews etc).

Prior to collection of any data the Investigation and the Party agreed on storage, data, access, security and all other matters related to GDPR compliance.

⁹⁷ Complaints that were handled locally and which were not submitted to CCHQ's central database were therefore excluded from this analysis.

⁹⁸ Equality Act 2010, Legislation. Gov.UK, Accessed 17 September 2020, <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

⁹⁹ The original dataset contained 2,512 complaints, meaning that 56 percent of all complaints received cited at least one protected characteristic.

¹⁰⁰ <https://www.ombudsman.org.uk/organisations-we-investigate/complaint-standards-framework/about-complaint-standards-framework>.

¹⁰¹ <https://www.equalityhumanrights.com/en/publication-download/complaints-policy-and-procedure>

Appendix 1 cont

1.12 Call for Evidence press release

STRICTLY EMBARGOED TO 0001 BST, SEPTEMBER 17, 2020

PRESS RELEASE

Call for Evidence:

Independent Investigation into alleged discrimination within the Conservative and Unionist Party

The Independent Investigation into alleged discrimination within the Conservative and Unionist Party (the Investigation), chaired by Professor Swaran Singh, has today called for further evidence relating to certain existing allegations of discrimination within the Party. The full text of the Call for Evidence may be read here: <https://singhinvestigation.co.uk>

Set up in February 2020, the Investigation is now nearing the end of Phase I of its work, in which it has examined **all existing** documentary evidence relating to formal complaints of unlawful discrimination made to the Conservative Party Complaints Team since January 1, 2015. The Investigation now moves to Phase II, in which it is seeking **further evidence** relating to allegations of discrimination which have been raised in the past, but which may not have been considered by the Complaints Team, for whatever reason.

Professor Swaran Singh said:

“The Independent Investigation is reaching the end of its initial examination of the Conservative Party’s handling of past complaints of discrimination. We are now calling for further evidence that we may not already have seen to ensure that we are aware, as far as realistically possible, of all evidence relating to alleged discrimination within the Party. We need to determine whether all important evidence of discrimination has been considered in the framework of the Party’s existing complaints process”.

Assisting Professor Singh and his team on the Investigation are two Lay Advisers, Sarah Anderson CBE, and Wasiq Wasiq. Sarah is a former member of the Equality and Human Rights Commission and is now CEO of registered charity The Listening Place. She is currently a member of the State Honours Committee, having previously been a member of the Council of ACAS and the Women and Work Commission, and has extensive experience of running businesses. Wasiq is an academic and trustee for the charity Muslims Against Antisemitism (MAAS).

The closing deadline for submissions relating to this Call for Evidence is 1600 BST on October 17, 2020. After this date, this Call for Evidence will close and no further evidence will be accepted.

All evidence provided in response to the Call for Evidence will remain strictly confidential and only the Investigation team will have access to it.

The Investigation is keeping the Equality and Human Rights Commission (EHRC) fully apprised of its progress and processes at all stages of its work and will continue to do so.

What evidence is the Investigation now calling for?

- Individuals or organisations who have made a complaint (perhaps locally or informally) since January 1, 2015 but who have **not** been contacted by the Conservative Party Complaints Team should submit their evidence to the Investigation at <https://singhinvestigation.co.uk/evidence-submission>
- Individuals or organisations who have already been in contact with the Conservative Party Complaints Team (even if they feel the outcome of their complaint was unsatisfactory) should **not** re-submit that evidence, since the Investigation will examine **all** such evidence (on an anonymous basis) submitted since January 1, 2015.
- Individuals or organisations with **new** complaints should submit these to the Conservative Party Complaints Team in the normal way. Please visit <https://www.conservatives.com/code-of-conduct> for information on how to make a new complaint. The Terms of Reference of the Investigation also allow it to consider evidence relating to new complaints submitted to the Conservative Party Complaints Team during the course of the Investigation.

The Investigation expects to publish its final report in February 2021.

ENDS

Notes to editors:

Media interviews

The integrity of the Independent Investigation requires that its proceedings be held in strictest confidence. Consequently, no media interviews will be offered at this stage. Media access will be provided on the publication of the Final Report, expected in February 2021.

Biographical note – Professor Singh

Professor Swaran Singh is a Professor of Social and Community Psychiatry at Warwick University and a Consultant Psychiatrist with the Coventry and Warwickshire Partnership trust. He has served as a Commissioner for the Equality and Human Rights Commission.

The Independent Investigation

The Investigation was set up by the Conservative and Unionist Party in May 2020, with a remit to consider and report upon the nature and extent of complaints against the Party, Party Members, Party Representatives and/or Volunteer Leaders (whether made formally or otherwise) of alleged discrimination because of a protected characteristic (including religion or belief), or of indirect discrimination, since January 1, 2015.

The Investigation is examining evidence relating to allegations of discrimination and/or harassment and/or victimisation against the Conservative Party, Party Members, Party Representatives and/or Volunteer Leaders since 2015, within the scope of the Terms of Reference of the Investigation, which may be read at www.conservatives.com/investigation.

The Investigation will also consider and report on any complaints of harassment and/or victimisation during the same period; and how the Party has investigated and dealt with such complaints, including any sanctions applied by the Party in circumstances where complaints have been investigated and upheld.

The Investigation covers England, Wales and Northern Ireland (but not Scotland).

Media enquiries: media@singhinvestigation.co.uk

Appendix 2: The Terms of Reference of the Investigation

2.1 The Investigation's Terms of Reference

Introduction

The Equality and Human Rights Commission (“the Commission”) amongst others has raised concerns about complaints of discrimination, including on the grounds of “Islamophobia”, against the Conservative and Unionist Party (“the Party”) (itself, and / or through its employees and / or agents) and / or by Party Members or Party Representatives. Further, it has been alleged that there has been a failure by the Party to investigate such complaints adequately or at all.

The Party takes all allegations and complaints of discrimination (including on the grounds of alleged Islamophobia) extremely seriously and believes it takes appropriate steps to investigate such matters and take appropriate action against Party Members and/or Party Representatives who are found to have acted contrary to the Constitution of the Party and/or its Code of conduct for Party Representatives (“the Code of conduct”) and/or its Code of conduct for the Leadership and Management of Volunteers (“the Volunteer Code”). The Party has engaged in dialogue with the Commission about the Commission’s concerns and has agreed to undertake an independent investigation, the scope of which is set out below.

The independent investigation will consider and report upon:

The nature and extent of complaints against the Party, Party Members, Party Representatives and/or Volunteer Leaders (whether made formally or otherwise) of alleged discrimination¹⁰² because of a protected characteristic¹⁰³ (including religion or belief and specifically Islam) or of indirect discrimination, since 2015. The independent investigation will also consider and report on any complaints of harassment (as defined in paragraph 4 below) and/or victimisation during the same period; and

How the Party has investigated and dealt with such complaints, including any sanctions applied by the Party in circumstances where complaints have been investigated and upheld.

The Chair

For the purpose of the independent investigation and to ensure independence and impartiality, the Party has appointed Professor Swaran Singh as Chair.

The Chair shall obtain evidence and such other information as appears relevant to him and do so in a manner to be determined by the Chair upon his appointment and/or at any other time during the course of the independent investigation. Such evidence and/or other information may be obtained from:

- > The Party including Party Members, Party Representatives, local Constituency Associations, Area Management Executives, the Voluntary Party and Volunteer Leaders;
- > Complainants; and
- > Such other sources as the Chair determines to be appropriate, effective and proportionate for the purposes of the independent investigation.

In addition, the Chair will investigate relevant formal complaints of discrimination and any harassment and/or victimisation complaints that have been alleged against the Party, Party Members, Party Representatives and/or Volunteer Leaders since 2015.

Scope

In undertaking the independent investigation, the Chair will look at such issues as he considers appropriate, which shall include (but are not limited to) the following:

- > The nature and extent of complaints of discrimination (including any harassment) and/or victimisation that have been alleged against the Party (itself and / or its employees and / or its agents), Party Members, Party Representatives or Volunteer Leaders, including complaints raised with Constituency Associations and / or Area Management Executives (whether made formally or otherwise), since 2015;
- > Whether the Party’s Constitution, Code of conduct (together with the related investigatory and disciplinary processes) and the Volunteer Code have enabled or enable the Party to deal efficiently, effectively and in a timely manner with complaints of discrimination (including religion or belief and specifically Islamophobia) and any harassment and/or victimisation;

- > Whether appropriate sanctions have been and / or could be applied in circumstances where, either:
 - (a) Party employees and / or Party agents, Party Members, Party Representatives or Volunteer Leaders have been suspended and / or resigned from membership of the Party prior to any investigation having been carried out or sanction imposed for the alleged conduct in question; or
 - (b) such complaints have been investigated and upheld; and
- > Whether the Party has responded to complaints in a timely, efficient and effective manner.

The independent investigation will be conducted in private throughout its duration.

The Chair will publish a Report of his findings and may make recommendations to the Party as he considers appropriate, including in respect of any recommended actions or steps (such as training) that the Party could take in view of the Chair’s findings.

Interpretation

For the purposes of these terms of reference the following definitions apply:

‘The Act’ means the Equality Act 2010;

‘agent’ has the same meaning as in the Act;

‘The Chair’ means Professor Swaran Singh;

‘The Code of conduct’ means the Code of conduct (including the Social Media Complaints Rules) (adopted by the Party in November 2017, updated in December 2017 and July 2018) and operative at the material time);

‘The Commission’ means the Commission for Equality and Human Rights (known as the Equality and Human Rights Commission);

‘The Constitution’ means ‘the Constitution of the Conservative Party’ adopted by the Party (first published in February 1998, subsequently amended and operative at the material time);

‘discrimination’ means direct discrimination or unjustified indirect discrimination (as defined in the Act) because of a protected characteristic and/or as defined in The Code of conduct;

‘employee’ has the same meaning as in the Act;

‘harassment’ shall have the same meaning as defined in the Act and/or as defined in The Code of conduct. For the avoidance of doubt, “harassment” falling within the scope of the independent Investigation relates solely to harassment under the Act and under the Code of conduct, and does not include harassment under the Protection from Harassment Act 1997, the Crime and Disorder Act 1998, the Protection of Freedoms Act 2012 or under any other statute or statutory instrument or Code of Conduct, or harassment at common law howsoever arising;

‘The Party’ means the unincorporated association called the Conservative and Unionist Party, as governed by the Constitution;

‘Party Member’ has the same meaning in the Constitution and Code of conduct;

‘Party Representative’ has the same meaning in the Constitution and Code of conduct;

‘Protected act’ has the same meaning as in the Act;

‘Protected characteristic’ has the same meaning as in the Act;

‘Protected religion or belief characteristic’ includes Islam;

‘Religion or belief discrimination’ means direct discrimination or unjustified indirect religion or belief discrimination (as defined in the Act) because of the protected religious characteristic;

‘The Volunteer Code’ means the Code of conduct for the Leadership and Management of Volunteers;

‘victimisation’ means victimisation (as defined in the Act) where the protected act relates to the protected characteristic and/or as defined in The Code of conduct; and

“Volunteer Leaders” bears the same meaning as that provided in the Code of Conduct for Conservative Party Representatives and Volunteers.

2.2 Definition of terms

The Investigation reviewed complaints and allegations of discrimination because of Protected Characteristics, within and about the Conservative Party. The relevant statutory definitions in the Equality Act 2010,¹⁰⁴ and as explained by the courts in the case law, are set out below.

¹⁰² See Equality Act 2010, sections 13 and 19

¹⁰³ See Equality Act 2010, section 4.

¹⁰⁴ The Equality Act 2010 is published in full here: <https://www.legislation.gov.uk/ukpga/2010/15/contents> more information about how Protected Characteristics are defined by the Equality Act can be found on the EHRC’s website: <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

Appendix 2: The Terms of Reference of the Investigation cont

Associations

The Equality Act 2010 applies to associations.¹⁰⁵ It is unlawful for an association to discriminate against or victimise or harass a person seeking membership, its members, associates,¹⁰⁶ or guests¹⁰⁷ because of a protected characteristic.

An “association” is an association of persons which has at least 25 members, and admission to membership of which is regulated by the association’s rules and involves a process of selection.¹⁰⁸ The Conservative Party is therefore an association for the purposes of the Equality Act 2010.

Protected Characteristics

Under the Equality Act 2010, it is unlawful to discriminate against someone on the basis of a relevant protected characteristic.¹⁰⁹ The following characteristics are Protected Characteristics:¹¹⁰

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion & Belief
- Sex
- Sexual Orientation

Direct discrimination

There are two types of discrimination: direct and indirect. Direct discrimination is where one person (A) treats another person (B) less favourably because of a protected characteristic, than A treats or would treat others.¹¹¹

The crucial question in a case of direct discrimination is why the complainant received less favourable treatment. Was it because of a Protected Characteristic? Or was it for some other reason? The characteristic has to be the reason for the

treatment.¹¹² If the reason for the less favourable treatment was because of a Protected Characteristic, direct discrimination is established. The purpose or motive of the discriminator is irrelevant once discrimination is shown.¹¹³ Accordingly, a discriminator’s benign motives are irrelevant when deciding whether an act of discrimination has occurred.¹¹⁴

Direct discrimination can occur when assumptions are made that a person, as an individual, has characteristics associated with a group to which that person belongs, irrespective of whether the person or most members of the group have those characteristics.¹¹⁵

Conduct that may be directly discriminatory can include written or spoken words, images, physical gestures and social media activity such as posting original content, or reposting, sharing, commenting, “liking” or otherwise engaging with content posted by other users in ways that could be interpreted as endorsing discrimination.

Indirect discrimination

Indirect discrimination is where a person (A) discriminates against another (B) if, person A applies to person B a *provision, criterion or practice* which is discriminatory in relation to a relevant protected characteristic of B’.¹¹⁶ The provision, criterion or practice is discriminatory in relation to the relevant protected characteristic of B’s if:

- (a) Person A applies, or would apply, it to persons with whom person B does not share the characteristic,
- (b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
- (c) it puts, or would put, B at that disadvantage, and
- (d) Person A cannot show it to be a proportionate means of achieving a legitimate aim.¹¹⁷

In other words, indirect discrimination is where there is a policy that applies in the same way for everybody but disadvantages a group of people who share a protected characteristic.¹¹⁸

Indirect discrimination may be caused by a “provision, criterion or practice”; for example, a formal or informal policy, decisions, rules or arrangements. Indirect discrimination looks beyond formal equality towards a more substantive equality of results¹¹⁹.

The distinction between *direct* discrimination and *indirect* discrimination has been summarised in this way:

“[T]he prohibition of direct discrimination aims to achieve equality of treatment. Indirect discrimination assumes equality of treatment [...] but aims to achieve a level playing field, where people sharing a particular protected characteristic are not subjected to requirements which many of them cannot meet but which cannot be shown to be justified. The prohibition of indirect discrimination thus aims to achieve equality of results in the absence of such justification. It is dealing with hidden barriers which are not easy to anticipate or to spot.”¹²⁰

Harassment

Harassment is where one person (A) harasses another person (B) by engaging in unwanted conduct related to a relevant protected characteristic and the conduct has the purpose or effect of violating B’s dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.¹²¹

Victimisation

Victimisation is where one person (A) victimises another person (B) if person A subjects B to a detriment because B does a protected act, or A believes that B has done, or may do, a “protected act.” Each of the following is a protected act:

- (a) bringing proceedings under the Equality Act 2010;
- (b) giving evidence or information in connection with proceedings under the Act;
- (c) doing any other thing for the purposes of or in connection with the Act
- (d) making an allegation (whether or not express) that person A or another person has contravened the Act.¹²²

2.3 The team

The Investigation team included:

- Professor Swaran Singh (Chair)
- Ms Sarah Anderson CBE (Lay Advisor to the Chair)
- Mr Wasiq (Lay Advisor to the Chair)
- Richard Wilson QC, LL.D (Counsel to the Chair)
- Etoile Partners (Communications)

¹⁰⁵ Equality Act 2010, Part 7.

¹⁰⁶ Equality Act 2010, section 101.

¹⁰⁷ Equality Act 2010, section 102

¹⁰⁸ Equality Act 2010, section 107.

¹⁰⁹ Equality Act 2010, Chapter 2 (Prohibited conduct).

¹¹⁰ Equality Act 2010, section 4.

¹¹¹ Equality Act 2010, section 13.

¹¹² *Essop v. Home office (UK Border Agency)* [2017] IRLR 558 (SC)

¹¹³ *Seide v Gillette Industries Ltd* [1980] IRLR 427, EAT; *R v Commission for Racial Equality, ex p Westminster City Council* [1985] IRLR 426, CA.

¹¹⁴ *James v. Eastleigh Borough Council* [1990] IRLR 288 (HL) cf *Nagarajan v. London Regional Transport* [1999] IRLR 572 (HL);

Mything v. Barts and London NHS Trust [2006] IRLR 860 (EAT); and *Amnesty International v. Ahmed* [2009] IRLR, [2009] ICR 1450 (EAT).

¹¹⁵ *Aylott v. Stockton-on-Tees Borough Council* [2010] IRLR 994 (CA).

¹¹⁶ Equality Act 2010, section 19(1).

¹¹⁷ Equality Act 2010, section 19(2).

¹¹⁸ More information about direct and indirect discrimination can be found on the EHRC website: <https://www.equalityhumanrights.com/en/advice-and-guidance/what-direct-and-indirect-discrimination>

¹¹⁹ *R (on the application of E) v. Governing Body of JFS* [2010] IRLR 136 (SC).

¹²⁰ *Essop v. Home Office (UK Border Agency)* [2017] UKSC 27, [2017] IRLR 558, per Lady Hale at [25].

¹²¹ Equality Act 2010, section 26,

¹²² Equality Act 2010, section 27.

Appendix 3: Data collected by the Investigation

3.1 Association chair and volunteer leader survey data

A selection of data collected from the answers submitted by Association Chairs and Volunteer Leaders is shown below. The full data is available on request.

Proportion of surveys returned by region

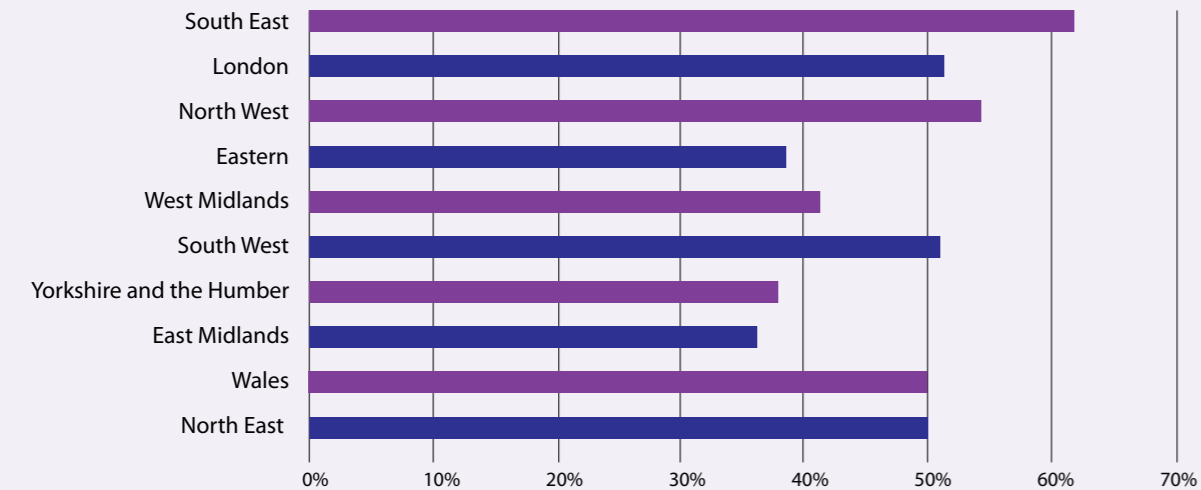


Figure 2: Please select your region

No results were returned from Northern Ireland.

Do you feel adequately informed about the Equality Act 2010? (%)

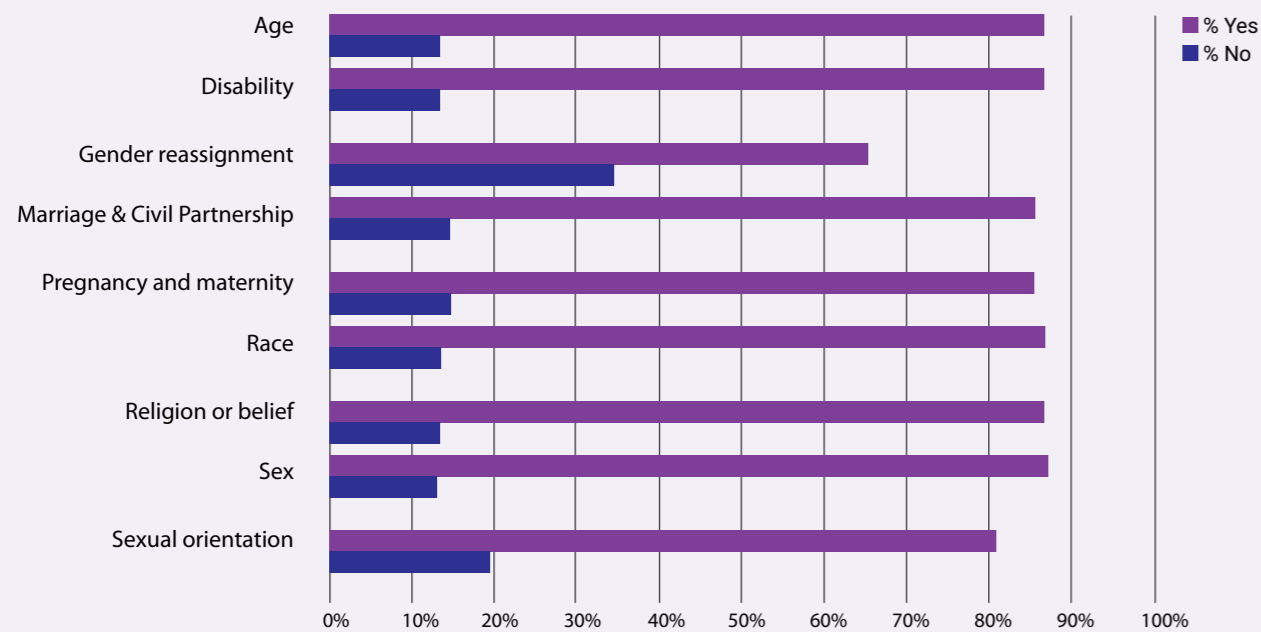


Figure 3: Question 5: Do you feel adequately informed about the requirements of the Equality Act 2010, especially in relation to all Protected Characteristics? Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion & Belief, Sex, Sexual Orientation (Yes/No)

Do you feel adequately informed about the Party's code of conduct for representatives and volunteers? (Total)

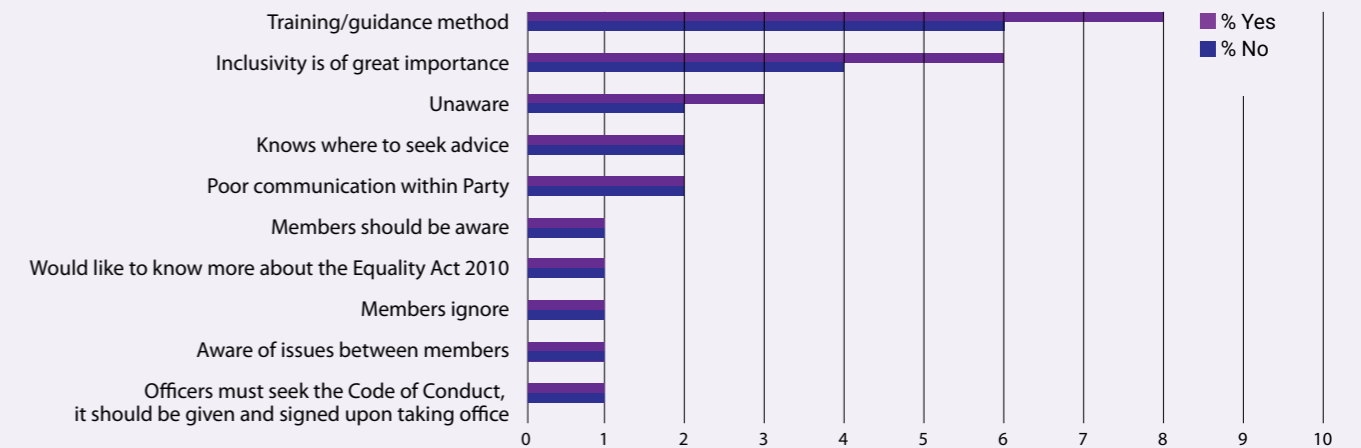


Figure 4: Question 7: Please provide more details

Were these complaints forwarded to CCHQ? (Total)

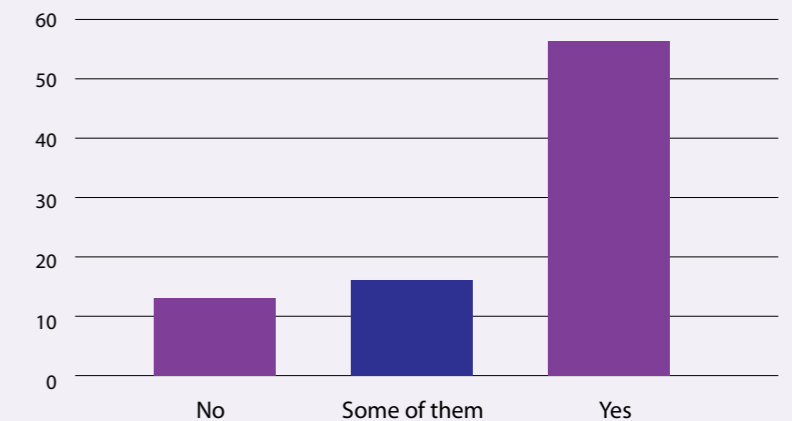


Figure 5: Question 14: Were these forwarded to Conservative Central Office? (Yes/ Some of them/ No)

What action was taken? (Total)

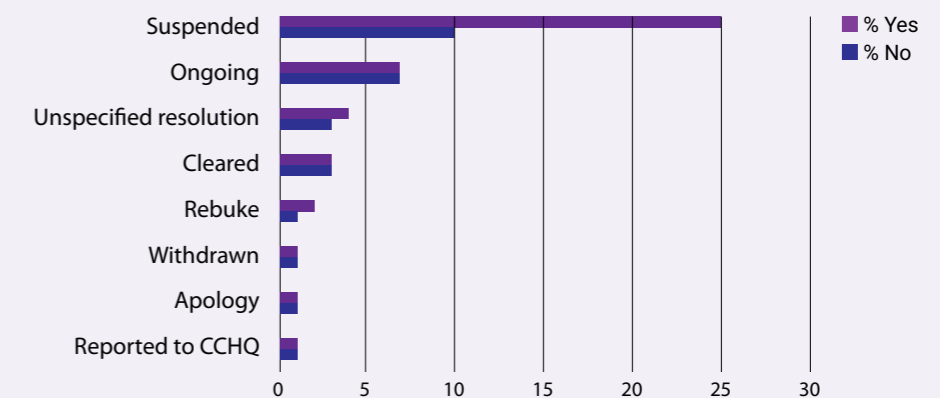


Figure 6: Question 16: Was action taken?

Appendix 3: Data collected by the Investigation cont

3.2 CCHQ Complaints Database data

Data derived during the analysis of CCHQ's Complaints Database is shown below:

Figure 7: Number of Incidents relating to Protected Characteristics

Protected Characteristic	Total
Religion/belief (Islam)	496
Religion/belief (Judaism)	28
Religion/belief (Other)	6
Race (excluding mentions of religion)	97
Sexual orientation	25
Gender & gender reassignment	14
Disability	12
Age	4
Multiple protected characteristics cited	45
Total	727

Figure 8: Breakdown of complaints citing religion/belief

Type of complaint	Total
Islam - religion/belief	496
Judaism - religion/belief	28
Other – religion/belief	6

Figure 9: Complaints by region

Region	Percentage of complaints	Percentage of membership
South East	13%	24%
London	10%	15%
East Midlands	6%	8%
West Midlands	7%	8%
South West	6%	13%
Yorkshire & Humber	5%	6%
Eastern	5%	12%
North West	5%	8%
North East	4%	3%
Wales	2%	3%
Northern Ireland	0.4%	0%
Not Recorded	36 %	n/a

From the information provided in the central complaints database it is not always easy to determine exactly what the differences are between outcomes. For example, while some grounds for dismissal are specifically cited, it is unclear what the grounds are for the "Dismissed" category, and whether this is for a specific reason that is not cited elsewhere, or used as a category for cases that were dismissed for reasons that were unknown or unclear to the Complaints Team.

Figure 10: Case outcomes

No outcome	Number
Not a Party member	235
Dismissed	107
Ongoing	78
Insufficient evidence	23
No Action	21
Passed on, for example to Scotland	14
Previously investigated	14
Complaint withdrawn	3
Not a formal complaint	1
Total	727

Figure 11: Case outcomes by region

Region	Total cases	Case active	Dismissed	Other - includes sanctions	Insufficient Evidence	Complaint withdrawn	No Action
Not recorded	265	13%	11%	6%	69%	0%	1%
South East	96	6%	19%	62%	8%	0%	5%
London	70	19%	21%	47%	10%	0%	3%
West Midlands	48	15%	21%	50%	10%	4%	0%
East Midlands	46	4%	11%	59%	22%	0%	4%
South West	41	0%	12%	71%	12%	2%	2%
Yorkshire & Humber	39	15%	13%	64%	5%	0%	3%
Eastern	39	10%	18%	59%	5%	0%	8%
North West	38	11%	16%	63%	8%	0%	3%
North East	26	8%	12%	73%	8%	0%	0%
Wales	16	6%	19%	75%	0%	0%	0%
Northern Ireland	3	0%	0%	100%	0%	0%	0%
Sub total - excluding Not recorded	462	10%	17%	60%	10%	1%	3%
Total	727	11%	15%	41%	31%	0%	2%

Figure 12: Comparison of outcomes between cases that do and do not relate to Protected Characteristics¹²³

Outcome	% Protected Characteristics	% Non-Protected Characteristics	% Total cases
Dismissed	17	35	26
Suspended	24	6	15
Ongoing	10	18	14
Expelled	13	8	10
Passed on, for example to Scotland	3	16	9
Resigned	11	2	6
Rebuke	4	2	3
No Action	3	2	3
Membership Expired	3	1	2
Insufficient Evidence	1	3	2
Not a Member	4	1	2
Diversity Training	5	0	2
Not a Formal Complaint	0	2	1
Previously Investigated	2	0	1
Apology	1	1	1
Complaint Withdrawn	1	1	1
Unable to Investigate	0	2	1
Severe Rebuke	0	1	0

¹²³ Rounding figures to the nearest whole percent means that Columns do not always add to exactly 100%

Appendix 3: Data collected by the Investigation cont

3.3 Letter from the Muslim Council of Britain



The Muslim Council of Britain
PO Box 57330
London
E1 2WJ

www.mcb.org.uk
Telephone: 0845 26 26 786
Email: admin@mcb.org.uk

16 February 2021

Dear Professor Singh,

I thank you for your invitation to meet on the 9th February, and the opportunity to listen to our views on the investigation which you are conducting.

It is our collective goal to ensure that those of all faiths and none, are able to engage equally and without prejudice, and feel comfortable and proud of their identity as Muslims whilst participating within the Conservative Party. As the MCB it remains our position that in order to overcome the systemic racism within the Party, there needs to be a broader investigation looking beyond the complaints process as the Terms of Reference laid out.

Please find the recommendations from the Muslim Council of Britain on Islamophobia in the Conservative Party, for inclusion in your report. **The MCB recommends the Party to**

(A) Strengthen Party Processes

1. Update the current code of conduct to highlight a zero-tolerance approach to tackling racism and specifically Islamophobia: There should be strong stipulations for all members regarding unacceptable behaviour and its consequences as well as encouraging positive and exemplary behaviour.

2. Deny membership to those with a history of far right and extreme views: There is evidence of Party membership from individuals from bodies that are known to be hostile towards ethnic minorities and especially Muslims. A real policy of change, coupled with improved due diligence, will reduce risk of those with racists views entering the Party.

3. Establish a new complaints process with transparency and impartiality at its core: The MCB and our affiliates have had negative experiences of submitting complaints to this process and not having any satisfactory responses. The new process should have a fixed rate of response, transparency in the process of handling and a more considered approach to handling complaints. Every complainant should feel their complaint is taken seriously and independently verified metrics should be used to track to ensure the trust and confidence of all communities.

4. Establish an avenue to appeal historic cases in which complainants felt were wrongly dismissed: This would demonstrate a strong commitment to justice, fairness and zero tolerance of discrimination moving forward.

5. Perform an equality impact assessment against all policies adopted by the Party: There have been examples in which Muslim communities felt that Party policies had a negative and disproportionate impact on them because of their faith. By having independent equality impact assessments of all policies, this would create a parity and fairness.

(B) Take a collective approach to tackling Islamophobia

6. Work to improve the culture of the leadership, acknowledging the problem of Islamophobia is a reality in the Party and apologise for its most prominent failures. Examples include the Goldsmith campaign for Mayor of London in 2016, and for the Prime Minister's use of the dehumanising "letter boxes" and "bank robbers" jibe (often used by the far-right) in August 2018

7. Make it clear that the denial of Islamophobia in the Party, is unacceptable and will be challenged by Party leadership. It is also not appropriate to label those who raise the issue, as having a "political motive", or "extreme". Without recognising there is a problem, it is not possible to tackle it.

8. Adopt the APPG Definition of Islamophobia: this definition has been widely adopted by British Muslim communities and is the culmination of detailed consultation and expert input, and as such has been adopted by the Labour Party, the SNP, the Liberal Democrats and the Scottish Conservatives. It is important the Party listens to Muslim communities about how Islamophobia manifests not only as hate, but more broadly as a type of racism, albeit one that targets their Muslimness rather than their gender, sect or ethnicity.

9. Adopt a broader education and training strategy for Party members on Islamophobia: This should include, publishing a handbook and associated materials to educate members about Islamophobia. Further to encourage training on the behaviours that lead to Islamophobia as well as common tropes. This should be exemplified by Party leaders as many will follow their lead.

We believe that these recommendations are important steps in changing the culture in the Party and in helping on its journey to reduce the hostile environment and structural Islamophobia faced by Muslims. It is our hope that the Party will move forward with these recommendations to support the goal we all share, which is to ensure equal and fair, space and representation for all, regardless of their faith background.

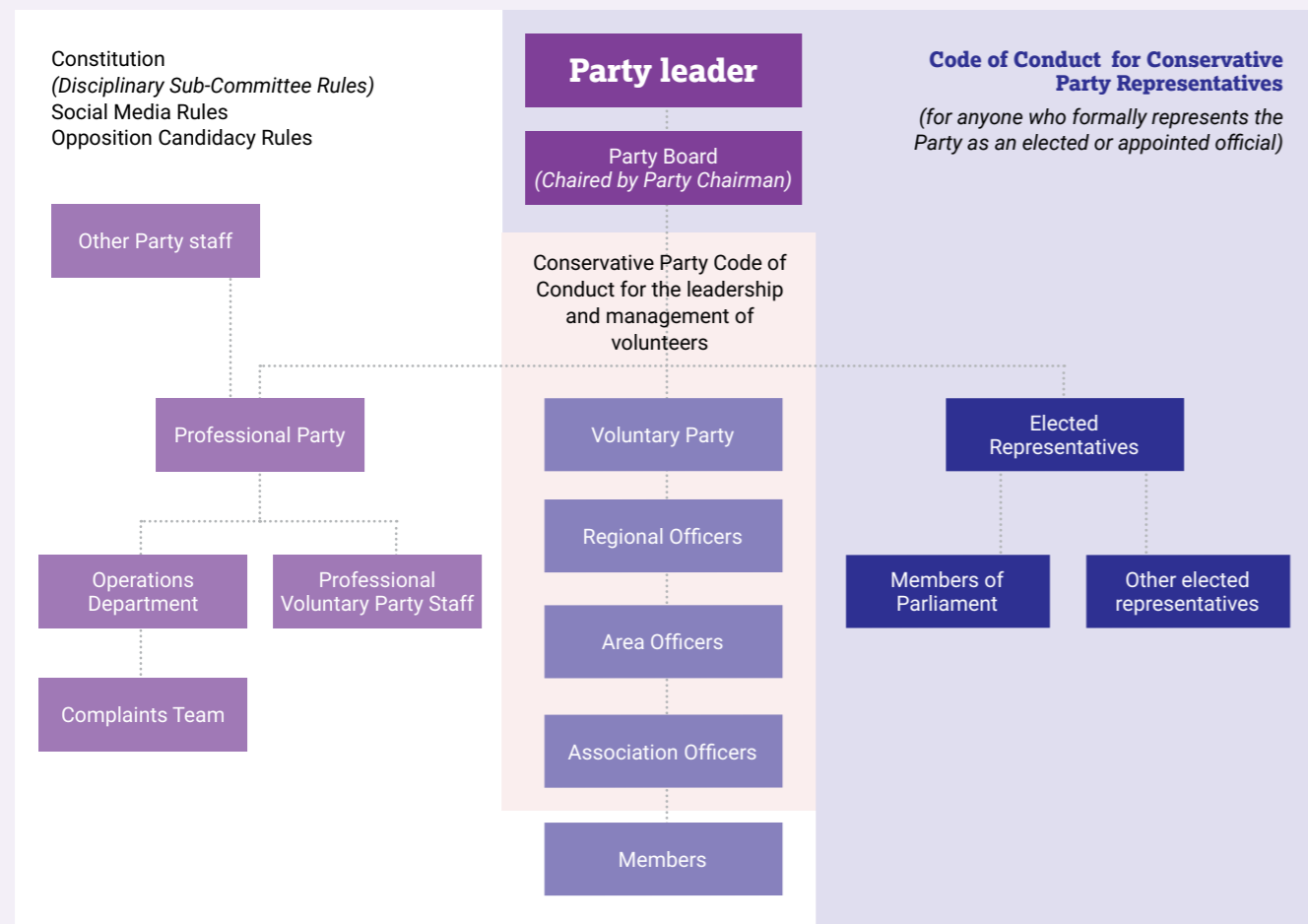
Thank you for providing us the opportunity to share our recommendations,

Yours sincerely,

Zara Mohammed
Secretary General

Appendix 4: Conservative Party structure and processes

4.1 Organogram of Party structure



4.2 The complaints process

The Conservative Party's disciplinary and complaints procedures are set out in a number of documents including;

- > The Conservative Party Constitution¹²⁴ (First published in February 1998 and last updated January 2021);
- > The Code of conduct for Conservative Party Representatives, (which includes the process for making a complaint and how complaints are handled),¹²⁵
- > Social Media Complaints Rules 2018;¹²⁶ and
- > The Conservative Party Code of conduct for the Leadership and Management of Volunteers.¹²⁷

Matters of discipline and misconduct relating to Conservative MPs' behaviour on the parliamentary estate are passed to the Chief Whip, and the Party is not involved in the Chief Whip's investigation. However, complaints relating to MPs' behaviour outside the parliamentary estate are handled by CCHQ's Complaints Team.

Processes and panel composition

All complaints

Complaint is picked up by a member of the Complaints Team via the complaints inbox, post or notification by a member of CCHQ/regional staff.

Member of the Complaints Team decides whether the complaint is valid under the Code and Rules and will dismiss it if it is not.

(Optional) The Chairman/Chairman's Office is consulted if the respondent might need suspending pending investigation.

Investigating Officer from the Complaints Team will write to the respondent (and occasionally the complainant when more details are required) to present the evidence and allegations and explain the process going forward.

Complaints relating to breaches of the Code of conduct

A panel constituted as per the Code of conduct (stage 2) will be established to decide if the respondent has breached the Code of conduct. The complaint will then be dismissed or move to Stage 3.

The chair (QC) of the panel drafts the decisions including recommendations for the Party Chairman who will implement the sanction where possible (rebuke etc) or refer the matter to the Party Board (suspensions etc).

The Chairman's Office and Complaints Team notify the respondent and complainant (if possible) of the decision.

Complaints relating to social media and opposition candidacy rules

A bundle including the complaint, evidence, allegations, correspondence, and defence is prepared by the Complaints Team who passes this to the Party Chairman or an individual or panel who they have delegated their power to. They then decide if the complaint is upheld and if so what sanction (according to Schedule 1) should be applied.

The Chairman of the National Convention is consulted on the decided sanction.

The Chairman's Office and Complaints Team notify the respondent and complainant (if possible) of the decision.

The Party Board is presented with any expulsions for them to ratify.

Code of conduct panel (3+ members)

1 Independent Person

- > QC who chairs the panel.

1 (or more) Senior Volunteer

- > Regional Chairs, Cllrs, former Board members or National Convention officials etc.
- > Pool created through recommendations from senior CCHQ staff and existing panels and committees such as the Individual Member Review Committee and Disciplinary Sub-Committee.

1 (optional) member or CCHQ staff

- > Senior or specialised member of CCHQ staff.
- > Pool created through recommendations from senior CCHQ staff and people highlighted by Complaints Team with a relevant skill set such as HR training or Outreach experience.

1 (if MP) person nominated by the Chairman of the 1922 Committee

¹²⁴ The Conservative Party Constitution is available online here: https://www.politicalpartydb.org/wp-content/uploads/2017/02/UK_CONSERVATIVE_PARTY_CONSTITUTION_2009.pdf

¹²⁵ <https://www.conservatives.com/code-of-conduct>

¹²⁶ <https://www.conservatives.com/code-of-conduct>

¹²⁷ <https://volunteer.conservatives.com/volunteer-code>

Appendix 4: Conservative Party structure and processes cont

Social media or opposition candidacy panel (3 members)

1 Legally Qualified Chair

- > Senior volunteer lawyers with experience in disciplinary matters within the party.
- > Pool created through recommendations from senior CCHQ staff and existing panels and committees such as the Individual Member Review Committee and Disciplinary Sub-Committee.

1 member of CCHQ staff

- > Senior or specialised member of CCHQ staff.
- > Pool created through recommendations from senior CCHQ staff and people highlighted by Complaints Team with a relevant skill set such as HR training, Outreach experience or Social Media knowledge.

1 Senior Volunteer

- > Regional Chairs, Cllrs, former Board members or National Convention officials etc.
- > Pool created through recommendations from senior CCHQ staff and existing panels and committees such as the Individual Member Review Committee and Disciplinary Sub-Committee.

Individual member review committee (appeals panel) and disciplinary sub-committee panel

3 (or more) Senior Volunteers

- > Regional Chairs, Cllrs, former Board members or National Convention officials etc.
- > Members appointed by the board annually and panel Chair specifically appointed by the Board.
- > At least one legally qualified member.

Process: Diversity and inclusion training sanction implementation

Decision made by panel that respondent must undertake diversity and inclusion training and communicated to the respondent.

Decision forwarded to the respondent's Association Chairman (including blind copy (Bcc) any other CCHQ departments who need to be aware). Bcc Training team to notify them that training needs to be issued.

Team records sanction on database and adds respondent to the training monitoring spreadsheet including date for training to be completed.

Member of the training team to issue details to access the training directly to the respondent. Ask respondent to inform Training@conservatives.com when it has been completed so they can verify it.

Team to monitor whether training has been completed in conjunction with training team. Reminders to be sent to respondent when there is 3 weeks until completion deadline.

Any response from respondent to be recorded on the complaints database in relation to compliance with the sanction.

Once training completed, Team records it on the monitoring spreadsheet and Complaints database. Team takes any action in relation to membership of respondent necessary at this stage.

How the Code was created

In the autumn of 2017, a number of reports appeared in the media about allegations of misconduct, harassment and improper behaviour by some parliamentarians.

Together with these reports were complaints that there was no process by which a complaint could be made against an MP nor did there appear to be any organisation, body or committee to which complaints could be addressed which would then be determined objectively and impartially.

Alongside this was an acknowledgement that Members of Parliament employed their own staff directly; there was no parliamentary HR department in the traditional sense.

The Government Chief Whip at the time was Rt Hon Julian Smith MP. Conventionally, matters of discipline and misconduct relating to Conservative MPs were dealt with by the Chief Whip.

There was sufficient concern to establish a Code of conduct for Party Representatives. When the Code was published in November 2017, those falling under the Code was enlarged to include Peers, MEPs, Councillors and senior members of the voluntary Party including Constituency Association Chairmen.

On 3rd November 2017, the Prime Minister wrote to MPs, Peers, MEPs, MSPs, AMs, PCCs, elected Mayors and Councillors about the introduction of the Code and the reasons for it.

The Social Media Complaints Rules were approved by the Board of the Conservative Party on 18th July 2018. The Board resolved that seven complaints which were received by the Party before the rules came into force should be dealt with under this new regime.

The Social Media Complaints Rules were introduced to provide a more efficient process by which complaints relating to the alleged abuse of social media could be dealt with.

4.3 Sanctions

The Party Chairman has the following ten sanctions that they may impose when a complaint is upheld:

1. Provisional expulsion from Party membership subject to later ratification by the Party Board;
2. Suspension from Party membership for a period up to 12 months;
3. Suspension from any office held within the Party for a specified period up to 12 months;
4. Suspension from any candidature within the Party for a specified period up to 12 months;
5. An order of non-renewal of Party membership;
6. Severe rebuke (Three severe rebukes automatically and immediately result in suspension from the Party for a period to be determined by the Party Chairman);
7. Rebuke;
8. An order that the Respondent apologise to the Complainant in a way acceptable to the Party Chairman. This may also be a condition of keeping or restoring Party membership;
9. An order that the Respondent remove any offending material from social media which is within the power and control of the Respondent; and
10. Conditions on the ongoing membership of the Party such as the need to undertake training. The cost of complying with such conditions shall be borne by the Respondent.

Sanctions such as an apology, an order to remove social media posts or conditions such as undertaking diversity training may be used in combination with each other and with other imposed sanctions. For example, a respondent may be required to remove a post on social media, apologise and complete diversity training, before a temporary suspension is lifted.

4.4 Equal opportunities policy

The Party acknowledges its legal and moral obligation both in recruitment and in employment to offer equal opportunities to all persons.

It is the Party's policy not to discriminate on grounds of age, religious or other beliefs, gender, sexual orientation, disability or ethnic origin. Everyone has a responsibility to uphold this policy and Line Managers/Directors are required to ensure there is no discrimination in their areas of responsibility.

The Party is committed to the principle of equal opportunities in employment and is opposed to any form of less favourable treatment or financial reward through direct or indirect discrimination, harassment or victimisation of members of staff or job applicants on the grounds of age, religious or other beliefs, gender, sexual orientation, disability or ethnic origin.

The Party recognises its obligations under all current statutory legislation in connection with equal opportunities in employment, more specifically the Equality Act 2010.

All employees will be made aware of the requirements of this policy and will be obliged to co-operate to ensure that the policy is carried out effectively. All staff should endeavour to create an atmosphere of equality within the Party.

4.5 Equality and Diversity policies

As part of its Staff Handbook, CCHQ has published an Equal Opportunities Policy¹²⁸ which states:

“The Conservative Party is an equal opportunities employer and is opposed to any form of less favourable treatment or financial reward through direct or indirect discrimination, harassment or victimisation of members of staff or job applicants on the grounds of age, religious beliefs, ethnic origin, gender, sexual orientation or disability. The Party will take all reasonable measures to ensure that applications are attracted from both sexes and all races and from people with disabilities and regardless of sexual orientation and will ensure that applicants are not disadvantaged because of disability.”

The Party also has a Harassment Policy¹²⁹ that refers to prejudiced discrimination. The Staff Handbook is available to all Party staff via the online HR portal and can be accessed at any time.

The HR Team told the Investigation that it is currently considering introducing 'blind' application forms to try to reduce unconscious bias in the applications process. According to the HR Team, other measures currently in place include:

¹²⁸ Conservative Party Equal Opportunities Policy: <https://www.conservatives.com/work-for-us>

¹²⁹ The Harassment Policy can be found in Appendix 7

Appendix 4: Conservative Party structure and processes cont

- > The avoidance of ‘gendered wording’ in job descriptions to try to eliminate bias and increase inclusivity; and
- > Screening applications through a verified third-party to monitor the Party’s commitment to diversity and adherence to the Equality Act 2010, and identify barriers to diversity amongst the workforce.

These policies only cover staff directly employed by CCHQ and does not apply to volunteers, representatives, association officers, association staff or members.

4.6 Analysis of CCHQ staff and equality and diversity statistics

The Investigation conducted an analysis of current Party staff and employees on all Protected Characteristics and the Equality and Diversity policies of its Human Resources department.

Although the Party is not obligated to collect ethnicity data from its staff members, it currently offers the option to do so at the start of employment. The table of data that was provided to the Investigation, and how each category compares to the UK average is show below. As the Conservative Party’s Human Resources Department only holds data for 47% of staff, the data set was found to be too limited to draw any significant conclusions.

Figure 14: CCHQ staff ethnicity data¹³¹

Ethnic Origin	CCHQ Staff Count	CCHQ Staff Count by % (Excluding Undefined)	Ethnic Data by % in UK population ¹³⁰
Asian or Asian British - Bangladeshi	1	0.69%	0.80%
Asian or Asian British - Indian	7	4.86%	2.50%
Asian or Asian British - Pakistani	2	1.39%	2.00%
Black or Black British - African	5	3.47%	1.80%
Black or Black British - Caribbean	2	1.39%	1.10%
Mixed race - White and Asian	1	0.69%	0.60%
Mixed race - White and Black Caribbean	1	0.69%	0.80%
White, White- English, Scottish or Welsh	113	78.47%	80.50%
White - any other background	10	6.94%	5.30%
White - Irish	2	1.39%	0.90%

130 Gov.uk, 14 May 2019, link

131 Rounding means that Columns do not always add to exactly 100%

4.7 Employment practices

It is the duty of all members of staff to accept their personal responsibility for adhering to the principles of equal opportunities and diversity. The Party’s policy it to endeavour to promote equal opportunities to ensure that individuals receive treatment that is fair, equitable and consistent with their relevant aptitudes, potential skills and abilities.

Everyone is to be recruited and selected, promoted and trained on the basis of objective criteria. The Party recognises that ageist, religious, sexual, racial, disability and other forms of harassment cause problems at work and is committed to ensuring that unacceptable behaviour does not take place.

In this respect, employees should ensure that:

- > They co-operate with any measures introduced to develop equal opportunities;
- > They refrain from taking discriminatory actions or decisions which are contrary to either the letter or spirit of this policy;
- > They do not harass, abuse or intimidate other employees, job applicants, customers, providers of services or members of the public in a manner contrary to either the letter or the spirit of this policy;
- > They do not instruct, induce, or attempt to induce or pressurise other employees to act in breach of this policy; and
- > They advise the Party if they are aware of any discriminatory conduct, either against themselves or any third party, contrary to the spirit of this policy, so that the Party can take steps to deal with it at an early stage.

Breaches of the Party’s equal opportunities policy and procedures will usually result in the Party’s disciplinary procedure being invoked against the individual responsible. In serious cases the perpetrator may be dismissed.

4.8 Recruitment

No person applying for employment will be treated less favourably than another person on the basis of their race, sex, disability, sexual orientation, gender reassignment; marriage or civil partnership; pregnancy or maternity; religion or belief or age.

All advertisements, application forms and other recruitment material will clearly state that the Party is an equal opportunities employer.

Job descriptions should not require any unnecessary or inappropriate qualifications

No one sector of the population will be deliberately disadvantaged or discriminated against in relation to the terms of employment offered or applied to them. When aware of the need to do so, the Party will make reasonable adjustments to its arrangements for interviews and to conditions of employment for disabled applicants in order to ensure so far as is practicable that existing arrangements or conditions of employment do not place such applicants at an unjustified and significant disadvantage relative to other applicants.

All interviews will be conducted in accordance with the terms and spirit of this policy. The questions asked of candidates will be closely related to the selection criteria and will be asked in order to elicit information which will give a fair assessment of that particular applicant’s ability (technical and non-technical) to perform the tasks required by the vacancy.

All applications will be considered on merit. Each individual will be assessed so far as is practicable against a set of objective, non-discriminatory criteria which will be directly related to the demands of the particular vacancy. To do this recruiting managers will be given ‘blind’ application forms for anyone who has applied for their vacant position.

No vacancy will be advertised or publicised (internally or externally) in a way that discourages viable applications from any sector of the population.

If there is a genuine and lawful reason for limiting the vacancy to a particular group, this will be clearly stated together with the grounds for it, on any advertisements. The Party retains the discretion to invite applications from individuals whose jobs may be at risk of redundancy, or who are being redeployed for health and safety reasons before advertising any post more widely. However, internal candidates for a particular post will not be preferred to more suitable external applicants.

4.9 Career development

Applicants for promotion will be considered only on the basis of their skill, aptitude, availability, experience and general overall suitability for the vacancy. All employees will have equal rights to training, promotion and other aspects of career development based purely on their abilities.

Steps will be taken in appropriate circumstances to provide additional training for staff from under-represented groups to enable them to progress.

4.10 Harassment policy

CCHQ is committed to maintaining a non-discriminatory working environment, which is free from harassment on the grounds of age, religious or other beliefs, gender, sexual orientation, disability or ethnic origin. Harassment within CCHQ by any other person within CCHQ is strictly prohibited. Such behaviour is a violation of employment and discrimination laws and may also contravene criminal and/or civil law in certain circumstances.

Allegations of harassment will be thoroughly and promptly investigated whilst maintaining confidentiality in so far as it is possible. Where allegations are substantiated, appropriate disciplinary action will be taken against anyone responsible, which may include dismissal.

What is harassment?

Harassment, in general terms, is unwanted conduct affecting a person’s dignity in the workplace or conduct which creates an intimidating, hostile, degrading, humiliating or offensive work environment. Harassment may take many different forms. It may be physical, verbal or some other form of communication including telephone calls or email, jokes or gestures. Actions or comments which you may consider to be harmless may not be appreciated by the recipient in the same light.

Appendix 4: Conservative Party structure and processes cont

The recipient might view such behaviour as demeaning and unacceptable. Conduct yourself at all times in a manner which is not likely to offend any other member of staff or clients of CCHQ. Any single incident of harassment or abuse may well be viewed as an act of gross misconduct warranting your immediate dismissal. Examples of behaviour that is unacceptable include:

- > Insults, offensive, derogatory or patronising comments, name-calling, mimicry, ridicule, gestures, pranks or jokes made on discriminatory grounds.
- > Unwelcome sexual attention or physical contact.
- > Threat of dismissal, loss of promotion etc on discriminatory grounds.
- > Requests for sexual favours.
- > Lewd, suggestive or over familiar behaviour, comments or innuendoes.
- > Display or circulation of material which is offensive on discriminatory grounds (this may include pin ups, magazines, leaflets, comics).
- > Threats or actual violence.
- > Verbal abuse on discriminatory grounds.
- > Exclusion from conversations or activities on discriminatory grounds.
- > Refusal to work with or co-operate with people on discriminatory grounds.
- > Unfair allocation of work or implementing unfair standards on discriminatory grounds.
- > Incitement of others to action on discriminatory grounds.
- > Provocative behaviour such as the wearing of discriminatory badges or insignia.

Such conduct is employment related, if for example:

Submission to, or rejection of, the conduct is used as a basis of an employment decision.

The conduct interferes with the affected person's work performance.

The conduct creates an intimidating, hostile, humiliating or offensive work environment.

Harassment can be persistent and repeated; continuing after the person subjected to it makes it clear they want it to stop. However, a single instant can also constitute harassment if it is sufficiently serious.

The environment

CCHQ prohibits the display of material (such as pin ups/posters) which is deemed offensive on discriminatory grounds and will, if necessary, ensure that workplaces are inspected and offending material removed. CCHQ expects all Line Managers/Directors, to ensure that this policy and procedure is adhered to at all times. They should act in eliminating any bullying in the workplace by ensuring that employees are aware of this policy and that their own conduct sets a high example in this respect, and by acting promptly upon complaints of harassment or bullying.

The following rules must be remembered at all times:

In all harassment situations, it is the impact of the conduct and not the intent of the perpetrator that is the determinant. Therefore, in the first instance, full consideration will be given to the complainant's view of what he/she has found to be offensive and therefore unacceptable behaviour. Furthermore, it is not an excuse and not a defence that a perpetrator is "joking" or "not meaning to cause offence" or "merely being friendly".

Harassment, whether it takes place on workplace premises, including during meal breaks, during the course of work away from the workplace or during work related social activities away from the workplace, will be actionable. Such behaviour will be treated as either misconduct or gross misconduct depending on the seriousness of the offence and will result in the application of CCHQ's disciplinary procedures, possibly leading to dismissal.

No individual need fear victimisation for bringing a valid complaint of harassment. Retaliation against an employee complaining about any form of harassment will be a disciplinary offence. Allegations of harassment are taken very seriously, however where it is considered after investigation, that the allegations have been made either frivolously or maliciously, disciplinary action may be taken against the individual who has made the allegation.

The procedure

CCHQ's primary aim in all cases is to prevent recurrence of the harassment. Wherever possible and appropriate, every effort will be made to resolve the situation on an informal basis in the first instance.

First step

Any individual who believes himself/herself to have been harassed should as a first step state that the harassment is offensive, unacceptable, unwanted and/or interfering with his/her work and ask the harasser to stop. It is preferable, where possible, for the individual to do this personally. If, however, an individual finds such action to be too difficult or embarrassing, he/she may prefer to write or ask a colleague to speak to the harasser. This may often be sufficient to prevent further harassment, particularly if the harasser is unaware that he/she has been causing offence by his/her actions.

This action should be taken as soon as the harassment becomes apparent or as soon as practicable. Any informal action taken should be recorded with a note of the date and what was said in case this is needed as evidence, should the harassment continue or subsequently recur.

Behaviour by a person, which was not previously considered unwelcome, may become so for various reasons. In this case, the individual concerned must state that it is unwelcome as soon as it becomes so.

Second step

There is no obligation on an individual to take matters further if he/she does not wish to do so. However, CCHQ reserves the right to investigate further and take such action as it considers appropriate if the complaint is considered to be of a sufficiently serious nature that it cannot be ignored. However, where harassment continues following the request to stop, or the person considers the harassment to be serious, he/she is advised to report the matter in confidence to his/her Line Manager/Director.

In view of the sensitivity of this subject, individuals may approach the HR Team directly rather than their immediate Line Manager if they prefer. The HR Team will then liaise with the appropriate Line Manager as necessary.

A formal investigation

Where harassment continues, either at the time or subsequently, following attempts at informal resolution, where appropriate, or whether harassment is considered serious, or where the individual wishes to progress the matter formally, it should be dealt with via CCHQ's grievance procedure. The complaint should include the following details:

- > Clear, specific allegations against a named individual or named individuals.
- > Dates and times (if known) and names of witnesses (if any).
- > Factual description of events.
- > Direct quotes, if relevant, and if these can be remembered.
- > A brief description of the context of each incident complained of.
- > An indication of how the incident made the individual feel.
- > An indication of why the individual considers the behaviour amounts to harassment.
- > Any documentary evidence to support the complaint.

Counselling support

An individual who has been harassed may wish to contact the HR Team, in confidence, at any stage, who can provide counselling and support should this be necessary.

Appendix 4: Conservative Party structure and processes cont

4.11 Rules and procedure of the disciplinary sub-committee

THE CONSERVATIVE PARTY

RULES AND PROCEDURE OF DISCIPLINARY SUB-COMMITTEE

1) MAKING A COMPLAINT

Complaints for hearing by the Disciplinary Sub-Committee ("the Committee") may be made by:

1. The Chairman of the Conservative Party ("the Party Chairman");
2. The Board of the Conservative Party ("the Party");
3. A constituency Association;
4. A member of the Party; and/or
5. An officer or employee of the Party or of any constituency Association.

Complaints are prosecuted by a Presenting Officer who may delegate his or her duties to a person experienced and skilled enough to discharge them.

2) THE GROUNDS AND FORM OF THE COMPLAINT

- 2.1 All complaints must be in writing and addressed to the Presenting Officer. The Presenting Officer may request the complainant to clarify the complaint if he or she does not understand it, or he or she considers that it may not be reasonably understood by the respondent to the complaint.
- 2.2 A complaint must allege that the respondent has (i) failed to sustain and promote the objects and values of the Conservative Party and/or (ii) has performed an act or default or has engaged in conduct either which brings or is likely to bring the Party into disrepute and/or (iii) (where applicable) has breached the Code of Conduct for Party Representatives.
- 2.3 Where it is alleged that the respondent has breached any part of the Constitution of the Conservative Party, the relevant part of the constitution must be cited. Where it is alleged that the respondent has breached any part of the Code of Conduct for Party Representatives, the relevant part of the Code must be cited.

3) PROSECUTING A COMPLAINT

Receipt, Investigation and Refusal of a Complaint

- 3.1 Upon receipt of a complaint which is capable of being reasonably understood, the Presenting Officer may accept or refuse the complaint as a preliminary step.
- 3.2 A complaint may be refused at the sole discretion of the Presenting Officer on the grounds that (i) it is frivolous or vexatious; (ii) it is incapable of being investigated for whatever reason and (iii) the complaint has already been disposed of, or should properly be disposed of by another means. No appeal lies from this decision.
- 3.3 The Presenting Officer may request by way of investigation further information about the complaint, including any evidence to support it. This may occur before a decision is made to accept or refuse a complaint and may occur after a complaint has been accepted.
- 3.4 If a complaint is refused, the Presenting Officer's reasons must promptly be explained in writing to the complainant.

The Defence of any Complaint and subsequent process

- 3.5 If the complaint has not been refused as set out above, and once any further information and evidence has been supplied, the Presenting Officer must send it to the respondent of the complaint within 14 days of receiving it in final form.
- 3.6 The respondent must respond fully to the complaint within 28 days of receipt, setting out any defence as well as any evidence in support.
- 3.7 Upon receipt of the defence and any evidence in support, the Presenting Officer will send it to the complainant who shall have 14 days to reply.
- 3.8 Upon receipt of that reply, the Presenting Officer will send the reply to the respondent to rejoin; the respondent shall have 7 days to do that.
- 3.9 After the process described in paragraphs 3.1 to 3.6 has taken place, no further submissions or evidence will be allowed to the complainant or to the respondent except in exceptional circumstances.
- 3.10 If the Presenting Officer concludes after the completion of the process described above that there is no case for the respondent to answer or that there is no reasonable prospect of the complaint being upheld, he shall dismiss the complaint and promptly inform the complainant and the respondent, as well as the Chairman of the Party, in writing, giving full reasons. No appeal lies from this decision.

Transmitting the Complaint to the Committee

- 3.11 Once the process set out in the preceding paragraph has occurred, the Presenting Officer shall send the Committee copies of the following documents to enable the complaint either to be upheld or dismissed:
 - a. the complaint;
 - b. the defence;
 - c. the reply to the defence;
 - d. the rejoinder to the reply;
 - e. all accompanying and relevant documents.
- 3.12 The Committee may, in its absolute discretion, order an oral hearing ("the hearing"). If so, the Committee shall comply with the rules of procedure set out in Appendix I. In the event that legal representation is permitted, at the conclusion of the hearing the Committee may make such order as to the payment of costs as it considers appropriate. All hearings shall occur as soon as reasonably practicable and shall be heard in private.
- 3.13 If there is no oral hearing, the Committee it shall issue its determination as soon as reasonably practicable.
- 3.14 The standard of proof is the balance of probabilities. Committee decisions may be made by majority vote with the Chairman having the casting vote. The strict rules of evidence do not apply.

Appendix 4: Conservative Party structure and processes cont

3,15 *All complaints and disciplinary proceedings shall be confidential and no party to the disciplinary proceedings and no witness shall disclose any details, information or documents concerning the complaint to any third party.*

POWERS OF THE COMMITTEE

- 4.1 The Committee may recommend to the Board that any of following sanctions should be applied to the respondent, having taken into account and mitigating and aggravating factors.
- Conditions on the ongoing membership of the Party, such as the need to undertake training or to make an appropriate apology. The cost of complying with such conditions shall be borne by the respondent.
 - A rebuke of the respondent.
 - A severe rebuke of a respondent.
 - Suspension of a respondent from the Party for a period of time to be determined by the Board.
 - Expulsion of a respondent from the Party.

THE RIGHT TO APPEAL

- 6.1 The respondent has a right to appeal a decision of the Committee. A notice of appeal must be made in writing within 21 days of the Committee's 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 actually received, not when it is sent. Notice may be sent and received by email as well as by post and fax.
- 6.2 An appeal must be made in writing, and set out full grounds, to the Secretary to the Board of the Conservative Party, CCHQ, 4 Matthew Parker Street, London. SW1H 9HQ. The appeals procedure set out in Appendix 1 shall apply.
- 6.3 Where the Committee recommends suspension from, expulsion from or the non-renewal of a respondent's membership of, the Party, the respondent has a choice. **EITHER** he or she can either appeal the decision of the Committee BEFORE it is sent to the Board in accordance with clause 6.1 ("the Before Appeal") **OR** he or she can appeal the decision AFTER it is sent to the Board *and* after the Board has accepted the recommendation (the "After Appeal").
- 6.4 Where the Committee recommends any other form of sanction other than suspension, expulsion or non-renewal, the "Before Appeal" applies.
- 6.5 The Before and After appeals are conducted before the Individual Member Review Committee, in accordance with Schedule 6 paragraph 23 of the Party Constitution.

APPENDIX I

Powers of the Committee and Procedural Rules for Oral Hearings

- The Committee has absolute discretion to organise and management all matters under its jurisdiction as it sees fit, provided that it acts fairly, justly and lawfully, and also efficiently (both in time and resources) as the circumstances of the case allows. The Committee may make such directions and orders, accordingly, either of its own motion or on application by the parties.
- Oral hearings are to be conducted in private. No member of the public may attend although the Presenting Officer and the respondent may be represented and also be accompanied. The full name and address of all representatives must be provided to the Committee as a condition of the representation taking place.
- Without prejudice to the general power set out in paragraph 1, the Committee may make directions as to time limits, the timing and manner of service of documents, and the giving and receiving of any notices, directions or orders, including orders for substituted or deemed service.
- Where there is to be an oral hearing, the respondent shall, unless he agrees to waive or vary any requirement for notice, as soon as practicable after the Committee orders an oral hearing, be given not less than 21 days written notice of the date, time and place of the hearing and of the terms of the complaint against him.
- Whether or not there is to be an oral hearing, the Committee may at any time require the respondent to state in writing whether he or she:
 - accepts the complaint and if not on what grounds he denies the complaint;
 - accepts the facts as stated in the summary and if not the grounds for challenge;
 - accepts the complaint whether he has any explanation in mitigation;
 - intends to attend and/or be represented at the hearing.
- The Committee may require the Presenting Officer or the respondent to provide such further information and documents relating to the complaint as the Committee consider necessary for the just, expeditious and economic disposal of the complaint.
- Nothing in these rules shall prevent either party waiving wholly or in part the time periods specified in these rules or the Committee directing such alternative time periods as it may specify.
- The Committee may proceed in the member's absence where it is satisfied that the respondent has had adequate notice of the hearing and adequate opportunity to make representations and where it is in the interest of justice to do so.
- The respondent is entitled to address the Committee and to give evidence and to produce any document or call any witness.
- A witness for one party (including the respondent) may be questioned by or on behalf of the other party. A witness may be re-examined by or on behalf of the party calling him. The Committee may ask questions of a witness or of the parties.
- Both parties may make closing statements but in any event the respondent must have the last word.
- The hearing shall be informal (in the legal sense of the word) and the strict rules of evidence shall not apply. Subject to these rules, the Committee may adopt any method of procedure which it may consider fair and which gives each party an opportunity to have his case presented. Evidence will not be taken on oath.

Appendix 4: Conservative Party structure and processes cont

13. The Committee may deliberate in private and without the parties present at any time.
14. The Committee may notify the parties of its decision at the hearing or reserve its decision when a written notice of the decision will be sent to all parties.
15. The Committee may in its discretion hear two or more complaints against a member at the same hearing.
16. The Committee may hear complaints against two or more members in the same hearing, provided that both members agree.
17. The Committee may adjourn its proceedings from time to time as it thinks fit of its own volition or upon application by either party.
18. The Committee may order either party to make a payment in respect of costs in its absolute discretion. In deciding whether such an order should be made, the Committee shall have regard to all the facts and matters it considers relevant including the conduct of the parties. The Committee may allow the parties to make representations on the issue of costs before it makes any order. The sum payable shall be in the amount determined by the Committee in its absolute discretion.
19. The decision of the Committee shall take effect immediately but, where a respondent appeals, the effect is stayed pending the appeal.
20. Whether or not to publish the decision of the Committee, and/or of making the decision public, is a matter of the Committee's discretion. The Committee shall have sole discretion to make its decision public but only where it is necessary to do so in the interests of justice, and shall only do so after considering any representations by the respondent on this issue.

February 2018

Appendix 5: Summary of recommendations

Recommendations log

R1. Nature and extent of complaints

	Recommendation	Action required	Timescale
R1.1	Prepare Action Plan	The Party's leadership should publish an Action Plan describing how the Party and its leadership plan to tackle the failings and all recommendations highlighted in this report, and criteria against which the Action Plan's success will be measured.	Six Weeks
R 1.2	Monitoring Recommendations	The Party should publish a six-month Progress Report, prepared by the Party.	Six Months
R 1.3	Measuring Implementation	The Party should ensure there is a One-year Review carried out by the Investigation, or other appropriate body, to determine the extent to which the recommendations have been implemented.	Twelve Months
R 1.4	Update Code of Conduct	The Party should produce and implement a single, easy to understand and mandatory Code of Conduct to be applied across the entire membership of the Conservative Party in England, Wales and Northern Ireland. This new Code should bring all local Party associations into line with the practices and policies of the Party and in compliance with the <i>Equality Act 2010</i> . ¹³²	Twelve Months
		A notice that this new Code of Conduct will be deemed to be accepted by every person who remains a member beyond a certain date should be issued and should be signed, or expressly be deemed to be accepted, by every new member as a condition of membership.	Twelve Months
R 1.5	Training Strategy	The Party should develop a strategy for how to improve the training it offers to local associations.	Six Months
		The Party should disseminate: <ul style="list-style-type: none"> > Guidance for local associations on how to improve their communication of the social media rules to their members; > Guidance for local associations on how to share lessons learnt and best practice; and also provide: <ul style="list-style-type: none"> > Training for local associations on what constitutes direct and indirect discrimination, harassment and victimisation on the grounds of Protected Characteristics; and > Mandatory training and guidance for association chairs, volunteer leaders and individuals responsible for handling and investigating complaints. Training courses should be offered on an annual basis to those who have not previously had the training. For those who have previously had the training, refresher courses should be offered every three to five years, with records of completion kept. 	Twelve Months
R 1.6	Social media rules	The Party should review their social media rules and clarify what is meant by "misused or abused social media".	Six Weeks
		The Party should develop training on acceptable social media use and distribute it to local associations.	Six Months

¹³² For example, the EHRC has published guiding principles for associations which could be easily adapted for use by the Party: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-2010-guiding-principles-associations#terms>

Appendix 5: Summary of recommendations cont

R1. Nature and extent of complaints cont

	Recommendation	Action required	Timescale
R 1.7	Standardise HR and complaints policies and procedures	The Party should ensure that all local, area and regional associations have consistent human resources (HR) and complaints policies and procedures, to ensure consistency of culture and processes at all levels.	Six Months
R 1.8	Community Outreach Strategy	The Party should develop a community outreach strategy that identifies key communities and representative groups for the Party to develop or improve relationships with. This strategy must have a particular focus on improving meaningful engagement with Muslim communities.	Six Months
R 1.9	Local Association training requirements	Each association should have at least one named individual who has received appropriate training on the Equality Act 2010, including Protected Characteristics and the various forms of discrimination harassment and victimisation, the Party's complaints and training processes and the Party's Constitution, Code of Conduct and social media rules. Training courses should be offered on an annual basis to those who have not previously had the training. For those who have previously had the training, refresher courses should be offered every three to five years, with records of completion kept.	Twelve Months
R 1.10	Conduct Training Spot Checks	The Party should be conducting regular spot checks of local associations to ensure that training is being carried out and meets the expected standards.	Twelve Months
R 1.11	Requirements for candidates standing for elected positions	All candidates standing for elected positions must be required to demonstrate they have read and understood the Constitution, codes of conduct and equal opportunities policy.	Twelve Months

R.2 Complaints handling & appropriateness of sanctions

	Recommendation	Action required	Timescale
R 2.1	Transparency of Complaints Panel	The Party should be notifying all complainants and respondents about whether their complaint will be referred to a complaints panel, and if so they should be notified of the membership of the panel that is assessing their case. The expertise of the members of the panel should be recorded to show the relevance to the nature of the complaint;	Six Weeks
R 2.2	Publish comprehensive complaints policies and procedures	<p>The Party should publish a comprehensive policy and procedure describing how complaints are handled, to ensure it matches or exceeds best practice, for example as set out by the EHRC.¹³³ This includes providing criteria on:</p> <ul style="list-style-type: none"> > What behaviour will be subject to investigation; > When and how to make a complaint to a local association; > How to escalate a complaint made at local level to an area or regional association; > When and how to make a complaint to CCHQ; > How to make a complaint about social media activity, including how to archive and submit evidence of this activity to the Complaints Team; > The process for what happens once a complaint is made, including timeframes for an investigation to be completed and how the Complaints Team will communicate with complainants and respondents; > What to do if someone has made a complaint about you; > Information about the composition of the Complaints Panel and how they assess the evidence; > A sanctions framework which specifies the types of behaviour that qualifies for each sanction; > The appeals process, including how to submit an appeal and how long appeals take to be reviewed; > The Party's Equality and Equal Opportunities Policy; > Contact details for the CCHQ Complaints Team; > The Party should consider having a confidential helpline to support complainants and respondents through the complaints process; and > The Party should also provide a link to the complaints page from their 'Code of Conduct'¹³⁴ and 'contact us'¹³⁵ pages of their website to make it easier to find. 	Twelve Months
R 2.3	Policy towards non-member volunteers	The Party should develop and publish a policy to disassociate itself from volunteers, who are not members but whose behaviour brings the Party into disrepute, for example by banning them from attending Party events or from volunteering for the Party.	Six Months

¹³³ <https://www.equalityhumanrights.com/en/publication-download/complaints-policy-and-procedure>

¹³⁴ <https://www.conservatives.com/code-of-conduct>

¹³⁵ <https://www.conservatives.com/contact>

Appendix 5: Summary of recommendations cont

R. 2 Complaints handling & appropriateness of sanctions cont

Recommendation	Action required	Timescale
R 2.4	Internal guidance on complaints Process The Party should publish internal guidance on the complaints process including: <ul style="list-style-type: none"> > How to communicate with complainants and respondents empathetically throughout the process; > How to set expectations about the length of time an investigation is likely to take; > How and when to inform complainants and respondents that their case has been dismissed, progressed to the next stage, when an outcome has been reached or if there are mitigating circumstances resulting in delays; > How to recognise the emotional strain that the complaints process has on complainants and respondents and ensure communication is more compassionate; and > How to ask complainants what outcome they are seeking from the process and set expectations. 	Six Months
R 2.5	Clarify approach to complaints' handling The Party should decide whether to handle all complaints centrally in CCHQ or improve the ability of local associations to handle complaints. Either decision requires increased staffing and training.	Six Months
R 2.6	Standardise recording of complaints The Party should ensure that complaints are recorded consistently across all local associations and CCHQ and recorded centrally.	Six Months
R 2.7	Standardise recording of complaint outcomes The Party should ensure that the reasons for suspending, overturning or lifting a sanction are recorded consistently across all local associations and CCHQ.	Six Months
R 2.8	Clarify complaints process for senior Party members The Party should have a clear process in place to investigate members at all levels of the Party, including the ability to launch independent investigations into allegations of discrimination against senior Party members.	Six Months
R 2.9	Improve complaints' data collection The Party should improve the consistency and quality of data collection and analysis of complaints. These improvements would be significantly easier to achieve with the introduction of an online form with required fields.	Six Months
R 2.10	Standardise recording of sanctions The Party should ensure that all suspensions and expulsions are recorded accurately and consistently in the Party's <i>VoteSource</i> database to ensure that no one can be readmitted if they are still serving a previous sanction.	Six Months
R 2.11	Improve follow up of conditional requirements The Party should ensure that all sanctions which require action by the respondent, such as attending training or issuing an apology, are conditional requirements for continued membership. The respondent must provide evidence that they have fulfilled the requirements and a suspension imposed or extended until proof of completion is submitted to the Complaints Team for verification.	Six Months

R.2 Complaints handling & appropriateness of sanctions cont

Recommendation	Action required	Timescale
R 2.12	Improve identification of trends in complaints The Party should improve identification of changing trends (such as complaints arising from social media activity) or regional clusters of behaviour.	Twelve Months
R 2.13	Identify balance between confidentiality and transparency The Party should find a balance between confidentiality and transparency, which allows them to publish data on case volumes, completion times and outcomes, especially where these result in the most serious sanctions such as suspension and expulsion from the Party, or relate to specific Personal Characteristics, such as Religion & Belief (e.g. Islam).	Twelve Months
R 2.14	Introduce audit of complaints process Introduce audit of complaints process The complaints handling process should be audited annually and identified issues should be addressed within six months .	Six to Twelve Months

R.3 Specific cases

Recommendation	Action required	Timescale
R 3.1	Investigate allegations in case study E The Party should launch a formal investigation into allegations of racism in the local association (Case Study E) and begin providing them with training to improve complaints handling and support to initiate cultural change.	Six Weeks
R 3.2	Resolve outstanding cases The Party should reopen investigations and resolve the cases included in this report where the complaints process has fallen short in the ways highlighted.	Six Months

THE SINGH INVESTIGATION

