



Code of Conduct for Members and Representatives of the Conservative Party

May 2022

Code of Conduct for Members and Representatives of the Conservative Party

Membership of the Conservative Party is open to all members of the public over the age of 15. Party members come from a variety of backgrounds throughout the United Kingdom, and this diversity strengthens our communities, our country, and our Party.

The Party expects basic standards of behaviour from its members. The Party can fairly expect these standards, equally, from all its members no matter who they are or what position they hold in the Party.

How does this Code of Conduct work?

This Code of Conduct is in two parts.

- Part 1 Section 1 sets out the minimum standards of behaviour the Party expects from all its members. Part 1 Section 2 sets out the minimum standards of behaviour the Party expects from its representatives. After Part 1 are some Guidance Notes to explain Part 1 in more detail.
- Part 2 sets out the complaints procedures.

Quick Guide to the Party's Complaints Procedures

The Party has three complaints procedures, depending on what is being complained about.

- Complaints about the misuse of social media are governed by the Social Media Complaints Rules.
- Complaints about opposition candidacy and agency are governed by the Opposition Candidacy and Agency Complaints Rules.
- Everything else is dealt with by the Rules of the Disciplinary Sub-Committee.

PART 1 – Minimum Standards of Behaviour

Part 1. Section 1. This section applies to all Members of the Party

General Terms and Conditions

Every Party member must comply with their General Terms and Conditions of membership that apply from time to time.

The Party Constitution

Every Party member:

- is bound by the Party Constitution.
- agrees to sustain and promote the objects and values of the Conservative Party within the United Kingdom.
- must not have engaged or engage in any conduct which brings or is likely to bring the Party into disrepute.
- must obey the Rules of every Association or Federation they belong to.

Anti-Discrimination

Every Party member must not discriminate against, bully, harass or victimise any other person because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are called the “protected characteristics” and are found in the Equality Act 2010.



Anti-bullying and harassment

Every Party member must not bully or harass anyone for any reason.

Tolerance and Respect of other Individuals

Political discourse can be very robust and adversarial. People are entitled to hold and express opinions, views and outlooks that others may strongly disagree with.

However, whatever they might think about those opinions, views and outlooks, Party members are expected to have basic, common respect for, and tolerate, those individuals who may offer them and have the right to express them.

Safeguarding

Every Party member must comply with the Party's Safeguarding Policy when it applies to them.

Behaviour on Social Media

Every Party member must not misuse social media.

A Party member may have misused social media when the use:

- a. commits a crime
- b. commits an unlawful act and/or engages in prohibited conduct under either or both Equality Acts 2006 and 2010
- c. publishes or republishes data in breach of Data Protection Act 2018
- d. breaches the Code of Conduct (including bullying, etc)
- e. breaches the Party's Safeguarding Policy
- f. in any way that, intentionally or not, breaches any part of the Party Constitution, including in particular in any way that brings the Party into disrepute
- g. breaches the Party's Opposition Candidacy and Agency Complaints Rules
- h. breaches the confidentiality of any disciplinary process
- i. to "like" or "share" or "repost" or otherwise republish or endorse posts made by others that (had they been Party members) would breach any of these criteria

"Use" for these purposes means posting or endorsing information on social media. It is immaterial whether the social media account belongs to the member or is in the name of the member. This includes social media accounts belonging to, for example, Associations or Federations, Conservative Council Groups, Branches, Campaign Groups and Affiliate Groups.

"Use" covers situations where Party members allow others access to social media accounts over which they have control.

The Rules which apply to breaches of this obligation not to misuse social media are the Social Media Complaints Rules.

Helping Political Opponents

Every Party member must not:

- be a member of any other registered political party
- be associated with any other registered political party

If they do, it is an automatic disciplinary offence and if proved is likely to result in their expulsion from the Party, The Rules which apply to breaches of these obligations are the Rules of the Disciplinary Sub-Committee.

Every Party member must not:

- oppose any Conservative candidate in any election and/or
- act as the agent for anyone who does



If they do, it is an automatic disciplinary offence and if proved is likely to result in their expulsion from the Party. The Rules which apply to breaches of these obligations are the Opposition Candidacy and Agency Complaints Rules.

Compliance with Disciplinary Sanctions

Every Party member must comply with all disciplinary sanctions made against them. Failure to do so may result in further disciplinary action.

Part 1. Section 2. This section applies to Party Representatives only

The standards of behaviour set out in Part 1 Section 1 apply to Party Representatives. There are additional standards as well set out below.

Party Representatives mean anyone who represents the Party to others (particularly members of the public) in an elected, appointed or other way. This includes but is not limited to Members of Parliament, Peers, Members of the Scottish Parliament, Members of the Senedd, Members of the London Assembly, Police & Crime Commissioners, Mayors, Councillors of whatever kind, and Association/Federation, area, regional, and national Party, officers. It also includes candidates for these roles.

Party Representatives who hold Public Office

Public Office holders are expected to adhere to what are traditionally called the Seven Principles of Public Life established by Lord Nolan and the Committee on Standards in Public Life (“the Nolan Principles”). Party Representatives who are Public Office holders are expected to know what they are and how to do that. Their conduct whilst acting in the capacity of or carrying out the duties of their public office will be governed by the public body’s own Code of Conduct and/or regulator. The Party’s Code of Conduct may also apply.

The Nolan Principles are set out below:

- Selflessness - Holders of public office should act solely in terms of the public interest.
- Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- Honesty - Holders of public office should be truthful.
- Leadership - Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Party Representatives who do not hold Public Office

Party Representatives who do not hold Public Office are expected to be guided by the Nolan Principles.



The Party therefore expects all Party Representatives to:

- be willing to challenge poor behaviour wherever they are aware of it;
- actively promote diversity and inclusion of others within their spheres of influence as best they reasonably can;
- lead by example to encourage and foster tolerance and respect of other individuals;
- treat others in a professional and straightforward manner;
- not use their position to bully, abuse, victimise, harass or unlawfully discriminate against others or allow others to do so;
- take reasonable steps to ensure that people who wish to raise concerns about bullying, discrimination, harassment and/or victimisation by others are able to do so.

Guidance Notes

What the Code of Conduct does and does not do

The Code of Conduct simply regulates the way individual members of the Party are expected to behave as members of the Party towards each other and non-Party members by setting out basic minimum standards that apply to everyone regardless of their background.

The Code of Conduct does not regulate the conduct of politics or political debate. It does not regulate political decision making or the making of public policy. For that reason, it cannot be used directly or indirectly to affect the conduct of politics or political decision making, including the making or influencing of policy. It should not therefore be used for political purposes.

The Code of Conduct must not be used in a way that interferes improperly with a person's private life. For Party Representatives, the Code of Conduct must not be used in a way that interferes with how they exercise their judgment about their work.

“Objects and Values” of the Conservative Party

These are set out in the Party Constitution. The test we use to identify an object and value is objective based on relevant evidence. That evidence may be common or historical knowledge, or common sense, Conservative Party manifestos past and present, guidance notes from the Party Board, Government policy and speeches from senior Party spokesmen including the Party leader, and so on

Bringing the Party into “Disrepute”

In this context, disrepute means causing the Party to be held in low or negative esteem as a result of a member's behaviour or actions. What is often disreputable conduct can be worked out from common knowledge or common sense. We use an objective test to identify disreputable conduct on a case-by-case basis.

Discrimination, Harassment, Victimisation and Bullying

Discrimination means, according to the Equality Act 2010, treating a person less favourably than another because of a protected characteristic and includes victimising or harassing any other person because of race (including colour, ethnic or national origin, nationality, citizenship), sex, gender re-assignment, sexual orientation, marital or civil partnership status (in employment contexts), disability, age, religion or belief and pregnancy and maternity status.

The Party has since 2016 fully adopted the International Holocaust Remembrance Alliance's definition of antisemitism. This is relevant on the question of discrimination on the grounds of race and religion or belief.



Harassment means any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive situation or environment for them. A single incident can amount to harassment. Harassment may involve conduct of a sexual nature, or it may be related to age, disability, gender reassignment, marital or civil partner status (in employment contexts), pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Harassment is unacceptable even if it does not fall within any of those categories.

Victimisation provisions protect certain individuals who do (or might do) acts such as bringing discrimination claims, complaining about harassment, or getting involved in some way with another complaint (such as giving evidence). It may therefore occur where a person subjects another person to a detriment because either that person has acted in such a way and/or is believed to have acted in such a way or may act in such a way.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength, influence and the power to coerce through fear or intimidation. Bullying can be physical, verbal or non-verbal. A bully can be a person who deliberately allows or encourages another to bully someone else.

PART 2 – The Party’s Complaints Procedures

As explained above, there are three procedures. Each procedure has a right of appeal.

Complaints about the misuse of social media use the Social Media Complaints Rules.

Complaints about Opposition Candidacy and Agency use the Opposition Candidacy and Agency Complaints Rules.

For everything else, use the Disciplinary Sub-Committee Rules.

Guidance Notes

Why are there three separate procedures?

Speed and efficiency. By default, all complaints are decided by an independent Panel of the Disciplinary Sub-Committee. However, complaints about social media and opposition candidacy can be dealt with more quickly because of their specific subject matter, and a much quicker process is often possible without compromising the fairness of the process.

Very occasionally, a complaint made under the Social Media Complaints Rules turns out to be more complicated than it seemed. In that case, it may be referred to the Disciplinary Sub-Committee and dealt with by those rules.

What can be complained about?

The Party will only decide complaints about breaches of the Code of Conduct. It will not, for example, decide complaints about political decisions, government or opposition policy or the position taken on any matter of political interest.

The Code must not be used for political purposes, including attempts to bring political pressure to bear or secure political outcomes, either directly or indirectly. That would be improper and likely be unlawful. The Code must also not be used with the intention to bully, intimidate, or harass people, which includes, if done in bad faith, trying to damage people’s reputations. To do so would be an abuse of process and would result in the complaint being rejected.

Confidentiality

The entire complaints process is confidential. That means confidential between the complainant, the respondent, and the Party. The reason is to ensure that the process is fair and to protect the identities of everyone concerned, including witnesses. If any party breaches confidentiality, it may mean the process is compromised to their detriment and the detriment of the process.

If the confidentiality of the process is breached by any party, the Party reserves the right to take such action as it thinks fit, including to no longer regard itself as bound by a duty of confidence.

The Party's 'Complaints under the Code of Conduct for Members – Transparency and Reporting Policy' (as amended from time to time) applies to all complaints handled under the Code and sets out the circumstances in which confidentiality may be overridden by the Party. In addition, the policy sets the circumstances and manner in which the Party will publish statistics and data about complaints under this Code.

Evidence, the burden of proof and the standard of proof

The Conservative Party adopts an “evidence-based approach” when deciding a complaint. That means the decision makers who decide whether a complaint is upheld or not will require evidence that proves what is being alleged.



A person who makes a complaint must prove it.

The complainant is responsible for producing the evidence to support their complaint. The Presenting Officers do not act on behalf of members of the public or the people being complained about. They do not collect evidence on behalf of the complainant.

Complaints must be proved on the “balance of probabilities”, which means showing that something happened was more likely than not.

The respondent does not have to prove their innocence, but they do have to prove anything they allege in response to the complaint to the same standard as the complainant.

Natural Justice

This means that a person who is complained about has the right to know what the complaint is against them (including the evidence on which it is based), the right to a reasonable opportunity to defend themselves, and the right to have the case decided by an independent and impartial panel.

Each of the three procedures used by the Party is slightly different from the other. There are common features which are designed to make sure there is natural justice in each one:

- Someone makes a complaint (“a complainant”).
- The complaint is sifted. It is either accepted or rejected by a Presenting Officer.
- If a complaint is rejected, the complainant is told with reasons.
- If a complaint is accepted, it is communicated to the person complained about (“the respondent”) for a response.
- When the parties have been afforded a reasonable opportunity to make representations, the case is handed to and/or heard by an independent decision-maker who will decide whether to uphold or dismiss the complaint.
- If the complaint is upheld, the decision maker may impose a sanction.
- The parties are told of the outcome.
- The Respondent has the right to appeal.

How are complaints investigated?

Complaints are handled by Conservative Party staff called Presenting Officers. They are impartial and independent of the parties to the complaint. They do not favour one side or the other, including helping one side against the other. Their primary role is to formulate a case for presentation to the independent decision-making panel.

From time to time, the Party itself may bring a complaint against a member. The Presenting Officer has the power to do this on the Party’s behalf. In such situations, the respondent will be told in writing that the Party is bringing the complaint and the Presenting Officer is acting on the Party’s behalf.

In other cases, a complainant makes a complaint. The case is assigned to a Presenting Officer who will apply a sift based on what the complainant has provided. If the case passes the sift, it will be investigated. If it fails the sift, it will be rejected. An example of a complaint failing the sift is if it cannot be fairly investigated because too much time has passed since the events in question. Another example is if the case is on first glance so weak because of insufficient evidence that means it is unlikely to succeed.



The Presenting Officer will assess the evidence the complainant has provided and may ask for more evidence or make further inquiries. Third party witness evidence may be collected at this stage by the complainant.

If the Presenting Officer is satisfied that the complaint has a greater than evens chance of succeeding, they will formulate a charge and present it to the respondent who will have the opportunity to answer it. The Presenting Officer may ask for more evidence or make further inquiries at that stage.

The Respondent's case will be shown to the complainant. In exceptional circumstances, the complainant may be given the right to reply to the respondent's case. If that happens, the respondent will have a further opportunity to comment because they must be entitled to the last word.

At any time during this process, the Presenting Officer has the power to suggest Alternative Dispute Resolution (ADR) to the parties using the Party's ADR facilities. Senior members of the Party are qualified mediators, and they may be asked to help resolve a dispute. ADR must be consensual. No one can be forced to do it.

When each side has had the opportunity to present their cases, the Presenting Officer will present the case to a panel for a decision.

Who decides the complaints?

The panels that decide the complaints are independent of the complainant and the respondent. They comprise either three or five individuals. They are drawn from a pool of possible panel members, depending on their suitability and qualification to decide a case and their availability. The parties will be told the names of who will be on a panel as soon as possible after it is known.

The general rule is that all complaints are decided using documents alone. The decision makers have the power to hold an oral hearing at their discretion.

Appeals

Respondents who receive an adverse decision have the right to appeal to the Individual Member Review Committee. The Rules and Procedures of that Committee follow in the Rules of the Disciplinary Sub-Committee. There is no right of appeal after the Individual Member Review Committee.

Rules and Procedures of the Disciplinary Sub-Committee

1. **Making a Complaint about a Breach of the Code of Conduct**

1.1 Complaints for hearing by the Disciplinary Sub-Committee ("the Committee") may be made by:

- a. The Chairman of the Conservative Party ("the Party Chairman");
- b. The Board of the Conservative Party ("the Party");
- c. A member of Senior Management of the Party;
- d. A constituency Association;
- e. A member of the Party;
- f. An officer or employee of the Party or of any constituency Association; and/or
- g. An individual.

1.2 A complaint is made against a Respondent.

1.3 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.

1.4 Presenting Officers

1.4a After the complaints have been made, they are managed by a Presenting Officer who may delegate his or her duties to a person experienced and skilled enough to discharge them.

1.4b Where a complaint is made by the Chairman of the Party, or the Board, or a member of the Senior management of the Party, the Presenting Officer will prosecute the complaint on behalf of the Party.

2. **The Grounds and Form of the Complaint**

2.1 All complaints must be in writing and addressed to "the Presenting Officer" at complaints@conservatives.com or by post to Conservative Party, 10 Wellington Place, Leeds LS1 4AP or by any method of submission as determined by the Board of the Conservative Party.

2.2 A complaint must allege that a named respondent has breached the Code of Conduct, specify the breach and give reasons and all evidence for the allegation.

2.3 Presenting Officers may request the complainant to clarify the complaint if they do not understand it, or they consider that it may not be reasonably understood by the respondent to the complaint.

3. **Pursuing a Complaint**

Receipt, Investigation and Refusal of a Complaint



- 3.1 When they receive complaints which are capable of being reasonably understood, the Presenting Officers 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 because
- it is frivolous or vexatious;
 - it is incapable of being investigated for whatever reason; and
 - 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 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 will explain why in writing to the complainant.

The Defence of any Complaint and Subsequent Process

- 3.5 If the complaint has not been refused, and once any further information and evidence has been supplied, the Presenting Officer will send it to the respondent of the complaint as soon as possible.
- 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.
- 3.8 Whether or not any response to the defence is required is at the discretion of the Presenting Officer.
- 3.9 If a Presenting Officer considers a reply to the defence is required, the Presenting Officer will send the reply to the respondent who will be entitled to have the last word. The respondent shall have 7 days to do that.
- 3.10 After the process described in paragraphs 3.1 to 3.9 has taken place, no further submissions or evidence will be allowed to the complainant or to the respondent except in exceptional circumstances
- 3.11 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 or she 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.

4. Formation of the Committee

- 4.1 A complaint is decided by a Committee of at least three individuals from a pool of candidates approved by the Party Board.
- 4.2 Every Committee shall have a Chair.
- 4.3 The Committee must be independent of the parties and impartial.



- 4.4 As soon as reasonably possible after the constitution of the Committee, the names of the individual members shall be provided to the parties.

5. Transmitting the Complaint to the Committee and the Committee's Work

- 5.1 After the process set out above, 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 (if any);
 - d. the rejoinder to the reply (if any);
 - e. all accompanying and relevant documents;
 - f. a copy of the Code of Conduct.
- 5.2 The Presenting Officer must make sure that the complainant and the respondent have the same documentation as the Committee.

6. Powers of the Committee

- 6.1 The Committee has the powers set out in Appendix 1. The powers are enforceable from the time the Committee is formed.
- 6.2 The standard of proof is the balance of probabilities.
- 6.3 The Committee may decide matters of fact and law. It may decide whether a complaint is allowed or dismissed. It 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.
- a. Conditions on the ongoing membership of the Party, such as the need to undertake training or to make an appropriate apology or suspension from any office held within the Party or suspension from any candidature within the Party. The cost of complying with such conditions shall be borne by the respondent.
 - b. A rebuke of the respondent.
 - c. A severe rebuke of a respondent.
 - d. An order of non-renewal of Party membership.
 - e. Suspension from the Party for a period of time to be determined by the Board.
 - f. Expulsion from the Party.

7. The Right of Appeal

- 7.1 The respondent has a right to appeal a decision of the Committee. A notice of appeal must be made in writing within 28 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 received, not when it is sent. Notice may be sent and received by email and post.



- 7.2 An appeal must be made in writing, and set out full grounds, to the Head of Complaints of the Conservative Party either by email to complaints@conservatives.com or by post to Conservative Party, 10 Wellington Place, Leeds LS1 4AP. The appeals procedure set out in Appendix 1 shall apply.
- 7.3 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").
- 7.4 Where the Committee recommends any other form of sanction other than suspension, expulsion or non-renewal, the "Before Appeal" applies.
- 7.5 The Before and After appeals are conducted before the Individual Member Review Committee, in accordance with Schedule 6 paragraph 21 of the Party Constitution.

Rules And Procedures of The Individual Member Review Committee

1. The Committee has the power to determine appeals pursuant to Schedule 6 (21) of the Constitution of the Conservative Party.
2. The Committee has the power to determine appeals from the decisions of the Disciplinary Sub-Committee and of Committees constituted under the Social Media Complaints Rules and the Opposition Candidacy and Agency Complaints Rules. The Committee also has the power to hear appeals about sanctions imposed by the Party Board.
3. The Committee shall consist of no fewer than three persons drawn from membership of the Disciplinary Sub-Committee of the Board appointed by the Board of the Conservative Party. No member of the Committee shall have had any prior involvement in the matter before it and shall be independent of the parties.
4. The Chair of the Committee shall be a member of the Disciplinary Sub-Committee but shall have had no prior involvement in the matter under appeal.
5. The Committee shall have absolute discretion to organise and manage all matters under its jurisdiction as it sees fit, if 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 as it considers necessary, either of its own motion or on application by the parties. The Committee as a general rule decides appeals on documents alone without an oral hearing but it may direct an oral hearing in its absolute discretion.
6. The Committee may seek legal advice. That legal advice (and its instructions) shall be confidential and privileged to the Committee. However, if the Committee decides to rely on such legal advice, that advice shall be described in writing in its written record of decision.
7. The appeal process is confidential to the parties and the Party. The work of the Committee, including the proceedings shall be confidential to the Committee and no person, association or other legal entity shall disclose any details, information or documents pertaining to the work of the Committee to any third party without the written consent of the Chair of the Committee. Hearings and deliberations shall be conducted in private.

8. The proceedings of the Committee shall be informal, and the strict rules of evidence shall not apply. The Committee may retain a legal assessor.
9. The standard of proof is the balance of probabilities.
10. If the Committee invites any person to make written representations, all documents should be received by the Secretary to the Committee by no later than 16.00hrs on the day stipulated by the Secretary of the Committee in writing. Any person with an interest in the matter who wishes to make written representations is invited to send to the Committee all documents by no later than 16.00hrs on the day stipulated in writing by the Secretary of the Committee.
11. Documents should be sent by email to complaints@conservatives.com with the subject line *IMRC: Private and Confidential*.
12. The Chair of the Committee shall have absolute discretion to determine who shall or shall not be given the opportunity to provide written or oral evidence and define or limit the parameters of such evidence.
13. The Committee may invite any person, at its absolute discretion, to appear before it to answer questions (either in person or in writing). That person may decline the invitation and the Committee will be entitled to draw an adverse inference should any person decline the Committee's invitation to appear.
14. The Committee may proceed in the absence of any witness or individual where it is satisfied that adequate notice has been given of the hearing and adequate notice to make representations and/or where it is in the interests of justice to do so.
15. If any person wants to be legally represented, the Chair of the Committee shall determine whether any person may be legally represented at any oral hearing.
16. Any person appearing before the Committee may (for moral support) be accompanied by a friend or colleague with whom he or she may confer, but who may not address the Committee nor answer any question on his or her behalf. A friend or colleague may act in a personal capacity only and be bound by the rules relating to the confidentiality of the proceedings as set out above.
17. The Chair of the Committee shall have absolute discretion to exclude from the hearing, or from any part of it, any participant whose conduct is disrupting or likely to disrupt the hearing, or is likely to prevent another person from giving evidence or making submissions freely.
18. The Chair of the Committee shall have absolute discretion to amend or vary these procedures where it is considered appropriate, necessary, reasonable or in the interests of justice.
19. Any member of the Conservative Party who breaches the confidentiality of the proceedings shall be liable to disciplinary action. In extreme cases, this may result in that person's expulsion from the Party and other remedies being taken.
20. The decision of the Committee shall be final.
21. The Committee shall communicate its reasoned findings in writing to the relevant parties within 28 days from the final decision being made.

Appendix I

Powers of the Committee and Procedural Rules for Oral Hearings/Decision Sessions

1. The Committee has absolute discretion to organise and manage 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.
2. Generally, the Committee shall decide complaints without an oral hearing. It may order an oral hearing at its absolute discretion.
3. Oral hearings/decision sessions are in private. No member of the public may attend although at oral hearings 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.
4. Without prejudice to the general power set out in paragraph 1, the Committee may make directions about 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.
5. Where there is an oral hearing, the respondent shall, unless he or she 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.
6. Whether or not there is oral hearing, the Committee may at any time require the respondent to state in writing whether he or she:
 - a. accepts the complaint and if not on what grounds he denies the complaint;
 - b. accepts the facts as stated in the summary and if not the grounds for challenge;
 - c. accepts the complaint whether he has any explanation in mitigation;
 - d. intends to attend and/or be represented at the hearing.
7. 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.
8. 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.
9. Where there is an oral hearing, 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.
10. Where there is an oral hearing, the respondent is entitled to address the Committee and to give evidence and to produce any document or call any witness.
11. Where there is an oral hearing, 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.
12. Where there is an oral hearing, both parties may make closing statements but in any event the respondent must have the last word.
13. Whether or not there is an oral hearing, the decision-making process is informal (in the legal sense of the word), and the strict rules of evidence shall not apply. Evidence will not be taken on oath.
14. The Committee may deliberate in private and without the parties present at any time.

15. The Committee may notify the parties of its decision at the hearing (if any) or reserve its decision when a written notice of the decision will be sent to all parties.
16. The Committee may in its discretion hear/decide two or more complaints against a member at the same hearing.
17. The Committee may hear/decide complaints against two or more members in the same hearing/decision making session, provided that both members agree.
18. The Committee may adjourn its proceedings from time to time as it thinks fit of its own volition or upon application by either party.
19. 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 consider 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.
20. The decision of the Committee shall take effect immediately but, where a respondent appeals, the effect of the decision is stayed pending the appeal.
21. The Committee must record its decision in writing which must be sent to the parties as soon as possible after it has been drafted. If the Committee obtained legal advice when making its decision it shall record that advice in its written decision.
22. 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.

THE SOCIAL MEDIA COMPLAINTS RULES

What are these Rules?

These rules govern the handling of complaints about the misuse of social media. They are part of the Code of Conduct for Members and Representatives of the Conservative Party [2022].

Who can make a complaint under these Rules?

Any person who is 15 years of age or older.

When do these rules apply?

Where any person over the age of 15 thinks that a current member of the Conservative Party has misused or abused social media, they can complain about that to the Party. If they want to complain, they must follow these rules. If a person under the age of 15 wishes to make a complaint it can be made by their parent or guardian.

If a person is complained about under these rules, he or she is entitled a reasonable opportunity to defend themselves but must do so by following these rules.

Jargon

The person making a complaint is called the Complainant. The person who is complained about is called the Respondent.

In these rules, a person's complaint is called a complaint. A response to the complaint is called a response. Together, they are both called a matter.

More than one person can make the same complaint. More than one person can be the Respondent to the complaint. In these rules Complainant and Respondent refer to singular or plural.

Confidentiality and Legal Proceedings

Proceedings under these rules are confidential. The Complainant and Respondent must keep them confidential.

Nothing under these Rules affects anyone's rights to bring any lawful proceedings in any Court or to refer any matter to a UK law enforcement agency.

How to Make a Complaint

1. Make it promptly. A Complainant must make a complaint promptly after becoming aware of misuse or abuse complained about. Any delay in making a complaint may prejudice it being resolved. Serious delay may mean that the complaint may be rejected because it is not possible to deal with it fairly. What amounts to delay or serious delay will depend on the facts of each case and will be decided by the Presenting Officer.
2. Provide all relevant information. Any complaint must provide the following information:
 - a. The name of the Complainant including two sets of contact details;
 - b. The name of the Respondent and their position in the Party (if known);
 - c. A clear factual description of what the Respondent has done;
 - d. When they did it;
 - e. How they did it (including naming the social media used, if known);
 - f. Why it is being complained about;

- g. A calendar date when the Complainant first became aware of the misuse or abuse.
 - h. If previous steps have been taken to resolve the matter, an explanation of what they are.
 - i. If the matter is in court proceedings or with the police, details of that.
3. Provide all relevant evidence. In addition to this information, the Complainant must also provide ALL the evidence they want to rely on including witness evidence. This is the only opportunity under these Rules to provide evidence to support a complaint. Illegible material will not be accepted.
 4. The Respondent is only obliged to respond to the complaint.
 5. Send the complaint to the correct place. The complaint must be sent or delivered to The Presenting Officer at The Conservative Party, 10 Wellington Place, Leeds LS1 4AP or in an email marked for their attention to complaints@conservatives.com.

Sending the Complaint to the Respondent

6. After the complaint has been received, the Presenting Officer will consider whether the complaint should be rejected or accepted. The Officer will reject the complaint if it is considered
 - a. having regard to what information and evidence is required, it is incomplete;
 - b. to have no obvious merit; and/or
 - c. to be frivolous or vexatious; and/or
 - d. the evidence is, at first glance, clearly too weak to prove the allegation on the balance of probabilities; and/or
 - e. there has been a serious delay making the complaint; and/or
 - f. there is another compelling and legally justifiable reason to do so, including the legitimate expression of political views.

The Complainant will be told of any rejection of the complaint at this stage as soon as possible. It is permissible to re-make the complaint on one further occasion. Thereafter, the complaint will not be accepted. In all other cases, the Presenting Officer will promptly send the complaint to the Respondent without undertaking any further investigation.

The Response to the Complaint

7. The Respondent is entitled to admit the complaint or deny it. The Respondent must tell the Presenting Officer in writing whether the complaint is admitted or denied in accordance with these Rules.
8. If the Respondent denies the complaint he or she must
 - a. give all their reasons for doing so and;
 - b. provide all evidence in support of their position, including any witness evidence; and
 - c. provide any points in mitigation.

This is the only opportunity that they will have to explain their position. Illegible material will not be accepted.

9. The Respondent must communicate the response to the complaint by 18.00hrs on the fifth working day after the Presenting Officer sent out the complaint. To avoid doubt, the first of those 5 days is the first working day after the complaint was sent out. For example, if the complaint was sent on Monday 1 June, the Respondent must respond to the Presenting Officer by 18.00hrs on Monday 8 June. The



Presenting Officer may extend the deadline from 5 working days up to no more than 10 working days if either the Respondent request it or there is a very compelling reason to grant that request.

10. If the Respondent fails to admit or deny the complaint, or fails to respond to the complaint at all, the matter will be referred to the panel on the expiry of the 5-day deadline specified above without further notice or reference to the Respondent.
11. If the Respondent admits the complaint and wishes to make amends themselves, they must tell the Presenting Officer and explain what steps are intended and when they will be taken.

Referring the Matter for a Decision

12. After the Presenting Officer has received the response to the complaint, the matter shall be referred to a decision-making panel as soon as possible.
13. The panel will comprise of at least one and at most five persons and will be drawn from the panel of the Disciplinary Sub-Committee.
14. The panel will decide whether the complaint is upheld or rejected. If it is rejected, the Complainant will be told in writing as soon as possible with reasons. If it is accepted, the Complainant and the Respondent will be told in writing as soon as possible with reasons.
15. If it is accepted, the panel is entitled, to sanction a Respondent where a complaint has been upheld or take such other regulatory step as they see fit. The sanctions and regulatory steps that may be imposed are set out in schedule 1. The sanctions and steps are deemed to be effective immediately unless stated otherwise.
16. The panel may, instead of imposing a sanction and their absolute discretion, refer the matter to a Disciplinary Sub-Committee constituted under the Rules and Procedure of the Disciplinary Sub-Committee for further consideration including the imposition of any sanction.
17. Failure by a Respondent to comply with any decision is a discrete disciplinary offence under the Party Constitution and may justify separate disciplinary proceedings being brought.

Appeal

18. The Respondent has the right to appeal a decision. A notice of appeal must be made in writing within 28 days of the decision being received by the Respondent, excluding (for the purposes of calculating time) the day of receipt. Any notice of appeal made after this time shall not be valid. Notice is given when it is actually received, not when it is sent. Notice may be sent and received by email (complaints@conservatives.com). An appeal must be made in writing, and set out full grounds by email to complaints@conservatives.com or by post to Conservative Party, 10 Wellington Place, Leeds LS1 4AP. The appeals procedure set out in Appendix 1 of the Rules and Procedure of the Disciplinary Sub-Committee (available upon request) shall apply.
19. All appeals are decided by the Individual Member Review Committee in accordance with its Rules and Procedures.
20. It is permissible for an appeal committee to impose a different penalty to the one imposed by the panel, including a more serious penalty.

Annex: Interpretation

A Party member may have misused social media when the use:

- a. commits a crime



- b. commits an unlawful act and/or engages in prohibited conduct under either or both Equality Acts 2006 and 2010
- c. publishes or republishes data in breach of Data Protection Act 2018
- d. breaches the Code of Conduct (including bullying, etc)
- e. breaches the Party's Safeguarding Policy
- f. in any way that, intentionally or not, breaches any part of the Party Constitution, including in particular in any way that brings the Party into disrepute
- g. breaches the Party's Opposition Candidacy and Agency Complaints Rules
- h. breaches the confidentiality of any disciplinary process
- i. to "like" or "share" or "repost" or otherwise republish or endorse posts made by others that (had they been Party members) would breach any of these criteria

"Use" for these purposes means posting or endorsing information on social media. It is immaterial whether the social media account belongs to the member or is in the name of the member. This includes social media accounts belonging to, for example, Constituency Associations or Federations, Conservative Council Groups, Branches, Campaign Groups and Affiliate Groups.

"Use" covers situations where Party members allow others access to social media accounts over which they have control.

Schedule 1

These are the sanctions available if the 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.
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.
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.

Note: Three severe rebukes under these or any other Party disciplinary rules shall automatically and immediately result in suspension from the Party for a period to be determined by the Chairman of the Board of the Conservative Party.

OPPOSITION CANDIDACY AND AGENCY COMPLAINTS RULES

What are these Rules?

No member of the Conservative Party is allowed to oppose a Conservative Party candidate in any election. Also, they are not allowed to act as the agent of such a person. To do either is to commit a serious disciplinary offence.

These rules govern the handling of complaints about Conservative Party members standing as a candidate against and/or acting as an agent for another who is standing against one or more Conservative candidates in any local or general elections, including any by-elections.

They are made pursuant to the Party's Constitution which gives the Party Board the power to take disciplinary action against 'any member whose conduct is in conflict with the purpose, objects and values of the Party' (Part IV, para. 17.22) and makes clear that 'standing in an election against an official Party Candidate shall be considered to be a ground for expulsion of a Party Member from the Association of which they are a member and from the Party (Schedule 6, para. 11). These rules do not apply to any other type of conduct.

Who can make a complaint under these Rules?

Any person who is 15 years of age or older.

When do these rules apply?

Where any person over the age of 15 thinks that a current member of the Conservative Party is in any public election

- a. standing as a candidate against one or more Conservative candidates; or
- b. is acting as an agent for a non-Conservative Party candidate.

If they want to complain, they must follow these rules. If a person under the age of 15 wishes to make a complaint it can be made by their parent or guardian. A person cannot complain about someone who is not a current member of the Conservative Party.

If a person is complained about under these rules, he or she is entitled a reasonable opportunity to defend themselves but must do so by following these rules.

Jargon

The person making a complaint is called the *Complainant*. The person who is complained about is called the *Respondent*.

In these rules, a person's complaint is called a *complaint*. A response to the complaint is called a *response*. Together, they are both called a *matter*.

More than one person can make the same complaint. More than one person can be the Respondent to the complaint. In these rules *Complainant* and *Respondent* refers to singular or plural.

The Conservative Party may be a complainant and it has the right and the power to bring a complaint in its own name.



Confidentiality and Legal Proceedings

Proceedings under these rules are confidential. The Complainant and Respondent must keep them confidential.

Nothing under these Rules affects anyone's rights to bring any lawful proceedings in any Court or to refer any matter to a UK law enforcement agency.

How to Make a Complaint

1. Make it promptly. A Complainant must make a complaint promptly after becoming aware of the candidate or agent complained about. Any delay in making a complaint may prejudice it being resolved. Serious delay may mean that the complaint may be rejected because it is not possible to deal with it fairly. What amounts to delay or serious delay will depend on the facts of each case and will be decided by the Presenting Officer.
2. Provide all relevant information. Any complaint must provide the following information:
 - a. The name of the Complainant including two sets of contact details;
 - b. The name of the Respondent and their position in the Party (if known);
 - c. The electoral area in which the Respondent is alleged to be standing or acting as agent;
 - d. The election in which the Respondent is alleged to be standing or acting as agent.
3. Provide all relevant evidence, including the Statement of Persons Nominated or Declaration of Result of Poll or Notice of Election Agents' Names and Offices if they are available. In addition to this information, the Complainant must also provide ALL the evidence they want to rely on including witness evidence. This is the only opportunity under these Rules to provide evidence to support a complaint. Illegible material will not be accepted.
4. The Respondent is only obliged to respond to the complaint.
5. Send the complaint to the correct place. The complaint must be sent to the Presenting Officer at the Conservative Party, 10 Wellington Place, Leeds LS1 4AP or in an email marked for their attention to complaints@conservatives.com.

Sending the Complaint to the Respondent

6. After the complaint has been received, the Presenting Officer will consider whether the complaint should be rejected or accepted. The Officer will reject the complaint if it is considered
 - a. having regard to what information and evidence is required, it is incomplete;
 - b. the evidence is, at first glance, clearly too weak to prove the allegation on the balance of probabilities.

The Complainant will be told of any rejection of the complaint at this stage as soon as possible. It is permissible to re-make the complaint on one further occasion provided it is made within three working days of receiving notification that this may occur. Thereafter, the complaint will not be accepted.

7. In all other cases, the Presenting Officer will promptly send the complaint to the Respondent without undertaking any further investigation.

The Response to the Complaint

8. The Respondent is entitled to admit the complaint or deny it. The Respondent must tell the Presenting Officer in writing whether the complaint is admitted or denied in accordance with these Rules.
9. If the Respondent denies the complaint, it must be for a stated reason. They must provide all evidence in



support of their position, including any witness evidence. This is the only opportunity that they will have to explain their position. Illegible material will not be accepted.

10. The Respondent must communicate the response to the complaint by 18.00hrs on the fifth working day after the Presenting Officer sent out the complaint. To avoid doubt, the first of those 5 days is the first working day after the complaint was sent out. For example, if the complaint was sent on Monday 1 June, the Respondent must respond to the Presenting Officer by 18.00hrs on Monday 8 June. The Presenting Officer may extend the deadline from 5 working days up to no more than 10 working days if either the Respondent request it or there is a very compelling reason to grant that request.
11. If the Respondent fails to admit or deny the complaint, or fails to respond to the complaint at all, the matter will be referred to the panel on the expiry of the 5-day deadline specified above without further notice or reference to the Respondent.
12. If the Respondent admits the complaint and wishes to make amends themselves, they must tell the Presenting Officer and explain what steps are intended and when they will be taken.

Referring the Matter for a Decision

13. After the Presenting Officer has received the response to the complaint, the matter shall be referred to a decision-making panel as soon as possible.
14. The panel will comprise of at least one and at most five persons and will be drawn from the panel of the Disciplinary Sub-Committee.
15. The panel will decide whether the complaint is upheld or dismissed. If it is dismissed, the Complainant will be told in writing as soon as possible with reasons. If it is accepted, the Complainant and the Respondent will be told in writing as soon as possible with reasons.
16. If it is accepted, the panel is entitled, to sanction a Respondent where a complaint has been upheld or take such other regulatory step as he or she sees fit. The sanctions and regulatory steps that may be imposed are set out in schedule 1. The sanctions and steps are deemed to be effective immediately unless stated otherwise.
17. The panel may, instead of imposing a sanction and in his or her absolute discretion, refer the matter to a Disciplinary Sub-Committee constituted under the Rules and Procedure of the Disciplinary Sub-Committee for further consideration including the imposition of any sanction.
18. Failure by a Respondent to comply with any decision is a discrete disciplinary offence under the Party Constitution and may justify separate disciplinary proceedings being brought.

Appeal

19. The Respondent has the right to appeal a decision. The Complainant has no right of appeal.
20. The procedure of an appeal is set out in paragraphs 7.1 – 7.5 of the Rules and Procedure of the Disciplinary Sub-Committee.
21. It is permissible for an appeal committee to impose a different penalty to the one imposed by the panel, including a more serious penalty.

Schedule 1

These are the sanctions available if the 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.
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.
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.

Note: Three severe rebukes under these or any other Party disciplinary rules shall automatically and immediately result in suspension from the Party for a period to be determined by the Chairman of the Board of the Conservative Party.