

The work of the Labour Party's Governance and Legal Unit in relation to antisemitism, 2014 - 2019

**The Labour Party
March 2020**

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1. Introduction and Executive Summary

1.1. Executive Summary

The Labour Party exists to champion equality, and fight discrimination and prejudice. These aims are not secondary to any wider goals of the Party - they are fundamental to its purpose.

The decision of the Equality and Human Rights Commission to investigate the Labour Party to determine whether the Party committed unlawful acts in relation to its members is therefore a matter of extreme seriousness to the Party.

The events which led to this investigation, including the Party becoming host to a small number of members holding views which were unarguably hostile to Jewish people and in some cases frankly neo-Nazi in their nature, are deeply disturbing.

This has caused great pain to the Jewish community in this country, including Jewish members of the Labour Party. The Party must take all possible steps to repair this damage, and apologise for failing to take the necessary action to tackle the problem sooner.

This report is a result of the in-depth and extensive investigatory work which the Party has undertaken to comprehensively respond to the Commission's investigation, and aims to provide a full and thorough account of the evolution of the Party's disciplinary processes in relation to dealing with complaints of antisemitism. It sets out the evidence of what has happened, explains the evident shortcomings in the Party's work, and assesses the improvements the Party has made in the last two years in particular. To aid the reader, every section has a "Summary" at the start, which covers the key topics and findings of each section.

It does not directly address the wider politics of antisemitism or a number of the controversies which have convulsed the Party, since these fall outside the scope of the Commission's investigation, but such matters are inevitably touched upon at points.

This report thoroughly disproves any suggestion that antisemitism is not a problem in the Party, or that it is all a "smear" or a "witch-hunt". The report's findings prove the scale of the problem, and could help end the denialism amongst parts of the Party membership which has further hurt Jewish members and the Jewish community.

This report reveals a litany of mistakes, deficiencies, and missed opportunities to reform, develop and adapt a clearly failing disciplinary system. Since Jennie Formby became General Secretary in 2018, the Party has taken extensive measures to create a

functioning disciplinary system capable of dealing with antisemitism complaints at considerable volume and in an appropriate manner, with a high standard of investigations and decision-making. However, this report shows that some problems still continued during this period, and so further extensive work was undertaken in 2019 to improve processes and revisit decisions taken in previous years.

As this report demonstrates, significant and wide-ranging measures have been put in place to ensure that the errors and procedural problems that have taken place in the past, which are documented in this report, could not be repeated again today.

The Party welcomes the opportunity which this investigation has given us to further hold a magnifying glass up to the Party's performance in relation to managing this issue over this time period and closely inspect our internal flaws and failings in this regard.

The Commission's investigation spans the time period from 11 March 2016 until the commencement of the investigation on 28 May 2019 (although the Commission has both requested and received evidence from before and after this period). However, the matters under consideration cannot truly be understood without looking at a longer time period. This report reviews material spanning 2014-2020, although in one section, the Party has gone back as far as 2010 in order to better understand the situation.

The situation in 2016 was different to the situation in 2019. These time periods, and all those between, cannot necessarily be analysed and understood through the same lens. In 2016, the problem of antisemitism in the Labour Party could be attributed to a small number of individuals who had long held antisemitic views - some of them new joiners, some long-standing members - as well as individuals who had inadvertently strayed into antisemitic discourse through apparent ignorance, often linked to passionately-held views on the conflict between Israel and Palestine. In 2019, the problem of antisemitism is more widespread, because a specific discourse has developed around "Labour and antisemitism" which in itself has antisemitic undertones and has aggravated the problem.

In 2015, the membership of the Labour Party was about 200,000 and then suddenly more than doubled, with many of those joining with a desire to elect Jeremy Corbyn following the 2015 General Election defeat. In 2016, it grew again to well over half a million, as many members joined to participate in the 2016 leadership election. At its height Labour Party membership was almost 600,000, or roughly 1% of the British population. This is obviously welcome at a time when widespread political disengagement is assumed to be the norm. However, it meant that the Labour Party

became more broadly reflective of the problems and prejudices of British society at large.

Dealing with this was complicated by the complacent assumption that to be in the Labour Party was to be automatically free of prejudice. There are in fact a number of instances in the Party's history when it has fallen short of that ideal. In relation to antisemitism there is a lack of understanding as to how it can sometimes be expressed on the left of politics, as well as the right. This had a bearing on the failure to recognise early the problems that could be attached to a very large increase in membership, as well as such prejudices among existing members.

Some of those who joined expressed antisemitic views, sometimes framed in terms of support for the Palestinian people, but incorporating traditional tropes about Jewish power/influence. The explosion of social media has given these (and other) unacceptable views far greater exposure than they would have had fifteen or twenty years ago – what would have been private discussions are now shared publicly. The internet has also contributed to the growth and sharing of conspiratorial theories about a shadowy global elite, often tending towards antisemitism. Ten years of economic and social dislocation have also doubtless contributed to a society much less at ease with itself, and prone to the search for scapegoats.

For all these and other reasons, complaints about antisemitism in the Labour Party began to grow from 2016 onwards. At that time, the Party's disciplinary process was ill-equipped to deal with the impending caseload and, in fact, the disciplinary processes did not adequately deal with even the far fewer number of cases the Party was managing before 2015. The process was drawn out and overly complex, and staff often decided on informal resolutions, including suspending individuals and then lifting their suspensions a few weeks later, without taking the case through to the National Executive Committee (NEC) or the National Constitutional Committee (NCC).¹ At this time, staff regularly consulted with Ed Miliband's office on responses to cases involving elected representatives at all levels of the Party, as well as high-profile cases that could have a reputational impact on the Labour Party.²

When investigations did take place, these were outdated, clunky, time-consuming and required vast staff resources to undertake. These processes were not fit-for-purpose.

Therefore, in 2015 the Governance and Legal Unit (GLU) lacked systems, processes or guidance for managing complaints and disciplinary processes. The need for major reforms to address this was identified by senior staff in GLU and the General

¹ See Section 3.1.

² See Section 3.3.

Secretary's Office (GSO) by late 2015.³ Nevertheless by 2018 very little had changed. Subsequently, two rounds of rule changes at Labour's Annual Conferences, and continual reforms and changes to internal processes, have been required to introduce the reforms needed.⁴

In the period until spring 2018, the Labour Party's investigation shows that Labour HQ and GLU failed to:

- develop any consistent system of logging and recording complaints;
- develop any consistent system of logging and recording disciplinary investigations, or tracking their progress;
- develop any consistent system, process or training for investigating and progressing cases;
- develop any general guidance or training for staff on decision-making regarding complaints;
- develop any specific guidance or training for staff on decision-making regarding antisemitism complaints;
- develop any detailed or coherent guidelines for investigating complaints based on social media conduct, including how to identify Labour members from social media accounts and how to treat different forms of social media activity;
- recommend or enact any reforms to the ineffective NEC and NCC disciplinary procedures, to bring in new systems suitable for a mass member party of 500,000 people or more, and capable of dealing with a much enlarged caseload;
- implement the Macpherson principle of logging and investigating complaints of racism as racism.⁵

This investigation has revealed to the Party that in this period, before Jennie Formby became General Secretary in spring 2018, GLU failed to act on the vast majority of complaints received, including the vast majority of complaints regarding antisemitic conduct. Systematically reviewing all letters sent to members by GLU from 1 November 2016 to 19 February 2018, the Party has found that GLU initiated investigations into just 34 members in relation to antisemitism in this period. More than 300 complaints relating to antisemitism appear to have been received, however. At least half of these warranted action, many of them in relation to very extreme forms of antisemitism, but were ignored. Almost all of these complaints were forwarded from one inbox to another, and many of them were identified as Labour members and sent to the Head of Disputes, Sam Matthews, for action. The Head of

³ See Section 3.1.

⁴ See Section 6.2.

⁵ See Sections 3.1, 3.2, 6.2 and 6.4-6.

Disputes rarely replied or took any action, and the vast majority of times where action did occur, it was prompted by other Labour staff directly chasing this themselves.⁶

The complaints system simply did not function, and the inbox to which complaints were forwarded by other GLU staff would apparently go months at a time without any staff member monitoring it.⁷ For the failures during this period, the Party must apologise most profusely to Jewish members and the Jewish community.

However, when questioned by the office of the Leader of the Opposition (LOTO) about such matters, as the Party's handling of antisemitism complaints came under unprecedented media and political scrutiny, senior GLU and GSO staff, including the General Secretary Iain McNicol, repeatedly:

- Insisted that all complaints were dealt with promptly.
- Justified delays and claimed that outstanding issues would be dealt with soon.
- Provided timetables for the resolution of cases that were never met.
- Falsely claimed to have processed all antisemitism complaints.
- Falsely claimed that most antisemitism complaints the party received were not about Labour members.
- Provided highly inaccurate statistics of antisemitism complaints.⁸

This situation, best characterised as bureaucratic drift and inertia, compounded by attempts to cover up poor performance (in part by, for a brief period, soliciting the involvement of LOTO staff in decisions properly the responsibility of Party HQ alone), led to several negative consequences. The provision of false and misleading information to both LOTO and the General Secretary (both Lord McNicol and subsequently Jennie Formby) by GLU when under the management of Sam Matthews, John Stolliday and Emilie Oldknow meant that the scale of the problem was not appreciated.⁹ By the time a new General Secretary took over Party HQ in April 2018 there was a backlog of cases that had been ongoing, often for years, with little to no progress, and with information on their status and content scattered across different systems and central and regional offices. Some of these were high-profile cases, awaiting decision at NEC or NCC level. There was, further, a hidden backlog of people reported to GLU for antisemitism, but never dealt with or mishandled, many of whom would be re-reported subsequently, or were picked up in spring 2018 as Iain McNicol was leaving.¹⁰

⁶ See Section 3.2.

⁷ See Section 3.2.

⁸ See Sections 3.3, 4.1-4, and 6.1.

⁹ See Section 4.4.

¹⁰ See Sections 3.2, 4.1-4, 6.1 and 6.6.

It should be clarified that there is no suggestion that these shortcomings can be attributed to any antisemitic views on the part of party officials, nor to an unwillingness to oppose their expression. The Party has found no evidence of this. On the contrary, current and former staff members have expressed their disgust at examples of antisemitic attitudes within the party. While this report focuses on complaints concerning antisemitism, complaints concerning other alleged misconduct and prejudices were handled in the same way by GLU in this period.¹¹

The problems were not just procedural, however. There is also abundant evidence of a hyper-factional atmosphere prevailing in Party HQ in this period, which appears to have affected the expeditious and resolute handling of disciplinary complaints. While it may not be immediately clear why this is relevant to a report on the party's disciplinary procedures, the way that GLU operated in the past, and the relationship between LOTO and GLU, cannot be understood without understanding the domineering role of factionalism within the Party.

Many staff, including GLU staff and senior staff with responsibility for managing and overseeing GLU, were bitterly opposed to the leadership of Jeremy Corbyn, and seem to have been demotivated, or largely interested in work that could advance a factional agenda. At its extreme, some employees seem to have taken a view that the worse things got for Labour the happier they would be, since this might expedite Jeremy Corbyn's departure from office. Further, there is little evidence of strong management of procedures, workloads, and priorities in HQ, which also impacted GLU's work.

The evidence of Labour HQ and GLU's opposition to LOTO also disproves allegations that Corbyn's office had influence over GLU's work even while Iain McNicol was General Secretary, and was responsible for GLU's failures to act in this period. The Party is aware that such claims have been made to the Commission, and hence an assessment was required of the attitude of staff in HQ towards LOTO, and the relationship between LOTO and Labour HQ. The evidence found demonstrates that staff in HQ, including in GLU and GSO, did not take instruction from LOTO. On the contrary, they often openly worked against the aims and objectives of the leadership of the Party, and in the 2017 general election some key staff even appeared to work against the Party's core objective of winning elections.

Considering this evidence, it becomes clear that the suggestion that GLU staff were being forced by LOTO to follow secret "unwritten guidance" on antisemitism - for which the Party has been unable to find any documentary evidence - did not happen and indeed could not have happened.¹²

¹¹ See Section 3.2.

¹² See Sections 2.1-3, and 4.1-4.

These issues were compounded by at times poor judgements from staff on what constitutes antisemitism and on what warrants suspension from the Party, and by staff sometimes seeking “informal resolutions” to even serious evidence of antisemitism, like asking individuals to delete and apologise. The Chakrabarti Report, released on 30 June 2016, and Jeremy Corbyn’s speech on the same day, provided guidance on a wide range of conduct that was antisemitic and had no place in the Labour Party. GLU largely failed to use this guidance, however, as well as to develop any more in-depth guidance to assist staff decision-making on complaints of antisemitism.¹³

Such problems – both managerial and procedural – have since been addressed, ensuring that the mistakes of the past could not be repeated now. These new measures include:

- clear guidelines on processing complaints and a consistent and comprehensive system for logging them;
- a prohibition on staff imposing “informal resolutions”;
- staff conducting thorough investigations into individuals complained about, rather than simply relying only on the evidence supplied in the complaint;
- staff initiating cases themselves by proactively investigating social media comments by Party members;
- the creation of small NEC panels to deal with cases of alleged antisemitism, meeting monthly or more rather than quarterly;
- the oversight of antisemitism panels by independent barristers;
- doubling of the size of the NCC to enable more cases to be heard faster, and instructions to hear cases on paper rather than in-person;
- restoring power to the NEC to expel members, rather than having to wait for NCC hearings to impose expulsions in egregious cases;
- the provision of expert antisemitism education for members of the NEC, NCC and Labour staff;
- the creation of a detailed decision-making matrix and extensive guidance to direct staff decision-making on antisemitism cases;
- ending the role of untrained Regional staff or CLPs in investigating or adjudicating on antisemitism complaints;
- the adoption of all 11 of the IHRA definition’s associated examples;
- further proactive initiatives from staff, including conducting audits into cases which were not handled appropriately by former staff, to ensure action is taken, and documenting and reporting antisemitism in Labour-supporting Facebook groups to Facebook and urging that Facebook shut such groups down and take action against individuals.¹⁴

¹³ See Section 3.1.

¹⁴ See Chapters 4-6.

GLU has been professionalised – it now handles disciplinary cases regardless of the political views of either complainants or the members complained about.

Restoring to the NEC the power to expel members, removed from it in the 1980s, has had a significant and extremely positive impact, enabling the Party to expel individuals for gross antisemitism and racism much more speedily, including individuals whose cases had been pending for a long time. There has been a radical increase in the processing of cases, with 63 people expelled for antisemitism since January 2019, compared to 11 in the three years from 2015 through to the end of 2018. New cases can now be handled swiftly - for example in the last quarter of 2019 and the first quarter of 2020, a number of individuals have been expelled within days or weeks of the complaint being submitted to the Party.¹⁵

There is of course scope for further improvements in processes and rules, and the Party is committed to considering any such proposals, particularly from the Jewish community, and from the EHRC in this regard. GLU has recently conducted a further review of all its processes and practices, and is implementing further reforms to improve efficiency, reduce bottlenecks and bring more cases to swift and robust resolution, and the Party is open to all ideas on how to improve processes.¹⁶

We hope that an approach of transparency and willingness to self-reflect and self-criticise, as demonstrated by this report, can be part of this process to help the Party root out antisemitism and ensure that never again will Labour find itself estranged from a minority community in our country.

¹⁵ See Sections 6.1-2.

¹⁶ See Section 6.6 in particular.

1.2. Scope and Sources

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1.2.1. The EHRC investigation

The Labour Party has sent the EHRC thousands of pieces of evidence and documentation, and hundreds of pages of information on particular cases and events which the Commission enquired about.

The EHRC requested information and documentation pertaining to 58 individual disciplinary cases, which the Party provided in full. In addition, the EHRC sent “requests for further information” or “RFIs” with hundreds of questions on individual cases and specific issues.

The Party has written 151,771 words to the EHRC responding to these questions in the last three months, and has provided all relevant documentation.

The Party also volunteered information and documentation on further cases to provide the Commission with a fuller picture of how the disciplinary processes have operated in relation to a wide range of cases.

This work has taken up a considerable amount of staff time, including staff within the Governance and Legal Unit (GLU), as this is the Unit with the relevant knowledge and access to information and is best placed to provide full answers to the Commission’s questions. Carrying out this work in response to the Commission has used up the resources of two members of staff on an entirely full-time basis for three months.

It has used up the majority of the time of a further six members of staff, and roughly half of the time of a further five members of staff for the last three months. In total, this investigation has used up roughly 1,183 working days of staff in GLU since December 12 2019. On top of the number of working days, much of the work for the Commission has required extremely late nights and working over the weekends.

The Party has been working with the EHRC and seeking to fully comply with its requests and as quickly as possible.

1.2.2. This report

The majority of the cases the Commission has asked about were handled by staff prior to 2019. When this investigation commenced in May 2019, the staff who worked on most of the cases in question no longer worked for the Labour Party. However, detailed explanations of their decision-making and rationale on these cases at every step of their progression has been requested, along with every relevant Labour Party email that related to these cases.

Staff therefore had to use Labour's "Subject Access Request" tool - which does a back-end search of all Labour Party emails - to find and save relevant emails, and produce chronologies to provide to the Commission in response to their questions on particular cases. This also helped the Labour Party understand what had gone wrong in the past and learn from these cases ourselves so as to further improve our own practices.

As former staff left almost no records when they stopped working for the party, resulting in a lack of institutional memory from this period, a wider investigation was required. For example, when examining the case of Alan Bull, current staff were confused about the former GLU staff's decision-making on this case and why they had issued NOIs instead of a suspension; could not tell what, if any, internal guidance had been used by former staff; and were confused as to why regional staff were so involved and what their role was in the process.

To answer the questions the Commission had asked, the Party had to conduct an internal investigation which examined how, in general, GLU had handled disciplinary matters, and in particular complaints of antisemitism.

Our investigation was conducted on the basis of primary sources, above all written documentary evidence.

The Party email system includes all emails sent or received by Party staff throughout this period. In total, this includes several million emails. During this investigation, we estimate that up to 100,000 emails were reviewed by staff.

The evidence accompanying this report includes more than 3,000 email chains containing an estimated 10,000 emails. The Party was also able to search thousands of messages exchanged on Labour work accounts, on an internal party messaging service, through the same tool.

Staff also examined the contents of two staff WhatsApp group chats established by senior management in Labour HQ for work purposes - "SMT Group" and "LP Forward Planning Group", both established on 28 September 2016. The members of "SMT Group" were Iain McNicol (General Secretary), Tracey Allen (Manager, GSO), Julie Lawrence (Director, GSO), Emilie Oldknow (Executive Director - Governance, Membership and Party Services), Patrick Heneghan (Executive Director - Elections, Campaigns and Organisation) and Simon Mills (Executive Director - Finance). These six individuals were also in the "LP Forward Planning Group", which also included John Stolliday (Director, Governance and Legal), Mike Creighton (Director of Audit, Risk and Property), Claire-Frances Fuller (Head of Internal Governance), Simon Jackson (Director of Policy, Research and Messaging, Briefing and Rebuttal), Fiona Stanton (Regional Director, Labour North), Neil Fleming (Acting Head of Press and Broadcasting), Carol Linforth (Director of Conference and Events), Sarah Mulholland (PLP Secretary), Holly Snyman (Director - Human Resources), Greg Cook (Head of Political Strategy), Anna Hutchinson (Regional Director, Labour North West) and Tom Geldard (Director of Digital).

The contents of these WhatsApp chats were made available to the Labour Party by one of the groups' members. They run to over 400,000 words.

Finally, the Party examined a WhatsApp group chat between Iain McNicol, Emilie Oldknow, Karie Murphy (Chief of Staff, LOTO) and Seumas Milne (Executive Director - Strategy and Communication). This was established by McNicol and Oldknow as a work tool to aid communication on 26 January 2017, and the final message was sent on 7 April 2018. It ran to 65,000 words in total. Seumas Milne exported the entire chat so that staff could investigate its contents.

To aid the investigation, some former and current staff were asked for their recollection of certain events, but these are used in the report in only a few instances. This is because, as the investigation reveals throughout, such recollections are inherently unreliable. Even without unconscious bias, memories on an issue that has been extensively covered in the media, often years after the fact, are prone to change over time.

We hope the EHRC will focus on the documentary, primary-source evidence that the Party has made available to it - emails, messages and documents from the time - rather than the personal accounts of staff or former staff.

We hope the EHRC will question the validity of the personal testimonies where these present a narrative which is directly contradicted by available documentary evidence from the time of the events in question. The Party does not cast any aspersions upon

the honesty or integrity of any former or current staff members, but urges the Commission to rely on the extensive documentary evidence provided to it, which points to the factually-accurate history of the Governance and Legal Unit.

At the start of each section a summary of the contents and findings of that section is provided to enable this report to be more easily navigated and digested.

1.3. Structure

This report has a largely chronological structure, along with some sections that delve into particular topics or themes across time periods. For example, particular high-profile cases sometimes span long time periods, and are therefore discussed within the most relevant section.

The Executive Summary in 1.1 has provided an introduction to and overarching remarks on the report.

Perhaps counter-intuitively, the report then begins, in Chapter 2, by examining the role of factionalism in GLU's work. Of all the topics considered in this report, this is the one that may seem the least obviously relevant to an examination of Labour's disciplinary procedures and their handling of complaints of antisemitism. However, as is outlined in the Summary and Introduction to Chapter 2, it became apparent over the course of this investigation that the factional role played by GLU and other senior Labour HQ staff was not incidental to understanding GLU's work in this period - it was fundamental. This is particularly relevant as critical claims have been made about the relationship between LOTO and GLU in this period. For example, the allegation that GLU was following "unwritten guidance" from LOTO not to act on complaints of antisemitism, or that email exchanges in March-April 2018 prove "LOTO interference" in GLU's processes on antisemitism. This report investigates those allegations, which requires a fuller picture of the actual relationship between LOTO and Labour HQ.

Chapter 2 therefore examines the factional role of GLU and Labour HQ in this period, with a particular focus on staff who played key roles in GLU, and on areas most relevant to GLU's work - the "Validation" process during the 2016 leadership election, when thousands of supporters of Jeremy Corbyn were suspended or excluded from the Party, and two case studies that show such factional use of disciplinary processes continuing well into spring 2018. It shows that GLU and Labour HQ were both independent from, and openly hostile towards, LOTO, which was therefore unable to exercise any effective oversight in relation to their work.

In Chapter 3, the report explores how GLU functioned from 2015 to early 2018, the processes and procedures that existed, and the approach taken in relation to antisemitism complaints at the time. It shows how disciplinary procedures, in so much as they existed, were dysfunctional, slow and flexible to the factional requirements of staff. Despite detailed guidance from Shami Chakrabarti and Jeremy Corbyn on different forms of left-wing antisemitism, GLU failed to develop any guidance or training for staff, and made highly inconsistent, and often poor, decisions on

antisemitism complaints throughout this period. GLU also failed to act on the vast majority of antisemitism complaints submitted in this period, with the energy that applied to the “Validation” process of 2016 not being transferred to the process of creating a functioning disciplinary process for all types of complaints.

Chapter 3 also examines the role of LOTO in disciplinary processes up to 2018, finding that consultation with LOTO on a range of cases was normal conduct under Ed Miliband, but largely stopped when Jeremy Corbyn became leader, apart from some cases involving high profile individuals. Examining ongoing communications on such matters, and prominent cases such as Ken Livingstone and Jackie Walker, shows how LOTO staff increasingly chased action on antisemitism from GLU and Labour HQ, but were often met with a hostile or obstructive response.

Chapter 4 assesses the transition period between General Secretaries Iain McNicol and Jennie Formby in spring 2018. Increased scrutiny in this period on the work GLU was undertaking on antisemitism led to a huge increase in action, including almost twice as many suspensions in a week than had occurred in the previous year. It was in this period that GLU finally began to act on antisemitism complaints, including complaints submitted in the previous year but ignored at the time. The short period of consultation between GLU-GSO and LOTO on antisemitism cases, initiated by GLU’s Head of Disputes, is also examined, as well as the misleading reports and inaccurate statistics on action that GLU-GSO provided to LOTO at the time. Finally, Chapter 4 looks at GLU’s policy towards suspensions until March 2018, and considers claims that LOTO had prevented GLU from suspending people over allegations of antisemitism.

In Chapter 5, the report looks more broadly at action taken, or discussed, by senior staff and Labour leader Jeremy Corbyn in relation to antisemitism throughout the period under investigation. Although this is by no means comprehensive, and does not attempt to offer any assessment of the efficacy or appropriateness of the Party’s responses throughout this period, it shows that the Party leadership consistently expressed opposition to antisemitism, spoke out about the ways antisemitism manifests on the left, and proposed and sought a range of actions to address the issue of antisemitism in the Party.

Chapter 6 then returns to disciplinary processes, and examines how these have changed under General Secretary Jennie Formby, from April 2018 onwards. It looks at decision-making processes on antisemitism cases, reforms to the roles of the NEC and NCC that have taken place, and changes to staffing in the GLU team. It shows that major improvements were made from April 2018 onwards, resulting in a huge increase in the number of antisemitism cases being acted on and progressed at every stage of the process, but that this was still a gradual process in many areas. Mistakes

made in 2018, like mistakes made in 2015-17, have had to be corrected and addressed by new policies in 2019. In particular, the shift to undertaking systematic further social media searches on all cases of antisemitism has had a transformative effect on GLU's handling of antisemitism complaints. The chapter explores the range of problems and challenges GLU has encountered throughout this period, the steps the Party has taken to address them, and the move towards a more proactive approach to the issue of antisemitism in the Labour Party.

Finally, Chapter 7 offers some conclusions to the report as a whole.

Each section in each chapter contains an introductory summary of the contents of the section, to enable the report to be more easily navigated and digested. When quoting from source materials, underlining has been used to add emphasis and point the reader to the most relevant sections. Due to the large volume of materials cited, all source references refer to the evidence folder in which the documentation is contained, followed by its filename; to a specific case folder; or to the case "Final Summaries" provided to the Commission.

2. The work and role of the Governance and Legal Unit in internal Labour Party politics

2.1. The use of the Governance and Legal Unit for factionalism

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2.1.1. Summary

The work of GLU and the relationship between LOTO and GSO/GLU in 2015-2018, cannot be understood without understanding the role of Labour Party factionalism. As the Party's investigation progressed, this became increasingly apparent, and unavoidable. Claims have been made about these relationships that are critical to understanding how the Party addressed complaints of antisemitism in 2015-18 - most notably, the assertion that GLU was forced by LOTO to follow "unwritten guidance" which prevented action on antisemitism - and which required investigation.

This report is not concerned with the rights and wrongs of different political positions espoused by different factions and individuals in the Labour Party in the preceding five years. However, an understanding of the role of Labour staff in this period is critical to any examination of how the disciplinary process functioned, and to assessing allegations about the role of LOTO in those processes.

Labour Party staff, who are employed by the Party rather than as political advisers to politicians, are expected to act impartially and serve the Party, regardless of the current Leader, much as the civil service is expected to serve the Government under whichever political party is in power. However, this section shows that much of the Labour Party machinery from 2015-18 was openly opposed to Jeremy Corbyn, and worked to directly undermine the elected leadership of the party. The priority of staff in this period appears to have been furthering the aims of a narrow faction aligned to Labour's right rather than fulfilling the organisation's objectives, from winning elections to building a functioning complaints and disciplinary process.

Labour Party staff based at Labour HQ were not obeying secret directives from LOTO. On the contrary, all of the available evidence points to the opposite conclusion - that Labour Party staff based at Labour HQ, including GLU, worked to achieve opposing political ends to the leadership of the Party. This included work to remove supporters of the incumbent leader during the 2016 leadership election, and work to hinder the leader's campaign in the 2017 General Election. The attitude in HQ towards LOTO could be summed up in one comment from a senior staff member, who said "death by fire is too kind for LOTO".

Labour officials, including senior staff, expressed hostility towards Jeremy Corbyn and his staff, towards Labour MPs including Andy Burnham, Ed Miliband, Sadiq Khan, Emily Thornberry, Diane Abbott and Dawn Butler. Staff described "most of the PLP" as "Trots" or called them "totally useless" in 2015 for not having yet launched a coup

against Corbyn. As one staff member commented, “everyone here considers anyone left of [Gordon] Brown to be a trot.”

Staff repeatedly used abusive and inappropriate language about the leader, MPs, Labour members and about other staff. For example, staff discussed “hanging and burning” Jeremy Corbyn, calling Corbyn a “lying little toerag”; said that any Labour MP “who nominates Corbyn 'to widen the debate' deserves to be taken out and shot”; and stated that a staff member who “whooped” during Corbyn’s speech “should be shot”. Senior staff also said they hoped that one Labour member on the left of the party “dies in a fire”. Senior Labour staff used language that was considerably more abusive and inappropriate than that cited as justification for suspending many Labour members who supported Jeremy Corbyn in 2016.

In August 2015 senior staff explored delaying or cancelling the ongoing leadership election when it looked like Jeremy Corbyn was going to win. When Corbyn was elected staff discussed plans for a coup; one staffer said “we need a POLL - that says we're like 20 points behind”; another suggested a silver lining for Remain losing the 2016 European referendum would be that Corbyn could be held responsible; and another hoped that poor performance in the May 2016 local elections would be the catalyst for a coup.

Staff described “working to rule” when Corbyn was elected and “coming into the office & doing nothing for a few months.” During the 2017 general election, staff joked about “hardly working”, and created a chat so they could pretend to work while actually speaking to each other - “tap tap tapping away will make us look v busy”. Senior staff coordinated refusing to share basic information to LOTO during the election, such as candidates’ contact details. Labour HQ operated “a secret key seats team” based in Labour’s London region office in Ergon House, from where a parallel general election campaign was run to support MPs associated with the right-wing of the party. The description of the workload and budget involved in this “secret” operation contrasts with the go slow approach described by other staff regarding work on the official general election campaign which the leadership was running to return a Labour government.

One senior staff member implied that he would support the Conservatives over Labour under Jeremy Corbyn’s leadership, saying “who votes for JC? If it's a choice btwn him & TMay how do WE vote for him?”. Staff sent messages expressing their wish that Labour would perform badly in the 2017 general election, saying “with a bit of luck this speech will show a clear polling decline” and “I CANNOT WAIT to see Andrew Neil rip [Jeremy Corbyn] to pieces over it tonight”. Senior staff commented

that the huge rallies for Corbyn late in the election made them “feel ill”, and they reacted to the polls narrowing with dismay, rather than optimism.

On election night on 8 June 2017, when the exit poll predicted a hung parliament, General Secretary Iain McNicol, Executive Director for Governance, Membership and Party Services Emilie Oldknow (who was responsible for overseeing GLU) and other senior staff discussed hiding their reactions, saying “everyone needs to smile” and “we have to be upbeat. And not show it”. Oldknow also described Yvette Cooper and other Labour MPs’ support for Corbyn after the election as “grovelling and embarrassing”.

In January 2017, Iain McNicol, Emilie Oldknow and other senior staff discussed preparing for a leadership election if Labour lost the Copeland and Stoke-on-trent by-elections, and setting up a “discrete [working group]” to determine the rules and timetable. Iain McNicol discussed this with Tom Watson and told him “to prepare for being interim leader”. During the 2017 general election the Director of GLU John Stolliday then drew up these plans, including a rule change to replace the one member one vote system with an Electoral College system to help ensure that a MP from the party’s left could not win.

GLU staff talked openly with each other about using the party’s resources to further the aims of their faction. The Director of the Unit John Stolliday described his work in GLU as “political fixing”, and described overhauling selections of parliamentary candidates and overturning CLP AGM results to help the right of the Party. Emilie Oldknow and GLU staff discussed keeping Angela Eagle MP’s CLP suspended, at Eagle’s request, in order to give her team more time to organise against left-wing members before the AGM. Staff also discussed organising NEC Youth Representative elections on a different election cycle to other NEC elections, to ensure a left-wing candidate would not win, and noted that this was signed off by GLU’s Director.

Staff applied the same factional approach to disciplinary processes. One staff member referred to Emilie Oldknow expecting staff to “fabricate a case” against people “she doesn’t like/her friends don’t like” because of their political views. During the 2015 leadership election GLU and other Labour staff described their work as “hunting out 1000s of trots” and a “Trot hunt”, which included excluding people for having “liked” the Greens on Facebook. One prominent GLU staffer, Head of Disputes Katherine Buckingham, admitted that “real work is piling up” while she and other staff were engaged in inappropriate factional work.

Factional loyalty also determined key recruitment decisions, including in GLU, where people were appointed to senior roles with few apparent relevant qualifications. This

had a severe impact on the Party's ability to build a functioning disciplinary process over the following years.

This section demonstrates that the party machine was controlled by one faction which worked against Jeremy Corbyn's leadership and to advance the interests of their faction, and that LOTO did not have authority or influence over GLU or the party machinery more broadly. Factional work appears to have come at the expense of work the staff were being paid to do, including - as will become apparent in Sections 3-6 - building and maintaining a functioning complaints process.

2.1.2. Introduction

The work of GLU and the relationship between LOTO and GSO/GLU in 2015-2018, cannot be understood without understanding the role of Labour Party factionalism.

The Commission's investigation has been informed by critical claims regarding these relationships, which require an understanding of the role of factionalism.

For example:

- That GLU were professionals doing their job processing cases of antisemitism and abuse, but faced interference or criticism from LOTO or left-wing members of the NEC.
- That there was some type of "unwritten guidance" from LOTO which stopped GLU from suspending, or investigating, members accused of antisemitism.
- That GLU did not act on complaints of antisemitism in 2015-18 because they feared a negative reaction from LOTO or left-wing members of the NEC.
- That after Jennie Formby became General Secretary, pre-existing neutral professionals in GLU were forced to quit.

Some former GLU staff appear to have made such claims to the Commission. Assessing the credibility of these accounts should therefore be essential to the Commission's investigation. Alternatively, some former LOTO staff have alleged that GLU deliberately failed to act on antisemitism cases in order to damage the Labour Party and Jeremy Corbyn.¹⁷

For these reasons, it was necessary to examine the role of factionalism in Labour HQ, including in GLU and GSO, in this period.

In particular, we looked at Labour work accounts on an internal party messaging service. Not all staff used this internal messaging service: for example, between October 2015 and April 2018, Iain McNicol had no conversations on this messaging app, Emilie Oldknow just one, Mike Creighton six, and John Stolliday a few dozen, and only a handful of times after 2016. These staff did, however, exchange a number of messages in the two WhatsApp chats used by Labour HQ Senior Management, which were also used for this investigation.

In this examination, particular attention has been paid to staff who played key roles in GLU in 2015-2018, as well as to the overall culture of staff in party headquarters.

¹⁷ <https://www.buzzfeed.com/alexwickham/leaked-emails-reveal-labours-compliance-unit-took-months-to>

2.1.3. Context

2.1.3.i. Labour factions and “Trots”

The Labour Party has always been a “broad church” or coalition, with a range of political positions expressed by its members and elected representatives.

From the mid-90s to Tony Blair’s resignation in 2007, “Blairism” was dominant in the structures of the party and the parliamentary party, although there was also a “Brownite” faction which was perceived as slightly less centrist. After his victory in 2010, Ed Miliband moved the party more to the “soft left” in some respects, though “Brownite” figures remained in key posts, such as Shadow Chancellor Ed Balls.

Meanwhile, there remained a “left” faction in the party, which had considerably more support among members than it did representation in the PLP. This translated into, for example, the “left slate” winning 55% of members’ votes and four of the six members’ seats on the Labour National Executive Committee (NEC) in its 2014 elections.¹⁸ But the “Socialist Campaign Group” of Labour MPs was small in size, with just 15 affiliated MPs in 2015 (6.5% of Labour MPs). The “left” faction largely followed the democratic socialist ideas and proposals of Tony Benn, and were considered “Bennites”.

All these factions had groupings associated with them, to promote their ideas, and to promote their members within party structures. “Labour First”, led by Luke Akehurst, was associated with the pre-Blair, “old right”; “Progress” was associated with the modernising “Blairite” faction; and the “Campaign for Labour Party Democracy”, John McDonnell’s “Labour Representation Committee” (LRC) and Jon Lansman’s blog “Left Futures” with the left. In October 2015, following the 2015 Corbyn leadership campaign, Jon Lansman and activists James Schneider, Adam Klug and Emma Rees founded the new movement “Momentum”, as the main left faction of the party that supported the leadership. In 2016, meanwhile, the “soft left” group “Open Labour” was also founded.

Many of these Labour factions have a history of conflict with “Trotskyists”, often referred to - generally contemptuously - as “Trots”. In the 1980s, there was significant conflict in the party over the presence of the Trotskyist group “Militant”, though it comprised only a small minority of Labour members. “Militant” was ultimately banned and its key members mostly expelled. Members of Trotskyist political parties or organisations that are rivals to the Labour Party, such as the Socialist Workers Party

¹⁸ <https://labourlist.org/2014/08/labour-nec-elections-the-results/> - <https://www.leftfutures.org/2014/08/labour-executive-elections-left-win-best-result-since-1980s-with-55-of-members-votes/>

(SWP), cannot be members of the Labour Party, and any member can be “auto-excluded” for supporting such rival political parties.

In the period 2015-2019, however, most of these “Trotskyist” organisations never had more than a few hundred members. In 2016 some of these people, excluded from the Labour Party, did try to organise within local groups of “Momentum”. But in January 2017 Momentum implemented a constitution which excluded anyone who was not a member of the Labour Party, largely eliminating their influence on Momentum as a national organisation, and in many local groups.

“Trotskyist” or “Trot” can also refer to people who support the Marxist ideas of Leon Trotsky, but are not necessarily affiliated with a rival organisation. This is not against Labour Party rules, and Labour’s “broad church” has always included Marxists. However, such self-professed “Trotskyists” are small in number, and have been throughout 2015-2019.

2.1.3.ii. The 2015 leadership election

In 2015, the Socialist Campaign Group decided to put Jeremy Corbyn MP forward as their candidate for leader. However, all candidates needed nominations from 20% of members of the Parliamentary Labour Party (PLP) or European Parliament (EPLP) to get on the ballot, far in excess of the Campaign Group’s numbers. An intensive campaign of lobbying from Labour members and Corbyn’s campaign team was required to get the nominations, with some MPs, such as Sadiq Khan, agreeing to lend a nomination to “widen the debate”, despite not supporting Jeremy Corbyn. At the last minute, Corbyn secured the required nominations and made it onto the ballot.

In the leadership election that followed, Corbyn would go on to win decisively, with 59.5% of the vote - winning outright on the first round, without counting how many of those who voted for another candidate first had put him as their “second preference”. 19.0% of the electorate voted for Andy Burnham, who had some trade union backing; 17.0% for Yvette Cooper, who had served under Gordon Brown and Ed Miliband; and just 4.5% for Liz Kendall, considered to be from the “Blairite” wing and endorsed by “Progress”.¹⁹

After the May 2015 general election, Labour’s membership had begun to rise, particularly during the “Corbyn surge” of the summer. For the first time, thanks to party rule changes passed by Ed Miliband, “registered supporters” could also sign up and vote in the leadership election, and more than 100,000 did so. 83.8% of registered

¹⁹ <https://labourlist.org/2015/07/progress-endorse-liz-kendall-and-tessa-jowell/>

supporters put Jeremy Corbyn as their “first preference” - but Corbyn won the support of 49.6% of party members, too (just 5.5% of whom backed Liz Kendall).

The result was seen as a triumph for Jeremy Corbyn, and a rout for the “Blairite” politics of “Progress”, whose candidate acquired just 4.5% of the overall vote. In total, more than 250,000 people voted for Jeremy Corbyn as their “first preference”, including existing Labour members, returning Labour members who had quit over the 2003 invasion of Iraq or Tony Blair’s support for policies like Private Finance Initiatives (PFI), and people entirely new to politics, many of them young.

As we shall see, senior figures in Labour HQ did not view these developments positively.

2.1.4. The role of Labour staff

The Labour Party is a democratic socialist party. Its leadership and policies are decided, at different levels and through different mechanisms, by its members, supporters, affiliated unions and socialist societies, and elected representatives. Labour staff are not supposed to have any political role in the party. Like the civil service, they are there to deliver on decisions of the party's democratically elected leadership, the Leader of the PLP and the NEC.

Labour Party employees are usually engaged in politics and therefore obviously have political views. However, party staff are supposed to operate neutrally with fairness towards all members and affiliates, regardless of their faction or views.

The reality was the opposite. The party's resources - paid for by party members - were often utilised to further the interests of one faction and in some cases were used to undermine the party's objectives. As we shall see, many of the staff members engaging in factional behaviour worked in GLU or went on to work in GLU; held senior Director and Executive Director positions responsible for overseeing GLU's work and managing GLU staff; or held positions in the General Secretary's Office. In some cases the General Secretary himself was directly involved in such activities.

This report is not concerned with the rights and wrongs of factional activities. This evidence is included in the report because the factional attitudes and approach of Party staff during this period is critical to understanding how the disciplinary processes operated, and is crucial to assessing allegations, which have been made to the EHRC, about LOTO's role in disciplinary processes during this period.

2.1.4.ii. Staff views on Labour MPs and the 2015 Leadership Election

“Anyone who nominates corbyn 'to widen the debate' deserves to be taken out and shot” - Jo Green, Labour Head of Broadcasting, 15 June 2015

Senior Labour staff were clear in their opposition to Jeremy Corbyn, and also Andy Burnham, in the 2015 Labour leadership election, as well as to many other Labour MPs not associated with the “Blairite” wing of the party.

On 15 June 2015, for example, Head of Press and Broadcasting Jo Green called Corbyn “that fucking trot” and suggested to Acting Director of Policy and Political Research Simon Jackson that “anyone who nominates corbyn 'to widen the debate' deserves to be taken out and shot”. Jackson agreed: “quite. if the left can't get on the ballot it shows they're moribund... putting them on there only validates the views”.²⁰

On 15 June 2015, John Stolliday, then a Senior Media Monitoring Officer, who moved to GLU in late 2015 and became its Director in 2016, discussed the leadership election with Jo Green. Both made clear their opposition to both Corbyn and Burnham:

*John Stolliday 11:58:
I bet Ed would vote for Corbyn
Jo Green 11:58:
ed wants andy to win i am told...
John Stolliday 11:58:
fucking hell²¹*

On 2 July 2015 Stolliday also referred to the Andy Burnham campaign as “team #failure”.²²

On 20 July 2015, Head of Political Strategy Greg Cook described a Labour MP as being “such a Trot now”, to which Head of Press and Broadcasting Jo Green responded “yep. like most of the PLP it seems”.²³ Green said to Jackson that Andy Burnham “just panders to what members want. he'll be a total disaster” - “the PLP is a joke now .. full of people unable and unwilling to be sensible”.²⁴ On 3 August 2015, Greg Cook then commented that Kate Hoey “is better than Corbyn, Abbott, Burnham, Nandy, Lewis and about 150 others”.²⁵

²⁰ Political Bias: Trots: “150615 Conversation with Jo Green.eml”. Similarly: Political Bias: Trots: “150812 Conversation with Anna Wright.eml”

²¹ Political Bias: Trots: “150615 Conversation with Jo Green Stolliday.eml”

²² Political Bias: Trots: “150702 Conversation with Anna Wright.eml”

²³ Political Bias: Trots: “150720 Conversation with Jo Green.eml”

²⁴ Political Bias: Trots: “150720 Conversation with Jo Green, Jackson.eml”

²⁵ Political Bias: Trots: “150803 Conversation with Hester Waterfield.eml”

On 12 August 2015, Jo Green said he felt “physically sick about JC”.²⁶

On 13 August 2015, Jo Greening, Head of International Affairs, and Acting Director of Policy and Political Research Simon Jackson discussed Ed Miliband:

*GREENING, Jo 10:42:
he is pathetic
and probably secretly loves jeremy
Simon Jackson 10:42:
probably
GREENING, Jo 10:43:
I mean wtf
Simon Jackson 10:43:
quite a legacy to leave the party with²⁷*

Jackson thought the party “could hang in there trying to stay sensible and wait for the storm to pass”, or “it could plunge in to trot hell”, with “NEC pushing Trotism, staff appointments of Trots”.²⁸ On how Corbyn could appoint a shadow cabinet and who he would get to work for him, Greening said “loads of mad trots”.²⁹

On 13 August 2015, as it became clear that Jeremy Corbyn might win the Labour leadership election, Jo Green and Stolliday, was moving into GLU soon, discussed delaying or cancelling the election, by claiming insufficient resources to check new members, or by all the other candidates pulling out. Stolliday considered this a “great idea”:

*John Stolliday 11:44:
Where do you think Iain & Mike are on delay?
Jo Green 11:45:
finely balanced. in the end i think they have to decide on the basis of whether we have resource to do the checks. rather than a political decision also the leadership teams would need to sign off delay i am now of the view that the three other candidates could just drop out next week and the whole thing would have to be halted.
John Stolliday 11:45:
which presumably would risk a huge argument*

²⁶ Political Bias: Trots: 150812 Conversation with Jo Green.eml

²⁷ Political Bias: Trots: “150813 Conversation with GREENING, Jo.eml”

²⁸ Political Bias: Trots: “150813 Conversation with GREENING, Jo.eml”

²⁹ Political Bias: Trots: “150813 Conversation with GREENING, Jo.eml”

That would be ace

Jo Green 11:46:

it would!

John Stolliday 11:46:

Great idea

Jo Green 11:46:

unite could disaffiliate

form a new party

John Stolliday 11:47:

I've been assumimng that will be the case anyway within a few years, whoever wins frankly

it would be brilliant for Labour. Financially tough but absolutely great for the party

Jo Green 11:51:

i think it will happen yeah

John Stolliday 12:58:

Byron must be fucking loving this

Jo Green 12:59:

well as i understand it he wanted andy to win

not sure even his politics are corbyn levels of madness

but then again he'll be wondering what he can get out of it

hateful twat

John Stolliday 12:59:

the mad ones on the NEC all love him - Jennie Formby & Christine Shawcroft³⁰

On 15 September 2015, after his election victory, Jeremy Corbyn visited party headquarters to greet the staff. The day before, Stolliday, who was about to be appointed to a key role in GLU, and Labour press officer Anna Wright discussed Corbyn's planned visit:

John Stolliday 12:31:

we were all amazed that somebody has bought dozens of bottles of prosecco mad

Anna Wright 12:31:

It is ludicrous

I hope the fucking thing is short

Cannot be arsed with small talk

John Stolliday 12:32:

I'm not drinking it, I'm not clapping

I'm going to stay at my desk or leave the office

Anna Wright 12:33:

We need to go up and show face for Team Watson or we'll end up on a list

³⁰ Political Bias: Trots: "150813 Conversation with Jo Green.eml"

*Anna Wright 13:00:
Look at that fucker looking statespersonlike
Looking after our security³¹*

On 15 September, after the visit, Dan Hogan, then a Policy Communications Officer but from late 2016 to mid-2018 an Investigations Officer in GLU, and Amy Fowler from Fundraising, discussed Corbyn's visit. Hogan said that a staff member who "whooped" Corbyn's speech "should be shot". Fowler noted how all the staff in Labour HQ "kind of hate [Corbyn]", and she wasn't sure how Corbyn could address that "massive elephant in the room... without making me hate this more":

*Amy Fowler 16:40:
How did you think it went when he was in earlier?
Stevie P whooped and is now dead to Carol
Dan Hogan 16:42:
people were polite. Stevie P should be shot. Jez's speech was a total crock of shit.*

*...
i clapped. but i probably didn't do a very good job of masking what i thought.*

*Amy Fowler 16:44:
I clapped but I didn't smile
And it takes a conscious effort for me not to smile in those situations*

*Dan Hogan 16:45:
i couldn't look at him. my eyes rolled a lot. i probably shook my head*

*Amy Fowler 16:52:
I feel like he should have maybe addressed the massive elephant in the room that we all kind of hate him
But I'm not sure how he could have done that without making me hate this more³²*

Later that day, key GLU staff member Katherine Buckingham commented:

I had some drinks in the office until Jeremy came in. and then all I wanted to do was go home³³

In November 2015, Danny Adilypour (Campaigns Officer - Campaign Technology) referred to Labour MP Rachel Maskell as a "Trot".³⁴ On 25 May 2017, Catherine Bramwell, South East Regional Communications Officer, described a Labour parliamentary candidate in Brighton as "the trot candidate".³⁵

³¹ Political Bias: Trots: 150914 JS on JC visit.eml"

³² Political Bias: Trots: "150915 Conversation with Dan Hogan.eml"

³³ Political Bias: Trots: "150914 Conversation with Teddy Ryan.eml"

³⁴ Political Bias - Trots: "151123 Conversation with Danny Adilypour.eml"

³⁵ Political Bias - Trots: "170525 Conversation with Stephanie Driver - Brighton Trot candidate.eml"

Following the 2015 leadership campaign, many staff continued to show their dissatisfaction with MPs who nominated Corbyn, such as Sadiq Khan. On 28 April 2016, a week before the 2016 London Mayoral election, Jo Greening, Head of International Liaison commented that “maybe I will consider voting for [Sadiq Khan] now”, after Khan called for Livingstone to be suspended - “probably not though”.³⁶ Director of Policy and Research Simon Jackson, meanwhile, said to colleagues regarding a potential snap general election:

*Ultimately though, who votes for JC?
If it's a choice btwn him & TMay how do WE vote for him??
I mean we're not fucking mad³⁷*

Any Labour member who advocates opposing a Labour candidate, or supporting a rival, can be auto-excluded from the party. Just days after Greening’s comments, a Labour member was auto-excluded for saying Sadiq Khan would not be getting their first preference vote for Mayor.³⁸ Greening's apparent lack of support for Labour mayoral candidate Sadiq Khan, and Jackson’s apparent lack of support for the Labour Party, was not reported to the Party.

On 6 October 2015, Acting Director of Policy and Political Research Simon Jackson said that Iain Duncan-Smith was “shit” but “the mad thing is he's better than most of our shadow cabinet”.³⁹ The shadow cabinet was, then, a broad “unity” shadow cabinet, in which only four MPs were supporters of Corbyn.

Senior staff commented negatively on Dawn Butler MP’s appointment to the Shadow Cabinet, apparently suggesting that her accusations of racism within the Labour Party were untrue:

*6/10/2016, 19:16 - Emilie Oldknow: DAWN BUTLER
06/10/2016, 19:16 - Neil Fleming (Acting Head of Press and Broadcasting): Yep. Plp women will go spare.
06/10/2016, 19:17 - Emilie Oldknow: Good grief
06/10/2016, 19:17 - Claire-Frances Fuller: Did she not accuse the LP and its staff of being racist this week? Nice.
06/10/2016, 19:17 - Emilie Oldknow: Harriet "white privilege" Harman⁴⁰*

³⁶ Political Bias - Trots: “160428 Conversation with Jo Greening.eml”

³⁷ 2016: “160727 Jackson conversation on freeze date.eml”

³⁸ Political Bias - Trots: “160504 khan AE.eml”

³⁹ Political Bias - Trots: “151006 Conversation with Jo Green - crackers to renationalise rail.eml”

⁴⁰ WhatsApp: “LP Forward Planning”

Mulholland as PLP Secretary was the main liaison between MPs and the Labour Party. In February 2017 she said Diane Abbott “literally makes me sick”. In the same WhatsApp group senior staff discussed Abbott crying in the toilets and telling Michael Crick, a Channel 4 reporter at the time, where she was:

08/02/2017, 13:04 - Patrick Heneghan: Abbott found crying in the loos

08/02/2017, 13:27 - Julie Lawrence: ☐

08/02/2017, 13:27 - Tracey Allen: Abbott memorial cupboard works well

08/02/2017, 15:52 - Patrick Heneghan: Diane in Leon on vic street

08/02/2017, 15:52 - Fiona Stanton: Shall we tell michael crick

08/02/2017, 15:53 - Patrick Heneghan: Already have ☐⁴¹

Another senior staff member engaged in what could be considered a classic racist trope, calling Diane Abbott an “angry woman”, while his colleague called her “repulsive”:

26/01/2017, 23:10 - Neil Fleming: Watching QT without the sound on. Abbot is a very angry woman.

13/06/2017, 22:40 - Greg Cook: Abbott is truly repulsive⁴²

As mentioned elsewhere in this report, senior staff also remarked in this WhatsApp group that Emily Thornberry was “horrendous” and would “pay in the reckoning” following what they expected to be a poor performance for Labour in the 2017 general election.

⁴¹ WhatsApp: “LP Forward Planning”

⁴² WhatsApp: “LP Forward Planning”

2.1.4.ii. Staff views on Labour policies

"All [public ownership of rail] looks like is trots doing what trots do".⁴³

Labour staff expressed opposition to the policy programme not just of Jeremy Corbyn, but also of Labour's 2015 manifesto, Ed Miliband and Andy Burnham - all considered to be too far to the "left". Opposition to key Labour policies was expressed by key staff who worked in GLU or who would later work in GLU, and the General Secretary.

On 15 September 2015, Dan Hogan, who later became an Investigations Officer in GLU, commented that a Labour campaign for an EU referendum "makes a change from trident, rail renationalisation and landlord-bashing".⁴⁴ He also opposed John McDonnell calling for "corporation tax to go up":

Dan Hogan 11:42:

brace yourself. McDonnell just called for corporation tax to go up

Amy Fowler 11:42:

you're kidding me

....

I can't quite believe it⁴⁵

On 27 April 2016, Collete Collins-Walsh, Education Policy Officer, and James McBride discussed a Conservative Party critique of left-wing economics:⁴⁶

Colette Collins-Walsh 13:40:

<http://www.manchesterconservatives.com/news/contra-corbynomics-why-we-should-be-incredulous-towards-economic-statism>

Finally, higher tax rates do not necessarily yield more revenues because they reduce incentives to work. What Corbyn fails to understand is that the UK is actually becoming more equal.

James McBride 13:42:

indeed

very tu

true⁴⁷

On 29 July 2016 Simon Jackson and Head of Policy Development Anouska Gregorek discussed their opposition to the policy platform of Owen Smith, the rival to Jeremy Corbyn in the 2016 leadership election:

⁴³ Political Bias - Trots: "170314 Conversation with Graham Moonie.eml"

⁴⁴ Political Bias: Trots: "150915 Conversation with Dan Hogan.eml".

⁴⁵ Political Bias: Trots: "150915 Conversation with Dan Hogan.eml".

⁴⁶ Political Bias - Trots: "160427 Conversation with Colette Collins-Walsh.eml"

⁴⁷ Political Bias - Trots: "160427 Conversation with Colette Collins-Walsh.eml"

Anouska Gregorek 11:52:

I'm hoping its a genius plan to pretend these are his policies and then when enough people have voted for him he just quietly sheds policies as they poll badly

Simon Jackson 11:52:

well yes, the only thing that matters is winning

BUT

Anouska Gregorek 11:52:

I am holding on to this

Simon Jackson 11:52:

the thing about Owen is, he thinks he should eb PM

he really does

he doesn't realise he's shit

he'd be another Ed⁴⁸

On 14 March 2017, Catherine Bramwell, Communications Officer for South East Region, said “i hate the trots, i hate the trots, i hate them x a million”, and claimed that the idea of rail nationalisation was not popular in South East England - “all it looks like is trots doing what trots do”.⁴⁹

During the 2017 General election, General Secretary Iain McNicol responded to the announcement of a policy of free school meals with ridicule:

09/04/2017, 13:31 - Iain McNicol: I believe in this policy. Always have but for very different reasons. If you go to a private school. You get school meals. All the teacher's have to sit with the pupils and they are taught how to eat. Etc etc.

09/04/2017, 13:32 - Tracey Allen: We should get them all to do their BMI before they go around criticizing 'poor people'!! I agree with policy but 'poor kids' are just as likely to be skinny from bad nutrition and don't grow.

09/04/2017, 13:33 - Iain McNicol: Next we will be saying most poor people are criminals. And the best way to reduce future offending is by forced castration.

09/04/2017, 13:33 - Iain McNicol: Simon M please don't respond to that policy.⁵⁰

Separately, on 20 May 2017, senior staff wrote how they could not understand LOTO's decision to oppose the widely-panned “dementia tax.”

20/05/2017, 11:10 - Tracey Allen: I know I am not a strategist or policy person but am I totally missing something here? Why aren't the Trots in favour of rich people paying more towards social care and not getting winter fuel allowance?

⁴⁸ 2016: “160727 Jackson conversation on freeze date.eml”

⁴⁹ Political Bias - Trots: “170314 Conversation with Graham Moonie.eml”

⁵⁰ WhatsApp: “SMT Group”

20/05/2017, 11:11 - Patrick Heneghan: They normally are

On 24 May 2017, after the Westminster Bridge attack, James McBride, a staff member in Labour's Policy Unit leading on economy and business policy, shared a clip of right-wing Islamophobic commentator Douglas Murray on *BBC Daily Politics*, saying that all political parties were refusing to confront the reality that terrorism "comes from the religion" of Islam. McBride commented "find it difficult to disagree with this":

James McBride 13:13:

we can't ignore the fact that while one might be more typically 'terrorist' behaviour they still derive from the same ideology

And western liberal ideology is reluctant to take it on

And expose its roots

Which inevitably involve hard questions- even for so-called moderate islam

The Muslim Council of Britain, the main representative body of Muslims in the UK, wrote a formal letter of concern to the BBC about this appearance by Murray, "a commentator known for his anti-Muslim and anti-Islamic views." They noted that in a subsequent interview Murray said the UK needed "less Islam"; he had previously said that "conditions for Muslims in Europe must be made harder across the board"; and "Even the Conservative front bench broke off relations with him many years ago".⁵¹

⁵¹ <https://mcb.org.uk/press-releases/bbc-sunday-politics-show-platforms-activist-calling-for-less-islam-to-counter-terrorism/>

2.1.4.iii. Labour staff views of Labour members and activists

"Fucking Trots"⁵²

"what sort of person only becomes actively involved in politics after a general election? people who love losing."⁵³

Senior Labour staff, including staff in GLU or staff who later worked in GLU, viewed many Labour members and activists as "Trots". As discussed in Section 2.2, the factional approach to disciplinary action that followed from this has contributed to widespread distrust in the disciplinary process among some Labour members, which has contributed to problems relating to the handling of antisemitism in the Party.

On 3 November 2014, John Stolliday, later Director of GLU, discussed trying to stop "trots" from being selected as Labour's candidate for a parliamentary seat in Scotland, while fellow Labour press officer Anna Wright suggested that Gordon Brown might want someone who "has done some trot nominating" to take his seat:

John Stolliday [16:03]:

We're in special selections period now, but they're going to call a special org sub to pretend we're doing this in a more open way ... there is literally no candidate & while they need someone good to come forward they're desperate to stop the Scotland trots from using it to increase power base

...

it's up for grabs so if you have any friends who would be good get them to go for it
Anna Wright [16:08]:

And in Edinburgh

No one in the frame?

Okay, I might subtly suggest to one person in particular

John Stolliday [16:09]:

Literally no one - they're trying to stop some of Johann's people by the sound of it & want someone good who can keep the seat for ages

Plus they're all worried about Gordon's seat - they want to do an AWS there but GB has apparently kicked off & told them they can't - he must have someone in mind

Anna Wright [16:10]:

Aye it'll be some knobber like Alex Rowley

Who I note has done some trot nominating⁵⁴

On 18 May 2015, before the 2015 leadership election, Cameron Scott, Scottish Labour's Head of Campaigns and Communications and later Regional Director for

⁵² Political Bias - Trots: "151008 Simon Jackson Jo Green.eml"

⁵³ Political Bias: Trots: "150722 Conversation with Dan Hogan.eml"

⁵⁴ Political Bias: Trots: "141103 Conversation with Anna Wright.eml"

Eastern Region, suggested "some raging trot" from "the unions" would probably become deputy leader in Scotland.⁵⁵

On 22 July 2015, Dan Hogan, who later became an Investigations Officer in GLU, suggested that people who joined the party after an election defeat shouldn't be allowed to vote: "what sort of person only becomes actively involved in politics after a general election? people who love losing."⁵⁶ On 15 September 2015, Hogan asked "is Labour in the South East just full of trots?", on the grounds that "moderates on the [National Policy Forum] got pretty much wiped out in SE / elsewhere, that didn't happen".⁵⁷ Staff also discussed working to prevent "Trots" winning places on the NPF or on Regional Boards, as well as the Scottish and Welsh Executives.⁵⁸ In June 2016 Dan Hogan was looking for people who "use your Britain", "and who aren't mad trots".⁵⁹

On 29 July 2015, staff said there would be "rampaging trots" at Labour annual conference, and "stewards [will] need pepper spray" or "body armour".⁶⁰

On 18 August 2015, Danny Adilypour, Campaigns Manager in the Contact Creator, Targeting & Analysis Team, suggested Chuka Umuna should have run, describing the non-Corbyn candidates' campaigns as "crap" and "dreadful" - "we are where we are. Well and truly fucked."⁶¹ He and Jim Harvey continued using ableist and abusive language regarding Labour members:

Jim Harvey 14:40:

we're totally fucked. the party is about to be taken over by complete nut-jobs

Danny Adilypour 14:43:

yeah, all the people commenting on twitter, facebook and elsewhere are completely fucking mental

We're so fucking screwed

After retiring in March 2017, Mike Creighton, GLU's Director of Risk and Property until then, tweeted that antisemitism in Labour was a "Direct consequence of [Ed Miliband's] decision to allow the Labour Leader to be selected by Tories and Trots," in reference to the more than 250,000 people who voted for Jeremy Corbyn in 2015.⁶²

⁵⁵ Political Bias: Trots: "150518 Conversation with Callum Munro.eml"

⁵⁶ Political Bias: Trots: "150722 Conversation with Dan Hogan.eml"

⁵⁷ Political Bias: Trots: "150915 Conversation with Dan Hogan.eml"

⁵⁸ Political Bias: Trots: "150914 Conversation with Rob Sherrington.eml"

⁵⁹ Political Bias - Trots: "160615 Conversation with Dan Hogan - not mad trots.eml"

⁶⁰ Political Bias: Trots: "150729 Conversation with Andrew Clark.eml"

⁶¹ Political Bias: Trots: "150818 Conversation with Jim Harvey.eml"

⁶² Political Bias - Trots: "170405 Creighton trots.PNG"

On 8 October 2015, Director of Policy and Research Simon Jackson and Head of Planning Jo Green agreed that the PLP “have to get rid of [Corbyn] in the next couple of months or the trots will embed themselves”:

Jo Green 13:48:

*this is an entryist thing
it's been set up by lansman
and backed by corbyn
to sign people up to CLP meetings
shameless*

Simon Jackson 13:48:

yep

Jo Green 13:48:

*using all the membership records they got during the leadership campaign team
fucking trots*

Simon Jackson 13:50:

Arseholes

no doubt we'll stand by and let it happen

Jo Green 14:01:

*plp won't be pleased but they're totally useless
they should be creating a massive fuss about this*

Simon Jackson 14:02:

*i'm fairly settled now on the view that they have to get rid of him in the next couple
of months or the trots will embed themselves
that means someone sacrificing themselves*

Jo Green 14:02:

*it has to be done by next summer at the latest. can't see them doing it before May.
yep, but they're useless*

Simon Jackson 14:03:

they'll have changed the rules to get him back on the ballot paper by then

Jo Green 14:03:

Yep⁶³

On 29 July 2016, similarly, Simon Jackson, Director of Policy and Political Research, commented that Corbyn, who he expected to be returned as leader with an increased majority, “has to go, even if it must be forced”.⁶⁴

In May 2017, during the general election, the Manager of the General Secretary’s Office described how a colleague enjoyed “Trot bashing” more than “Tory bashing”,

⁶³ Political Bias - Trots: “151008 Simon Jackson Jo Green.eml”

⁶⁴ 2016: “160727 Jackson conversation on freeze date.eml”

suggesting greater opposition to members on the left of the Party than opposition to the Conservative Party:

03/05/2017, 09:51 - Tracey Allen: Josh loves Tory bashing second only to Trot bashing

On 10 April 2017, Laura Repton, Regional Administrator and Lee Gingell discussed discovering a colleague was “a massive trot” - because she and her mother had applied for tickets to hear the leader of the Labour Party speak:⁶⁵

Laura Repton 12:03:

omg

its solved

maria is a massive trot

Lee Gingell 12:03:

really?!

how do you know?

what did you find out?

Fuck sakes man get them out of my face

Laura Repton 12:03:

she has applied for a ticket

with her mum

we would love to hear JC speak, please put us down for the ballot

Lee Gingell 12:04:

wtf

she hears members say all night that they don't like JC how can she still support

Laura Repton 12:04:

baffling⁶⁶

⁶⁵ Political Bias - Trots: “170410 Conversation with Lee Gingell - massive trot for supporting JC.eml”

⁶⁶ Political Bias - Trots: “170410 Conversation with Lee Gingell - massive trot for supporting JC.eml”

2.1.4.iv. Abusive and inappropriate language

“hanging and burning [Jeremy Corbyn] does seem like overkill”⁶⁷

Senior staff, including Executive Directors, Directors, staff in GLU and staff in the General Secretary’s Office used abusive or inappropriate language. Although this was similar to the language used by Labour members who were suspended by GLU during the leadership election in 2016, no action was taken against GLU staff or other staff who had used such language. The perceived hypocrisy that underlay much of the disciplinary action GLU took in 2016 was, as discussed further in Section 2.2, key to undermining faith in Labour members in the Party’s disciplinary processes.

When Corbyn appointed his first shadow cabinet in September 2015, it was the first frontbench team in British history to be majority women. However, some criticised the fact that what they claimed were the four “top” posts, such as shadow Home Secretary, were held by men.⁶⁸

On 15 September 2015, Greg Cook sent Jo Greening a spoof video of Jeremy Corbyn as Adolf Hitler discussing this issue, being overtly sexist and homophobic, while someone says “Dan Jarvis will save us”. “Love this”, Greening responded.⁶⁹ Other staff, such as Dan Hogan, who later worked in GLU, were also watching and sharing the video.⁷⁰

It was deeply inappropriate, offensive and against Labour’s code of conduct for staff to share materials, using Party resources in office hours, likening the newly elected leader of the Labour Party to Adolf Hitler.

On 15 June 2015, Head of Press and Broadcasting Jo Green suggested to Acting Director of Policy and Political Research Simon Jackson that “anyone who nominates corbyn ‘to widen the debate’ deserves to be taken out and shot”. Jackson agreed: “quite.”⁷¹ On 15 September 2015, similarly, Dan Hogan said that a staff member who had “whooped” Corbyn’s speech “should be shot”.⁷²

⁶⁷ Political Bias: Trots: “150813 Conversation with Ali Moussavi.eml”

⁶⁸ <https://www.independent.co.uk/news/uk/politics/jeremy-corbyn-more-women-appointed-to-shadow-cabinet-than-men-for-first-time-10500032.html>

⁶⁹ Political Bias: Trots: “150915 Hitler, Jack Smith a Trot.eml”

⁷⁰ Political Bias: Trots: “150915 Conversation with Dan Hogan.eml”. “150916 Conversation with Ellie Miller.eml”. “150915 Conversation with Rob Sherrington.eml”. “150915 Conversation with Carol Linforth.eml”

⁷¹ Political Bias: Trots: “150615 Conversation with Jo Green.eml”

⁷² Political Bias: Trots: “150915 Conversation with Dan Hogan.eml”

On 13 August 2015, meanwhile, Ali Moussavi, Economic Advisor in the Leader's Office and Sarah Brown (Press Officer) discussed "hanging and burning" Jeremy Corbyn:

Ali Moussavi 13:10:

*Jeremy Corbyn could end up being like Savonarola
A fanatic priest who deposed the Medicis in a wave of theocratic populism
who was then shortly after deposed himself for making Florence a boring place
Jeremy might last even fewer days than Savonarola did
man jez is savonarola in so many ways!~*

But we need to finish him

Sarah Brown 13:17:

*hanging and burning does seem like overkill
i am going to go read about savonarola*

Ali Moussavi 13:17:

we can figuratively do that but not literally

After Brown commented "you don't get my joke", Moussavi responded "I didn't think it was a joke".⁷³

On 17 September 2015, shortly after Labour members and supporters voted for Jeremy Corbyn to be leader of the Labour Party, Anna Wright and John Stolliday, who was then moving into a key role in GLU, discussed saying the word "cunt more in the last 48hrs than you have in your life up until that point", and Wright noted "yesterday I called the Leader of the Labour Party a sexist cunt".⁷⁴ She subsequently noted this may have been "uncomradely" to Corbyn, but Stolliday assured her "It's not your job to be comradely to the leader":

John Stolliday 09:51:

It's not your job to be comradely to the leader, it's your job to protect and present the ongoing functions of the Labour Party, which will exist long after any incumbant leader

Anna Wright 09:51:

Yeah but I have slagged him too much

John Stolliday 09:51:

That;s what Japes is for

Anna Wright 09:51:

Yes

I think calling him a sexist fucking cunt was too much though⁷⁵

⁷³ Political Bias: Trots: "150813 Conversation with Ali Moussavi.eml"

⁷⁴ Political Bias - Trots: "150917 Conversation with Anna Wright.emll"

⁷⁵ Political Bias - Trots: "150922 Conversation with Anna Wright.eml"

Stolliday also used mental health slurs about LOTO Executive Director of Communications Seumas Milne, describing him as a “total mentalist” and “nutter” who he had previously told to “cock off”.⁷⁶ Head of Policy Simon Jackson, similarly, referred to new Labour members who supported Jeremy Corbyn as “nutters” who had “Invaded” the Party, while Head of Policy Development Anouska Gregorek joked about them getting “F U JC” - “Fuck you Jeremy Corbyn” - tattooed on their foreheads.⁷⁷ On 10 April 2017, the Manager of Iain McNicol’s office also used a mental health slur to mock people who were joining the Party at the time:

10/04/2017, 11:36 - Simon Mills: Dropped 634 paying members last week. 392 joined. Who are these people...?

10/04/2017, 11:37 - Tracey Allen: Mentalists?

On 9 May 2017, GLU’s Head of Disputes Sam Matthews and Teddy Ryan, Regional Organiser, used offensive language about a Labour MP:

Sam Matthews 10:39:

Fuck 'em. Someone's got to stand up to these progressive alliance wankers

Teddy Ryan 10:40:

tell me about it

...

clive lewis is the biggest cunt out of the lot

Sam Matthews 10:40:

it's like outlook-whack-a-mole

yes. yes he is.⁷⁸

On 9 March 2017 a number of senior Labour staff made lewd comments on a WhatsApp chat about the clothing of women Political Advisors, naming individual staff and mocking their appearance:

09/03/2017, 16:36 - Sarah Mulholland: Simon apparently the PADs have stopped wearing bras.

09/03/2017, 16:36 - Sarah Mulholland: Hi Tom G! Sorry, this isn't meant to be for chat about undies. But there are nipples out at the PADs meeting and not a single tie.

09/03/2017, 16:37 - Tracey Allen: Even the female ones!! Very retrograde demonstration technique. Will they be burning them next ? ☐

09/03/2017, 16:37 - Julie Lawrence: Thank god this doesn't happen in Southside

⁷⁶ Political Bias - Trots: “151012 Stolliday Conversation with Kieren Walters.eml”

⁷⁷ 2016: “160727 Jackson conversation on freeze date.eml”

⁷⁸ Political Bias - Trots: “170509 Conversation with Teddy Ryan.eml”

09/03/2017, 16:38 - Sarah Mulholland: Sarah Vine is wearing a see through, flesh coloured, skin tight top and no bra. No wonder Trickett speaks so highly of her.
 09/03/2017, 16:38 - Sarah Mulholland: *Pine not Vine⁷⁹

During the 2017 General Election, Executive Director for Governance, Membership and Party Services Emilie Oldknow made sexist and derogatory comments about Laura Murray, a young female member of staff in LOTO, following a negative story about her in the media:

21/05/2017, 06:44 - Tracey Allen:
<http://www.express.co.uk/news/politics/807191/Corbyn-Labour-aide-children-save-money-inheritance-tax>
 21/05/2017, 07:40 - Emilie Oldknow: You'd think with all that money she could afford to buy a jacket and a bra⁸⁰

Senior staff including Emilie Oldknow, Julie Lawrence and Tracey Allen shared abusive messages regarding LOTO chief of staff Karie Murphy. Oldknow and other staff often called Murphy "Medusa", Julie Lawrence called her "crazy" and said her face "would make a good dartboard" and Patrick Henegan called her a "bitch face cow":

08/03/2017, 17:43 - Iain McNicol: KM wants any savings from KROW to fund community organising. Does she not realise we haven't even funded the campaigns.
 08/03/2017, 17:45 - Simon Mills: What a fuckwit. We don't have the money to pay Krow so cutting it does not create cash for COs⁸¹
 ...
 08/03/2017, 18:20 - Emilie Oldknow: I got told today that when Karie found out about Gorton, she was throwing things round the office...
 08/03/2017, 18:21 - Julie Lawrence: Ha! Crazy woman.
 08/03/2017, 18:21 - Emilie Oldknow: I laughed out loud
 08/03/2017, 18:22 - Julie Lawrence: Keep poking the bear ☐
 08/03/2017, 18:22 - Tracey Allen: Definitely crazy snake head lady rather than plucky Scottish heroine⁸²
 ...
 26/04/2017, 19:31 - Emilie Oldknow: <Media omitted>
 26/04/2017, 19:31 - Patrick Heneghan: Bitch face cow
 26/04/2017, 19:33 - Julie Lawrence: That would make a good dartboard
 26/04/2017, 19:36 - Tracey Allen: Medusa Monster⁸³

⁷⁹ WhatsApp: "LP Forward Planning"

⁸⁰ WhatsApp: "LP Forward Planning"

⁸¹ WhatsApp: "SMT Group"

⁸² WhatsApp: "SMT Group"

⁸³ WhatsApp: "SMT Group"

Senior staff, including the Executive Director for Governance, Membership and Party Services Emilie Oldknow, made further derogatory and abusive comments about LOTO Chief of STAFF Karie Murphy and LOTO Political Secretary Katy Clark. For example:

22/11/2016, 11:27 - Emilie Oldknow: Fuck off pube head

22/11/2016, 11:28 - Emilie Oldknow: I'm too busy slagging you off

22/11/2016, 11:28 - Mike Creighton: Can I just point out from my sick-bed there is too much disparaging talk about old folk on this timeline. Salt of the earth dontcherknow.

22/11/2016, 11:28 - Tracey Allen: Who is pube head?

22/11/2016, 11:28 - Emilie Oldknow: To talk to you about Jon Trickett's diary

22/11/2016, 11:28 - Emilie Oldknow: Katy

....

24/03/2017, 20:18 - Emilie Oldknow: Katy had the exact same clothes on yesterday

24/03/2017, 20:18 - Emilie Oldknow: Smelly cow

24/03/2017, 20:19 - Tracey Allen: Didn't she do that at conference too?

24/03/2017, 20:19 - Emilie Oldknow: Yes. Same clothes. Four days

24/03/2017, 20:19 - Patrick Heneghan: Probably slept in them

24/03/2017, 20:19 - Patrick Heneghan: Disgusting

24/03/2017, 20:19 - Emilie Oldknow: Karie is actually fat too

24/03/2017, 20:19 - Emilie Oldknow: There's a good old role in that photo

24/03/2017, 20:20 - Emilie Oldknow: Roll

Many of the above conversations involved key GLU staff, such as Stolliday and Creighton, and Oldknow, who was responsible for overseeing and managing GLU, and Iain McNicol. The language used in many of these conversations was deeply inappropriate for Labour members, let alone Labour staff, and more serious than many of the comments for which Labour members were suspended in the 2016 leadership election.

The Party is not aware of any of these individuals being reported or investigated for this abusive language.

Senior staff in Labour HQ also openly insulted a Young Labour member and Corbyn supporter who was suffering from mental health problems. Senior staff including Mike Creighton were aware of these problems but said on WhatsApp that they would like to see him "die in a fire" or "wouldn't piss on him to put him out":

27/02/2017, 22:38 - Patrick Heneghan: Take a look at @maxshanly's Tweet:
<https://twitter.com/maxshanly/status/836344334572216320?s=08>

27/02/2017, 22:38 - Patrick Heneghan: Outrageous

28/02/2017, 06:55 - Emilie Oldknow: That's funny

28/02/2017, 06:55 - Emilie Oldknow: He's got mental health issues

28/02/2017, 07:00 - Patrick Heneghan: Still outrageous.⁸⁴

26/04/2017, 18:47 - Sarah Mulholland: And ps. I hope Max Shanly dies in a fire.

26/04/2017, 18:48 - Julie Lawrence: ☐

26/04/2017, 18:48 - Mike Creighton: That's a very bad wish Sarah. But if he does I wouldn't piss on him to put him out.

26/04/2017, 18:53 - Sarah Mulholland: Wish there was a petrol can emoji⁸⁵

18/06/2017, 00:17 - Patrick Heneghan: Take a look at @maxshanly's Tweet:
<https://twitter.com/maxshanly/status/876205863668678661?s=08>

18/06/2017, 00:17 - Patrick Heneghan: What a dick

18/06/2017, 09:59 - Tracey Allen: Couldn't find suitable emoji for him!⁸⁶

⁸⁴ WhatsApp: "SMT Group"

⁸⁵ WhatsApp: "LP Forward Planning"

⁸⁶ Whatsapp: "LP Forward Planning"

2.1.5. Labour staff approach to work under Jeremy Corbyn

"tap tap tapping away will make us look v busy"⁸⁷

"with a bit of luck this speech will show a clear polling decline"⁸⁸

Some staff in LOTO believed that some staff in Labour HQ, including senior staff and staff in GLU and GSO:

- Engaged in factional behaviour.
- Were obstructive.
- Adopted a "go slow" attitude towards work.
- Regularly made negative briefings to the press about the Labour Party.
- Wanted to depose Jeremy Corbyn as Labour leader.
- Did not want the Labour Party under Jeremy Corbyn's leadership to be electorally successful.

On 11 September 2015, John Stolliday discussed his moving into GLU with Tom Hamilton, Head of Briefing and Rebuttal. Stolliday saw his new role as being "on the barricades for the resistance" against Corbyn, suggesting he saw GLU as a unit which can be used to further factional interests, against the interests of the leader:⁸⁹

John Stolliday 17:19:

Bit of a gear change but should be fun

Tom Hamilton 17:20:

you'll be JC's enforcer

John Stolliday 17:20:

(fun=horrific)

er no - i'll be on the barricades for the resistance⁹⁰

On 12 August 2015 Sarah Brown noted that a colleague "might just do a work to rule type thing or take extended holiday".⁹¹

Jo Green 12:54:

i feel physically sick about JC

⁸⁷ Political Bias - Trots: "170501 Conversation with Ben Murphy, Katy Dillon, Neil Fleming, Paul Ovenden, Stephanie Driver.eml"

⁸⁸ Political Bias - Trots: "170526 Conversation with Jo Greening.eml"

⁸⁹ Political Bias: Trots: "150911 JS new job.eml"

⁹⁰ Political Bias: Trots: "150911 JS new job.eml"

⁹¹ Political Bias: Trots: 150812 Conversation with Jo Green.eml

also divided on what to do -on the one hand don't want to just walk away, but on the other, how can i do my job?

Sarah Brown 12:55:

yes

i feel the same

Jo Green 12:55:

i think all of us must feel the same really. Paddy will just go, i know that.

Sarah Brown 12:56:

but i also think, a) he won't be here long, and if nobody good is left when that happens we will be in deep trouble b) if we stay, we might be able to have some positive influence

yes Paddy will go

but

i pointed out to him that it might be a short period of time JC is here for so he might just do a work to rule type thing or take extended holiday⁹²

On 18 August 2015, Danny Adilypour and Jim Harvey discussed the party being “fucked” and “taken over by complete nut-jobs”, but they should “stay and fight”:

Danny Adilypour 14:43:

We're so fucking screwed

Jim Harvey 14:44:

yes, i'm now leaning towards irrevocably fucked rather than just utterly fucked

Danny Adilypour 14:44:

yup

Jim Harvey 14:44:

SDP?

Danny Adilypour 14:46:

Ha, nah we all have to stay and fight. It's gonna be brutal and take forever, but it's the only option⁹³

On 14 September 2015, Stolliday, who was in Media Monitoring but about to move to GLU, and Press Officer Anna Wright discussed that if LOTO announced a Shadow Welsh Secretary before Corybn spoke with Welsh First Minister Carwyn Jones, Jones would “go on broadcast and slag JC”:⁹⁴

Anna Wright 11:28:

if they annc Shad Welsh Secy before they speak, Carwyn is going to go on broadcast and slag JC

⁹² Political Bias: Trots: 150812 Conversation with Jo Green.eml

⁹³ Political Bias: Trots: “150818 Conversation with Jim Harvey.eml”

⁹⁴ Political Bias: Trots: 150914 JS on JC visit.eml”

John Stolliday 11:29:

good

Anna Wright 11:29:

*Yeah I hope it happens*⁹⁵

On 22 September 2015, Stolliday and Jo Green discussed the result, including the fact that the party had “already been fucked for the last 7 years” - since Tony Blair resigned, and Gordon Brown became Prime Minister. Stolliday also advised Green to try to get a redundancy payout rather than resign, “even if it means coming into the office & doing nothing for a few months”:⁹⁶

Jo Green 11:40:

this organisation is a fucking dying brand.

we're fucked

...

John Stolliday 11:42:

We've already been fucked for the last 7 years. Not sure how much more I can take

Jo Green 11:43:

yes indeed. i am praying for redundo next year. i think it's likely.

i'm not sure i can last until May though and my guess is they will happen next summer.

we'll see

hard to walk away from 11 years service. it's basically a year salary.

John Stolliday 11:46:

You'll be entitled to a decent chunk. Worth staying for it even if it means coming into the office & doing nothing for a few months

Jo Green 11:50:

*i think that is quite likely.*⁹⁷

On 23 September 2015, eleven days after Corbyn was elected leader, Stolliday discussed “how long” Corbyn had “left”, and suggested that there would be “some sort of plot post Xmas” but he would “limp on until we get wiped out” in May 2016 elections (though expressing “fear” that the PLP would be “too deferential” to remove Corbyn):⁹⁸

Kieren Walters 14:08:

how long left do you reckon?

John Stolliday 14:08:

⁹⁵ Political Bias: Trots: “150914 JS on JC visit.eml”

⁹⁶ 2016: Trots: “50922 stolliday.eml”

⁹⁷ 2016: Trots: “50922 stolliday.eml”

⁹⁸ Political Bias: Trots: “150923 Stolliday on plans remove corbyn.eml”

for whom?

Kieren Walters 14:08:

JC

John Stolliday 14:08:

I think May elections will be the start of his downfall

Kieren Walters 14:08:

yes

think so

John Stolliday 14:09:

Hopefully new leader in place at conference 2016

Kieren Walters 14:09:

or immediately after Christmas

that is often when things kick off

John Stolliday 14:09:

I reckon there will be some sort of plot post Xmas, but he will have enough support to limp on until we get wiped out in Wales & Scotland & local elections

Kieren Walters 14:10:

good analysis I think

John Stolliday 14:11:

We'll see

My fear is the PLP are too bloody deferential and don;t take action⁹⁹

On 15 September, similarly, Jo Green and Sarah Waite discussed Corbyn's election:¹⁰⁰

Jo Green 14:28:

the more madness the quicker it ends

Sarah Waite 14:29:

god what if it doesn't

what if all this talk of members joining just goes on

and everyone is like ok, well we must be doing ok

we need a POLL

that says we're like 20 points behind

Jo Green 14:36:

yes but he will have a little honeymoon

won't last long¹⁰¹

On 15 September 2015, in working hours and with staff systems, Dan Hogan, who later worked for GLU as an Investigations Officer, encouraged Amy Fowler to join the "Labour First" mailing list:

⁹⁹ Political Bias: Trots: "150923 Stolliday on plans remove corbyn.eml"

¹⁰⁰ Political Bias: Trots: "150915 Conversation with Jo Green.eml"

¹⁰¹ Political Bias: Trots: "150915 Conversation with Jo Green.eml"

Dan Hogan 11:04:

what's your non-party email address?

Amy Fowler 11:05:

fowler.amy@gmail.com

Dan Hogan 11:06:

are you on the Labour First mailing list?

Amy Fowler 11:06:

no

but I should be

Dan Hogan 11:07:

<http://eepurl.com/Nzh75> [a link to the "Labour First" sign-up page]

Amy Fowler 11:07:

Thanks

Amy Fowler 11:11:

are you going to be a key contact in your clp?

Dan Hogan 11:12:

yeah. i've also said i'll help set up a group in Wandsworth once I'm out of OBG¹⁰²

Hogan advised that "(if you email him, drop my name in :))" - probably a reference to "Labour First" national organiser Luke Akehurst - to which Fowler said: "I will email him. Though I don't know how much help I'll ever be from my clp."¹⁰³

On 20 October 2015, Jo Green commented, in terms of leaks to the press, that "this place is like a sieve".¹⁰⁴ Later, in January 2018, when Hogan was working in GLU, fellow Disputes Officer Louise Withers-Green commented that Hogan was "a leaky cauldron".¹⁰⁵

On 8 October 2015, Director of Policy and Research Simon Jackson and Head of Planning Jo Green discussed getting "rid" of Corbyn, with someone "sacrificing themselves":

Simon Jackson 14:02:

*i'm fairly settled now on the view that they have to get rid of him in the next couple of months or the trots will embed themselves
that means someone sacrificing themselves*

Jo Green 14:02:

¹⁰² Political Bias: Trots: "150915 Conversation with Dan Hogan.eml". "150915 Labour First mailing list.PNG".

¹⁰³ Political Bias: Trots: "150915 Conversation with Dan Hogan.eml".

¹⁰⁴ Political Bias: Trots: "151020 Conversation with Jo Green - Heggie trot busting, place a sieve.eml"

¹⁰⁵ 2016: Trots: "180126 Hogan leaky cauldron.eml"

*it has to be done by next summer at the latest.*¹⁰⁶

In December 2015, the Oldham by-election took place, viewed as the first “electoral test” of Labour under Jeremy Corbyn. Labour won with an increased majority, sending Labour MP Jim McMahon to parliament. Katy Dillon, Press Officer and later Labour’s Broadcast Manager, described Labour’s victory as “bittersweet”, while Lisa Forsyth expressed hope that the May 2016 elections would lead to “the boot” for Corbyn:

Katy Dillon 15:52:

*the result on thursday was bittersweet
could not believe it*

Lisa Forsyth 15:53:

It's in spite of him tho. Hopfullly May will be the boot...

Katy Dillon 15:53:

course it is

but all his little dsiciples dont know that

Lisa Forsyth 15:54:

*Cos they are bats*t crazy*

*Total nutters*¹⁰⁷

In April 2016 Francis Grove-White, Labour International Policy Officer, met Luke Akehurst from “Labour First”, and commented to Greening that it was “very encouraging to hear how organised they are regarding conference”.¹⁰⁸

On 29 April 2016, Ben Murphy, Local Government Officer, and Hollie Ridley, Eastern Region, discussed prospects of Corbyn being removed:¹⁰⁹

Ben Murphy 11:43:

I think he still has solid support in the membership - just have to hope bad performances and all of this weakens him

Hollie Ridley 11:43:

and they all lapse there membership

Ben Murphy 11:43:

*aye*¹¹⁰

On 13 June 2016, Greg Cook and Jo Greening discussed if Remain lost in the EU Referendum, at least Corbyn could be “seen to be responsible”:

¹⁰⁶ Political Bias - Trots: “151008 Simon Jackson Jo Green.eml”

¹⁰⁷ Political Bias - Trots: “151207 Conversation with Katy Dillon.eml”

¹⁰⁸ Political Bias - Trots: “160428 Conversation with Jo Greening.eml”

¹⁰⁹ Political Bias - Trots: “160429 Conversation with Ben Murphy.eml”

¹¹⁰ Political Bias - Trots: “160429 Conversation with Ben Murphy.eml”

*Jo Greening 14:23:
so greg
what the hell is going to happen in this referendum?!!!!
Greg Cook 14:23:
I still think Remain will win
Jo Greening 14:23:
pew
Greg Cook 14:24:
But at least if not, Corbyn will clearly be seen to be responsible
Jo Greening 14:24:
yes ¹¹¹*

On 4 November 2016, Policy Officer Dan Hogan, who was about to move to GLU, asked a colleague:

how do we make the NPF Brexit session as difficult and unhelpful to McDonnell and Corbyn as possible?¹¹²

Senior staff in “SMT Group” spoke openly with one another about hoping that the Liberal Democrats “can do it” in the Manchester Gorton by-election:

*27/02/2017, 16:53 - Patrick Heneghan: Just had discussion at strategy meeting
We will meet Steve and Andy next Monday - we are looking at all 3 in May but select in Gorton within 4 weeks
Katy will speak to you/Iain
27/02/2017, 16:53 - Patrick Heneghan: From karie
27/02/2017, 16:54 - Patrick Heneghan: They didn't include us in the discussion.
27/02/2017, 16:54 - Patrick Heneghan: Well let's hope the lib dems can do it...¹¹³*

On 28 February 2017 senior staff including Iain McNicol discussed using their positions to delay the change to One Member One Vote (OMOV) which could widen the franchise in Labour Party youth elections, apparently to advantage their favoured faction: “Delay. Procrastinate. John Mann did 2 years as Nols Chair in 80s to keep Trots at bay. Worked then”:

28/02/2017, 18:18 - Iain McNicol: How many student members do we have. Has a check been done on those to see how many are actually students.

¹¹¹ Political Bias - Trots: “160613 if not win Remain, Corbyn will be blamed.eml”

¹¹² Political Bias - Trots: “161104 Conversation with Dan Hogan.eml”

¹¹³ WhatsApp: “SMT Group”

28/02/2017, 18:24 - Patrick Heneghan: Turns out the membership system only stores those who pay student rate. About 29k

28/02/2017, 18:24 - Patrick Heneghan: Labour students not paying that rate are not tagged in membership system

28/02/2017, 18:25 - Patrick Heneghan: Half labour students national cmte pay different rate

28/02/2017, 18:25 - Patrick Heneghan: Balloting on that basis would not be robust

28/02/2017, 18:25 - Patrick Heneghan: Potentially open to challenge

28/02/2017, 18:26 - Patrick Heneghan: What a shame but they will need more time

28/02/2017, 18:26 - Patrick Heneghan: They will write to you to ask for help in understanding how to sort this within membership system

28/02/2017, 18:26 - Patrick Heneghan: Ol

28/02/2017, 18:26 - Patrick Heneghan: Ok

28/02/2017, 18:33 - Tracey Allen: And what is his reply?

28/02/2017, 18:34 - Patrick Heneghan: Whose reply?

28/02/2017, 19:00 - Iain McNicol: Mine. That's fine.

28/02/2017, 19:13 - Patrick Heneghan: We can draft that too. But let's not reply too fast.

28/02/2017, 19:15 - Tracey Allen: I only meant in brief. Not actual draft

28/02/2017, 19:16 - Tracey Allen: I understand we're playing politics here but wondered what next stage of strategy is

28/02/2017, 19:16 - Patrick Heneghan: We look at the issues

28/02/2017, 19:17 - Patrick Heneghan: They appear to large to resolve this year

28/02/2017, 19:17 - Patrick Heneghan: Ask party for a plan to change way system works

28/02/2017, 19:17 - Patrick Heneghan: Delay omov

28/02/2017, 19:18 - Tracey Allen: Delay. Procrastinate. John Mann did 2 years as Nols Chair in 80s to keep Trots at bay. Worked then¹¹⁴

Later in March, Emilie Oldknow, Executive Director of Governance, Membership and Party Services, discussed with other staff in the General Secretary's Office how she would ensure only her allies had a majority on the Manchester Gorton selection panel, giving a blow-by-blow account of her actions in undermining the wishes of the Leader's Office:

06/03/2017, 09:56 - Julie Lawrence: Em, do we need TW on officers?

06/03/2017, 09:57 - Tracey Allen: I'll go and spk to her.

06/03/2017, 09:57 - Emilie Oldknow: Yes. He's coming. Lucy is sorting

06/03/2017, 09:57 - Julie Lawrence: Fab

¹¹⁴ WhatsApp: "SMT Group"

06/03/2017, 13:36 - Emilie Oldknow: FYI Glenis isn't going to remove RLB from panel so we will probably end up with 6...

06/03/2017, 13:36 - Emilie Oldknow: Lucy thinks she will

06/03/2017, 13:37 - Julie Lawrence: Largest panel ever ☐

06/03/2017, 13:41 - Emilie Oldknow: Yes. Which I think Ann will push against but let's see where we get to

06/03/2017, 14:41 - Iain McNicol: Hilarious

06/03/2017, 14:45 - Julie Lawrence: Ann just told me she's doing it

06/03/2017, 14:57 - Emilie Oldknow: Yep...

06/03/2017, 15:10 - Emilie Oldknow: TW getting twitchy and Diana not on. Can we get on with this and Gorton?

06/03/2017, 15:16 - Julie Lawrence: Next item

06/03/2017, 15:18 - Emilie Oldknow: We have to get on with this!!!

06/03/2017, 15:18 - Emilie Oldknow: Tom needs to go

06/03/2017, 15:22 - Emilie Oldknow: I'm literally hiding in my office

06/03/2017, 15:22 - Emilie Oldknow: On my own

06/03/2017, 15:22 - Emilie Oldknow:

06/03/2017, 15:23 - Emilie Oldknow: Oh my god

06/03/2017, 15:23 - Emilie Oldknow: I'm dying!!!!

06/03/2017, 15:23 - Patrick Heneghan: What's happening?

06/03/2017, 15:24 - Emilie Oldknow: Trying to remove RLB

06/03/2017, 15:24 - Emilie Oldknow: Eeeeeek

06/03/2017, 15:29 - Emilie Oldknow: Say proposal to remove RLB

06/03/2017, 15:29 - Emilie Oldknow: And that need to be voted on

06/03/2017, 15:29 - Emilie Oldknow: Iain

06/03/2017, 15:30 - Emilie Oldknow: Nancy should not speak!!!

06/03/2017, 15:33 - Emilie Oldknow: John will need vote to remove RLB

06/03/2017, 15:33 - Emilie Oldknow: He will push that

06/03/2017, 15:35 - Emilie Oldknow: Iain - don't take Katy

06/03/2017, 15:37 - Emilie Oldknow: Nancy is a fucking idiot

06/03/2017, 15:48 - Emilie Oldknow: Hahahaha

06/03/2017, 15:48 - Emilie Oldknow: Oh my god. Tin hat time

06/03/2017, 15:48 - Emilie Oldknow: I'm scared

06/03/2017, 15:48 - Emilie Oldknow: Eeeeeek

06/03/2017, 16:08 - Julie Lawrence: Nancy spitting feathers¹¹⁵

Senior staff also spoke of facilitating Deputy Leader Tom Watson leaking confidential Party documents:

13/04/2017, 13:37 - Emilie Oldknow: I think this needs to be cc'd to TW

13/04/2017, 13:37 - Patrick Heneghan: He will leak it

¹¹⁵ WhatsApp: "SMT Group"

13/04/2017, 13:37 - Emilie Oldknow: In addition, the George S meeting wasn't any worse than any of the other meetings we did

13/04/2017, 13:37 - Tracey Allen: Oh awful - for her too. And just think you could be in Jamie's with me and your team ☐

13/04/2017, 13:37 - Emilie Oldknow: He won't leak it as it criticises Sion

13/04/2017, 13:38 - Tracey Allen: Good

13/04/2017, 13:38 - Emilie Oldknow: ☐☐

13/04/2017, 13:38 - Patrick Heneghan: I think we ask for meeting with tw and jc

13/04/2017, 13:38 - Julie Lawrence: He can leak it after elections if its useful

13/04/2017, 13:38 - Patrick Heneghan: Cover for tw to be ccd¹¹⁶

¹¹⁶ WhatsApp: "SMT Group"

2.1.6. Regional staff

"most of what we do is behind the scenes"¹¹⁷

As will be discussed in Section 3.1 and elsewhere in the report, in this period regional staff played a critical role in disciplinary procedures, both in initiating cases and proposing decisions on cases, and in then investigating and progressing cases that had begun.

Many on the left of the Party believed that staff in Labour's Regions played a factional role, however, which further engendered mistrust in the disciplinary process.

On 17 August 2015, Danny Adilypour and Regional Organiser Teddy Ryan, both Labour staff members, discussed CLP nominations:

Danny Adilypour 16:24:

It was scary how many Trots turned up for the Streatham meeting last week

Teddy Ryan 16:24:

how close was it

Danny Adilypour 16:24:

Liz beat Corbyn by 2

Teddy Ryan 16:36:

christ. That's unreal

Danny Adilypour 16:37:

Yeah it's terrifying

That's oart of the reason we're nervous about Vauxhall

Teddy Ryan 16:38:

surely vauxhall will be fine

Danny Adilypour 16:38:

I think it will be, but you just can't take anything for granted at the moment¹¹⁸

On 14 September 2015 (two days after Jeremy Corbyn's election as leader), Regional Organisers Ellie Buck and Rob Sherrington discussed staff at Labour HQ's view of Corbyn:

Ellie Buck 11:59:

if he hasnt gone within a few months a lot of staff will leave

Rob Sherrington 12:00:

John McDonald will be the catalyst for the plp to get rid of him.

Ellie Buck 12:18:

¹¹⁷ Political Bias - Trots: "171023 Conversation with Teddy Ryan.eml"

¹¹⁸ Political Bias: Trots: "150817 Conversation with Teddy Ryan.eml"

*Hopefully*¹¹⁹

On 18 January 2016 South East regional staff member Ellie Buck joked her role was “fighting Tories and Trots by day, criminals by night”,¹²⁰ while in December 2016 Fraser Welsh, Deputy General Secretary for Wales, explained part of his work as involving “not conceding CLPs to Corbynite bullies”.¹²¹

In November 2015, Welsh regional staff discussed “putting together a list of Trots who want to come to the Corbyn event tomorrow”, referring to Labour Party members who had emailed asking to attend, and expressed disappointment that they couldn’t refuse entry.¹²² And in January 2016 regional organisers Rob Sherrington and Ellie Buck discussed organising an event for Labour Party members, where they wanted the “audience to be hand picked (no Trots basically)” - for which they had “to find 130 sensible people”:

*Rob Sherrington 13:52:
bloody hell, that's a task.
Ellie Buck 13:57:
innit*¹²³

In October 2017, two Regional staff discussed Momentum’s job adverts for “regional organiser” positions, noting they will try “to fuck up regions”, though “they’re not going to be good enough”, describing it as “very badly paid” but “basically doing our job but motivated”:

I think they will they will do the groundwork we cannot be arsed doing and they will engage the members in a way we cannot be fucked with. They are going to be so motivated

They continued:

*Teddy Ryan 15:19:
i simply don't have the time
Ciaran Tully 15:20:
I know that's the issue most of what we do is behind the scenes
Teddy Ryan 15:20:*

¹¹⁹ Political Bias: Trots: “150914 Conversation with Rob Sherrington.eml”

¹²⁰ Political Bias: Trots: “160118 Ellie Buck fighting Tories and Trots by day.eml”

¹²¹ Political Bias - Trots: “161124 Conversation with Fraser Welsh - concede CLPs to Corbynite bullies.eml”

¹²² Political Bias - Trots: “151118 Conversation with Ellie Buck.eml”

¹²³ Political Bias - Trots: “160111 Conversation with Ellie Buck.eml”

*yup*¹²⁴

¹²⁴ Political Bias - Trots: "171023 Conversation with Teddy Ryan.eml"

2.1.6. The 2015 leadership election - "Validation"

"priority right now is trot hunting".¹²⁵

After the May 2015 election, and continuing into the summer as the Corbyn leadership campaign got underway, there was a surge of people joining the Labour Party, as full members, or as "registered supporters" who had a vote in the leadership election.

With the help of other staff across the Party, including staff such as Dan Hogan who would later join GLU, in the summer of 2015 GLU launched a process of checking new members and supporters, particularly on social media, to remove them from the process. Staff described "stalking" people on social media to find people who are "trotty" or a "twat", despite acknowledging:

*really makes you think about what you put on social media
really worried if i was to be stalked i would sound like a twat.¹²⁶*

Numerous staff were involved in this, both senior and junior. Staff discussed "hunting out 1000s of trots",¹²⁷ and described this as "trot busting" work,¹²⁸ "bashing trots",¹²⁹ "trot spotting",¹³⁰ "the trot hunt",¹³¹ and "trot hunting".¹³² Simon Jackson, Acting Director of Policy and Political Research, would reportedly "go on about trot busting";¹³³ another staff member was "celebrating every time he finds a trot";¹³⁴ and Danny Adilypour (Campaigns Manager Contact Creator, Targeting & Analysis Team) discussed being "trot smasher in chief".¹³⁵ As Cameron Scott, Eastern Regional Director, said on 19 August 2015: "priority right now is trot hunting".¹³⁶ On 14 August 2015 Research Officer Dominic Murphy suggested they "call the purge 'trot or not'

¹²⁵ Political Bias: Trots: "150819 Conversation with Teddy Ryan.eml"

¹²⁶ Political Bias: Trots: "150825 Conversation with Rob Sherrington.eml"

¹²⁷ Political Bias: Trots: "150731 Conversation with Josh Carrington.eml"

¹²⁸ Political Bias: Trots: "150821 Conversation with Jo Green.eml"

¹²⁹ Political Bias: Trots: "150820 Conversation with Alec James, Michael Rubin.eml"

¹³⁰ Political Bias: Trots: "150814 Conversation with Jo Greening.eml"

¹³¹ Political Bias: Trots: "150811 Conversation with Josh Carrington.eml"

¹³² Political Bias: Trots: "150804 Conversation with Josh Carrington.eml", "150804 Conversation with Ali Moussavi.eml"

¹³³ Political Bias: Trots: "150813 Conversation with Ali Moussavi.eml"

¹³⁴ Political Bias: Trots: "150818 Conversation with Frankie O'Byrne.eml"

¹³⁵ Political Bias: Trots: "150820 Conversation with Finn McGoldrick.eml"

¹³⁶ Political Bias: Trots: "150819 Conversation with Teddy Ryan.eml"

now”,¹³⁷ while he and Katherine Buckingham, GLU’s Head of Disputes, discussed the fact they were “playing trot or not” while “real work is piling up”.¹³⁸

Conversely, on 22 July 2015, despite arguing that people who joined the party after an election shouldn’t be allowed a vote, Dan Hogan (who later moved to GLU) nevertheless said that:

for what it's worth, anyone who writes in [to the policy team] who doesn't sound like a trot-lodite, i'm giving to the membership team to see if they can convince them to sign up as a supporter [and get a vote].¹³⁹

On 5 August 2015, meanwhile, Acting Director of Policy and Political Research Simon Jackson said Guardian journalist Owen Jones is “an arsehole”, and wanted him taken off the panel of a Young Labour conference event. Sarah Mulholland suggested that a row would lead to him being reinstated by McNicol, “because us thinking he's an arse isn't a legitimate reason to remove him from a panel”:

Simon Jackson 10:35:

it seems to be reason for disallowing people a vote in the leadership election

Sarah Mulholland 10:35:

that is for the saving of the Labour Party!

not a vendetta against a mad person

Simon Jackson 10:37:

Young Labour need to not be trots, that is not a vendetta

Sarah Mulholland 10:37:

if only they weren't, my life would be so much jollier

Rosie is going to speak to you about trot purge¹⁴⁰

Jackson and Mulholland thus confirmed that Labour staff thinking someone such as Owen Jones was an “arsehole”, was then enough of a reason to disallow them a vote in the leadership election.

On 10 September 2015, Dan Hogan and Amy Fowler discussed “purging” someone for having “liked” some Facebook pages, while Hogan described “perusing the Stop The Labour Purge FB page” and “getting even by just purging everyone who shared it”. Fowler expressed concern for his mental health and him “fixating” on this - “Can you

¹³⁷ Political Bias: Trots: “150814 Conversation with Dominic Murphy 2.eml”

¹³⁸ Political Bias: Trots: “150814 Conversation with Dominic Murphy.eml”

¹³⁹ Political Bias: Trots: “150722 Conversation with Dan Hogan.eml”

¹⁴⁰ Political Bias: Trots: “150805 Conversation with Sarah Mulholland.eml”

maybe just try to let it go?"¹⁴¹ Elsewhere, Hogan discussed "hunting through all the anarchists and trots who shared it to purge them too".¹⁴²

As discussed in Section 3.2, the Labour Party has identified that in 2017 there were at least 170 Labour members reported to GLU for antisemitism with clear evidence of their membership, who were not acted against. (This does not include numerous complaints not sent up to GLU from Regions, or many other complaints where members were less clearly identifiable.) Hogan was then one of two Disputes officers, employed by the party to deal with these complaints. The Governance and Legal Unit's lack of action on complaints is detailed later. Comparing this to the extensive work on so-called "Trot busting" suggests that staff were far less motivated to tackle complaints, including antisemitism and other abuse, than they were to suspend members because of their left-wing political views.

In this period, staff "Trot busting" included flagging people simply for having "liked" a Facebook page, or having retweeted the Green Party on an issue they agreed with. On 12 August 2015, NEC member Alice Perry expressed her concern about some of the people staff had flagged:

Tony Smart - donating to the People's Assembly is not an anti-Labour activity!

Caroline King - her Facebook likes are fine, very similar to lots of members of the Labour Party. We can't block people just because they like the people's assembly and UK uncut. I wouldn't consider these to be far left either (and I've spent the last few weeks looking at proper far left left unity/TUSC tweets and blogs)¹⁴³

People were rejected as members or supporters in 2015 for retweets, including single retweets. A 21 August 2015 list of 238 rejected members, for example, included someone who "Retweeted Class War"; "Retweets the [National Health Action] party and appears to have been a supporter of them"; someone with a "Pattern of retweeting Green Party material and expressing support"; and someone who retweeted a Mark Thomas tweet saying "Dear Labour... get fucked" after many Labour MPs' abstained on the welfare bill, which was opposed by many Labour members. It also included members rejected with the note "green party supporter -likes on facebook", and "likes a lotta greens on FB".¹⁴⁴

¹⁴¹ Political Bias: Trots: "150910 Conversation with Dan Hogan.eml"

¹⁴² Political Bias: Trots: "150909 Conversation with Dan Hogan.eml"

¹⁴³ Pre-2016: "150812 Re Supporter Update 12 08 5pm.eml"

¹⁴⁴ Pre-2016: "150815 Member Rejections.eml"

Later, in 2016, GLU's Head of Disputes Katherine Buckingham recalled that "there were so many mistakes last year that the NEC essentially told us that everyone should get an appeal".¹⁴⁵

¹⁴⁵ Political Bias: Trots: "160831 so many errors all appeal in 2015.eml"

2.1.7. Staff appointments and culture

*"[E]veryone [at Labour HQ] considers anyone left of Brown to be a trot."*¹⁴⁶

Many staff at Labour HQ had a background in "Labour Students".

"Labour Students" was an organisation historically, and then, run by people from the "right" of the party, as opposed to the "left" and "soft left". They appear to have had an internal culture of calling people to their left "Trots".

Staff discussed jobs being "stitched up" for Labour students. For example, in January 2016 Sam Matthews, who later became GLU's Head of Disputes and then Acting Director of GLU as a whole, and was then an employee of "Oasis" and formerly in Labour's print team, enquired about a Labour vacancy - "Campaigns Officer – Campaign Materials and Direct Mail". He was encouraged to apply by a Labour staff member, , but Matthews expressed concern that "I'm mediocre (at best) at copywriting :/ - and got rejected from that job the last time I went for it".

Matthews was reminded that the team "know you" and:

all of the other people who apply will probably be internal Labour hacks with not that much legit copywriting experience outside of producing campaign materials or stuff for Labour students.

Matthews asked, however:

Won't it be a stitch up for a Labour Student though?

The response was: "Maybe under the Sarah regime, but now we're under Tom management". Matthews said he would apply for a role, but added:

As an aside, could you give me a heads up if it does end up being a stitch up for someone? I'll probably go through with it anyway to pop back up on their radar that I want back in, but it would be useful to know.

The Labour staff member said: "I've not seen any evidence of it to be honest, but that might be because Tom is less blatant about such things."¹⁴⁷

A 17 February 2015 conversation between Executive Director for Governance, Membership and Party Services Emilie Oldknow and Emma Meehan regarding a job in

¹⁴⁶ Political Bias - Trots: "160517 Conversation with Josh Carrington.eml"

¹⁴⁷ Political Bias: Trots: "160119 heads up if is stitch up.eml"

the Compliance unit, could give an indication of how hiring processes worked at the time:

Emilie Oldknow [09:27]:

Sarah tells me that your sister is looking for a job?

Emma Meehan [09:27]:

Yeah she is

Emilie Oldknow [09:27]:

We have an admin role coming up in the compliance unit

It is a bit boring, helping Margaret with donation reports etc but it gets her in the door and gives her some experience?

Do you think she would be interested?

Emma Meehan [09:28]:

Yes she definitely would, shes been looking for admin work in London

shes pretty new to the party

Emilie Oldknow [09:28]:

Okay great. That means she will be completely malleable....

Emma Meehan [09:28]:

but it would be really good experience for her

Emilie Oldknow [09:28]:

Mwah ha ha ha¹⁴⁸

On 6 July 2015, two staff members discussed the fact “these labour students” working in the office all supported Liz Kendall, who gained 4.5% of the vote in the 2015 leadership election.¹⁴⁹ In July 2016, as discussed later, ten people from “Labour Students” were recruited to work on suspending and excluding Labour members and supporters in the 2016 leadership election.¹⁵⁰

On 17 May 2016, Campaigns Analyst Josh Carrington, seeing a press officer talking openly of “smashing Trots” and “mad Trots”, commented that a newer colleague was going through the same process he had in “Head Office”, where you:

slowly realise that everyone, everyone else is much more right-wing and considers anyone left of brown to be a trot.¹⁵¹

Numerous staff privately messaged each other that Joshua Carrington himself was “a trot”, reminding each other to be careful of what they said in his presence. On 12 June 2017, for example, four days after the general election, Anna Phillips messaged Ellie

¹⁴⁸ Political Bias: Trots: “150217 Conversation with Emilie Oldknow.eml”

¹⁴⁹ Political Bias: Trots: “150706 Conversation with Josh Carrington.eml”

¹⁵⁰ 2016: “160630 Conversation with Richard Shakespeare.eml”

¹⁵¹ Political Bias - Trots: “160517 Conversation with Josh Carrington.eml”

Miller, Campaign and Shadow Cabinet Visits Manager, "remember josh is a trot" - "he seemed happy with the result this morn".¹⁵²

However, Joshua Carrington himself took part in the 2015 "Trot hunt", referred to left-wing staff associated with LOTO during the 2017 general election as "Fucking Trots" and enjoyed "[making] fun of the leadership" to its supporters.¹⁵³ He appears not to have been a supporter of Liz Kendall, however.¹⁵⁴ This may have been why other staff referred to him as a "Trot".

Ben Nolan from Digital was also described as "troty" - "he sees our increase in membership as a good thing which is always worrying".¹⁵⁵ Some staff referred to the digital team as "trot corner",¹⁵⁶ specifying Ben Nolan and Joshua Carrington.¹⁵⁷

In summer 2015, meanwhile, staff warned that Jack Smith was a "Trot" - "that little Trot", as Jo Green put it.¹⁵⁸ On 22 June 2015, Sarah Mulholland, then Head of Campaigns and Stakeholders, said:

*that Jack Smith is a right trot
and he's pals with all the young labour trots. So we need to be reallly careful*¹⁵⁹

On 17 July 2015, Campaigns Officer Stephen Donnelly warned colleagues that Jack Smith "is a big 'ol trot and dead pally with al the [Young Labour] trots". Sarah Mullholland asked "hows he been allowed to work here", to which the answer was TULO, the Trade Union Liaison Organisation. Donnelly commented "lovely guy, but the enemy as far as these chats are concerned". Michael Rubin said: "Annoying he's here" - "viper in the nest".¹⁶⁰

When Smith was positioned near staff working on the "Trot hunt", Patrick Heneghan, Executive Director of Elections, Campaigns and Organisation, reportedly advised "we just have to work secretly and stop broadcasting", which the staff struggled with: "I

¹⁵² Political Bias - Trots: "170612 Conversation with Ellie Miller - remember Josh is a Trot.eml"

¹⁵³ Political Bias - Trots: "170505 Conversation with Joshua Carrington.eml"

¹⁵⁴ Political Bias: Trots: "150706 Conversation with Josh Carrington.eml"

¹⁵⁵ Political Bias - Trots: "170612 Conversation with Ellie Miller - remember Josh is a Trot.eml"

¹⁵⁶ Political Bias - Trots: "170612 Conversation with Ellie Miller - remember Josh is a Trot.eml"

¹⁵⁷ Political Bias - Trots: "160517 Conversation with Stephen Pattison - Trot corner.eml"

¹⁵⁸ Political Bias - Trots: "151006 Conversation with Jo Green - crackers to renationalise rail.eml"

¹⁵⁹ Political Bias: Trots: "150618 Conversation with Sarah Mulholland.eml"

¹⁶⁰ Political Bias: Trots: "150717 Conversation with Michael Rubin, Stephen Donnelly.eml"

christened myself the Trot Catcher this morning, and then I remembered..."¹⁶¹ They referred to this as "operation 'don't let jack smith know we're kicking out trots'".¹⁶²

Ben Soffa, meanwhile, had been working for the TSSA union and in 2015 was head of Digital on the Jeremy Corbyn leadership election. After the election, he got a job as head of Digital in Labour HQ - the only such appointment that happened at the time. Other senior staff would refer to him as a "Trot". On 7 December 2015, for example, Director of Policy and Research Simon Jackson and Head of Planning Jo Green discussed Ben Soffa:

Jo Green 13:48:

getting second hand reports from the trot in digital not exactly joined up thinking.

Simon Jackson 13:48:

*quite*¹⁶³

On 13 May 2016, Greg Cook commented that "You can see who all the Trots are in the building. They all want Ben's postcards", to which Executive Director for Elections, Campaigns and Organisation Patrick Heneghan responded "too many."¹⁶⁴

Whether or not staff considered applicants for job vacancies to be "Trots" appears to have influenced hiring decisions.

In October 2015, for example, Simon Jackson explained to Jo Green how he had appointed a new "International Officer", from a thinktank:

Jo Green 12:42:

that's good. so not a trot either presumably

Simon Jackson 12:42:

*no, good politics*¹⁶⁵

In January 2016, Greg Cook and Stephen Pattison discussed how applicants for a vacancy so far were "Trots" - so "If i can get away with it, I won't employ anyone for the [role]."¹⁶⁶

On 14 February 2017 Fraser Welsh, who later moved to GLU, on the other hand, suggested a different approach regarding a director job, but apparently with similar

¹⁶¹ Political Bias: Trots: "150803 Conversation with Sarah Mulholland.eml"

¹⁶² Political Bias: Trots: "150803 Conversation with Emma Meehan.eml"

¹⁶³ Political Bias - Trots: "151207 Conversation with Jo Green.eml"

¹⁶⁴ Political Bias - Trots: "160513 Conversation with Patrick Heneghan.eml"

¹⁶⁵ Political Bias: Trots: "151020 new employee not a Trot.eml"

¹⁶⁶ Political Bias - Trots: "160117 Conversation with Stephen Pattison.eml"

motivations: “it may be sensible politics to give responsibility of mobilising all the trots to someone who is a bit troty, so that when the trots don't do anything, and we lose badly, it's a trot that gets thrown under a bus”.¹⁶⁷

Staff expressed an expectation that their colleagues would be hostile to supporters of Jeremy Corbyn, even mocking the idea of “chatting” with “Corbynite mates”.¹⁶⁸ On 4 August 2015, staff spoke about a colleague defending Corbyn on her personal Facebook, and John Stolliday, who would soon be moving to GLU, asked for screenshots in order to get her “sacked”:

Sarah Brown 13:59:

so did you just hear KS

Sarah Brown 13:59:

saying a corbyn leadership will make it easier to recruit a new digital team

John Stolliday 13:59:

No? Really???

Paul Ovenden 13:59:

brilliant

John Stolliday 14:00:

she must love corbyn

She is a green after all

Paul Ovenden 14:00:

she does - I saw her on Facebook mounting a passionate defence of him.

John Stolliday 14:00:

*Find me screenshots & I'll have her sacked for breaching staff code of conduct*¹⁶⁹

On 5 January 2017, discussing a move to a job in the third sector, Hester Waterfield discussed it being “so awks” that she would now be working with “a corbynite”:

Hester Waterfield 11:41:

the other person i [will be] managing is def a corbynite

Hayley Sothinathan 11:42:

that is going to be so awks

Hester Waterfield 11:43:

*i am just going to have to learn to have a professional persona*¹⁷⁰

Iain McNicol complained openly about LOTO's efforts to appoint staff, who he described as “fellow trot travellers”, calling LOTO “fucking twats”:

¹⁶⁷ Political Bias - Trots: “170214 Conversation with Fraser Welsh - Trots under bus.eml”

¹⁶⁸ Political Bias - Trots: “160113 Conversation with Anouska Gregorek.eml”

¹⁶⁹ 2016: Trots: “150804 stolliday sack for supporting JC.eml”

¹⁷⁰ Political Bias - Trots: “170105 Conversation with Hayley Sothinathan.eml”

09/04/2017, 02:33 - Iain McNicol: *The irony if them complaining about recruit process. It is actually beyond irony. Family, friends, friends of family and fellow trot travellers come get a job. No interview. Infact you don't even need to fill an application in. Fucking twats. Don't do the meeting next week as I want to be in it. Maybe you could start by asking Ioto what qualifications any of them have.*

09/04/2017, 03:05 - Iain McNicol: *Of*

09/04/2017, 07:41 - Emilie Oldknow: *Hahaha*

09/04/2017, 07:41 - Emilie Oldknow: *Brilliant Iain*¹⁷¹

In the 2017 general election, LOTO staff moved to Labour HQ to work on the election. After the election, some of these people stayed on for a bit, and LOTO was subsequently able to ensure that a handful of LOTO staff, or left-wing staff, were able to fill vacancies in Labour HQ, mainly in the press team.

Many existing Labour HQ staff referred to all these people as “Trots”.

In March 2017, for example, Neil Fleming, Acting Head of Press and Broadcasting, and Katy Dillon, Broadcast Manager, described future Labour press officer Sophie Nazemi as “Sophie the Trot” and “trot sophie”.¹⁷²

In July 2017, Ellie Miller, Head of Business Relations, referred to “all stupid trots” in Labour HQ,¹⁷³ while Labour Press Officer Ben Murphy referred to LOTO as a “gang of trots”.¹⁷⁴ In August 2017 Neil Fleming commented on “the entirety of LOTO Comms” being “in Southside today”:

Awful

*I'm coming in to see Iain next week I'll have a go at him about it. They don't need to be there, its not up to the party to give them desks when parliament has already given them one.*¹⁷⁵

In October 2017, Colette Collins-Walsh, Education Policy Officer, called her colleague Georgie Robertson from the press team “Georgie the Trot Princess.”¹⁷⁶ She noted that with Robertson, Sophie Nazemi and others joining the press office would soon be filled with “trots”.¹⁷⁷

¹⁷¹ WhatsApp: “SMT Group”

¹⁷² Political Bias - Trots: “170329 Conversation with Katy Dillon - Sophie Trot.eml”

¹⁷³ Political Bias - Trots: “170711 Conversation with Megan Wikeley.eml”

¹⁷⁴ Political Bias - Trots: “170726 Conversation with Ben Murphy.eml”

¹⁷⁵ Political Bias - Trots: “170804 shouldnt let LOTO have southside desks.eml”

¹⁷⁶ Political Bias - Trots: “171005 Conversation with Dominic Murphy.eml”

¹⁷⁷ Political Bias - Trots: “171002 Conversation with Dominic Murphy.eml”

2.1.8. The LOTO - Labour HQ relationship

Throughout this period, relationships between LOTO and Labour HQ, including GSO and GLU, were extremely strained. This evidence demonstrates that, contrary to what has been claimed by some to the EHRC, LOTO was not able to instruct GLU, GSO or other parts of HQ, which were, on the contrary, openly hostile to LOTO.

In December 2016, Tracey Allen suggested keeping LOTO staff away from Head Office by “burn[ing] incense... to ward off Trots”:

23/12/2016, 16:09 - Tracey Allen: Ah yes. Now it's coming back to me. Maybe we can burn incense in the office to ward off Trots.

23/12/2016, 16:11 - Julie Lawrence: We've tried everything else so why not.

23/12/2016, 16:15 - Tracey Allen: Ha ha ha¹⁷⁸

In February 2017, after a leak of private Party polling, Emilie Oldknow advised to contact the polling company specifically to prevent LOTO staff from discovering the source of the leak:

11/02/2017, 14:10 - Iain McNicol: Patrick do you have Michael at BMG mobile number. It looks like drop box has leaked. I need to call him urgently. Also can you do me a list of who has access. Ta

11/02/2017, 14:11 - Tracey Allen: 07545 818 949

11/02/2017, 14:12 - Patrick Heneghan: Top of my head

11/02/2017, 14:13 - Patrick Heneghan: Me.

11/02/2017, 14:13 - Patrick Heneghan: Isabel

11/02/2017, 14:13 - Patrick Heneghan: But Loto do not know that

11/02/2017, 14:13 - Patrick Heneghan: Loto staff. Simon and jack I think

11/02/2017, 14:13 - Patrick Heneghan: Staff in trickett offices

11/02/2017, 14:13 - Patrick Heneghan: Again don't know who

11/02/2017, 14:14 - Patrick Heneghan: Trickett told them not to give his access

11/02/2017, 14:14 - Patrick Heneghan: Us access

11/02/2017, 14:16 - Patrick Heneghan: I got email from bmg saying access to it ends today

11/02/2017, 14:16 - Patrick Heneghan: That will be about contract ending

11/02/2017, 14:28 - Patrick Heneghan: Basically access was tricketts decision and only he or Leah will know the full list of people he allowed access

11/02/2017, 14:28 - Patrick Heneghan: I'm guessing Simon and jack

11/02/2017, 14:28 - Patrick Heneghan: Cos I heard something about karie getting angry they had access

¹⁷⁸ WhatsApp: “SMT Group”

11/02/2017, 14:30 - Emilie Oldknow: Karie told us on Tuesday that her and others now had access too

11/02/2017, 14:32 - Iain McNicol: Karie said it is digitally recorded so will know who has access. She also said John McDonnell had called Michael.no idea what said.

11/02/2017, 14:43 - Iain McNicol: OK. Sounds like the northern testing that was done on individual politicians. JC John mcd RLB. Etc. He is not sure if Sunday times have document or just loose talk.

11/02/2017, 14:44 - Iain McNicol: He said from our end

Patrick

Greg C

Isobel

Tim. He thinks that is all who have access

11/02/2017, 14:44 - Patrick Heneghan: Wasn't sure about greg

11/02/2017, 14:45 - Patrick Heneghan: I did email him stuff tho

11/02/2017, 14:45 - Patrick Heneghan: <Media omitted>

11/02/2017, 14:45 - Patrick Heneghan: It was the monkey....

11/02/2017, 14:53 - Simon Mills: BMG think contract is being extended so access should remain

11/02/2017, 14:56 - Patrick Heneghan: Must be automated email linked to original contract date

11/02/2017, 15:57 - Emilie Oldknow: Great. Another leak investigation. Just what we all need

11/02/2017, 16:13 - Emilie Oldknow: Just thinking about it

11/02/2017, 16:13 - Emilie Oldknow: I think Iain needs to email BMG and tell them not to pass information on who has access on to anyone but either you or me¹⁷⁹

On 18 April 2017 senior HQ staff described said LOTO staff should be sacked:

18/04/2017, 12:55 - Patrick Heneghan: Loto campaigns team.....

18/04/2017, 12:55 - Patrick Heneghan: Need to be redeployed

18/04/2017, 12:55 - Patrick Heneghan: To the job centre¹⁸⁰

After the 2017 election co-operation from Labour HQ improved slightly, but the relationship was still very strained.

For example, on 2 October 2017, Oldknow commented in advance of a meeting that “I can tell you now” what Karie Murphy would say regarding the election result - “It was all down to LOTO and Momentum” - while referring to another senior LOTO staffer as an “an egotistical maniac”.¹⁸¹

¹⁷⁹ WhatsApp: “SMT Group”

¹⁸⁰ WhatsApp: “SMT Group”

¹⁸¹ Political Bias: 171002 EO on LOTO.eml

Later that month, LOTO Stakeholder Manager Laura Murray asked of GLU-GSO: “Could the digital team organise for there to be a section of the new Labour Party website where the Labour Party rulebook and agreed Codes of Conduct are accessible to members?” Further, she noted that “The Chakrabarti Report also appears to have fallen off the website during its re-vamp. Can we please make sure it is available to read on the new website?”

John Stolliday responded that he had “no particular objection” to the Chakrabarti Report going on the website. Oldknow, however, then wrote:

*John will reply substantively, but we **should not** include the confidential NEC reports on the labour party website. This will end up being a stick to beat us with and is something we have never done before.*

On Murray noting that the Chakrabarti Report had been online recently and “it was a case of it being re-uploaded”, Oldknow responded again that “My strong view is that other reports (and this one) should not be on the website.”¹⁸²

In January 2018, meanwhile, Jeremy Corbyn personally requested that Labour’s social media accounts post on Twitter and Facebook reminding people to vote in Labour’s ongoing NEC elections before they closed. The potential “factional” element to the dispute that followed is that it was believed by many that low turnout favoured the Labour right in such elections, as many “Corbyn supporters” were newer members and less aware of internal politics like NEC elections.¹⁸³

On 11 January 2018, having seen that this had been agreed, Oldknow emailed Labour social media manager Chloe Green to enquire “Where and whom has this come from?”, insisting that the emails sent by the Electoral Reform Services (ERS) were sufficient and a “much better use of communications”. She noted that “Iain [McNicol] has also said no to this.” Green replied:

We had the request from Jeremy himself, via Jack Bond. James Schneider has also given us the go-ahead.

*I'm happy either way, but of course it's not my call to make - how should we proceed?*¹⁸⁴

¹⁸² Case: Moshe Machover: “MM036.msg”

¹⁸³ Could remove that line

¹⁸⁴ Political Bias: 180111 oldknow NEC reminder tweets.eml

Oldknow forwarded this to Corbyn's social media manager Jack Bond and LOTO spokesperson James Schneider, who confirmed he had signed it off "as fine from a comms POV". Oldknow, however, insisted:

Ok. We have a comms plan with ERS – that is, they are sending out specific emails to those who haven't voted yet rather than a scatter gun effect which will just generate more questions than it answers.

I would prefer to stick to this plan.

Bond then confirmed "this came from me", and reiterated the request:

I am unsure why we wouldn't want to promote elections on social media. JC has spent 2.5 years talking about us being a mass, open and democratic party. Having elections that are promoted on social media demonstrates this is the case. And of course, some people will see the posts and be motivated to vote.

On the various elections (internal and external) I've worked on, I've always thought GOTV was quite important and reminders in different forms are helpful.

In addition, ERS, in my experience are not reliable. Didn't they miss an NEC candidate off the form? It would be great to also have ERS' email plan with reminders as JC's page would like to co-ordinate. But again, I know from trying to co-ordinate this at the start of this NEC election process that they do not give specifics.

Can this be reconsidered this please and could the Labour Party channels promote the NEC elections?

Oldknow remained adamant, however:

There is already a communications GOTV plan with our balloting organisation. They send specific emails to those people who they know have not voted. In terms of having an actual effect, this is much more effective than a Facebook or Twitter post to everyone, including voters. So, we can all agree that GOTV is a good thing and we are an open, democratic party. Hooray!

It is wrong to say that ERS are unreliable. You are wrong in the accusation you make. They did NOT leave anyone off the ballot paper. If this has been joined up from the beginning then of course we could send the timetable of the reminders, but the first me or my team heard about it was an email this afternoon. I had no idea there was any desire or requirement for this to happen.

Following a call, Bond dropped the request and suggested that they meet to plan some “social media from the Labour Party” for the next NEC elections.¹⁸⁵

This was an intervention from senior staff, Oldknow and Ian McNicol, to block a request from Jeremy Corbyn for Labour to post on social media about its own internal election.

This incident was, unfortunately, representative of Labour HQ’s general level of cooperation with LOTO, and underlines how GSO and GLU remained independent of, and often hostile to, LOTO.

¹⁸⁵ Political Bias: “180111 oldknow NEC reminder tweets 3.eml”

2.1.9. The 2017 general election

On 17 April 2017, Theresa May called a snap general election. It was a highly unexpected move, made largely due to the Conservatives' significant lead in the polls, and Labour's perceived weakness, trailing at a quarter of the popular vote.¹⁸⁶

Many Labour activists responded to the announcement with either excitement, at the chance to win seats and return a Labour government, or concern at the prospect of facing the country when polls were not looking positive.

However, it appears that some staff in Labour's Head Office, including GLU and GSO, saw the 2017 election as an opportunity to prove Jeremy Corbyn's leadership untenable and prepare the ground for a successor more closely aligned with their views. Winning elections is a fundamental aim of the Labour Party. The fact that senior Labour HQ staff were not united with LOTO even on this fundamental issue - the very purpose of the Labour Party - underlines the lack of cooperation between Labour HQ and LOTO before 2018.

Senior Labour HQ staff had already been planning for a potential succession before the general election. In a discussion preceding parliamentary by-elections in February 2017, for example:

13/01/2017, 17:31 - Julie Lawrence: I may be jumping the gun here, and JC is a proud and selfish man with a team to match, but if we lose these elections we could have another leadership election. We should set up at some stage a discrete WG to go over rules, timetable scenarios and staff servicing the process. Just so we're prepared. Like Operation Cake.

13/01/2017, 17:32 - Patrick Heneghan: Hope...

13/01/2017, 17:32 - Julie Lawrence: Yeah

13/01/2017, 17:32 - Iain McNicol: OK Julie can you pull together. Operation Cupcake

13/01/2017, 17:32 - Julie Lawrence: Yep

13/01/2017, 17:33 - Emilie Oldknow: Iain and I spoke to TW about this

13/01/2017, 17:33 - Julie Lawrence: ☐

13/01/2017, 17:33 - Patrick Heneghan: What does that mean

13/01/2017, 17:34 - Emilie Oldknow: It means Iain told TW to prepare for being interim leader¹⁸⁷

On the day the snap election was called, senior staff in the "SMT Group" made abusive comments about LOTO staff:

¹⁸⁶<https://yougov.co.uk/topics/politics/articles-reports/2017/03/29/voting-intention-conservatives-43-labour-25-26-27->

¹⁸⁷ WhatsApp: "SMT Group"

18/04/2017, 10:38 - Tracey Allen: *Karie cancelled meeting at 11.15 - they know nothing!*

18/04/2017, 10:39 - Patrick Heneghan: *I've spoken to her*

18/04/2017, 10:39 - Patrick Heneghan: *They called no 10*

18/04/2017, 10:39 - Tracey Allen: *Could her husband be terminally ill or something? Must be personal surely*

18/04/2017, 10:39 - Tracey Allen: *What did No10 say?*

18/04/2017, 10:39 - Patrick Heneghan: *Fuck u karie u silly cow*

18/04/2017, 10:39 - Patrick Heneghan: *□□*

18/04/2017, 10:40 - Tracey Allen: *Jeremy who?*

18/04/2017, 11:26 - Emilie Oldknow: *I will be down later on today¹⁸⁸*

Already on that first day, Emilie Oldknow and Julie Lawrence were discussing a potential leadership election after the campaign was over:

18/04/2017, 12:29 - Julie Lawrence: *What about leadership election afterwards if it happens?*

18/04/2017, 12:30 - Emilie Oldknow: *Said yes to that*

18/04/2017, 12:30 - Julie Lawrence: *Very good¹⁸⁹*

On 14 May 2017, mid-way general election campaign, Director of GLU John Stolliday saved a series of documents outlining procedures, codes of conduct and staff purdah rules for a "Labour Leadership Election 2017", with parts in colour that apparently reflected amendments or proposals. It included a timeline under column "Quickest", with the process beginning on 12 June 2017 and the result being announced on 19 August 2017.

On 27 May 2017, Stolliday saved an "Electoral College Rule Change" document, outlining proposals, with changes, to replace Labour's "one member one vote" leadership election system with the "Electoral College" that existed before the "Collins Review" of 2013, where MPs' votes counted for one third, members one third, and affiliated union members one third.

Under such an "Electoral College" system, neither of Jeremy Corbyn's decisive victories in 2015 and 2016, with 59% and 62% of the vote respectively, would have led to him being elected leader of the Labour Party, as very few MPs or MEPs would have voted for him or someone of his politics. If a third leadership election had taken place after the 2017 general election, Corbyn was the only person from the party's "left" who would be able to get on the ballot - as, m as the incumbent, he did not require

¹⁸⁸ WhatsApp: "SMT Group"

¹⁸⁹ WhatsApp: "SMT Group"

nominations from 20% of MPs and MEPs. He could only call a leadership election by resigning. MPs critical of Corbyn would thus have been able to choose the timing of the election, and whether to launch an immediate challenge or to wait till annual conference in September 2017 where they could try to pass the “Electoral College” rule change, which would have ensured that Corbyn or someone of his politics could not win even if they maintained the same level of overwhelming support among members and affiliate supporters.

During a general election, all work that is not essential for the election is put on pause, and staff are reassigned to different teams where appropriate.

It is unclear who authorised or instructed John Stolliday to work on these plans, instead of a Labour victory in the 2017 general election. This may have been approved by his manager, Emilie Oldknow, or by Iain McNicol.

One day into the campaign, staff appeared to be pleased about the removal of Jeremy Corbyn from initial campaign literature:

19/04/2017, 21:07 - Fiona Stanton: Is jc now off the flying start leaflet again

19/04/2017, 21:08 - Patrick Heneghan: Yes

19/04/2017, 21:08 - Tom Geldard: Yes

19/04/2017, 21:08 - Fiona Stanton: So sad

19/04/2017, 21:10 - Sarah Mulholland: There is a god

19/04/2017, 21:22 - Carol Linforth: The ☐of god¹⁹⁰

On 22 April 2017 senior staff discussed the need to protect Tom Watson’s seat in West Bromwich East (which he won on 8 June 2017 with 58.0% of the vote and an increased majority):

22/04/2017, 22:44 - Patrick Heneghan: Ok. But we need to throw cash at Tom's seat

22/04/2017, 22:44 - Patrick Heneghan: Even if just 50k for that

22/04/2017, 22:44 - Emilie Oldknow: We should do this

22/04/2017, 22:46 - Patrick Heneghan: We can't let him lose for want of money

22/04/2017, 22:46 - Patrick Heneghan: We're in meltdown

22/04/2017, 22:46 - Patrick Heneghan: 25 points down and they've not started on us

22/04/2017, 22:48 - Iain McNicol: Lets talk monday. Am off to bed. But obviously protect toms seat.¹⁹¹

Staff were also considering “go slow” tactics, making the election more difficult to win for Corbyn’s team and the Labour Party as a whole. On 21 April 2017, Labour staff

¹⁹⁰ WhatsApp: “LP Forward Planning”

¹⁹¹ WhatsApp: “SMT Group”

joked about “working hard or hardly working”,¹⁹² for example, and on 1 May 2017, Labour HQ press staff, including Head of Press Neil Fleming, established a chat to “communicate through... so we aren't on our phones all the time” - “And yes, tap tap tapping away will make us look v busy”.¹⁹³ Director of Policy and Research, Simon Jackson, had previously suggested to Anouska Gregorek, Head of Policy Development, that he would not vote for Labour in a general election when led by Jeremy Corbyn. They then discussed “taking redundancy” instead:

Anouska Gregorek 12:17:

It'll be fine maybe we can take redundancy and go travelling during the election

Simon Jackson 12:17:

*if we're all paid off we can pool cash & start a consultancy*¹⁹⁴

On 24 April 2017, senior staff discussed the need to prevent a left-wing staff member who was already based at Labour HQ, Head of Digital Ben Soffa, from seeing where digital campaign funds were being spent:

24/04/2017, 13:21 - Patrick Heneghan: Simon. We need to stop digital campaign budgets going to Ben soffa for approval

*24/04/2017, 13:21 - Patrick Heneghan: He can't see what we are doing with digital spend*¹⁹⁵

On 26 April 2017, staff discussed “the encroaching leadership election”,¹⁹⁶ and how they opposed engaging new members:

Megan Wikeley (Campaigns Officer - Materials and Direct Mail) 19:30:

how troty is ben nolan

i feel he sees our increase in membership as a good thing

which is always worrying

Josh Graham 19:31:

he talks a good game

but he also wants to make all the new members more involved

*which i am anti*¹⁹⁷

Separately, senior staff discussed avoiding Jeremy Corbyn's Chief of Staff in order to avoid working together:

¹⁹² Political Bias - Trots: “170421 hardly working.eml”

¹⁹³ Political Bias - Trots: “170501 Conversation with Ben Murphy, Katy Dillon, Neil Fleming, Paul Ovenden, Stephanie Driver.eml”

¹⁹⁴ 2016: “160727 Jackson conversation on freeze date.eml”

¹⁹⁵ WhatsApp: “SMT Group”

¹⁹⁶ Political Bias - Trots: “170612 Conversation with Ellie Miller - remember Josh is a Trot.eml”

¹⁹⁷ Political Bias - Trots: “170612 Conversation with Ellie Miller - remember Josh is a Trot.eml”

26/04/2017, 09:11 - Tracey Allen: Karie near your desk looking for you Em - not sure if you are still avoiding
 26/04/2017, 09:12 - Tracey Allen: Shes asked me to find you - I pretended to text.
 26/04/2017, 09:17 - Emilie Oldknow: Hahaha
 26/04/2017, 09:17 - Emilie Oldknow: Have spoken to her
 26/04/2017, 09:17 - Emilie Oldknow: Staffing matter
 26/04/2017, 09:20 - Tracey Allen: They need more staff to help Jeremy lose¹⁹⁸

Others joked about Jeremy Corbyn's office being sacked as soon as the election was over, and expressed concern about having to share an office with them for a few weeks:

26/04/2017, 23:01 - Tracey Allen: Staff team Corbynready to join the dole queue
 26/04/2017, 23:03 - John Stolliday: I could probably only name about a third of them
 26/04/2017, 23:08 - Patrick Heneghan: Guilty. All of them.
 27/04/2017, 00:32 - Neil Fleming: In our office from next week ☐¹⁹⁹

Soon after, Jeremy Corbyn appointed Steve Howell to work on communications and strategy in the 2017 election campaign. Existing staff at Labour HQ were immediately derisive of Howell, describing him as an "amateur" and suggesting it was a good thing he remained on the second floor of the office, where a plumbing problem had caused a smell of sewage to spread:

28/04/2017, 11:18 - Patrick Heneghan: 'Steve' now annoying half the staff
 28/04/2017, 11:20 - Iain McNicol: Progress
 28/04/2017, 11:22 - Greg Cook: Showing your true colours, Iain?
 28/04/2017, 11:23 - Neil Fleming: God this is going to be a long 6 weeks...
 28/04/2017, 11:26 - Neil Fleming: Im hating this already
 28/04/2017, 11:37 - Carol Linforth: Only half ... who are the other half ?
 28/04/2017, 11:37 - Patrick Heneghan: Everyone currently in the district room
 28/04/2017, 11:38 - Greg Cook: Seems a civilised guy
 28/04/2017, 11:38 - Greg Cook: Knows what he thinks
 28/04/2017, 11:47 - Simon Jackson Mobile: Amateur hour
 28/04/2017, 12:24 - Carol Linforth: I am told 'steve' has moved upstairs already because of the smell

28/04/2017, 12:37 - Simon Jackson Mobile: Can we make the smell worse?

¹⁹⁸ WhatsApp: "SMT Group"

¹⁹⁹ WhatsApp: "LP Forward Planning"

28/04/2017, 12:38 - Simon Jackson Mobile: Urgent action points: don't empty 2nd floor bins; buy Simon nose pegs.²⁰⁰

One senior staff member shared an article in the "LP Forward Planning" WhatsApp group with other senior staff suggesting a severe election loss could "save" the Labour Party:

29/04/2017, 10:09 - Simon Jackson Mobile: <https://capx.co/only-a-ballot-box-massacre-can-save-labour/>²⁰¹

On 2 May 2017, Jeremy Corbyn's office requested contact details for Labour candidates who had been selected to fight the election. Despite this being relatively routine information, with candidates often needing to be contacted as and when issues arose in their constituencies, Labour HQ staff chose to be obstructive:

02/05/2017, 17:08 - Sarah Mulholland: Anyone know who Robert_Donnelly@labour.org.uk is?

02/05/2017, 17:09 - Tracey Allen: Isn't he campaigns team LOTO?

02/05/2017, 17:10 - Fiona Stanton: He called me today asking for a list of candidates for jc

02/05/2017, 17:10 - Fiona Stanton: Referred him to stollers

02/05/2017, 17:12 - John Stolliday: I told him candidates not yet endorsed by NEC. When they are the candidate liaison team will be able to send any communications to them

02/05/2017, 17:12 - John Stolliday: But we're not handing over private information for hundreds of candidates when we have a system and structure

02/05/2017, 17:15 - Emilie Oldknow: Yes. Basically he keeps asking for the same information from various people because governance have said no

02/05/2017, 17:15 - Emilie Oldknow: We've told LOTO this is not acceptable

02/05/2017, 17:17 - Anna Hutchinson: He told Fatima in my office that John Stolliday had told him to ask Regional offices for the list. We haven't sent it.

02/05/2017, 17:17 - Patrick Heneghan: He is also asking regions to send him briefing notes on all seats

02/05/2017, 17:24 - Sarah Mulholland: Yes he has asked me for all mps and candidates personal contact details. Of course saying no, just wanted to check who he was.

02/05/2017, 17:34 - Emilie Oldknow: That's a complete lie

.....

03/05/2017, 09:18 - Sarah Mulholland: That daft boy who's after details for all the MPs/candidates just called me. He's got the details from the Scottish office but no

²⁰⁰ WhatsApp: "LP Forward Planning"

²⁰¹ WhatsApp: "LP Forward Planning"

where else. I reiterated what I'd said in email that I'll happily send stuff out for him. He is very confused and at one point said 'but I'm from the eighth floor campaigns team' □²⁰²

Many staff were forced to remain on the second floor of Labour HQ despite the smell caused by sewage problems in the building. This notably included the Leader's Office communications team, who worked next to the Labour press team, as well as other key LOTO staff. Meanwhile on the eighth floor, Leader's Office staff were confined to a small kitchen area. Senior staff in the General Secretary's office described the problem with "trots" in both areas, and the eighth floor kitchen as "the squat":

05/05/2017, 15:35 - Patrick Heneghan: Katy d kicking off a bit
05/05/2017, 15:37 - Julie Lawrence: Should someone talk to her?
05/05/2017, 15:39 - Tracey Allen: I have this morning extensively and Iain has this afternoon. They seem to understand we need to give it another day (supposedly smell being fixed tomorrow) Otherwise we need plan B. Katy's problem is not just smell -it is the trots. She is struggling to cope. They sound most unpleasant. At least all ours are corralled in 'The Squat' area.
05/05/2017, 15:40 - Julie Lawrence: Assumed it was trots and results.
05/05/2017, 15:41 - Julie Lawrence: 33 days
05/05/2017, 15:43 - Patrick Heneghan: I just talked to them all
 ...
05/05/2017, 16:09 - Emilie Oldknow: Is it the smell? When I went down there yesterday it was ok
05/05/2017, 16:09 - Iain McNicol: The smell is not too bad.
05/05/2017, 16:09 - Iain McNicol: Not great
05/05/2017, 16:10 - Iain McNicol: It is the people
05/05/2017, 16:10 - Emilie Oldknow: Ok. They are going in to units this weekend
05/05/2017, 16:10 - Emilie Oldknow: Yes. That is a major problem
05/05/2017, 16:10 - Emilie Oldknow: Which needs to be sorted out

Senior staff expected poor results in the election, which was blamed on the Leader's Office, for whom "Death by fire" was deemed "too kind":

07/05/2017, 19:55 - Sarah Mulholland: From pals knocking in Staylbridge and Wirral South this weekend. Death by fire is too kind for LOTO □²⁰³

²⁰² WhatsApp: "LP Forward Planning"

²⁰³ WhatsApp: "LP Forward Planning"

In this general election, Labour HQ assigned resources in a factional manner, and hid this from LOTO. In May 2017 Labour HQ assigned staff to a “secret key seats team”, permanently based in a separate building, Ergon House - “all secret to LOTO”.²⁰⁴

Catherine Bramwell 12:51:

there is a secret key seats team arriving in ergon house permanently...

Stephanie Driver 12:55:

ooo interesting on the key seats team, who will be part of it?!

Catherine Bramwell 12:55:

lots of secret meetings going on here...

I think it's all secret to loto

I'll let you know

but think it's a brand new team

moving in on Sunday

Stephanie Driver 12:59:

Brill. I endorse this plan. And will keep said plan v much to myself.

Both Sam Matthews, Head of Disputes, and Sophie Goodyear, Head of Safeguarding and Complaints, worked on this project,²⁰⁵ and other key Disputes staff such as Ben Westerman and Louise Withers-Green also appear to have been involved in or aware of it.²⁰⁶

After the election, Matthews asked to be back-paid at a higher pay rate, reflecting - although his “new role did not have a formal title” - his increased responsibilities from 12 May to 8 June 2017, including “direct responsibility for budget management, procurement of services, dealing directly with a range of suppliers and managing more than twice as many staff as normal - with a range of very different skills from the disputes team (such as designers, copy writers, videographers etc).”²⁰⁷

Sophie Goodyear suggested it “might be worth mentioning the level of budget management”, but Matthews responded:

I don't want to put the scale of budget in writing.

He did note, though, that the party could “afford this”, and “I left 100k in that budget”.²⁰⁸

²⁰⁴ Political Bias: Ergon Project: “170510 secret Ergon.eml”

²⁰⁵ Political Bias: Ergon Project: “170522 ergon project.eml”. “170510 secret Ergon.eml”

²⁰⁶ Ergon Project: “170601 Westerman - Johnson, Austin.eml”. “170530 LWG SM Money for Margaret.eml”

²⁰⁷ Political Bias: Ergon Project: “170614 SM GE role.eml”

²⁰⁸ Political Bias: Ergon Project: “170614 SM GE role.eml”

This project had the budget code GEL001, misnamed “Generic Campaign Materials”. Matthews appears to have led on printing materials. On 18 May, Matthews had a budget of £75,000; on 29 May it was increased to £175,000.²⁰⁹ On 30 May, transfer of another £61,300 to GEL001 was agreed - “I think that will give Sam what he needs.”²¹⁰ By 29 May, Matthews had billed £89,000 for printing.²¹¹ In total, the final GE2017 budget reported £135,014 spent under this item, including £42,975 specifically attributed to “Sam Matthews Key Seats Printing”, from an assigned budget of £225,842 (an underspend of £90,000, similar to the figure Matthews mentioned).²¹²

This secret project appears to have been to funnel additional resources into seats of key figures on the right of the party. Some of this was on the basis of defensive assumptions about how the campaign was progressing, contrary to LOTO’s push for more offensive targeting, which meant funnelling resources into seats that would actually - thanks to the “Corbyn surge” - return overwhelming Labour majorities, such as those of Tom Watson and Yvette Cooper. Other key figures from the right of the party in completely safe seats, such as Angela Eagle, Heidi Alexander, Chuka Umuna, Rachel Reeves, also received additional funding, as well as Facebook advertising.²¹³

This “Ergon House Project” was a secret reassignment of resources for largely factional purposes, based in part on defensive assumptions that failed to understand the momentum that was gathering behind the Labour campaign led by Jeremy Corbyn.²¹⁴

Back at Labour HQ, achievements were being talked down and senior staff appeared to relish the prospect of Labour experiencing a bad result:

11/05/2017, 15:55 - Sarah Mulholland: The kitchen are whooping and cheering Jeremy's words to the nation.

11/05/2017, 15:57 - Julie Lawrence: Shut the front door ☐

11/05/2017, 16:08 - Tracey Allen: Aaah they should make the most of it. 28 days and they'll be ashen and in tears ☐☐²¹⁵

Staff derided speeches by Jeremy Corbyn:

²⁰⁹ Ergon Project: “170518 Conversation with Gillian Barry.eml”. 170518 RE Budget codes.eml”, “170529 SM on spend plans.eml”; “170529 SM on Budget increase.eml”

²¹⁰ Ergon Project: “170530 RE Staffing budget to GEL001.eml”

²¹¹ Ergon Project: “170529 Conversation with Gillian Barry.eml”. “170529 SM spend breakdown.msg”

²¹² Ergon Project: “170612 campaign budget.msg”. “170613 Print spend, SM.msg”

²¹³ Ergon Project: “170706 Spreadsheet.msg”

²¹⁴ Ergon Project: “170622 DM master sheet by wpc.xlsx”

²¹⁵ WhatsApp: “LP Forward Planning”

12/05/2017, 12:11 - Claire-Frances Fuller: BREAKING: War is bad and killing babies is wrong.

12/05/2017, 12:20 - Tracey Allen: And as I can't even make sure my tie is done up properly on the most important speech of the election you should put your lives in my hands

Staff remarked Corbyn that Corbyn was “a Green”:

14/05/2017, 13:07 - Tracey Allen: Simon J/Sarah. Have we got standard direct mail letters, partic for green voters a

....

14/05/2017, 14:00 - Greg Cook: The Leader of the Labour Party is a Green.²¹⁶

Others suggested the Party’s sums would not add up because of what they perceived as LOTO incompetence, while also questioning Diane Abbott’s intelligence. Abbott is Britain’s first black female MP, and many feel that constant attempts to belittle her intelligence over the years, with levels of scrutiny and mockery that are not applied to prominent white men in politics, has reflected deeply ingrained racial prejudice in Britain against black people. This was also despite Labour being the only major party to produce a fully-costed manifesto:

15/05/2017, 22:29 - Greg Cook: They look like they are busy on calculators...£49.5 billion, £49.6 billion. Oh no, we missed the cost of abolishing driver-only trains...£80.5 billion...

15/05/2017, 22:31 - Tracey Allen: Diana Abbott school of calculus. They cannot cope with this level of scrutiny and responsibility. Welcome to real politics!²¹⁷

Staff running two key departments in Labour HQ, the Press Office and GLU, seemed to relish open policy disagreements among Shadow Cabinet members played out on national television. Staff described Nia Griffith as a “hero” for “stabbing” Jeremy Corbyn and Emily Thornberry and said Emily Thornberry would “pay” in “the reckoning” when Jeremy Corbyn was no longer Leader:

19/05/2017, 23:01 - Julie Lawrence: Nia slapping down ET on Trident. Labour's defence policy in chaos.

19/05/2017, 23:01 - John Stolliday: I bet they try to sack Nia

19/05/2017, 23:02 - Patrick Heneghan: Ha ha

19/05/2017, 23:03 - Patrick Heneghan: Well she set out the party position

19/05/2017, 23:43 - Neil Fleming: Just seen Nia's iv. What a bloody hero. She doesnt bullshit and shes just just stabbed corbyn and thornberry.

²¹⁶ WhatsApp: “LP Forward Planning”

²¹⁷ WhatsApp: “LP Forward Planning”

19/05/2017, 23:45 - Patrick Heneghan: *Yes she did*

19/05/2017, 23:46 - Neil Fleming: *Thornberry is awful. She should pay in the reckoning.*

By 20 May 2017, the Labour campaign was energised and Jeremy Corbyn's rallies had become bigger and bolder. In Birkenhead, a rally filled a football stadium, with activists and supporters joining from across the region. A video of the rally gained over 600,000 views on Twitter. Senior staff at Labour HQ said it was "making me feel ill" and that people in region must have "gone a bit loopy":

20/05/2017, 19:59 - Julie Lawrence:

<https://twitter.com/DavidPrescott/status/866001515382702080>

 David Prescott
@DavidPrescott

Jeremy Corbyn has just addressed 20,000 people at
Prenton Park.
Never seen anything like this. #ForTheMany



20/05/2017, 20:08 - Tracey Allen: *OMG I think this is what is making me feel ill!!!*

20/05/2017, 20:13 - Neil Fleming: *Has everyone in the north west gone a bit loopy Anna??*

On 26 May 2017, Jeremy Corbyn made a speech in response to the recent terror attacks in London and Manchester. A staff member joked with the Director of Events that she had booked the speech in the room where Ed Miliband had announced his resignation:

26/05/2017, 11:02 - John Stolliday: *Is that the room where Ed Miliband resigned?*

26/05/2017, 11:16 - Carol Linforth: *No comment*

26/05/2017, 11:25 - Tracey Allen: *Ha ha*

The same day, Francis Grove-White, Labour International Policy Officer, and Jo Greening, International Affairs advisor, discussed how a YouGov poll showing Labour gaining support made them feel "sick"; expressed hope it was "a peak" and there would now be "a clear polling decline"; expressed fear that that might not happen; said that the "crazy people who now make up our membership never want us to win in anycase", and "are communists and green supporters"; that they cannot wait to see

Andrew Neil “rip [Corbyn] to pieces tonight”; and that Corbyn’s removal after the election “has to be clean and brutal”:²¹⁸

Francis Grove-White 09:06:

How are we actually in the same party as these vile, opportunistic morons?

Jo Greening 09:06:

I am furious

FURIOUS

I have never been more ashamed to work for this party

Francis Grove-White 09:06:

Ditto

Jo Greening 09:06:

and I have been very ashamed in the past!

they are vile

you are right

have you seen the line on soldiers?

Francis Grove-White 09:06:

Yep

Francis Grove-White 09:10:

The speech is astonishing on so many levels. It's so woefully written, intellectually incoherent, factually inaccurate and devoid of any attempt to be constructive or analytical that it is in effect a Donald Trump speech. It's easy to forget that only yesterday morning they were briefing that they would be easing back into the campaign slowly and not doing anything political

I despise these people more than ever

Jo Greening 09:10:

excellent analysis

me too

I hope I see not a single one of them today

Francis Grove-White 09:11:

I actually felt quite sick when I saw that YouGov poll last night

Jo Greening 09:12:

no its great

Francis Grove-White 09:12:

Not that I think we will end up there or probably anywhere near

Jo Greening 09:12:

and I shall tell you why

it is a peak

and the polling was done after the Manchester attack

so with a bit of luck this speech will show a clear polling decline

and we shall all be able to point to how disgusting they truly are

²¹⁸ Political Bias - Trots: “170526 Conversation with Jo Greening.eml”

(now obviously we know it was never real - but that isnt the point in politics!)

Francis Grove-White 09:13:

Yeah I'm sure that's right

Francis Grove-White 09:16:

My fears are that: a) the speech won't go down as badly as it deserves to thanks to the large groundswell of ill-informed opposition to all western interventions. And b) they will use that poll to claim they were on course to win and then Manchester happened. And whether or not JC goes, lots of the membership will buy that argument

Like after the referendum when they distorted the polling and claimed we had overtaken the Tories before the "coup" happened

Jo Greening 09:17:

if this speech gets cut through - as I think it may - it will harden normal people against us

definitely

in the face of a terror attack normal people do not blame foreign intervention they blame immigration

whats more - all they will hear is we dont want to respond strongly

we want peace with ISIS

it all plays into a bigger picture of how they see corbyn

so I have a feeling this will cut through

you are right on the second point

it has to be up to the MPs though to demonstrate how toxic he is on the doorstep throughout

but that this speech particularly was toxic

and Manchester had happened when that poll was in the field

on the supporters

I personally think we are going to do very badly in deed

and I think it will shock a lot of them how badly we do

including JC

so everyone has to be ready when he is in shock

it has to be clean and brutal

and not involve the party at all in my opinion

those crazy people who now make up our membership never want us to win in anycase

they are communists

and green supporters

even if Manchester hadnt happened and we got smashed

they would have never changed their minds

Francis Grove-White 09:23:

Yeah that's true

I agree with all of that. And I think you're right - most people will see this speech for the nonsensical and ill-judged turd that it really is

Jo Greening 09:25:

the crazies wont - they will love it

Francis Grove-White 09:25:

Yeah of course - but the wider electorate and floating voters

*I CANNOT WAIT to see Andrew Neil rip him to pieces over it tonight*²¹⁹

On 31 May 2017, the election looked increasingly tight, with new polls suggesting a hung parliament, or even a Labour government. Senior staff appeared to prefer those polls that still predicted a Conservative victory:

31/05/2017, 16:47 - Patrick Heneghan: Westminster voting intention:

CON: 43% (+1)

LAB: 33% (-1)

LDEM: 11% (+2)

UKIP: 4% (-)

GRN: 3% (-1)

(via TNS_UK / 25 - 30 May)

31/05/2017, 16:49 - Neil Fleming: Always loved TNS. Gold Standard.

(Forward)

01/06/2017, 21:01 - Patrick Heneghan: Take a look at @jon_trickett's Tweet:

https://twitter.com/jon_trickett/status/870343944596574209?s=08

01/06/2017, 21:04 - Tracey Allen: What!!!!

01/06/2017, 21:06 - Julie Lawrence: Ich bin ein Trot!

01/06/2017, 21:06 - Iain McNicol: I am a Corbyn

01/06/2017, 21:07 - Iain McNicol: That doesn't make sense

01/06/2017, 21:07 - Tracey Allen: I am a hamburger

01/06/2017, 21:07 - Iain McNicol: I am a trot

01/06/2017, 21:07 - Iain McNicol: That makes complete sense

01/06/2017, 21:08 - Iain McNicol: Ich bin prime minister

01/06/2017, 21:09 - Julie Lawrence: ☐

*01/06/2017, 21:11 - Tracey Allen: I am getting seriously weirded out by all this P M talk. I don't think I can cope with the idea. 6 more bloody days is too long...*²²⁰

At least one poll put Labour on 40% or higher:

²¹⁹ Political Bias - Trots: "170526 Conversation with Jo Greening.eml"

²²⁰ WhatsApp: "LP Forward Planning"

02/06/2017, 11:46 - Patrick Heneghan: Take a look at @britainelects's Tweet:
<https://twitter.com/britainelects/status/870592083060543488?s=08>
 02/06/2017, 11:48 - Neil Fleming: Wowser
 02/06/2017, 12:11 - Julie Lawrence: Nooo, really?²²¹

Days before polling day, one company, Survation, cut the Conservative lead to just one point, while another, ORB, had the Tories nine points ahead. The polls received different reactions from staff:

03/06/2017, 20:50 - Patrick Heneghan: Westminster voting intention:

CON: 40% (-6)
 LAB: 39% (+5)
 LDEM: 8% (-)
 UKIP: 5% (+2)

(via @Survation / 03 Jun)

03/06/2017, 20:50 - Neil Fleming: ☐

03/06/2017, 20:54 - Neil Fleming: Wtf is going on. Polling industry may as well fold up.

03/06/2017, 20:54 - Tracey Allen: It is doing my head in.

03/06/2017, 21:02 - Julie Lawrence: ☐

03/06/2017, 21:04 - Tracey Allen: Long 5 days to go

03/06/2017, 21:12 - Patrick Heneghan: Westminster voting intention:

CON: 45% (+1)
 LAB: 36% (-2)
 LDEM: 8% (+1)
 UKIP: 4% (-1)

(via ORB / 31 May - 01 Jun)

03/06/2017, 21:13 - Neil Fleming: Good old ORB²²²

Senior staff expressed frustration at the enthusiasm and support Jeremy Corbyn had engendered in activists and called LOTO staff member Kat Fletcher a "Trot":

04/06/2017, 20:29 - Fiona Stanton: He refuses to go without seeing them. The crowds appointed leader a nutjob. Desire from team jc to avoid sombre speech followed by selfies

²²¹ WhatsApp: "LP Forward Planning"

²²² WhatsApp: "LP Forward Planning"

04/06/2017, 20:31 - Fiona Stanton: So crowd was negotiated into 2 rooms inside hotel

04/06/2017, 20:31 - Fiona Stanton: For sombre speech v2 and v3. Jc does big rahrah

04/06/2017, 20:32 - Fiona Stanton: Hes still on speech 3

04/06/2017, 20:32 - Iain McNicol: Photos please

04/06/2017, 20:34 - Fiona Stanton: <Media omitted>

04/06/2017, 20:45 - Fiona Stanton: Most ridiculous visit ever. I do not know how kat copes with them

04/06/2017, 20:56 - Greg Cook: Presumably because she's a Trot like the rest of them.

04/06/2017, 20:58 - Tracey Allen: Quite!

Just days before polling day, Head of Political Strategy Greg Cook expressed hope that the “sheer hypocrisy” of a speech by Corbyn would make other views of his “a legitimate topic” for attack, referring to Corbyn as “a lying little toerag”:

04/06/2017, 21:01 - Greg Cook: Hopefully the sheer hypocrisy of that speech will make his views on STK and abolishing the army a legitimate topic.

04/06/2017, 21:20 - Patrick Heneghan: Take a look at @jon_trickett's Tweet: https://twitter.com/jon_trickett/status/871433303794089985?s=08



04/06/2017, 21:42 - Greg Cook: Absolutely right. It shows in detail what a lying little toerag he is.²²³

When it was announced that Shadow Home Secretary Diane Abbott had fallen ill towards the end of the election campaign, staff including Iain McNicol himself mocked her:

07/06/2017, 08:59 - Tracey Allen: You mean "I'll health" surely

07/06/2017, 09:07 - Patrick Heneghan: Surely GSO need to organise a get well soon card

07/06/2017, 09:07 - Iain McNicol: And some flowers.

²²³ WhatsApp: “LP Forward Planning”

07/06/2017, 09:08 - Julie Lawrence: Surely LOTO do that on behalf of the party

07/06/2017, 09:08 - Tracey Allen: #prayfordiane

07/06/2017, 09:12 - Sarah Mulholland: But but but but but Lyn Brown is as daft as a brush.

07/06/2017, 09:13 - Neil Fleming: And nasty with it

07/06/2017, 09:13 - Neil Fleming: #BringBackDiane²²⁴

A negative poll, even a day before polling day, was apparently celebrated by Head of Press and Broadcasting Neil Fleming:

07/06/2017, 18:01 - Patrick Heneghan: Westminster voting intention:

CON: 46% (+1)

LAB: 34% (-)

LDEM: 7% (-1)

UKIP: 5% (-)

GRN: 2% (-1)

(via @ICMResearch / 06 - 07 Jun)

07/06/2017, 18:02 - Neil Fleming: Boom

When discussing the well-attended final rally of the campaign, in the Union Chapel in Islington, staff joked about potential violence against Labour members and supporters and the use of “water cannons” and “truncheons” to “knock some trots”:

07/06/2017, 22:02 - Carol Linforth: We got v close to the police stopping the event. There 4 police swots here.

07/06/2017, 22:03 - Carol Linforth: <Media omitted>

07/06/2017, 22:03 - Patrick Heneghan: Omg

07/06/2017, 22:03 - Julie Lawrence: Blimey.

07/06/2017, 22:03 - John Stolliday: Truncheons out lads, let's knock some trots.

07/06/2017, 22:04 - Patrick Heneghan: Water cannons please²²⁵

Finally, it reached polling day. Rather than focusing on getting out the vote, senior staff were joking about the next day's drinks, away from Corbyn's staff:

08/06/2017, 12:19 - Patrick Heneghan: We've got old star upstairs booked for tomorrow from 3ish

08/06/2017, 12:21 - Neil Fleming: Loto/Number 10 invited? ☐

²²⁴ WhatsApp: “LP Forward Planning”

²²⁵ WhatsApp: “LP Forward Planning”

08/06/2017, 12:21 - Patrick Heneghan: No.
 08/06/2017, 12:22 - Neil Fleming: Hahahaha²²⁶

Senior staff reacted with incredulousness, rather than support, to Labour activists campaigning on a train they were taking:

08/06/2017, 20:34 - Tracey Allen: Oh God. U can't even get away from them on the train and read ur paper in peace. The Corbynistas are 'knocking up' on my train. Whole new strategy.
 08/06/2017, 20:35 - Sarah Mulholland: <Media omitted>
 08/06/2017, 20:36 - Tracey Allen: Apparently it's the meeja wot lost it for Jezza²²⁷

The exit poll came in at 22:00 on 8 June 2017, and predicted a hung parliament. The exit poll is the best indicator of what the election result will be, and this was clearly a positive result, far better than what many had anticipated, winning many more Labour MPs, costing the Conservative Party their majority, and at first, it seemed, opening up the possibility of another election or a Labour coalition government.

Emotions in Labour HQ, containing both LOTO and Labour HQ staff, were mixed that evening:

08/06/2017, 22:24 - Julie Lawrence: Patrick if anyone in war room needs some safe space time they can come to gso
 08/06/2017, 22:25 - Tracey Allen: More like in need of counseling!
 08/06/2017, 22:41 - Emilie Oldknow: What's the atmosphere like there?
 08/06/2017, 22:41 - Simon Mills: Depends which side of the building!
 08/06/2017, 22:41 - Patrick Heneghan: Awful
 08/06/2017, 22:41 - Patrick Heneghan: Help
 08/06/2017, 22:42 - Simon Mills: Split between euphoria and shock
 08/06/2017, 22:42 - Julie Lawrence: We are stunned and reeling.
 08/06/2017, 22:45 - Tracey Allen: They are cheering and we are silent and grey faced. Opposite to what I had been working towards for the last couple of years!! ☐
 08/06/2017, 22:46 - Emilie Oldknow: We have to be upbeat
 08/06/2017, 22:46 - Emilie Oldknow: And not show it
 08/06/2017, 22:47 - Emilie Oldknow: And at least we have loads of money now...
 08/06/2017, 22:47 - Julie Lawrence: Not if we go into coalition and lose short money
 08/06/2017, 22:47 - Julie Lawrence: "Steve" walking the floor
 08/06/2017, 22:48 - Emilie Oldknow: Oh no
 08/06/2017, 22:48 - Patrick Heneghan: Everyone needs to smile
 08/06/2017, 22:48 - Patrick Heneghan: I'm going into room of death

²²⁶ WhatsApp: "LP Forward Planning"

²²⁷ WhatsApp: "LP Forward Planning"

08/06/2017, 22:48 - Emilie Oldknow: Everyone needs to be very up beat
 08/06/2017, 22:48 - Julie Lawrence: Its hard but yes
 08/06/2017, 22:52 - Iain McNicol: I'm not in smiling and mixing and doing the 2nd floor.
 08/06/2017, 22:53 - Iain McNicol: Everyone else needs to do the same.
 08/06/2017, 22:53 - Iain McNicol: It is going to be a long night.²²⁸

Results continued to come in throughout the night, and with Labour were making gains across the country, staff commented that “one highlight” of the night would be Rhea Wolfson, a Jewish member of the NEC and Corbyn supporter, winning her seat so she would be “off the NEC”, and derided the Shadow Foreign Secretary:

09/06/2017, 00:07 - Sarah Mulholland: Scottish friends at the count say Rhea Wolfson doing well on samples...
 09/06/2017, 00:07 - Emilie Oldknow: Brilliant
 09/06/2017, 00:08 - Emilie Oldknow: Gets her off the NEC
 09/06/2017, 00:09 - John Stolliday: Eddie Izzard on
 09/06/2017, 00:09 - Julie Lawrence: One highlight
 09/06/2017, 00:09 - John Stolliday: If Ellie Reeves wins as well
 09/06/2017, 00:11 - Fiona Stanton: Emily thornberry is sooo horrendou²²⁹

The day after the election, senior staff continued to express their dismay:

09/06/2017, 10:44 - Tracey Allen: We will have to suck this up. The people have spoken. Bastards
 09/06/2017, 12:59 - Sarah Mulholland: What were our loses again - Winnick, Meale, Fello and Engel. Was there another I've missed? ☐
 09/06/2017, 13:00 - Greg Cook: No, the other losses were Copeland and Blenkinsopp's seat
 09/06/2017, 13:01 - Sarah Mulholland: ☐
 09/06/2017, 13:01 - Sarah Mulholland: Thanks Greg
 09/06/2017, 13:16 - Tracey Allen: We have a letter ready to go to them on Monday Iain
 09/06/2017, 13:30 - Sarah Mulholland: Kensington and Chelsea? I've just woken up and confused by Twitter. Did we gain it???
 09/06/2017, 13:30 - Patrick Heneghan: Count again at 6pm
 09/06/2017, 13:31 - Sarah Mulholland: Omg. That Emma Coad is a grade 1 tool.²³⁰

²²⁸ WhatsApp: “SMT Group”

²²⁹ WhatsApp: “LP Forward Planning”

²³⁰ WhatsApp: “LP Forward Planning”

On 12 June 2017, four days after the election and in response to a message of congratulations on the campaign, Director of GLU Stolliday responded “very interesting result...”²³¹

On the same day, Anna Phillips, Shadow Cabinet Visits Assistant, messaged Ellie Miller, Campaign and Shadow Cabinet Visits Manager, "remember [Joshua Carrington] is a trot" - “he seemed happy with the result this morn”. Noting that “josh won £80 on the GE result”, which meant “he was right and we were wrong”.

Ellie Miller 12:15:

should have bet on trump and brexit too. bet against what you want and at least make money out of it!

Anna Phillips 12:16:

*yeah, at least you'd get something good from the disappointment*²³²

At the next PLP meeting, many MPs expressed their support for Jeremy Corbyn following a positive election campaign. Oldknow described MPs including Yvette Cooper as “grovelling” and “embarrassing”:

13/06/2017, 18:54 - Emilie Oldknow: Loads of unity

13/06/2017, 18:55 - Emilie Oldknow: It's really embarrassing seeing all these people grovel

13/06/2017, 18:56 - Emilie Oldknow: Saying how he was brilliant

13/06/2017, 18:56 - Julie Lawrence: Oh god

13/06/2017, 18:59 - Julie Lawrence: Iain, understand Andy Kerr is calling you after 7. He's on hols but he texted to say fine about the review. So will send email out tomorrow morning.

13/06/2017, 18:59 - Emilie Oldknow: That sounds fine then

13/06/2017, 18:59 - Julie Lawrence: ☐

13/06/2017, 19:00 - Julie Lawrence: Also Ann B in tomorrow for a property meeting so no doubt will be round GLU/GSO for catch up

13/06/2017, 19:01 - Tracey Allen: Grovelling. This is what we have been reduced to ☐

13/06/2017, 19:02 - Emilie Oldknow: Angela Smith talked about how amazing the regional office was and they wouldn't have done it without them

13/06/2017, 19:05 - Patrick Heneghan: Did Mike A speak?

13/06/2017, 19:08 - Emilie Oldknow: No

*13/06/2017, 19:08 - Emilie Oldknow: Yvette. Grovelling*²³³

²³¹ Political Bias: Trots: “170613 RE This week.eml”

²³² Political Bias - Trots: “170612 Conversation with Ellie Miller - remember Josh is a Trot.eml”

²³³ WhatsApp: “SMT Group”

On 15 June 2017, senior staff were still sharing of their negative feelings about the election result:

15/06/2017, 22:08 - John Stolliday: A week since that exit poll...

15/06/2017, 22:08 - Julie Lawrence: Post traumatic stress²³⁴

²³⁴ WhatsApp: "LP Forward Planning"

2.1.10. Factionalism and the Governance and Legal Unit

The Governance and Legal Unit's work included making decisions on the processes and internal rules and regulations of the party, in line, in theory, with Labour's Rulebook. However, it was clearly understood that this was to be done flexibly and on a factional basis, at the expense of the left of the Party. This further demonstrates that LOTO did not have authority over GLU, which routinely acted against LOTO's interests and desires.

On 14 December 2016, for example, GLU Investigations Officer Ben Westerman commented to GLU Head of Disputes Sam Matthews, concerning Emilie Oldknow:

Ben Westerman 13:06:

*it's just eo going for people that she doesn't like/her friends don't like and expecting us to be able to fabricate a case because politics which is ludicrous*²³⁵

This appears to be a reference to Emilie Oldknow expecting GLU to "fabricate a case" against "people that she doesn't like/her friends don't like".

On 3 November 2014, meanwhile, John Stolliday, later Director of GLU, discussed how the party was using procedures to "stop the Scotland trots" winning a parliamentary selection, whilst "pretend[ing] we're doing this in a more open way".²³⁶ One of the heads of the department at the time was Mike Creighton.

The Christine Shawcroft case from 2015 is also illustrative. In May 2015 GLU had suspended Shawcroft, a Labour NEC member and left-winger, accusing her of supporting a rival to the Labour Party. This pertained to a long-standing conflict in Tower Hamlets, where the Labour right had ousted Lutfur Rahman, the UK's first executive Muslim mayor. There were varying allegations of racism and corruption, for which Labour had suspended Rahman, and Rahman had then stood against Labour's candidate, John Biggs. Some on the left, such as Shawcroft, former leader of the Tower Hamlets Labour group, sympathised with Rahman. In a court judgement in spring 2015, Richard Mawrey QC found Rahman guilty of electoral fraud, but also that:

*[Rahman's] treatment by the NEC was, by any standards, utterly shameful and wholly unworthy of the party which, rightly, prides itself on having passed the Human Rights Act.*²³⁷

²³⁵ Political Bias: "161214 EO fabricate case.eml"

²³⁶ Political Bias: Trots: "141103 Conversation with Anna Wright.eml"

²³⁷ <https://www.theguardian.com/politics/2015/may/11/labour-christine-shawcroft-suspended-lutfur-rahman-tower-hamlets>

Shawcroft had testified at the trial, and at a rally following the judgement she criticised it:

*The lack of a sound evidence base, the factual inaccuracies, the dangerous claims made about British Muslims and the powers given to the state to intervene in elections set a disturbing precedent.*²³⁸

She also expressed her support for Rahman's legal case:

*Unfortunately, this is not the first time that the full weight of the British Establishment has come crashing down on Tower Hamlets. George Lansbury and Sylvia Pankhurst would all have found this very depressingly familiar. We will fight back and we will carry on fighting.*²³⁹

For this, Shawcroft was suspended on the grounds of both backing a rival candidate to Labour, and engaging in conduct "grossly detrimental" to the party, although fellow NEC member Ken Livingstone, who had also sent a message of support to Rahman's case, argued:

*All she said was that this was a highly political judgment. It is quite bizarre that she has been suspended by the NEC and I haven't. She said what a lot of other people think – that there has been a witch-hunt against Britain's first directly elected Muslim mayor.*²⁴⁰

A conversation on 23 June 2015 between Jo Green and Stolliday suggests that Iain McNicol and Mike Creighton, Director of Risk and Property, were searching for evidence to justify their charges, but were unsuccessful:

John Stolliday 10:17:

We're readmitting Christine Shawcroft

Jo Green 10:17:

what???

who has pushed for that>?

John Stolliday 10:18:

They couldn't get any evidence that she campaigned against the party. I think Iain & Mike are pre-empting the disputes panel which will rule that there's no evidence against her

(Disputes Panel = Ann Black & union NEC stooges)

Jo Green 10:19:

²³⁸ <https://www.theguardian.com/politics/2015/may/11/labour-christine-shawcroft-suspended-lutfur-rahman-tower-hamlets>

²³⁹ <https://labourlist.org/2015/05/nec-member-christine-shawcroft-suspended-for-continued-lutfur-rahman-support/>

²⁴⁰ <https://www.theguardian.com/politics/2015/may/11/labour-christine-shawcroft-suspended-lutfur-rahman-tower-hamlets>

fair enough

grim

this organisation needs bleaching with dettol

John Stolliday 10:24:

Technically Dettol isn't a bleach, it's a disinfectant, but yeah. Point well made.

Jo Green 10:25:

haha

you know what i mean²⁴¹

Similarly, a conversation on 20 July 2015 between Teddy Ryan, Regional Organiser and later a Regional Director, and Katherine Buckingham from GLU, may be seen to imply that both the Shawcroft case and a 2014 suspension in Falkirk, both involving prominent left-wingers, had been factionally motivated:

teddy_ryan@labour.org.uk 11:54:

I don't like living in a world where I'm not allowed to go round threatening people as I see fit

....

Katherine Buckingham 12:07:

well at least your job isn't about to be purged by an aged trot

Teddy Ryan 12:07:

no, but I wish it was. Id get a right few quit out of that quid

Katherine Buckingham 12:10:

that's my hope. we all get taken out an shot. and given a wodge of cash

Teddy Ryan 12:10:

that would be the dream

I mean, it would cost the party so muych money that we would cease to exist but we're on that treadmill anyway

Katherine Buckingham 12:15:

yeah well they'll have to try and work out which of us are blairite. Compliance would be first against the wall, after falkirk and christine shawcroft etc.²⁴²

Mike Creighton, the most senior staff member in GLU in 2015 to early 2017, had first worked for the party since 1992, and in 2007 was a party organiser when he moved into Labour HQ. At his retirement party in March 2017, he remarked that he had been promoted to stop him “from bed-blocking younger, more talented people coming through the ranks”, and described how “Working in Head Office I seemed to

²⁴¹ Political Bias: Christine Shawcroft: “150623 Stolliday Green.msg”

²⁴² Political Bias: Christine Shawcroft: “150720 Ryan Buckingham.msg”

accumulate jobs by accident until I perfected my current Job title – Senior Odd Job Person.”²⁴³

On 22 June 2016, staff members Sarah Mulholland and Stephen Donnelly discussed organising NEC Youth Representative elections on a one-year cycle to ensure that a left-wing candidate would not win - which Mike Creighton was “happy with” - and making sure they had time to find a “decent person” to stand:²⁴⁴

Sarah Mulholland 13:31:

*basically I think elections in Feb should be for one year terms
ah it is tricky*

*we don't want to end up having the youth omov elections at the same time as the
NEC CLP rep elections, we need to make sure they are on the alternative election
cycle - so the same time as the NCC and CAC
otherwise the youth rep will end up on the GRA alliance slate with Ken Livingston
and pals and win all the time*

Stephen Donnelly 13:34:

*Ah I see- understand completely. Much better cycle to be in. Also an easy argumetn
to make as it means that both Labour Students *and* Young Labour can have
OMOV elections in 2017, as opposed to Labour Students having them in 2017 and YL
having to wait until 2018 which could be hard to justify
Presumably the whole thing could basically just take effect from when it's passed at
Conference 2016 in Sept?*

Sarah Mulholland 13:36:

yup

Stephen Donnelly 13:36:

*question is tho- do we then elect a 1 year NEC Youth Rep?
and restand them?*

Sarah Mulholland 13:36:

*slightly tricky as it would mean a youth conference and elections in Jan/Feb, followed
by the review being passed by conference in September 2016, then elections summer
2017 but should be ok
yes, provided they wanted to re-run
nothing to stop them apart from it being miserable*

Stephen Donnelly 13:37:

*what would the rules be though if they were under 23 the first time buit not the
second?
would affect our choice potentially*

²⁴³ <https://chalkhill.digital/?s=the%20music%20has%20to%20stop>

²⁴⁴ Political Bias: Trots: “150618 Conversation with Sarah Mulholland.eml”

Might mean (would have to check her age) that we could give to Helena (shit I know) but then she'd be ineligible a year later therefore giving us the time to find a properly decent person which we're struggling to do atm

Sarah Mulholland 13:39:

I thought they had a good young'un?

Stephen Donnelly 13:39:

hmmmmm

this is one of the things we're chatting

Looked like Jasmin Beckett but tbh this decision has been all over the place

Don't worry, I'll think over- need to chat to Mike about the implications for elections

Sarah Mulholland 13:43:

*Mike is happy with the rationale behind coupling them with the odd-year cycle. But I think it would be hard to justify waving the age requirement.*²⁴⁵

In January 2017, Momentum staff got in touch with regional director Fiona Stanton regarding their plans to mobilise Labour members to campaign in the upcoming by-elections. Stanton discussed her response, concerning electoral regulations, with Creighton, who approved it but added:

*Obvs you could use the alternative 'eff off and never come back' but that may not strike the level of inclusiveness you were striving for.*²⁴⁶

Stanton responded: "Hilarious. Yes. I had to try very very hard."²⁴⁷

It is normal - and highly beneficial to the party - for Labour Party campaign groups to try to mobilise Labour members to go door-knocking for Labour. "Progress", for example, organises "three seat challenges", where members travel across multiple constituencies campaigning on a single day.²⁴⁸ Momentum had mobilised large numbers of members previously, for example for the Oldham by-election in late 2015, and they would later become a key feature of Labour campaigning from the 2017 general election onwards. The above comments, in this context, indicate the view these staff took towards such activities from Momentum.

In April 2017, GSO staff discussed how Simon Danczuk could be allowed to re-stand in the upcoming election:

²⁴⁵ Political Bias: Trots: "150618 Conversation with Sarah Mulholland.eml"

²⁴⁶ Political Bias: 170118 Momentum.eml

²⁴⁷ Political Bias: 170118 Momentum.eml

²⁴⁸ Check accuracy, provide source

18/04/2017, 12:13 - Tracey Allen: I am expecting a call from Simon Danczuk in person to confirm he is restanding. Once I have it from 'horses mouth' will be handled by Governance.

Danczuk, a Labour MP from the right of the party who was not a Jeremy Corbyn supporter, had been suspended on 31 December 2015, for sending “sexually explicit text messages” to “a teenager... after she asked him for a job”. The Sexual Offences Act of 2003 defines the age of consent as 18 when a person is “in a position of trust” over someone else, and the woman involved was 17 at the time.²⁴⁹

On 18 April 2017, Emilie Oldknow said regarding Danczuk that they would “unsuspend him and let him stand”:

18/04/2017, 12:53 - Tracey Allen: Danczuk confirmed he wants to stand at LP candidate. Stollers now picking this up

18/04/2017, 12:54 - Emilie Oldknow: Yes. I think we just unsuspend him and let him stand

18/04/2017, 12:54 - Emilie Oldknow: Yes. No need to take the pads on

18/04/2017, 12:55 - Patrick Heneghan: Yes. Agree²⁵⁰

On 12 November 2016, staff discussed allegations against Keith Vaz and whether they would warrant a suspension. Although Creighton noted it is a “political decision rather than anything based on consistency with other decisions”, in this case Iain McNicol chose to “hold line,” rather than consult LOTO. This suggests LOTO were less likely to be consulted when cases concerned NEC members who were more aligned with the views of GSO.

12/11/2016, 09:44 - Claire-Frances Fuller: Does that fact there is a police investigation change our line on Vaz?

12/11/2016, 09:47 - Emilie Oldknow: Not in my view

12/11/2016, 09:49 - Mike Creighton: If they are investigating POSSIBLE drug offences we can probably hold where we are, but if the tone hardens at all we are in suspension territory. Obvs a political decision rather than anything based on consistency with other decisions.

12/11/2016, 09:49 - Emilie Oldknow: We cannot suspend Keith

12/11/2016, 09:50 - Emilie Oldknow: Unless we know for sure there is something specific and he is charged

12/11/2016, 09:50 - Emilie Oldknow: That's my view

12/11/2016, 09:51 - Claire-Frances Fuller: Ok, I've emailed re this and copied in Lorna who is on duty. I'll tell her to keep saying it is a matter for Keith.

²⁴⁹ <https://www.independent.co.uk/news/uk/politics/simon-danczuk-mp-rochdale-suspended-from-labour-party-after-sending-sexually-explicit-messages-to-a6791756.html>

²⁵⁰ WhatsApp: “SMT Group”

12/11/2016, 09:54 - Mike Creighton: *As I said it's a political decision but will will be in an area where others have been suspended so there will need to be lines why not. If we say not until charged then that is a major change with impact on other cases.*

12/11/2016, 09:55 - Mike Creighton: *Matter for KV works for now.*

12/11/2016, 09:55 - Mike Creighton: *Let's hope it holds.*

12/11/2016, 09:55 - Claire-Frances Fuller: *Agree will be difficult to sustain given other cases (Simon D for example). But will keep in touch on this issue.*

12/11/2016, 09:58 - Emilie Oldknow: *I'll let you tell him*

12/11/2016, 10:09 - Iain McNicol: *Let's hold line just now. If it starts to spin out then we can catch up.*²⁵¹

As apparently was the custom in the Labour Party, staff in GLU were often recruited internally from existing party staff, despite a lack of relevant qualifications or experience.

John Stolliday, for example, was a Media Monitoring Officer from 2005 to 2007, and Senior Media Monitoring Officer from 2007 to October 2015, when he became "Head of the Constitutional Unit" in GLU. The "Media Monitoring Unit" is the Party's internal transcription service, which monitors relevant media and produces summary reports on what is being reported. Stolliday had a BA in History and Politics, and his LinkedIn declares no legal experience or qualifications.²⁵²

On 22 July 2015, Stolliday told Claire-Frances Lennon (then also a Press Officer, and later Head of Internal Governance under Stolliday) that he was leaving press for GLU, describing his new role as "political fixing", selections and "legal stuff", and noting specifically that they needed "to completely overhaul selections to stop the useless trots getting selected".²⁵³

Claire-Frances Lennon 11:13:

yay!! I love that you'll be a fixer :)

down with voting!! That's what I say!

(chuckle)

John Stolliday 11:13:

absolutely. Letting members have a say is the worst thing that happened to the Labour Party

Claire-Frances Lennon 11:14:

*AGREED!*²⁵⁴

²⁵¹ WhatsApp: "LP Forward Planning"

²⁵² Staff: "Stolliday LinkedIn.PNG"

²⁵³ Political Bias: Trots: "150722 Conversation with John Stolliday.eml"

²⁵⁴ Political Bias: Trots: "150722 Conversation with John Stolliday.eml"

The role was subsequently advertised and, as Stolliday reported on 29 July, GLU staff were “actively helping me with my interview”. He noted that the requirements for legal knowledge, including of the Equalities Act, made him “gulp”, however:²⁵⁵

Claire-Frances Lennon 10:19:

saw it advertised yesterday, very exciting and good job title!

John Stolliday 10:20:

yeah but this in the JD made me gulp: " Detailed understanding and knowledge of PPERA (the Political Parties, Elections and Referendums Act), the Equalities Act, RPA (the Representation of the People Act) and other relevant legislation. "

Claire-Frances Lennon 10:20:

eeek....

*i would be surprised if there is anyone else out there who would have a clue about that...so pretty sure if you can get help swatting up you will walk it :)*²⁵⁶

Before his interview in September 2015, Stolliday commented that the appointment was a “Bit of an Emilie stitch up”.²⁵⁷

Discussing how to bond with Stolliday in December 2016, staff noted that he “doesn't like trots”.²⁵⁸

There are many further examples of GLU under Stolliday using Labour's internal rules and procedures in a factional manner - something which new Labour members who supported Corbyn regularly complained about.

In July 2016, for example, the “pro-Corbyn” left decisively won Brighton CLP's annual general meeting (AGM). Local Momentum activists organised to all gather at a certain place, then go to the AGM itself. In July 2016, Stolliday discussed overturning Brighton CLP's AGM with Buckingham:

overturn AGM, deal with individuals. Shows what we're up against - a bunch of SWP & Trots marching straight from a rally to invade a CLP meeting and stuff handfuls of ballot papers in boxes even when they're not members of the party

Buckingham said: “I say act now and worry about [rules and legal issues] later, so long as we don't do something that'll end up fucknig everything else up”.²⁵⁹

²⁵⁵ Staff: “150729 JS gulp.eml”

²⁵⁶ Staff: “150729 JS gulp.eml”

²⁵⁷ Staff: “150904 Conversation with Claire-Frances Lennon.eml”

²⁵⁸ Political Bias - Trots: “161206 Conversation with Dominic Murphy - Stolliday doesn't like trots.eml”

²⁵⁹ Political Bias - Trots: “160712 Conversation with John Stolliday - bunch of SWP and Trots.eml”

It was, of course, not possible for people who are not members of the Labour Party to vote in local AGMs, let alone any members of the SWP or Trotskyist organisations. Brighton had its AGM overturned and the old executive restored. The local party was then split into three separate CLPs, but when their AGMs were eventually held in spring 2017, the “left” again won.

Wallasey CLP was also suspended in July 2016. A year later, on 7 July 2017 Oldknow emailed Sam Matthews, the Head of Disputes, and Stolliday asking for an update on the situation. She listed allegations of “people selling socialist worker” then participating in a CLP meeting (something that individuals could, of course, simply be auto-excluded for), and “momentum flyers” being distributed outside (the relevance of which was not specified but seems to have been apparent to all involved). Oldknow noted that the local MP Angela Eagle felt that, if the CLP’s suspension was lifted in the coming months, this would “not give her time to organise etc.”²⁶⁰

Matthews responded with an update, and noted:

*I have every sympathy for the fact that Angela is still in a difficult situation as they are properly organised in her constituency – my worry is that based on track record, no matter how much time we give Angela (in practice Imran) to “organise”, so little work will go into it that we’ll end up getting asked to extend it further and further. At the moment, Imran wants the suspension to remain in place until at least November, but I would be really worried about turning up to Disputes in October and having to report that Wallasey was still suspended because they haven’t held an AGM yet. I would also be worried about them having the ammunition of going to conference without a date being set for the AGM at the very least – I think that risks feeding an unhelpful narrative.*²⁶¹

This was an open discussion between senior GLU and GSO staff and Labour Party Executive Directors about ensuring that Angela Eagle and her allies were able to win at the AGM and other votes at the CLP, and about how they had been “giv[ing] Angela (in practice Imran)” “time” to “organise” to win those votes against the local Labour left.²⁶²

It is telling that no-one appears to have had any hesitancy about openly discussing the factional role they were playing with other Labour HQ staff.

Sophie Goodyear had worked in GLU for some time, and was Head of Complaints and Safeguarding from the end of 2016 onwards. Her colleague Ben Jameson,

²⁶⁰ Political Bias: 170707 RE Wallasey.msg.

²⁶¹ Political Bias: 170707 RE Wallasey.msg.

²⁶² Political Bias: 170707 RE Wallasey.msg.

Safeguarding Manager from late 2016 onwards, later recalled, regarding a meeting on 28 April 2017:

I had been told that I would be working as Jeremy's Police Liaison, a role about which I had clearly highlighted my concerns to Holly and Sophie. Sophie had always displayed an extremely oppositional to the LOTO team and clearly had a factional position that was in conflict with them. She invited me in to a meeting room and asked me about the role I had been asked to take, I explained how uncomfortable I felt about it and my worries about the risks of the role. She ignored what I had said and then "We'll know if you tell them what we do, you'll be out. They'll be gone soon. I wouldn't be doing my job if I didn't tell you this." I believe Sophie was referring to her work on complaints and the work of the disputes team and she was making an explicit threat that I would lose my job.²⁶³

Dan Hogan, meanwhile, had been active in "Labour Students",²⁶⁴ worked as a Campaign Organiser, and then in 2013 joined Labour's Policy team, before becoming a Disputes officer in late 2016. His factional behaviour, including recruiting people to "Labour First" in staff time and saying that a staff member who cheered Corbyn's speech should be "shot", has been detailed above.

Sam Matthews had a BA in "Politics with Philosophy", and had previously worked as a Labour Party campaign organiser in Slough, in Labour HQ's print team, and as a "social media and [direct mail]" regional "organiser and communications officer" for the "Yvette for Labour" leadership campaign in 2015. In January 2016 he was looking at applying for jobs in the party, including "Campaigns Officer – Campaign Materials and Direct Mail", or a "data analyst" role, though expressing concerns that he was "mediocre" at the work involved and didn't "have the skills on paper".²⁶⁵ In February 2016 he arranged to meet Mike Creighton, who he already knew, for a coffee,²⁶⁶ and then applied for the new role of "Compliance Officer - Investigations".²⁶⁷

Interviews were held in March 2016, although Matthews noted that he was only available to start in three months time, after the EU referendum on 23 June, as he was about to start a three-month contract as a "Field Organiser" for "Britain Stronger IN For Europe".²⁶⁸

²⁶³ Staff: "180813 FW Concern re bullying by Sophie Goodyear.eml"

²⁶⁴ Political Bias: Trots: "SCANiversary_ Dan Hogan.html"

²⁶⁵ Political Bias: Trots: "160119 heads up if is stitch up.eml"

²⁶⁶ Staff: "160223 MC SM Coffee .eml"

²⁶⁷ Staff: "160301 Application for Compliance Officer - Investigations.msg"

²⁶⁸ Staff: "160322 SM accepts, start after 23 June.eml"

Another applicant for the role was Max Lansman, who scored higher than Matthews on the pre-interview scoring matrix.²⁶⁹

Lansman was a qualified barrister with a Masters in “Legal and Political Theory”, with a wide range of compliance, legal and political experience, including:

- working in a law firm and an “internationally renowned legal research centre”
- running a Shelter legal aid drop-in service and supporting solicitors working on claims brought by asylum seekers
- working as the “Compliance and Financial Officer” for the 2015 Jeremy Corbyn leadership campaign
- working, at the time, as a legal support officer for Camden Council.²⁷⁰

Max Lansman is Jewish, and is currently a barrister at Field Court Chambers, with “specialisms including employment, family, housing, landlord and tenant, and civil law”.²⁷¹

Lansman came from the “left” of the party, and is a son of Jon Lansman, founder of Momentum.

On 21 March 2016, Creighton messaged Oldknow:

*Going to offer the job to Sam Matthews – formerly organiser in Slough and then print coordinator at HQ.*²⁷²

Matthews accepted, to start on 27 June 2016.²⁷³

His first major task was to organise a second round of “Trot hunting”, for the 2016 leadership election.

²⁶⁹ Staff: “160308 Investigator applications.eml”

²⁷⁰ Staff: “160301 Max Lansman Compliance Officer Application.msg”

²⁷¹ <https://fieldcourt.co.uk/barrister/max-lansman/>

²⁷² Staff: “160321 SM to be appointed Investigator.eml”

²⁷³ Staff: “160329 SM to start 27 June.eml”

2.1.11. Conclusions

While factions have always existed in the Labour Party, a qualitative assessment of the views and activities of Labour's HQ's staff from the period 2015-2018 shows that numerous senior staff, including staff responsible for the work of GLU, openly opposed the party leader, and that this impacted significantly upon the party's operations.

A paramount example of this was during the 2017 general election, when many staff, including senior staff, made clear that they did not want Labour to win the general election, while other staff were "working to rule" and hiding information from the Leader's Office. Notably, this also included a parallel campaign resourced without LOTO's knowledge to advance the interests of Labour MPs aligned with the Labour right. Winning elections is a fundamental goal of the Labour Party, and Labour HQ's lack of cooperation on this fundamental goal underlines how independent and separate the party apparatus was from LOTO.

Many GLU staff expressed such views about the leadership and were involved in this factional work, including during the 2017 general election. Key GLU staff also appeared to see their jobs within GLU as factional roles, and openly discussed "fixing" and "overturning" democratic processes for this purpose, in direct opposition to LOTO's interests. Any claim that these same staff felt obliged to follow instructions from LOTO, including to follow unwritten instructions from LOTO compelling them not to act on complaints of antisemitism, is contradicted by all of the documentary evidence seen by the Party and does not appear to have been possible.

As we will see, the factional approach of many staff in GLU also had a major impact on the way that Labour's disciplinary procedures operated.

2.2. The 2016 leadership election

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2.2.1. Summary

In the summer of 2016, GSO-GLU played an integral role in supporting the “coup” against Jeremy Corbyn, attempting at first to ensure that he would not be on the ballot, and then that as few of his supporters as possible would have a vote in the election.

Diane Abbott remarked that during this period “there was only one intention: to break [Corbyn] as a man”, and this came from the very top of the organisation.²⁷⁴ One senior staff member wrote to his colleague that, after the NEC meeting which decided to allow Corbyn on the ballot paper, General Secretary Iain McNicol said “this is the first time the unions have actually chosen to f*** the party rather than support it”. When a former Labour donor mounted a legal challenge against the NEC’s decision to allow Corbyn on the ballot, the Director of GLU, who was responsible for overseeing the Party’s legal defence, said he was “praying we lose in court”.

GLU then initiated and undertook an intensive, large-scale operation to trawl social media and purge the party of some of Jeremy Corbyn’s supporters. This operation was falsely described as investigating members for abusive conduct, including antisemitism, but only a small fraction related to antisemitism. Many Corbyn supporters were suspended or excluded from the party on flimsy grounds, while action was not taken against many members on the right of the party reported to GLU for the same conduct. Much of the language for which members were suspended was the same as the language Labour staff used themselves when talking about supporters of Jeremy Corbyn.

While staff boasted privately about creating a “new stasi system”, the scale of the operation was initially hidden from the NEC, with one staff member admitting “we don’t want the NEC to have much of an idea how many there are to review (we’re worried they’ll get scared)”. The NEC was provided with misleading information about the work being undertaken, and never provided with all of the search terms GLU were using, which would have revealed how the “purge” was being “rigged”. Individuals associated with the Labour right whose abusive behaviour was well-documented and reported to the Party were protected from action.

GLU’s actions in this period underline that this department was not subordinate to LOTO or following “unwritten guidelines” from the Leaders’ Office to not take action on antisemitism cases. As noted in Section 3.2, the energy applied to this factional work also contrasts strongly with the failure to create a functioning disciplinary process for the Party in the eighteen months following.

²⁷⁴ Diane Abbott, “This is not Labour MPs vs Corbyn. They’re at war with party members”, *The Guardian* 29 June 2016.

GLU's factional misuse of the disciplinary processes created an enormous backlog of cases and other work that GLU then had to do. It also went a long way to creating a culture of defensiveness and "denialism" among parts of the Labour membership, due to well-founded suspicions that many suspensions were unfair and factionally motivated.

Adam Langleben, JLM Campaigns Officer in this period, who resigned from the party in spring 2019 over concerns about antisemitism, has spoke about the impact of the way the disciplinary processes were used during the leadership elections:

The blame I think, lies with the moderates who ran the Labour Party in the run-up to Jeremy Corbyn's election. In that, by creating an atmosphere where anyone who had tweeted that they once voted Green was expelled or suspended or their membership was revoked from the Labour Party, it enabled a conspiracy theory to develop around the idea that the Labour establishment was trying to stop people from taking part in Labour Party democracy. And I think that was the sort of root as to how this sort of antisemitic conspiratorial thinking started in the party.²⁷⁵

²⁷⁵ Adam Langleben, appearing on "1: Labour's Institutional Antisemitism Crisis", *Corbynism: The Post-Mortem*, podcast available online, starting at 11min 30sec:
<https://podcasts.apple.com/gb/podcast/1-labours-institutional-antisemitism-crisis/id1494568978?i=1000462927226>

2.2.2. 2016: The “Coup”

Already before Corbyn was elected, *The Telegraph* had reported that “senior figures” said there would be a coup against him at some point.²⁷⁶ In spring 2016, reports in *The Telegraph* had suggested that Labour MPs were planning to launch an attempt to depose Corbyn after the May 2016 council and mayoral elections.

The May 2016 electoral results were positive, however. Instead, it was a defeat for Remain in the EU referendum that would be cited as the rationale for deposing Corbyn.

From 24 June 2016, immediately after the EU referendum, members of the shadow cabinet began resigning in an effort to force Jeremy Corbyn to quit as leader of the Labour Party. Over the coming days, the majority of the shadow cabinet resigned, and nearly 80% of Labour MPs - 178 of them - signed a declaration of no-confidence in Jeremy Corbyn.

This declaration had no status in the Labour Party’s rules. The rulebook outlined a procedure by which MPs and MEPs had the ability to challenge the leadership: a challenger had to put themselves forward, and if they had at least 20% of Labour MPs or MEPs nominating them (then 51), a contest would ensue.

Jeremy Corbyn did not resign, pointing to Labour Party rules and the 59% of the vote he had achieved just 10 months earlier. Instead, in early July 2016 Angela Eagle and Owen Smith challenged Jeremy Corbyn and acquired nominations.

Concurrently to this, supporters of Jeremy Corbyn in the Labour Party had mobilised in defence of his leadership, with reportedly 10,000 people rallying to “Keep Corbyn” on 28 June in London, and forty rallies taking place across the country that week. Huge numbers of people began to join the Labour Party or turn up to meetings for the first time, and both the Labour left and the Labour right, represented by, among others, “Momentum” and the newly launched and secretive organisation “Saving Labour” respectively, encouraged people to join Labour as full members to take part in the coming leadership contest.

In just over a week, it was reported that 130,000 people had joined Labour, the vast majority of them believed to be supporters of Jeremy Corbyn, many of whom had been “registered supporters” in the previous leadership election. Senior Labour HQ staff were, daily, sharing the reasons people gave for joining, and creating statistical

²⁷⁶ <https://www.telegraph.co.uk/news/politics/labour/11764159/Jeremy-Corbyn-faces-coup-plot-if-he-wins-Labour-leadership.html>

break-downs, that showed by a ratio of at least two to one, the majority were doing so to support Corbyn.²⁷⁷

It was in this context that a particularly controversial meeting of Labour's NEC took place, on 12 July 2016.

²⁷⁷ 2016: "160628 RE extract.eml", "160708 Fw Update of JDR responses.eml"

2.2.3.i. Corbyn on the ballot?

“Just praying we lose in court to Michael Foster” - John Stolliday, 15 July 2016

The Labour Party rulebook said that challengers to the position of leader of the Labour Party required nominations from 20% of the PLP or ELP - at the time, 51 MPs/MEPs. GLU and GSO asserted that this would apply to all participants in a leadership contest, including an incumbent leader.

This interpretation of the rules would have effectively excluded Jeremy Corbyn altogether from the contest, as Corbyn was very unlikely to be able to acquire that many nominations from among the PLP. The sitting leader of the Labour Party, who had acquired 59% of the vote in a leadership election just ten months earlier, would therefore have been barred from running and removed from the leadership by MPs without any election.

Creighton, Director of Risk and Property had asserted this interpretation of the rules already in September 2015, and at the time drafted a rule change to make it explicit (an implicit acknowledgement of the fact that the existing rule was, at the very least, unclear).²⁷⁸ In April 2016, however, LOTO requested that Labour seek an opinion from Mark Henderson of Doughty Street Chambers on the issue.²⁷⁹ Henderson’s advice was that, in the absence of a “vacancy” in the leadership, the requirement for nominations only applied to challengers - not the incumbent leader.

Subsequently, however, as Creighton later wrote, “given the media speculation in the run up to, and immediately following, the local and other elections this year, authoritative advice was sought from James Goudie QC”. This appears to be a reference to “speculation” about a coup against Jeremy Corbyn after the May 2016 elections, for which GLU sought further legal advice.²⁸⁰

On 26 June 2016, Creighton provided McNicol and Oldknow, Executive Director for Governance, Membership and Party Services with his draft paper on this situation. It claimed that advice had now been received from James Goudie QC, and this “authoritative advice from leading counsel is clear and unambiguous” that all candidates would need 20% nominations, including an incumbent.²⁸¹

On 27 June 2016, the day after Creighton's summary, James Goudie QC wrote this legal opinion, advising that the 20% threshold applied to all candidates.²⁸² In

²⁷⁸ 2016: Michael Foster: “150925 Draft rule change.msg”

²⁷⁹ 2016: Michael Foster: “160404 LOTO request Rule Book Opinion.eml”

²⁸⁰ 2016: Michael Foster: “160626 Creighton legal position on vacancy.msg”

²⁸¹ 2016: Michael Foster: “160626 Creighton legal position on vacancy.msg”

²⁸² 2016: Michael Foster: “160715 Goudie advice.eml”

presentation of legal opinions to the NEC, GLU-GSO's paper said that this advice was sought "given the media speculation in the run up to, and immediately following, the European referendum this year" - rather than the May 2016 elections as Creighton initially noted.²⁸³ GLU and GSO maintained that Goudie's opinion was authoritative and correct.

In a letter on 12 July 2016, for example, McNicol said:

*"The Rule Book is indeed clear. The leader's name appears on the ballot if he has the same degree of minimum support as other candidates requires. The Party has advice to that effect from the Party's solicitors and from leading Counsel. The NEC will also have before it the advice from Mark Henderson."*²⁸⁴

At the meeting on 12 July, all three legal opinions were provided, but an overview from GLU-GSO stated that Goudie's view was "authoritative" and "clear and unambiguous" - not, therefore, an ambiguity in the rules open to interpretation by the NEC - and that all candidates needed to pass the 20% threshold.²⁸⁵ The NEC Chair and McNicol presented this as the "Official Legal Advice of the Labour Party", and brought James Goudie to speak to it.²⁸⁶

At this point, the NEC still had a "right-wing" majority, and votes would come down to a few potential swing voters.

Ultimately, in an extremely narrow vote, on 12 July 2016 the NEC decided that the correct interpretation of the rules did not require Corbyn to seek nominations - Jeremy Corbyn was on the ballot. Anouska Gregorek, Head of Policy Development, told Director of Policy and Research Simon Jackson that after the NEC meeting Iain McNicol said "this is the first time the unions have actually chosen to f*** the party rather than support it".²⁸⁷ Gregorek added "I'm so sad and broken I am finding it hard to do anything".²⁸⁸

This decision was subsequently challenged in High Court, in a lawsuit against the Labour Party brought by former Labour Party donor Michael Foster. On 15 July 2016, Stolliday, Head of the Party's Constitutional Unit who later became Director of GLU said he was "just praying we lose in court to Michael foster":

²⁸³ 2016: Michael Foster: "160715 Labour Party leadership.eml"

²⁸⁴ 2016: Michael Foster: "160714 JC lawyer raises issue.msg"

²⁸⁵ 2016: Michael Foster: "160715 Labour Party leadership.eml"

²⁸⁶ 2016: Michael Foster: "160712 FINAL script.msg"

²⁸⁷ Political Bias: "160713 Conversation Jackson.eml"

²⁸⁸ Political Bias: "160713 Conversation Jackson.eml"

John Stolliday 10:40:

we're giving ourselves a fighting chance by instructing the immigration lawyer LOTO found for their opinion (that he is on the ballot paper automatically) as our representative. Watching him going up against Gavin Millar QC will be worth the price of admission alone.

Simon Jackson 10:42:

*Giving LOTO what they want
nice²⁸⁹*

Later in July 2016, Stolliday was reportedly happy that “Foster is winning:”

Anna Wright (Press Officer) 11:10:

Word for Stollers that our case is getting destroyed

As long as Stollers us using 'our' to mean the LP

Dan Simpson 11:11:

as in, Foster is winning?

Anna Wright 11:11:

yes²⁹⁰

However, Judge Foskett ruled that - contrary to the argument put forward by GLU-GSO, and in line with Henderson’s legal advice - the “natural impression” of the Labour Party rules was that without a leadership vacancy, an incumbent did not need nominations, as they were not a “challenger” for the leadership.²⁹¹

For this court case, Judge Foskett also took the unusual step of allowing Corbyn to have a role in the proceedings with his own legal representation, separate from the party’s. The High Court did this in acknowledgement that Corbyn could not trust the party apparatus led by Ian McNicol to represent his interests fairly.²⁹² Given Stolliday said internally that he was “praying we lose in court to Michael foster”, this decision would appear to have been correct.²⁹³

²⁸⁹ 2016: Michael Foster: “160715 Stolliday hopes Foster win.eml”

²⁹⁰ 2016: Michael Foster: “160727 Wright Simpson.eml”

²⁹¹ <https://www.theguardian.com/politics/2016/jul/28/jeremy-corbyn-fights-off-court-challenge-labour-leadership-ballot>

²⁹² Need source

²⁹³ 2016: Michael Foster: “160715 Stolliday hopes Foster win.eml”

2.2.3.ii Disenfranchising new members

"You do realise that if we lose this case today we're basically fucked?" - Katherine Buckingham, Head of Disputes

On 3 July 2016 the NEC had also taken controversial decisions on the status of new members. Firstly, it was decided that, as proposed by GLU-GSO, a six month "cut-off" period would be introduced for members to be able to vote.²⁹⁴ This was despite the fact that in the previous contest in 2015, no such freeze date had applied. Even though there had been encouragement from both left and right to join the party and receive a vote - with the majority clearly joining to support Corbyn - the NEC now decided that anyone who joined after or on 3 January 2016 would not have a vote in the leadership election.

Secondly, the "registered supporter" category, first introduced in 2015, would be changed. The £3 fee from 2015 would now be increased to £25 and they would only be able to sign-up in a 48 hour window from 18 to 20 July 2016. These decisions were taken by narrow majorities after the "left" presence was reduced, due to Corbyn leaving to address the waiting media and explain he was "on the ballot".

At the time, these were widely viewed as factional moves to deny Corbyn supporters a vote in the leadership contest. As The Guardian noted at the time, "Both sides believed the NEC's decision to exclude new members from voting would disadvantage Corbyn".²⁹⁵ With the sympathy of the party's left, five new Labour members took out a joint suit against the party, and on 8 August 2016, the High Court ruled in their favour, saying that the Labour Party had breached its contract with the new members, and would have to give them a vote.²⁹⁶

In advance of the ruling, Head of Disputes Buckingham commented to a colleague "you do realise that if we lose this case today we're basically fucked?"²⁹⁷ Director of Policy and Research Simon Jackson felt similarly:

*Simon Jackson 11:55:
100k people added to the members section
all of them voting for JC
he's going to get more than 60% I think
win in every section
DOOOOOOOOOOOOOOOOOOOOOOOO
Emily Richards 11:56:*

²⁹⁴ 2016: Michael Foster: "160712 FINAL script.msg"

²⁹⁵ <https://www.theguardian.com/politics/2016/aug/08/labour-must-allow-all-members-leadership-vote-court-rules>

²⁹⁶ <https://www.theguardian.com/politics/2016/aug/08/labour-must-allow-all-members-leadership-vote-court-rules>

²⁹⁷ 2016: "160804 Conversation with Ben Nolan.eml"

what did he get last time - 236k or something?

Anouska Gregorek 11:56:

You've totally depressed me now

Simon Jackson 11:56:

Something like that

this is why i felt like jumping off the building yesterday

...

Anouska Gregorek 11:57:

Ok well then we just need to go scorched earth

**scorched*

...

Simon Jackson 11:58:

yes, Owen needs to just smash him; rather than trying to be a different, better version of him²⁹⁸

The Labour NEC procedures committee, however, vowed to appeal the ruling. Ultimately, the party won in the court of appeal by reportedly introducing a new argument that the NEC could effectively ignore, if it so chose, all of the rules laid out for a leadership election. In response, Corbyn's campaign team argued that "Serious questions must be raised over why and how the NEC procedures committee brought this appeal. In doing so, it effectively risked new members' money on an attempt to disenfranchise them."²⁹⁹

The NEC's disenfranchisement did not deter the new joiners, however. Instead, on 18-20 July 2016, in 48 hours 183,541 people paid £25 to become "registered supporters", many of them people who had recently joined the party but been disenfranchised.³⁰⁰

²⁹⁸ 2016: "160727 Jackson conversation on freeze date.eml"

²⁹⁹ <https://www.theguardian.com/politics/2016/aug/12/labour-wins-appeal-against-ruling-allowing-new-members-a-leadership-vote>

³⁰⁰ <https://www.bbc.co.uk/news/uk-politics-36851524>

2.2.3. The “Validation” process

“I’ll work on an experimental new stasi system”

“James Schneider has [been flagged] but unfortunately it’s a bit benign”

“fuck Momentum”

It was in this context that the Governance and Legal Unit led on a highly controversial operation to “vet” members and supporters by examining their social media feeds - a second round of 2015’s “Trot hunt”, officially called “Validation”.

At the time, the Nationbuilder software that Labour used to hold its member and supporter data had agreements with Facebook and Twitter that enabled it to “match” profiles, primarily through people’s email addresses. At the end of June 2016, Richard Shakespeare, Labour’s lead developer, quickly produced a web app that would scrape Twitter and Facebook for tweets, retweets, shares and comments that matched various search criteria, and then match them to profiles of members and supporters, with a basic interface for staff to review the evidence and matches produced.³⁰¹

Though formally under Buckingham (who continued to work part-time),³⁰² and despite having started in his role just days earlier, on 27 June 2016, Sam Matthews, newly appointed Compliance Officer was tasked with “co-ordinating this on a day-to-day basis”.³⁰³ He noted on 1 July that “the goal is... [to] investigate and refer as many as possible within the time scale we’ve got”.³⁰⁴ The scale of the operation was deliberately hidden from the NEC, however - “we don’t want the NEC to have much of an idea how many there are to review (we’re worried they’ll get scared)”.³⁰⁵ On 17 July Matthews explained that GLU needed “a bit of NEC cover” to issue suspensions, and that they would implement the suspensions later in the leadership election so as “not to let them know we’re on to them”:

Teddy Ryan (Regional Organiser) 15:52:

On the suspensions, are you guys going to hang fire on sending them out so as to not let them know we’re on to them?

Sam Matthews 15:52:

...

yes

nothing is going to go out any time soon³⁰⁶

³⁰¹ 2016: “160701 Conversation with Richard Shakespeare.eml”. 160701 RE Appicant Validation System (AVS) Specification.eml.

³⁰² Staff: “160818 RE Holiday.eml”; “160914 Re Automatic reply Your social media posts.eml”

³⁰³ 2016: “160630 Conversation with Richard Shakespeare.eml”

³⁰⁴ 2016: “160701 Conversation with Richard Shakespeare.eml”

³⁰⁵ 2016: “160722 Conversation with Sam Matthews.eml”

³⁰⁶ 2016: “160718 SM conversation with Teddy Ryan.eml”

Matthews and Shakespeare discussed the need for secrecy, limiting what information people involved could see, and using people who could be “trusted”, with 10 people being recruited to work on this from Labour Students (two of whom were also noted as coming from “Britain Stronger In Europe”; there appears to have been some overlap between the two organisations).³⁰⁷

The key staff involved in this process openly opposed Jeremy Corbyn, and this process of “vetting” was designed to target the party’s left.

Shakespeare, who designed the process, was particularly explicit in his aims. On 27 June 2016, for example, he emailed someone with a link to “savinglabour.com” - the campaign to recruit new members to defeat Corbyn and the left - saying “Word is he's going to resign tomorrow but he's stubborn so might not. Either way I think we can force him out by Wednesday.”³⁰⁸ On 29 June, meanwhile, he messaged with Danny Adilypour, Campaigns Manager Contact Creator, Targeting & Analysis Team (and later political advisor to Tom Watson), about “helping” “Saving Labour”, saying that “Tim” - presumably Tim Waters, Head of Contact Creator, Targeting and Analysis - had “said yes” to this.³⁰⁹

*Richard Shakespeare 10:31:
hey do you know who set up savelabour?
Danny Adilypour 10:32:
sort of
Richard Shakespeare 11:15:
tim said yes
to helping
Danny Adilypour 11:15:
I thought he would
Richard Shakespeare 11:15:
going to go along to somehting this eve
Danny Adilypour 11:15:
great
Richard Shakespeare 11:20:
179358 new [members] since a year ago³¹⁰*

They continued discussing their disappointment that key affiliated unions were standing by Jeremy Corbyn:

³⁰⁷ 2016: “160630 Conversation with Richard Shakespeare.eml”. Staff: “160701 Next Week.eml”.

³⁰⁸ 2016: “160627 Re He's done it...what's the mood like .eml”

³⁰⁹ 2016: “160629 Conversation with Danny Adilypour.eml”

³¹⁰ 2016: “160629 Conversation with Danny Adilypour.eml”

*Richard Shakespeare 15:43:
gmb and unite to make statements for corbyn*
*Danny Adilypour 15:53:
yeah they aren't budging*
*Richard Shakespeare 15:54:
so that's the nec vote lost*
*Danny Adilypour 15:54:
People have been trying to persuade them for last 2 days but they won't move
yep*
...
*Only chance now is for him to realise after a week or two of even more chaos that he
needs to resign*³¹¹

On 8 July, Shakespeare decided to resign from his job. On 11 July he messaged Adilypour to say he was sorry to feel like a “deserter”, but felt Corbyn would be “making everything absolutely shit for ages” and couldn’t see a way through that. He promised to “help however i can in the fight ahead”, noting he had “been signing up mates/family for a few weeks”.³¹² Again, the factional agenda of the work they were undertaking was clearly understood by both parties. (He subsequently discussed helping with “this new activity”, too, which “Tim [would] speak to [him] later” about’).³¹³ In context, this reads like a reference to work in support of “Saving Labour”.

One main means this “vetting” targeted the left was through the list of search terms used - “banned” words and phrases - prepared by staff including John Stolliday and Adilypour, and loaded into Shakespeare’s system on 1 July.³¹⁴

As well as more general search terms, this included a list of 57 (later 68)³¹⁵ Labour MPs and their Twitter handles.³¹⁶ Content would be flagged if the MP or their Twitter handle appeared alongside any of 16 abusive or rude words, ranging from “traitor” and “scum” to “bellend”, “twat” and “shit”.³¹⁷ Rather than a general list of prominent MPs or MPs who had been particular targets of abuse, this was principally a list of MPs associated with the Labour right and/or the then move against Corbyn, such as the resignations from the shadow cabinet. It included:

³¹¹ 2016: “160629 Conversation with Danny Adilypour.eml”

³¹² 2016: “160711 Conversation with Danny Adilypour.eml”

³¹³ 2016: “160713 Conversation with Danny Adilypour.eml”

³¹⁴ 2016: “160701 Conversation with Sam Matthews.eml”

³¹⁵ 2016: “160815 RE Banned Phrases List.eml”

³¹⁶ 2016: “160701 banned phrases list.eml”

³¹⁷ 2016: “160701 banned phrases list.eml”

- No MPs from the party's left.
- No MPs who supported the 2016 Jeremy Corbyn campaign.
- Only one Asian MP, and no black MPs.
- Only three MPs in the shadow cabinet (one MP, from the right of the party, who did not resign; one MP who had resigned, but would return a month later; and deputy leader Tom Watson, who was a key supporter of Owen Smith).
- No other members of the Labour Shadow Cabinet, including the leader of the party Jeremy Corbyn.

This was despite the fact that:

- There were high levels of online abuse directed at Jeremy Corbyn - who in the 2017 general election received more abuse on Twitter than any other politician.³¹⁸
- There were disproportionate levels of abuse received by BAME, particularly black, MPs.
- There was a long history of abuse directed at Labour's first black female MP, Diane Abbott, who in the first half of 2017 would receive 7,000 abusive messages on Twitter, almost half of all the abuse towards all women MPs recorded on Twitter in this period.³¹⁹

Any genuine attempt to combat abuse in the party would have included Corbyn, Abbott and leading figures from the left, as well as all BAME MPs, and not just MPs associated with the right. As well as being demonstrably factional, the highly selective nature of this work fell short of the Party's duty of care towards its elected representatives, especially those who were more likely to be the victims of abuse and bullying online.

This selective list of MPs was hidden from Labour's NEC. Matthews later noted that "the terms 'traitor' 'scab' and 'scum' were deliberately included in an NEC report", but "none of the others were" - "we put it through the procedures committee to make them actually commit to agreeing those ones were unacceptable".³²⁰

On 12 August 2016, however, Jim Kennedy from the NEC Procedures Committee officially governing this process, requested "a full list of flagged phrases being used to determine reference back to the NEC membership/supporter decision panel/s."³²¹ On 15 August Matthews had the "banned phrases list" exported - totalling 1,959 different searches - and Buckingham then sent it with a draft note to Creighton and Matthews,

³¹⁸ <https://www.buzzfeed.com/tomphillips/twitter-abuse-of-mps-during-the-election-doubled-after-the>

³¹⁹ <https://www.theguardian.com/politics/2017/sep/05/diane-abbott-more-abused-than-any-other-mps-during-election>

³²⁰ 2016: "160719 Conversation with Sam Matthews.eml"

³²¹ 2016: "160812 FW NEC membership supporter decisions.eml"

asking if it was OK.³²² The list of flagged phrases she then sent to the NEC ninety minutes later, however, had been cut down to 294 searches, excluding the list of MPs. Buckingham mentioned that “something may also be flagged to us if it appears in the same tweet as the name of an MP”, failing to mention that this pertained only to certain MPs staff had selected.³²³

The “vetting” process was clearly understood by the key people involved to be specifically targeted at new supporters, understood to be predominantly Corbyn supporters, and at the left. Subsequently, it was also expanded to all members, while still targeting the left.³²⁴

Staff involved repeatedly expressed their concern about the increasing numbers of people joining the party.³²⁵ On 1 July, for example, Matthews noted that there were “like... 60,000” new members:

Richard Shakespeare 15:06:
jesus
are you privy to the join reasons?
Sam Matthews 15:07:
*no :/ but it worries me*³²⁶

In a conversation on 30 June 2016, meanwhile, Richard Shakespeare expressed how “genuinely happy and excited” he was to work on this, adding “fuck Momentum”:

Richard Shakespeare 14:56:
the arrogance and secrecy of some of these new members and what they're doing
needs unearthing
Sam Matthews 14:57:
It's really appreciated
Richard Shakespeare 14:57:
(fuck momentum)
i didn't say that
Sam Matthews 14:57:
*haha of course mate*³²⁷

³²² 2016: “160815 guidance note - is it ok.msg”

³²³ 2016: “160815 guidance.eml”

³²⁴ 2016: “160705 Conversation with Richard Shakespeare.eml”

³²⁵ 2016: “160705 Conversation with Richard Shakespeare.eml”

³²⁶ 2016: “160701 Conversation with Richard Shakespeare.eml”

³²⁷ 2016: “160630 Conversation with Richard Shakespeare.eml”

The same day, Shakespeare even suggested to Tim Waters that Labour reject membership applications from anyone who came to the join page via Momentum:

*we should know all people who come through to our join page from the momentum site, as they'll have a referrer value set with them endorsing threats/calling our mps zionists, is there a case to not have these people be allowed to join?*³²⁸

We have not found any evidence that Momentum had “endorsed threats” or called Labour MPs “zionists”. In fact, Momentum’s chairman Jon Lansman, who is Jewish, had earlier that year written an article on “Why the Left must stop talking about ‘Zionism’” altogether.³²⁹ We have no record of Shakespeare proposing similar action regarding the “Saving Labour” website, a project he and key colleagues apparently supported.

On 8 July 2016, Simon Jackson noted that Angela Eagle’s team were seeking staff, but he thought “we can do more good here”. He noted, however, that:

*one of the many things that frustrates me is there are people that think that this #savinglabour site is enough activity and that they're flooding us with anti-JC members they're really not*³³⁰

On 18 July, Sam Matthews and Kat Buckingham discussed Momentum phone-cavassing Labour members who had, the previous year, consented to future contact from “Jeremy for Leader”, which had then become “Momentum”. Matthews and Buckingham suggested this “feels like a breach” of data protection regulations, and they resolved to discuss it with senior management.

Matthews contrasted Momentum’s cavassing with Saving Labour’s:

it's one thing asking CLP secretaries to do membership retention work (ie, savinglabour) but letting any random log on and call labour party members

This was a reference to advice from Saving Labour to anti-Corbyn CLP secretaries to call members who were in arrears, or who had recently left the party, to persuade them to stay and vote against Corbyn. It is against all Labour Party rules for CLP officers to abuse their position for factional gain in this way.³³¹ Rather than reporting

³²⁸ 2016: “160630 Conversation with Tim Waters.eml”

³²⁹ <https://www.leftfutures.org/2016/05/why-the-left-must-stop-talking-about-zionism/>

³³⁰ 2016: “160708 Simon Jackson on Saving Labour.eml”

³³¹ 2016: “160718 Conversation with Katherine Buckingham.eml”

this or investigating it, however, Matthews instead raised Momentum contacting people on its own database.

On 5 July Shakespeare noted that newer members “seem to me like the most likely to be posting things like blairite scum”, and that nearly 4% of new joiners searched were being flagged. Matthews remarked “and chilcot hasn't even happened yet :/”.³³²

Richard Shakespeare 16:54:

what're we expecting post chilcot

lots of abuse at pro war mps?

an influx of antiwar angry people?

depends what corbyn says i guess

Sam Matthews 16:55:

*I have no idea, but I can't imagine it will be good*³³³

Shakespeare added that in a few weeks they could rescan the new members, “to pick up post chilcot and newer bits”.³³⁴ The term “war criminal” was subsequently added as a “banned phrase”, and on 18 August 2016 Matthews even told a colleague that - rather than simply being a political opinion about, for example, MPs who take money from Saudia Arabia and the arms industry and support Saudia Arabia’s brutal war in Yemen - “calling someone a warmonger” was “generally” “enough in itself” to act against members.³³⁵

GLU did not have any instruction or mandate from the NEC to specifically search for “abuse at pro war MPs” from “antiwar angry people”, and we are not aware of any similar interest being displayed in abuse at “antiwar MPs” or from “angry pro-war people”.

In July, a range of further “banned phrases” were also added, such as “red Tory”, “pseudo Tory”, “undercover blairite”, “backstabber”, “tory lite”, “class traitor”, “tinpot tory” and “tory smith”. These were all forms of “abuse” or criticism that could be directed at the party’s right. Equivalent terms for “abuse” or criticism in the other direction - such as “communist”, “terrorist”, “Militant” - were not included. Even the term “bitterite” - used by John Prescott to describe “bitter Blairites”³³⁶ - was included, while “traitor,Smith” and “crowdfund,Corbyn” appeared without any equivalent for Corbyn (for example: “traitor,Corbyn”, “crowdfund,Smith”).

³³² 2016: “160705 Conversation with Richard Shakespeare.eml”

³³³ 2016: “160705 Conversation with Richard Shakespeare.eml”

³³⁴ 2016: “160705 Conversation with Richard Shakespeare.eml”

³³⁵ 2016: “160818 Conversation with Tom Wrigglesworth.eml”

³³⁶ <https://www.theguardian.com/politics/2015/dec/13/john-prescott-jeremy-corbyn-labour-bitterites>

There was a particular focus on people being called “traitors” - which, given the context of Labour MPs resigning en masse from the shadow cabinet, would target the Labour left. Terms of abuse or criticism more typically levelled at the left, meanwhile - calling them “morons”, “idiots”, “incompetent” - were absent. As the NEC Disputes committee later noted, “The most commonly disputed word was “traitor”. Some members felt that descriptions such as hapless, useless, incompetent should have been included in the category of personal abuse, even though they are not actually obscene.”³³⁷

Even the supposedly equivalent broad terms used, “Blairite” and “Corbynite”, combined with terms of “abuse”, were not at all equivalent: “Blairite” was a long-standing term widely used in the political lexicon, while the term “Corbynite” was rarely used (the derisive “Corbynista” being favoured by critics instead, but not caught in these searches).

There was also a specific focus on finding people who had previously expressed any support or sympathy for the Greens or their policies, with the inclusion of the Twitter handles of Natalie Ben and the Green Party, as well as Brighton and Hove, London, Bristol and Leeds Greens specifically, with the equivalent not being done for other parties. This was, again, something that affected the Labour left, as a significant proportion of members and supporters who supported Corbyn had some sympathies for Green Party positions (a situation which - even without any additional specific targeting - did not apply to Owen Smith.)

As well as Twitter, staff specifically scraped Facebook with what Shakespeare called a “new stasi system”, that would record who were fans of particular pages, and scrape Facebook comments from those pages.³³⁸ This was, again, specifically targeted at pages, such as “JeremyCorbyn4PM”, “Momentum” and “Young Greens”, that might catch people on the left.³³⁹

Indeed, staff specifically discussed fishing expeditions to identify left-wingers and then search for any “abuse” from them. For example, on 11 July 2016, a staff member suggested to Shakespeare taking the names of people commenting “imwithjezza” in response to Angela Eagle, “and then run[ning] something to see if they have posted abuse elsewhere”.³⁴⁰ Matthews also asked Shakespeare to scrape all fans of the page “Nye Bevan News,” which was running “a crowdfunder” for members who could not afford the £25 registered supporter fee - and, Matthews noted, “are also now posting

³³⁷ Guidance and standards: 170108 Note on suspensions for Disputes Panel.eml

³³⁸ 2016: “160705 Conversation with Richard Shakespeare.eml”

³³⁹ 2016: “1160706 Conversation with Richard Shakespeare.eml”

³⁴⁰ 2016: “160711 Conversation with Megan Wikeley.eml”

shit about me" - "I know who runs the page, but we think we can probably suspend everyone who is a member of the page."³⁴¹

Staff specifically discussed flagging prominent individuals from the party's left, and expressed disappointment when they could not find sufficient evidence for action. For example, on 20 July Matthews and Shakespeare discussed James Schneider, then spokesperson for Momentum and later spokesperson for Jeremy Corbyn:

Richard Shakespeare 10:02:

james schneider has [been flagged] but unfortunately it's a bit benign just statements on voting green a year ago

Sam Matthews 10:02:

yeah, it's a constant pain

Richard Shakespeare 10:02:

any chance of a special taskforce for 2 of the agents to go deeper?

Sam Matthews 10:02:

James Schneider is always in the vicinity of the line, but never seems to cross it deeper?

Richard Shakespeare 10:03:

follow him

check his bins

Sam Matthews 10:03:

haha

*proper espionage*³⁴²

It appears to have been apparent to both parties in the conversation why it was "unfortunate" that what they had found on Schneider was only "a bit benign".

In a conversation on 13 July, meanwhile, Adilypour and Shakespeare noted that "I think we just need to assume the vast majority of those 150,000 disenfranchised people would have been pro Corbyn", and appeared to express concern that "not a lot of them were abusive at all so they didn't come on our radar" - most of them being "silent Corbynistas".³⁴³

We have not seen any searches done or added specifically to look for abuse coming from the Labour right (for example, by looking at the "Saving Labour" Facebook), or GLU staff taking a specific interest in finding evidence of "abuse" from people associated with the party's right.

³⁴¹ 2016: "160722 Conversation with Sam Matthews.eml"

³⁴² 2016: "160720 Conversation with Sam Matthews.eml"

³⁴³ 2016: "160713 Conversation with Danny Adilypour.eml"

The key staff involved in this process themselves also used terms from the “banned phrases”, including in this period itself, on work systems:

- Shakespeare said to Matthews that the registered supporters joining were “bellend[s]”, a term specifically flagged in the list.³⁴⁴
- Buckingham mentioned to Stolliday someone “trot hunting and emailing me every 10 minutes”.³⁴⁵
- On 20 September 2016, Dan Hogan, Policy Communications Officer and soon to join GLU, referred to a “standard trot MO”, with a colleague saying “nice to know theyre fighting between themselves like rats in a sack” (“rat” and “Trot” both being flagged terms).
- A staff member commented to Adilypour that Momentum are “fucking mentalists”; to which Adilypour, who helped form the list of banned phrases and was involved in the vetting,³⁴⁶ responded that “Half of our current membership have serious mental health problems, that's the frightening thing”.³⁴⁷ Mental health slurs are not acceptable in the Labour Party, from members or staff.
- At his leaving speech in March 2017, Creighton would refer to part of their role as having been “expelling Trots,”³⁴⁸ and in April 2017 he tweeted that Ed Miliband had “[allowed] the Labour Leader to be selected by Tories and Trots”, a reference to registered supporters in 2015 that would, in theory, have merited suspension under the 2016 “Validation” process.³⁴⁹

None of the staff involved were reported or put into the process. The fact that the staff involved - and indeed, numerous other senior and junior members of Labour staff, as highlighted in the previous section - themselves used the terms of “abuse” they were flagging members for further indicates that this trawling, aimed at the party's left, was not a genuine effort to oppose abuse in the party.

³⁴⁴ 2016: “160720 Conversation with Sam Matthews.eml”

³⁴⁵ 2016: “160818 Conversation with John Stolliday Buckingham.eml”

³⁴⁶ 2016: “160722 Conversation with Danny Adilypour.eml”

³⁴⁷ 2016: “160913 Conversation with Dominic Murphy.eml”

³⁴⁸ <https://chalkhill.digital/when-the-music-has-to-stop/>

³⁴⁹ Political Bias: “170405 Creighton trots.PNG”

2.2.4. Staff review

“High profile names who had nothing to do with the validation process for obvious reasons”.

The next steps of the process also enabled factional abuse and selective targeting of the left.

In total, the searches, along with other complaints submitted by email, flagged 11,250 members and supporters. Matthews and Buckingham would review these cases and decide which to proceed with, and which to drop.³⁵⁰ A small majority of cases - 5,897 - did not pass through this initial review stage.

Officially, the term “Trot”, accompanied by abuse, was used as a search term, like “Blairite” and “Corbynite”. However, very few of these cases appear to have been passed to the NEC.

On 6 October 2016, a spreadsheet was exported with all the cases the NEC had reviewed in the process - 3,333 of them. The spreadsheet includes all the evidence in text form. The word “Blairite” appears 529 times, “Blair” 956 times, “traitor” 598 times and “Green” 1,464 times; but “Trot” just 14 times and “Corbynite” 13 times.³⁵¹

While compiling this report, the Party has come across at least 40 Labour Party employees, including most of Labour HQ’s most senior staff, using the term “Trot” to refer to Labour members, elected officials and staff, usually in an explicitly derogatory and insulting manner.

The Party has not been able to review the thousands of cases that Matthews and Buckingham did not progress to the NEC. However, we do not believe that any conclusion is tenable other than that either search terms like “Trot” were not actually used, or the results they generated were removed at the first stage by Matthews and/or Buckingham.

The Party has also come across a number of notable cases involving abuse from figures on the Labour right, which we know were removed at this stage.

For example, Councillor John Ferret, the leader of the Portsmouth Labour Group, was reported by numerous people, including NEC member Jennie Formby, for a string of abusive comments, including referring to Unite as “Stasi”; saying he would “rather vote Tory” than for “any... Trot outfit aligned to Momentum”; calling Corbyn a “terrorist

³⁵⁰ 2016: “160630 Conversation with Richard Shakespeare.eml”. 160701 RE Appicant Validation System (AVS) Specification.eml.

³⁵¹ 2016: NEC Decisions: “161006 NEC decisions export.eml”

sympathiser” and a “disgusting individual”; saying Labour had become a “Trot infested cult”; and calling Labour MPs who nominated Corbyn “morons”.³⁵² After Corbyn was re-elected, Ferret resigned from Labour and said he was going to form a new party.³⁵³

Ferret was flagged by the searches, but on 12 August he received the staff decision “NO ACTION - removed at referral”, and was re-enfranchised.³⁵⁴ More and more complaints about Ferret came in, but instead of investigating Ferret's comments, staff chose to investigate allegedly “nasty comments” being made about Ferret in a local Facebook group.³⁵⁵

The case was highlighted in the “Morning Star”, and on 24 September Formby raised Ferret again:

*I and others have made numerous complaints about this Portsmouth Labour Councillor's offensive and anti-Labour tweets. To date I have not received any reply but surely the latest one is a tweet too far?*³⁵⁶

GLU-GSO considered replying that he “went through the Validation process”, without clarifying he was then removed from that process by staff.³⁵⁷ On 29 September McNicol responded that he had resigned, to which Formby responded:

*He only resigned this week and presumably had a vote in the leadership election despite numerous complaints but thank you for letting me know.*³⁵⁸

On 25 July, meanwhile, a member complained about “offensive & hurtful” abuse from Labour Lord Lewis Moonie, who had tweeted at her to “go fuck yourself”.³⁵⁹ No action was taken, and at the end of the election junior Disputes team member Ben Westerman, examining allegations of bias, noted that there was “no explanation” of why this was not acted on.³⁶⁰ No action followed, however.

On 4 August, a member reported Bernard McEldowney, identified as the secretary of Bromsgrove CLP, attaching numerous screenshots of him, with an “Owen Smith” label

³⁵² 2016: “160805 Fw Abuse.eml”. “160808 Re. Abuse and exclusion from leadership vote.eml”. 160808 RE Labour Cllr. John Ferrett's Tweets.msg. “160809 Use of the word trots and cult.eml.” “160809 Abusive behaviour.eml”

³⁵³ 2016: “160929 Re Tweet by Cllr John Ferrett on Twitter.eml”

³⁵⁴ 2016: “160906 Stop File.eml”. “160921 RE Tweet from Tristram Hunt.eml”.

³⁵⁵ 2016: “160903 RE Portsmouth Labour Party.eml”. 160904 RE Portsmouth Labour Party.eml.

³⁵⁶ 2016: “160924 Tweet by Cllr John Ferrett on Twitter.eml”

³⁵⁷ 2016: “161007 Fw Tweet from Tristram Hunt.eml”

³⁵⁸ 2016: “160926 RE Tweet by Cllr John Ferrett on Twitter.eml”

³⁵⁹ 2016: “160725 Abuse from Labour Peer.eml”. Also: “160802 Abusive Tweets.eml”

³⁶⁰ 2016: “160921 Abuse document .msg”

on his profile, tweeting about “bonkers” “asshole” Paul Mason and the “bloody useless” Corbyn; “mad idiots idolising bloody useless” Corbyn; “lunatics”; and Corbyn being “too stupid to be leader”; saying that anyone not happy with the 172 MPs should “fuck off and join another party”; Corbyn should “fuck off now”; and Corbyn is a “bastard”.³⁶¹ Compliance Administrator Rebecca Child responded that it would be looked at.³⁶² The member followed up with screenshots of his even more abusive tweets,³⁶³ as did many others.³⁶⁴ On 3 September 2016 an article was posted on the blog “EvolvePolitics” detailing his offensive tweets, including calling Corbyn a “traitor”, and highlighting it as proof Labour was only targeting Corbyn supporters.³⁶⁵

McEldowney went into the “Validation” process, but received the status “NO ACTION - removed at referral” - removed by staff before being referred to NEC.³⁶⁶ On 21 September Westerman noted that he had been reported before the deadline, and there was “no explanation” for why he hadn’t been dealt with.³⁶⁷ No action followed, however.

John McTernan, meanwhile, formerly involved in New Labour and a delegate to 2016 party conference, was repeatedly reported from 25 July onwards for abusive language on Twitter and elsewhere, including describing Labour MPs who nominated Corbyn as “morons”; tweeting twice that Corbyn was a “traitor”; describing “Corbynistas” as racist; telling an SNP MP that he should “Come down to Peckham and try saying that, mate”; calling Corbyn a “Putin-hugging, terrorist-loving, Trident-hater”; and writing in the Daily Telegraph that all of Corbyn’s supporters were “online trolls”.³⁶⁸

No action was taken, and McTernan received the staff decision “No action - removed at referral”. On 18 August, however, Dan Hogan did report a member of McTernan’s CLP, Omar Baggili, who - in response to an article by McTernan in “The Telegraph” urging the Conservative government to “crush the rail unions once and for all” - tweeted at him “seriously John why haven’t you got yourself a Tory membership card. They’re anti unions & pro privatisation like you.”³⁶⁹ Baggili was suspended for “abuse”.

³⁶¹ 2016: “160804 Reporting abuse.eml”.

³⁶² 2016: “160804 RE Reporting abuse.eml”

³⁶³ 2016: “160813 RE Reporting abuse.eml” “160830 RE Reporting abuse.eml”

³⁶⁴ 2016: “160903 Abuse towards Labour members and MPs.eml”

³⁶⁵ See: <https://evolvepolitics.com/proof-labour-intent-purging-corbyn-supporters/>

³⁶⁶ 2016: “160902 No Action Re-enfranchise file 0209.msg”

³⁶⁷ 2016: “160921 Abuse document .msg”

³⁶⁸ 2016: Case: John McTernan.

³⁶⁹ 2016: “180818 Omar Baggilli - 2499726 .msg”

On 21 September Westerman mentioned John McTernan as one of the “high profile names who had nothing to do with the validation process for obvious reasons”.³⁷⁰ We have no record of any explanation as to why McTernan was exempted from the process in this way. (By contrast, Ronnie Draper, leader of the Bakers’ Union and a Corbyn supporter, was suspended in July 2016 for referring to Blairite “traitors”).³⁷¹ On 18 September 2016, John Stolliday discussed “briefing John McTernan”.³⁷²

Other prominent figures from the right were also exempted from the rules. For example, complaints were submitted about Anna Turley MP tweeting about “that arsehole Len [McCluskey]” (which was forwarded to Creighton),³⁷³ and Tristram Hunt MP tweeting about “sectarian Trotskyism masquerading as Labour Party”.³⁷⁴ Alistair Campbell, meanwhile, tweeted at someone that they were a “twat”,³⁷⁵ while Frances Barber tweeted at Corbyn that he was an “utter bellend”.³⁷⁶ On 21 September Westerman noted that Alistair Campbell, Anna Turley and various other Labour MPs - all from the right - were “high profile names who had nothing to do with the validation process for obvious reasons”.³⁷⁷

Complaints were even received about Owen Smith, for referring to Jeremy Corbyn as a “lunatic”, a mental health slur, and saying that he would “smash [Theresa May] back on her heels”, as well as other historic comments alleged to be sexist.³⁷⁸ Anna Wright, Labour press officer, told London Regional Director Dan Simpson she would not vote for him as a result:

Anna Wright 12:16:

I'm not voting for him

Dan Simpson 12:16:

why not?

Anna Wright 12:17:

He said it pained him that Labour didn't have the power to smash Theresa May back on her heels

Smash her back on her heels

Dan Simpson 12:18:

fuck's sake

³⁷⁰ 2016: “160921 Abuse document .msg”

³⁷¹ Draper employed lawyers to challenge the decision, and his suspension was ultimately lifted before the end of the election. 2016: “160906 Ronnie Draper - suspension.eml”

³⁷² 2016: “150918 briefing john mcternan.eml”

³⁷³ 2016: “160805 Fw Abuse.eml”

³⁷⁴ 2016: “160830 Tweet from Tristram Hunt.eml”

³⁷⁵ 2016: “160825 Abuse.eml”

³⁷⁶ 2016: “160825 Abuse.eml”

³⁷⁷ 2016: “160921 Abuse document .msg”

³⁷⁸ For example: 2016: “160727 Smith sexism.eml”, “160826 Report Owen Smith.eml”

Anna Wright 12:19:

And Paul Waugh's found a quote from 2010 where he said "The Liberals will file for divorce as soon as the bruises start to show through the make-up"

Dan Simpson 12:26:

jesus

Despite members' complaints, however, no action was taken by GLU.

2.2.5. NEC review

"Flimsy evidence"

More than 3,000 of the members and supporters flagged were progressed to review by three member NEC panels. Lack of scrutiny and potential political bias was further baked into the process at this stage.

On 30 June 2016, in advance of the process beginning, Matthews noted that "As long as our team don't take the piss - [the NEC will] get used to rubber stamping the recommendations".³⁷⁹ NEC members were dealing with so many cases that they were not able to properly scrutinise staff proposals even if they had wanted to. Panel members dealt with thousands of cases "working through 300 or more at a time, day after day",³⁸⁰ and as Ann Black later reported:

*The sheer numbers made it difficult to do this properly - whereas last year we were able to look at Twitter and Facebook accounts as a whole, and get a context for individual comments, this year there was simply no time, and so some people got picked up for retweets which did not imply endorsement of the contents, and Facebook likes rather than original posts.*³⁸¹

The degree to which scrutiny was conducted was reflected in the fact that one 3-member NEC panel agreed to suspend a Labour MP based on a simple error. On 17 August 2016 Stolliday noticed, and flagged to Matthews, that abuse the MP had been complaining about had erroneously been put on their own record:

"3 NEC members have agreed to action him inadvertently on that basis.

*Please can one of the team sort this out so we don't accidentally suspend one of our own MPs?"*³⁸²

The majority of the NEC was, further, associated with the "right" rather than the "left", and NEC members responded individually to cases, with the decisions of other panel members hidden from them. This meant, although several "left" members were included, all "panels" could have a "right" majority. Indeed, far more cases were reviewed by Labour "right" NEC members, who would then wave them through as planned, as the below table, from a spreadsheet of decisions on 2,375 cases on 12 September, shows.³⁸³

³⁷⁹ 2016: "160630 Conversation with Richard Shakespeare.eml"

³⁸⁰ 2016: "161107 Ann Black raises many cases.msg"

³⁸¹ 2016: 161212 ann black on social trawling.eml

³⁸² 2016: "160817 suspend own MP.msg"

³⁸³ 2016: 160912 NEC decisions export.eml.

NEC Member	Total Decisions	Action	No Action
James Asser	1972	1874 (95.0%)	98 (5.0%)
Alice Perry	1152	1124 (97.6%)	28 (0.4%)
Johanna Baxter	820	813 (99.1%)	7 (0.8%)
Ann Black	637	532 (83.5%)	105 (16.5%)
Keith Birch	278	156 (56.1%)	122 (43.9%)
Jim Kennedy	54	36 (66.7%)	18 (33.3%)
Jennie Formby	76	13 (17.1%)	63 (82.9%)

In addition, guidance was lacking on what kind of things were actually actionable - the NEC was expected to wave through staff proposals. On 8 August 2016 Jim Kennedy requested some guidance in this respect:

At the last procedures committee I requested guidance on membership/supporter decisions specifically on retweets. Last year, the panel I believe, but most certainly me took a more liberal view on retweets outside of those that were racist sexist homophobic or outright obnoxious.

I am minded to view retweets in the same manner as last year and differently to first hand tweets, however, as guidance was requested I will wait for that before progressing in a comprehensive fashion.

I also raised at the procedures committee that I was concerned that the searches being undertaken are failing to recognise context, this is evident in many cases and I think a blanket reference back to us without qualifying or examining the context of the entry is unhelpful and time consuming.³⁸⁴

In response, Buckingham on 15 August provided the NEC with brief "Validation Guidelines". These noted that, for example:

Social media comments should be considered in context. For example, someone may 'retweet' an abusive statement and mean to perpetuate the abuse, whilst other

³⁸⁴ 2016: "160812 FW NEC membership supporter decisions.eml"

*are less clearly designed to spread the abuse, but may be to comment on another part of the tweet. These need to be considered on a case-by-case basis.*³⁸⁵

This guidance was different from the pre-existing GLU policy (discussed elsewhere) of not acting on retweets or shares. Buckingham noted internally: "I added a bit about retweets, but impossible to really say anything when we have to be so vague."³⁸⁶ It is not clear why she felt she needed "to be so vague".

The process thereby resulted in large numbers of people being suspended or excluded for things the Head of NEC Disputes, Ann Black, later described as "frivolous".³⁸⁷

Members were, for example, suspended or excluded simply for having retweeted something from Caroline Lucas or the Green Party. One young Jewish activist, a Labour member since 2012, was autoexcluded from the party for retweeting some Green politicians on issues he agreed with them on, and was "very upset and understandably distressed by the whole affair". (He was reinstated on appeal after the election.)³⁸⁸ In another high profile case, a British Paralympian had her membership rejected for having retweeted her local MP Caroline Lucas and two Green Party tweets - a "superhero" video on restoring Legal Aid, and a local speech - in April 2015, more than a year before she joined Labour. (Her membership was, likewise, restored after the election.)³⁸⁹

Other cases included:

- A member suspended for tweeting "why join when some MP's don't give a shit what you think or vote if they don't want it", flagged due to the term "shit" near the Twitter handle of a Labour MP in the thread. (The suspension was lifted in February 2017, after six months.)³⁹⁰
- A Corbyn supporter suspended for a single tweet at Tristram Hunt MP, calling him "Snooty twat".³⁹¹ (It was not until a review of historic suspensions in late 2018, more than two years later, that this case was brought to the NEC, which restored their membership.)
- A Corbyn supporter suspended for swearing at a rapper.³⁹²

³⁸⁵ 2016: "160815 guidance.eml"

³⁸⁶ 2016: "160826 FW guidance note.msg"

³⁸⁷ 2016: "161107 Ann Black raises many cases.msg"

³⁸⁸ 2016: "161212 ann black on social trawling.eml"

³⁸⁹ See: <https://www.huffingtonpost.co.uk/kristina-veasey/labour-party-member-nec-b-11892426.html?1473265633&ncid=tweetInkushpmg00000067>

³⁹⁰ Gerald Wright, L1286648, suspended 25 August 2016, lifted 16 February 2017.

³⁹¹ Member L1424791.

³⁹² 2016: "160916 corbyn supporter suspended for swearing at rapper.msg"

- A member suspended for sharing a petition calling for the expulsion of Tony Blair from the Labour Party.³⁹³
- A member suspended for retweeting a tweet to Michael Dugher MP, that said he wrote “for tory rags at say 2k a hour” and, having resigned from the shadow cabinet, was “just not a traitor in cabinet anymore”.³⁹⁴
- A member suspended for tweeting to someone that they “strike me as a bit of a bellend”. (It appears that the tweet was wrongly read as being about Jess Philips, who the respondent was in fact defending.)³⁹⁵
- A member autoexcluded for retweeting a satirical tweet by comedian David Schneider endorsing Zac Goldsmith. After four days, this was reversed and they were instead suspended for saying “#FuckEm” regarding critics of Corbyn.³⁹⁶
- A member suspended for “abusive language” towards Labour staff, for suggesting in a Facebook comment that Sam Matthews’ actions were affected by “Coke clouding his thinking.”³⁹⁷

The thing that the vast majority of these people had in common was that they were supporters of Jeremy Corbyn.

The longstanding chair of NEC Disputes Ann Black later expressed concern about “the flimsy evidence for excluding some of the individuals who have written to me”, such as retweeting the Green Party “expressing sentiments shared by many Labour members”.³⁹⁸

³⁹³ L1376562

³⁹⁴ A624072

³⁹⁵ 2016: “161104 bellend suspension.eml”

³⁹⁶ L1358779

³⁹⁷ Case: Brian Lovett White.

³⁹⁸ 2016: “161107 Ann Black raises many cases.msg”

2.2.6. Results

“suspension acted as a punishment and was universally perceived as such” - Labour NEC

Under this process, “registered supporters” (and “affiliate supporters” from affiliated trade unions), could be rejected without any recourse to appeal (or refund). Newer members could have their membership rejected, though they could appeal these decisions, and existing members could have their membership suspended.³⁹⁹ Members accused of supporting another party could also be “auto-excluded”, with no right of appeal.⁴⁰⁰

In total, GLU reported that 11,250 individuals, both members and supporters, were processed in the “Validation” process. Half of these were immediately dropped, and the rest - 5,253 - progressed further. In total, NEC panels heard 3,458 cases, with a majority for action in 2,540 of them (73.4%). Action was taken against 2,887 Labour Party members, as well as large numbers of supporters.⁴⁰¹ This included 1,024 pre-existing members placed under “administrative suspension pending investigation”;⁴⁰² 464 people auto-excluded; and 1,949 supporter applications rejected.⁴⁰³

Much larger numbers of people - at least 6,000 - were also initially denied a vote, as Labour removed from the ballot all people initially “flagged”, rather than simply removing those it decided to act against.⁴⁰⁴⁴⁰⁵ Many of these would not receive a ballot until the election was drawing a close - without any explanation to them of what was going on. In the final week of the election, Matthews provided spreadsheets of those who had been flagged and blocked, but should now receive a ballot as the decision was “No action”. This amounted to 705 people, who had been, without any explanation to them, denied a ballot until the final days of the election. (A further 54 people were also to receive ballots and apologies, mainly over mistaken identities.)⁴⁰⁶

Other people, meanwhile, were suspended but not informed, gradually realising only through making enquiries as to why they had not received a ballot.⁴⁰⁷ This contributed to widespread fears among some members that they had been secretly suspended or were being denied a vote.

³⁹⁹ 2016: 160825 validation procedures.msg. 160826 Drafting reply to JM.msg

⁴⁰⁰ 2016: “161024 report on CLPs and suspensions.msg”

⁴⁰¹ 2016: “161122 paper on validation numbers.msg”

⁴⁰² 2016: “161122 further on validation numbers.msg”. “161006 NEC decisions export.eml”

⁴⁰³ 2016: “160912 SM numbers.msg”

⁴⁰⁴ 2016: “160816 suspension with ERS.msg”

⁴⁰⁵ 2016: 160815 stop and suspend files explained.msg

⁴⁰⁶ 2016: “160915 and that, as they say, is that.eml”

⁴⁰⁷ 2016: “161005 suspended not told.msg”

Other changes from the 2015 process revealed the aim of denying people a vote in the process.

For example, in 2015 members being “vetted” were not denied a vote, even if they were “suspended pending investigation”. This time, however, administrative suspension letters were amended to reflect the fact that “the member will not receive a ballot in this process as well as being administratively suspended pending an investigation.” This was despite the fact that, as Matthews emphasised to staff (his emphasis), “There is no expectation that you must complete [the] investigation before the end of the leadership process.”⁴⁰⁸ This meant that, as the NEC Disputes committee later put it, “suspension acted as a punishment and was universally perceived as such.”⁴⁰⁹

On 30 August 2016 NEC Disputes chair Ann Black expressed her concerns to GLU and GSO that she is “more and more worried that we're going against Shami Chakrabarti's recommendations”, including:

*limiting, and where possible avoiding, the use of blanket suspensions. The consequences are more serious than last year, when we let every member vote and sorted out their long-term status later, this year we're blocking them from voting.*⁴¹⁰

On 18 October 2016, similarly, the NEC Disputes committee formally agreed a letter of concerns regarding aspects of this process, including asking:

*should members who were suspended or excluded have been allowed to vote, as they were in 2015, while their longer-term status was clarified? As most suspensions were lifted after the ballot closed, albeit with warnings, in this case suspension acted as a punishment and was universally perceived as such.*⁴¹¹

Another change was that, unlike in 2015, social media trawling and action was also taken on and against existing members, not just those new to the party. NEC Disputes similarly raised concerns after the election about whether this should have been done.⁴¹²

The decision not to provide people with any of the evidence for which they were being suspended or excluded, meanwhile, caused distress to many. Instead, on 25 August 2016, the day after suspension letters starting landing with members, Matthews

⁴⁰⁸ 160825 validation procedures.msg

⁴⁰⁹ Guidance and standards: 170108 Note on suspensions for Disputes Panel.eml

⁴¹⁰ 2016: “160830 Ann Black concerns.msg”

⁴¹¹ Guidance and standards: 170108 Note on suspensions for Disputes Panel.eml

⁴¹² Guidance and standards: 170108 Note on suspensions for Disputes Panel.eml

advised colleagues - "aware that a number of you will be receiving enquiries from members" - that "If members or supporters would like more information on the evidence seen by the panel", they could call Labour's call centre "and a team in Newcastle will be able to help them".⁴¹³ Following calls, the Newcastle team was then to provide the evidence upon which the decision was made.

Ann Black suggested to McNicol and the GLU team that this was not an efficient process:

"I appreciate that it is time-consuming to send everyone the evidence used by the panel, but how does this balance against the time involved in individuals making phone calls and then individual extracts of the data relating to their case? It would also cut out the stage where they complain that they have no idea why they've been suspended. So is it more efficient to do for everyone rather than piecemeal?"⁴¹⁴

Black continued to reiterate this concern,⁴¹⁵ and after the election, NEC Disputes noted that this "two-stage process" whereby members had to request evidence "involved delays and more email exchanges from both sides, and meant that inaccurate claims were widely publicised... before the evidence was provided."⁴¹⁶ This also led to large numbers of people submitting Subject Access Requests (SARs), creating further work for GLU as it is a legal requirement to comply with SARs. (By 14 December 2016, GLU reported having done 297 SARs.)⁴¹⁷

The whole process was also replete with errors. For example, some people who had been rejected in 2015, but successfully won on appeal, found themselves being auto-excluded again, purportedly contrary to GLU's intention.⁴¹⁸

After letters started going out, moreover, staff realised that "the matching process for Facebook is not nearly as accurate as it is on Twitter". Matthews reported that "400 people are in the system on the basis of evidence sourced in this way", and 22 letters had already been sent out on the basis of such evidence. GLU resolved to individually re-review all those pieces of evidence, and send apologies to those already suspended or excluded.⁴¹⁹ Months after the election, however, staff were still finding dozens of people "Auto-Excluded in error over the summer".⁴²⁰

⁴¹³ 160825 validation procedures.msg

⁴¹⁴ 2016: "160827 not told why suspended.msg"; "160901 what do if suspended.msg".

⁴¹⁵ 2016: "160830 Ann Black concerns.msg"

⁴¹⁶ Guidance and standards: 170108 Note on suspensions for Disputes Panel.eml

⁴¹⁷ 2016: "161214 done 297 SARs.eml"

⁴¹⁸ 2016: "160830 accidentally suspend who won appeal in 2015.msg". 2016: "160830 Ann Black concerns.msg"

⁴¹⁹ 2016: "160825 automatic facebook matching, errors.msg"

⁴²⁰ 2016: "161213 33 people excluded in error.eml"

The software would also produce erroneous matches when it found terms inside other words. For example, the term “rat” returned thousands of results with words like “democratic” and “rational”, results which apparently could not be removed, and appeared in the reports to the NEC.⁴²¹⁴²²

All these errors - in a process targeted at Corbyn supporters - fueled further distrust of GLU among large parts of the Labour membership.

⁴²¹ 2016: “160719 Conversation with Sam Matthews.eml”

⁴²² 2016: “160830 Ann Black concerns.msg”

2.2.6. "Validation", antisemitism and impact

"By creating an atmosphere where anyone who had tweeted that they once voted Green was expelled or suspended... it enabled a conspiracy theory to develop around the idea that the Labour establishment was trying to stop people from taking part in Labour Party democracy. And I think that was the sort of root as to how this sort of antisemitic conspiratorial thinking started in the party." - Adam Langleben, Jewish Labour Movement

In response to public criticism of a "purge" of Corbyn supporters, on 1 September 2016 Iain McNicol wrote to the NEC to defend the process, and provided "some of the examples of comments of individuals who have been ruled ineligible to participate in the leadership ballot".⁴²³

Of the 36 example comments provided, 13 involved support for a rival party, and 23 were examples of abuse. Of the 23 examples of abuse, 10 - 43.4% - concerned antisemitism. These were mostly horrific, such as comments about "Zios" controlling the world and "Zio Pigs".

This was then reported by the media. *The Huffington Post* were also provided other information and internal briefings from "party sources", and wrote about it under the headline:

"Revealed: The Racist, Anti-Semitic, Threatening Abuse That Barred Applicants From Labour Leadership Election"⁴²⁴

They reported that:

The party's Compliance Unit has sent a dossier of abusive messages to Corbyn to prove that it has acted reasonably, but has not yet had a reply from the party leader.

Party HQ staff and NEC members involved in the vetting process are furious at accusations of bias towards either Smith or Corbyn and insist they act only in accordance with party policy.

...

One party source told HuffPost UK that the hard work of the teams who are rooting out abuse on a daily basis was being undermined by suggestions that exclusions were frivolous.

⁴²³ 2016: "160901 mcnicol sends examples of abuse.msg"

⁴²⁴ https://www.huffingtonpost.co.uk/entry/labour-leadership-election-racist-anti-semitic-abuse_uk_57c85b1ee4b01e35922a55a0

However, contrary to the impression given by this briefing by “party sources” and McNicol’s letter to the NEC, the 2016 “Validation” process was not fundamentally about antisemitism, and general allegations - often flimsy - of supporting the Greens or engaging in abusive or rude online conduct (such as accusations of Labour MPs being “traitors”), overwhelmingly dominated. As we have seen, the whole process was also targeted at supporters of Jeremy Corbyn only.

Of the 1,070 members suspended at the end of the “Validation” process, 6.4% of the cases - 69 - had antisemitism as a category or mentioned cause.⁴²⁵ The words and phrases to flag focused mainly on general abuse, and only one, “Zio”, related to antisemitism (a second, “Yid”, was dropped part way through as not generating many results).⁴²⁶ “Zio” also produced many false positives relating to “Zionism”, and immediately after the election 33 - almost half - of these suspensions were lifted. The wide range of terms GLU uses today in additional social media searches, which are designed to return results for antisemitism without too many false positives - such as “Rothschild”, “Soros”, “Icke”, “Atzmon” and “Mossad” - were not employed.

Of the ten examples of antisemitism McNicol provided, meanwhile, five came from a single member, two from another member, and the remaining three do not appear on the NEC decisions and evidence spreadsheet at all.

Reports and briefings such as this helped to fuel the sense among some Labour members that they were being unfairly demonised as antisemites. The actions taken by GLU in this period generated considerable mistrust among large sections of the Labour membership in the party’s disciplinary processes, and a suspicion that suspensions were being issued on spurious grounds and for factional gain - even when these related to serious allegations of antisemitism.

This would all contribute to the growth of a culture of “denialism” in parts of the membership regarding disciplinary cases and the extent to which antisemitism has been a genuine issue in the party, including sympathies for members correctly suspended over allegations of antisemitism, which has proved extremely alienating and upsetting to many of Labour’s Jewish members. (Discussed further in Section 6.5.)

⁴²⁵ Similarly, of the 3,436 cases decided on by NEC panels, 233 - 6.7% - return a result for the search term “Zio”, including in words such as “Zionist” and “Zionism”. 2016: NEC Decisions: “161006 NEC decisions export.eml”

⁴²⁶ 2016: “160815 guidance.eml”; “160715 Words that aren't helpful.eml”. “Zio” also returned some false positives, for example from legitimate discussions about “Zionism”. Because the term “Paki” was returning false positives about “Pakistan”, a space was added after the word - “Paki “. The same was not done for “Zio”, however. 2016: “160701 Conversation with Richard Shakespeare.eml”

Adam Langleben, JLM Campaigns Officer in this period, who resigned from the party in spring 2019 over concerns about antisemitism, later recalled that it was these factional purges that created this distrust among the membership and played a big role in creating the antisemitism crisis in Labour:

The blame I think, lies with the moderates who ran the Labour Party in the run-up to Jeremy Corbyn's election. In that, by creating an atmosphere where anyone who had tweeted that they once voted Green was expelled or suspended or their membership was revoked from the Labour Party, it enabled a conspiracy theory to develop around the idea that the Labour establishment was trying to stop people from taking part in Labour Party democracy. And I think that was the sort of root as to how this sort of antisemitic conspiratorial thinking started in the party.⁴²⁷

⁴²⁷ Adam Langleben, appearing on "1: Labour's Institutional Antisemitism Crisis", *Corbynism: The Post-Mortem*, podcast available online, starting at 11min 30sec:
<https://podcasts.apple.com/gb/podcast/1-labours-institutional-antisemitism-crisis/id1494568978?i=1000462927226>

2.2.7. Conclusions

The extensive factional activity undertaken by GLU in 2016 in relation to the move to depose Corbyn and the leadership election that followed demonstrates that claims that GLU followed unwritten instructions from the Leader's Office to not act on antisemitism complaints - for which the Party cannot find any evidence - are not plausible. Far from being subordinate to LOTO, GLU was openly hostile to Corbyn's leadership and worked against the interests of Corbyn's leadership by attempting to assist his removal as leader.

The "Validation process" created an enormous backlog of cases and outstanding work, which impacted the handling of other complaints, including complaints of antisemitism. It also fostered widespread distrust of the disciplinary processes among the membership and a perception that suspensions imposed by GLU were unjust and motivated by factionalism. This formed the basis for a culture of "denialism" among some Labour members about the problem of antisemitism in the Party, with some viewing this as a continuation of GLU's factional misuse of the disciplinary processes.

The case studies in the next section demonstrate that the use of Labour's disciplinary processes for factional ends by the same key GLU staff members continued after the 2016 leadership election, and well into 2018.

2.3. Case studies: factionalism in the Governance and Legal Unit

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2.3.1. Summary

We have already seen how GLU's factional role continued after both Corbyn's 2016 re-election, and the 2017 election.

However, in response to reports that Sam Matthews refused to suspend or investigate the Holocaust denier Chris Crookes, despite repeated complaints over almost 18 months, a source close to him has claimed that GLU "feared ending up on a collision course with NEC members and Corbyn's office over disciplinary cases".⁴²⁸

The JLM's leaked submission to the EHRC, meanwhile, asserted that "following the 2017 general election and into 2018... staff describe a cultural shift" in the party's management - "decisions by GLU staff were increasingly undermined" and:

*From the [2017] election onwards, staffers say that LOTO expected the GLU staff to follow unwritten guidelines that raised the bar on which antisemitic conduct warranted disciplinary action.*⁴²⁹

The Party's investigation has revealed that, on the contrary, key GLU staff such as Sam Matthews, Compliance Officer, Head of Disputes and Acting Director of GLU between June 2016 and to July 2018 and Dan Hogan, Disputes Investigations Officer from November 2016 to June 2018, continued to act in a factional manner and prioritise factional-related work throughout the time that Iain McNicol was General Secretary. This continued during the interim period in March 2018 when there was no General Secretary, and even after Jennie Formby started in April 2018.

The following two case studies help to illustrate this.

⁴²⁸ <https://www.buzzfeed.com/alexwickham/leaked-emails-reveal-labours-compliance-unit-took-months-to>

⁴²⁹ <https://www.scribd.com/document/438367082/Redacted-JLM-Closing-Submission-to-the-EHRC>

2.3.2. Ian McKenzie

"Ian is a top guy. Labour First" - Dan Hogan on Ian McKenzie

"You need to be objective" - Nareser Osei, Head of Disputes, to Dan Hogan on Ian McKenzie

Ian McKenzie was the CLP Secretary of Lewisham East, and an activist and organiser of the "old right" Labour faction "Labour First", delivering trainings in various parts of the country on how to beat Momentum and the left in local organising.

Dan Hogan, a Disputes Investigations Officer from November 2016 to June 2018, was a fellow activist in "Labour First" and was familiar with McKenzie. On 14 July 2016, after a colleague discussed moving into Lewisham East constituency and letting the CLP Secretary or Heidi Allen's constituency office know, Hogan had responded:

Dan Hogan 15:44:

aha, Ian McKenzie

Ian is a top guy. Labour First. Fought Militant last time round

ian@mckenziecommunications.com

*He'll probably be marking off names at the meeting to keep out trots, so best to let him know.*⁴³⁰

On 25 July 2016, McKenzie was reported to the party for abusive conduct: calling a Corbyn supporter a "Trot", telling another to "Get tae fuck"; and calling Corbyn an "Assad apologist".⁴³¹ He was further reported for talking of "Trot... entryism" and likening Momentum to a "Trot grouping burrowing into Labour like some sheep tic parasite".⁴³² He received the status "NO ACTION - removed at referral" - removed by staff before being referred to NEC.⁴³³

On 9 October 2017, meanwhile, Ian McKenzie called "Legal Queries" requesting to exclude an alleged member of the Trotskyist group AWL, ahead of their AGM. Hogan forwarded this to Matthews, saying "I'm guessing this was buried in the backlog."⁴³⁴

Several other complaints were made about McKenzie in 2017 from local members, for allegedly undemocratically excluding the left locally, including BAME women who wished to stand as councillors. These were not addressed by GLU or Region.⁴³⁵

⁴³⁰ Political Bias: Trots: "160714 Conversation with Dan Hogan.eml"

⁴³¹ 2016: "160725 Labour abuse.eml"

⁴³² 2016: "160921 Abuse document .msg"

⁴³³ 2016: "160902 No Action Re-enfranchise file 0209.msg"

⁴³⁴ Ian McKenzie: "171009 Lewisham East Membership exclusion request.eml"

⁴³⁵ Political Bias: 170403 ian mckenzie complaint.eml. 180420 ian mckenzie complaint.eml.

As CLP chair in Lewisham East in spring 2018, McKenzie then led the selection campaign for Janet Daby, who defeated candidates backed by the Labour left for this key “London safe seat”.

On 20 May 2018, however, a Twitter storm erupted after several tweets from McKenzie were revealed, including:

“Emily Thornberry is too old for ISIS. They won’t make a sex slave of her. They’ll behead her and dump her in a mass grave.”

“Maybe she’d agree sex slavery to one man only, provided he didn’t sell her on or insist on gang rape.”

“Islam/Islamism learned the trick from Israel: to criticise Israel is anti-semitic. No, religion is propositional.”⁴³⁶

This led to press enquiries to Labour about what action was being taken,⁴³⁷ numerous formal complaints being submitted,⁴³⁸ and members bringing it to the attention of Jennie Formby. That evening, Formby emailed Head of Complaints Sophie Goodyear: “The views expressed are clearly abhorrent, could you please have a look at them and take action as soon as possible?”

The following morning, Goodyear responded that “Based on the content of the posts I think this warrants a suspension”, and asked Nareser Osei, Head of Disputes for her view, who agreed:

the views expressed are very serious, given that Ian McKenzie is a role holder it would be the most appropriate course of action.⁴³⁹

That lunchtime, meanwhile, after press “re-upp[ed] this as Guido asking again”, Thomas Gardiner emailed separately about the case:

This tweet is graphic, deeply unpleasant, and clearly misogynistic.

I think there are grounds for suspension, particularly given the damage this could cause to our public standing during the by-election campaign.

Sophie G and Sam, what are your views?

⁴³⁶ See, for example,; <https://twitter.com/OwenJones84/status/998253517679800321>

⁴³⁷ Political Bias: 180520 Ian McKenzie press.eml

⁴³⁸ Political Bias: 180520 Complaint Regarding Mr Ian McKenzie.eml

⁴³⁹ Political Bias: 180520 Ian McKenzie.eml

Goodyear and Osei reiterated their view that “there is enough grounds for suspension”.⁴⁴⁰ According to Osei, Matthews then found her in the office and:

He informed me that Ian McKenzie was working for Rokshana Fiaz, the Mayor of Newham. I was surprised and said that I will email the chain to recuse myself given that I am a councillor in Newham. He told me he wanted to keep me out of this to ‘protect me’ which I thought was odd at the time.

As soon as I emailed the chain [to remove myself], Sam immediately came up to both Sophie Goodyear and I, and said he would handle this going forward and went to speak to Dan Hogan about the matter privately. Again I thought that was a strange thing to do.⁴⁴¹

That afternoon, Matthews had prepared a suspension letter⁴⁴² - but at 6pm he emailed disagreeing with the proposal from two women members of staff that McKenzie should be suspended:

“I don’t think that two tweets, both from over two years ago would ordinarily warrant an administrative suspension.”

He further argued that suspending the CLP chair during a by-election “is a potential reputational problem on its own”, and could be viewed “as petty revenge” against McKenzie for his role locally. Instead, he advocated an NOI, and attached a draft.⁴⁴³

Matthews had taken the press team out of the email chain for his 6pm email to GLU-GSO. Later that evening, a press officer responded to a query by saying - based on the earlier chain - that McKenzie was being suspended, which was then reported publicly.

The following morning, Jennie Formby emailed:

Sam and I have just spoken and I have confirmed that whilst I understand and fully appreciate the points that have been raised in subsequent emails, I don’t believe we have any alternative other than to suspend as recommended by Nareser.⁴⁴⁴

The suspension letter then went out.⁴⁴⁵

⁴⁴⁰ Political Bias: 180521 Ian McKenzie, TG and SM.eml

⁴⁴¹ 2018-19: “180604 RE Current Working Environment IN CONFIDENCE.eml”

⁴⁴² Political Bias: 180521 IM suspension.eml

⁴⁴³ Political Bias: 180521 Ian McKenzie, TG and SM.eml

⁴⁴⁴ Political Bias: 180522 Re Ian McKenzie.eml

⁴⁴⁵ Political Bias: 180522 IMPORTANT Information regarding your Labour Party Membership Status.eml

Matthews assigned Dan Hogan as investigating officer, and Hogan proceeded with investigation to bring the case to the July 2018 NEC Disputes. This investigation included other allegations about McKenzie's role locally. Even before interviewing McKenzie, however, Hogan informed him that he would be dismissing most of those complaints and not asking him about them.⁴⁴⁶

Osei reported that McKenzie was receiving advice from Labour regional staff on his response to the investigation.⁴⁴⁷ On 4 June 2018, McKenzie mentioned ongoing health issues he had:

I have been receiving treatment for the past three years since a hit and run driver knocked me off my cycle and broke several of my bones, including my skull. I have been treated at three hospitals for, amongst many other things, severe depression, treatment that is ongoing. If I get to the end of a week and have only spent two or three hours that week contemplating ending my own life, then that is a good week.

Hogan referred this to Safeguarding, who offered guidance which was relayed to McKenzie.⁴⁴⁸

On 18 June Hogan interviewed McKenzie, together with Disputes officer Megan McCann. After the interview, McCann emailed Ben Jameson, Safeguarding Manager, that she had "[taken] notes throughout" the interview, and "my overwhelming thought throughout the whole interview was that this man was displaying signs that I have seen in other careers, namely signs of deteriorating mental health". Moreover:

*I am concerned that, should the case go to Disputes, that man will hang himself.*⁴⁴⁹

Ben Jameson and Nareser Osei asked to meet with Jennie Formby about the safeguarding concerns.⁴⁵⁰

On 19 June 2018 Hogan met with the Head of Disputes, Nareser Osei, regarding the case, on her request. In a note he emailed himself that day concerning "Issues with Line Management", he wrote:

⁴⁴⁶ Political Bias: Ian McKenzie: "180615 DH to IM, dropping most of complaints.eml"

⁴⁴⁷ 2018-19: "180604 RE Current Working Environment IN CONFIDENCE.eml"

⁴⁴⁸ Political Bias: Ian McKenzie: "180605 response to McKenzie.eml". "180604 SM to JF.eml"

⁴⁴⁹ Political Bias: Ian McKenzie: "180618 Fwd Ian McKenzie.eml"

⁴⁵⁰ Political Bias: Ian McKenzie: "180619 Private and Confidential.eml"

"I raised concerns I had that [Ian McKenzie] had been the victim of a political vendetta, and that some senior staff in the organisation had willingly or otherwise allowed him to be targeted in this way..."

I also raised my concern that Thomas Gardiner was also prejudiced through his prior comments about IM's tweets prior to his suspension: "This tweet is graphic, deeply unpleasant, and clearly misogynistic."⁴⁵¹

GLU staff, such as Dan Hogan, regularly expressed opinions on cases when deliberating whether to investigate and whether to suspend. This was their job, not a conflict of interest.

Hogan also insisted that Osei should re-recuse herself from the case and have no involvement in it, as although McKenzie was no longer going to be employed by Newham Council, "the outcome of this case may still affect [McKenzie]'s potential future employment with Newham, and Nareser for that reason has an interest."

Nareser Osei, Head of Disputes, and Sophie Goodyear, Head of Complaints, had worked in GLU under John Stolliday and Sam Matthews while Iain McNicol was General Secretary. They had both recommended suspension on the basis of the misogynist nature of McKenzie's tweets and there does not appear to have been any legitimate reason for their views on this case to have been questioned or discounted by Matthews and Hogan.

Hogan did not declare his own conflict of interest arising from his familiarity with and favourable views of McKenzie, which he had expressed in 2016, or his activism in "Labour First", and he did not recuse himself from the case.

Osei responded to Hogan that "you need to be objective". He noted:

I do not need to be told to be objective or look at both sides of a case – I have been an Investigations Officer for longer than Nareser has. I reacted with muted anger and told Nareser that 'I'm a professional, thanks.'⁴⁵²

Hogan had also objected to being "patronised", by having previously been asked by Osei to type up notes of his interview with McKenzie - "We don't need to be told that, we're experienced investigations officers" - and then being asked to bring those minutes to this meeting.

⁴⁵¹ 2018-19: "180619 Hogan Issues with line management.eml"

⁴⁵² 2018-19: "180619 Hogan Issues with line management.eml". Also: "180612 LWG Hogan conversation.eml"

Osei asked Hogan to finish typing up his notes from the interview, separately from McCann. Opening Megan McCann's interview notes on the shared drive that afternoon, however, Osei discovered that they were currently "locked for editing by 'Dan Hogan'". She alerted Gardiner that Hogan was currently editing McCann's notes - "with no document in front of him to reference".⁴⁵³

The following day, Dan Hogan went on long-term sick leave.

On 27 June, Safeguarding Manager Ben Jameson emailed McKenzie asking to speak with him and discuss the support available to him. McKenzie replied and said that "I am not, in fact, finding the investigations process difficult"; his "real difficulties stem from my lack of paid work"; and he would prefer the case not be delayed:

*I don't think us speaking would serve much purpose for anyone, including (mostly importantly) me. Thanks for the offer nonetheless.*⁴⁵⁴

Jameson reported this to Osei and Formby:

Based on his response I am satisfied that we have offered Ian support and that there is no immediate risk to his welfare as a result of the investigation process. He also advised that it would be worse for him were his case not to be heard at the next Disputes panel. I don't think it is now necessary to delay the investigation/disciplinary process whilst we ensure further support is in place.

Formby commented that "I feel we're being played here", and "It may well be too late now to include his papers in the documents for Tuesday anyway, and of course any delay has been down to the very strong representations made in relation to his welfare."⁴⁵⁵

On 28 June, McKenzie emailed again to reassure Jameson further, speaking about his "magnificent campaign to save Lewisham East Labour Party from the gang currently running the Labour Party and their large pitchfork army of thugs", and his successes in preventing the party locally "morphing further into a toxic concoction of Militant, the SWP, Left Unity, AWL and the CPB".⁴⁵⁶

In April 2019 McKenzie's case was reviewed by NEC Disputes, which referred him to the NCC.⁴⁵⁷

⁴⁵³ 2018-19: "180619 Hogan editing notes 1.jfif", "180619 Hogan editing notes 2.jfif"

⁴⁵⁴ Political Bias: Ian McKenzie: "180628 mckenzie responds on Investigation and welfare.eml"

⁴⁵⁵ Political Bias: Ian McKenzie: "180627 safeguarding summary.eml"

⁴⁵⁶ Political Bias: Ian McKenzie: "180628 Re Investigation and welfare.eml"

⁴⁵⁷ Political Bias: Ian McKenzie: "190614 MCKENZIE, Ian A184224 NCC.pdf"

This example clearly shows Matthews and Hogan acting in a faction manner to try to protect a figure from the right of the Labour Party. Not only had McKenzie been protected from sanction in 2016 and subsequent complaints about his conduct ignored, but even after Formby became the general secretary, Matthews and Hogan attempted to protect McKenzie including by:

- Attempting to insist on an NOI rather than suspension, a decision that would have been inconsistent with their then approach to other cases. This involved attempting to overrule senior women members of staff on a case of misogyny.
- Failing to declare their own conflicts of interest and claiming largely spurious conflicts of interests from other staff to exclude them from involvement.
- And, other staff suspected at the time that Hogan may have been exaggerating safeguarding issues in order to have the case dropped (Hogan's editing of McCann's notes, and McKenzie's later assertions that he was fine, would seem to support this allegation).

This behaviour is all inconsistent with the claims made by former staff like Sam Matthews that GLU was somehow subordinate to LOTO in 2017 and early 2018. These key staff in GLU continued to misuse the disciplinary processes for right-wing factional ends even after Jennie Formby took over as general secretary.

2.3.3. Manjit Panesar and Syed Siddiqi

“We have spoken about this one before but could you update me in writing please so I have it on record? Has any action been taken against Manjit Panesar?” - Head of Complaints Sophie Goodyear to Dan Hogan, the day before he stopped working for the party

In 2017, Ilford South was dogged by issues around councillor selections. The dominant faction led by Jas Athwal, leader of Redbridge Council, was accused of initiating deselections of several sitting left-wing councillors, including the CLP Chair councillor Barbara White, and of registering paper members in preparation for councillor selection meetings. The CLP Executive, including its “pro-Corbyn” secretary Syed Siddiqi, was on the side of the councillors, and Siddiqi was himself seeking selection as a councillor.

Athwal himself personally tried to get at least one councillor suspended by GLU for “bringing Redbridge Labour into disrepute”, and the deselected councillors raised complaints with London Region and GLU. This included complaints of discrimination, including a complaint by Barbara White, who is Jewish, alleging that she had been denounced and disciplined by the Labour Group for opposing antisemitism. However, GLU either ignored complaints by Barbara White and other individuals or passed them to Region. By autumn 2017, however, one of the deselected councillors was pursuing legal action against the party, a case which Stolliday, Director of GLU was involved in.

In September 2017, after removing two members from a local Labour group Whatsapp chat over inappropriate conduct, Siddiqi received an abusive and aggressive call from one of the two, Manjit Panesar, saying “You need to restore me to that group chat, or you and me are going to have a fucking big fucking battleground here”. Panesar threatened Siddiqi and engaged in Islamophobic abuse - “you and me, it’s war now” and “You cannot give me this fucking Islamic bullshit... Islamic fundamentalist lunatic”.⁴⁵⁸

Siddiqi, who had recorded this part of the call, reported Panesar to the police, and made a complaint to Labour, enclosing the audio recording. Two weeks later, he called GLU directly to chase the case and spoke to Sam Matthews, after which Matthews and Hogan issued a suspension for Panesar.

Subsequently, however, Region noted that “stakeholders” were contacting them asking why Panesar was suspended and Siddiqi was not, while Panesar submitted counter complaints against Siddiqi, including a claim that on the call that Panesar initiated, Siddiqi had threatened to break his legs. Although the audio recording

⁴⁵⁸ He also claimed on the call Siddiqi removed him from the Whatsapp group for talking about “Labour Party stuff”, but the transcript he later submitted showed otherwise.

proved that Panesar had engaged in aggressive Islamophobic abuse of Siddiqi, the recording did not evidence the claim that Siddiqi made a threat on the call, and the counter-complaints Panesar submitted were mostly refuted by the Whatsapp evidence he himself supplied, Matthews and Hogan then lifted the suspension of Panesar, and placed both him and Siddiqi “under investigation”.⁴⁵⁹

All investigative attention was now turned on Siddiqi, however, with Hogan proactively collecting and investigating even minor complaints, for example about CLP meetings being organised without enough notice, that were normally in the purview of Internal Governance, not Disputes. Hogan even personally insisted to Siddiqi that Panesar’s status as a local voting delegate to the CLP be accepted, but when Siddiqi was selected as a council candidate, Hogan tried to get the Local Campaign Forum to re-interview him on the basis of information he provided (although, as discussed elsewhere, arranging re-interviews was not considered after Alan Bull, who had shared Holocaust denial material, was selected).

Hogan later described keeping Panesar “formally under investigation”, and after he interviewed Panesar on 1 December 2017, no further action was pursued against him. Instead, on 6 December 2017 GLU suspended Siddiqi, and he became the focus of all investigative efforts.

Hogan worked to collect a range of complaints against Siddiqi, most of which were very minor. Although further complaints about Panesar’s conduct at a CLP meeting were received in February 2018, however, alleging bullying and intimidation, no further action against him was taken.⁴⁶⁰

Siddiqi’s suspension meant that, with an upcoming CLP AGM in February 2018, Siddiqi was no longer CLP Secretary and would not be able to stand again, and he could no longer be a council candidate. At the February 2018 AGM, Panesar was then elected CLP Secretary in his place. Hogan did not raise that there had been complaints about Panesar, including an audio recording in which he used abusive and Islamophobic language, ahead of the election at the AGM, even though he had proposing submitting evidence on Siddiqi to the Local Campaign Forum and argued that he should be re-interviewed after he was selected as a council candidate. Emails show that Hogan instead worked with the regional office to ensure that the disciplinary case against Panesar was not raised at the AGM. When complaints followed about Panesar’s conduct at the meeting, Hogan promised action but took none, later privately claiming that they were “confected with the purpose of undermin[ing] the Party’s investigation of their friend, Mr Siddiqi”.

⁴⁵⁹ Hogan: “On the basis of the information available to us, we see no reason for Mr Panesar’s membership rights to be restricted at this time”. Case: “171005 lift and investigate both.msg”

⁴⁶⁰ For example: “180205 Complaint concerning the conduct of Mr Manjit Panesar, Ilford South CLP.eml”

After being elected, Panesar ensured he took part in the selections of council candidates, then from May 2018 reportedly “disappeared” and stopped performing the role.

In January 2018, meanwhile, both Mike Gapes, MP for Ilford South, and Athwal,⁴⁶¹ had personally submitted further complaints about Siddiqi - Gapes expecting “the strongest possible disciplinary action”⁴⁶² - as had the office manager of Wes Streeting, MP for Ilford North.⁴⁶³ All of these individuals were associated with the right of the Labour Party. In January 2018, meanwhile, Siddiqi engaged lawyers to delay him being deselected as a council candidate, while supporters lobbied the NEC and GLU regarding the case.

Hogan, however, continued to investigate and pursue action against Siddiqi alone. For five months, from October 2017 to February 2018 - a period in which, as discussed later, the “Disputes” inbox to which antisemitism complaints were being forwarded went mostly unmanaged, despite Matthews’ assurances that Hogan was working on this - this was one of the main things Hogan worked on. Hogan provided just one case to the NEC Disputes committee in January 2018, and 20% of the emails he sent in these five months concerned this case.⁴⁶⁴

2.3.3.i. Scrutiny from above

Upon being suspended in December, Siddiqi publicly raised that he had submitted a complaint of Islamophobic abuse to GLU, but instead of acting against Panesar, they had suspended Siddiqi, the complainant. He claimed this was because he was a pro-Corbyn CLP secretary and Momentum activist.

On 12 December 2017, having been emailed by Siddiqi, NEC Disputes chair Ann Black enquired about the case, asking “why has Manjit [Panesar] been let off, despite his Islamophobic behaviour?” Hogan and Matthews insisted that he “has not been 'let off' and remained “under investigation”.⁴⁶⁵ However, Hogan had later described keeping Panesar “formally under investigation”, and after interviewing Panesar no further investigation was conducted.

⁴⁶¹ Case: “180212 jas pursues more siddiqi complaints.eml”

⁴⁶² 180104 Gapes expects strongest action - Syed Siddique and MPACUK.eml

⁴⁶³ Streeting - Case: “171207 re bounty police.eml”

⁴⁶⁴ 1,372 emails from Hogan in GLU inboxes, of which 256 concerned this (“Siddiqi” OR “Siddiqui” OR “panesar” OR “Ilford south”). 1,724 emails in Labour Party inboxes, 276 of them referencing this.

⁴⁶⁵ Case: “171213 response Ann Black.eml”

Hogan and Matthews also misrepresented police investigations into these matters, including, in February 2018, to new NEC Disputes chair Christine Shawcroft, who had also raised concerns about the Panesar and Siddiqi cases.⁴⁶⁶

At first, the fact that Siddiqi had reported Panesar to the police was used as a reason to lift the suspension, on the grounds that a separate, police investigation was ongoing. Subsequently, however, the fact that police were still “assessing” Panesar’s allegations against Siddiqi was cited as proof of the seriousness of the allegations, and justification for keeping Siddiqi under suspension.⁴⁶⁷ Matthews responded to Shawcroft in February, for example, that “in light of the ongoing police investigation, this matter is much too serious to attempt to resolve informally via mediation”.⁴⁶⁸ This was despite the fact that GLU already knew that Panesar’s prime allegation was something the police said they were “very unlikely” to act on.⁴⁶⁹ The end of the police investigation into Panesar, meanwhile, was now cited as evidence that Siddiqi’s complaint was less serious. GLU themselves also provided other complaints against Siddiqi to the police, and did not consider this to conflict with their own investigation.

Hogan and Matthews suggested that police responses indicated Panesar’s complaints were more serious than Siddiqi’s. They had in fact suggested the opposite: police had interviewed Panesar under caution and then passed the allegations to the CPS, which declined to prosecute. By contrast, police were merely at the stage of “assessing” some of Panesar’s allegations.⁴⁷⁰

In March 2018, the NEC referred Siddiqi’s case to the NCC. In June 2018, however, renewed complaints were received about Panesar’s Islamophobic call, which new general secretary Jennie Formby asked be looked into. Initially, Hogan did not reply, but on being chased two weeks later, on 19 June 2018 Head of Complaints Sophie Goodyear asked Hogan:

*“We have spoken about this one before but could you update me in writing please so I have it on record? Has any action been taken against Manjit Panesar?”*⁴⁷¹

No “update in writing... on record”, followed, however. Instead, the following day Hogan went on long-term sick leave. He would go on to send just one more email from his work account, on 5 July, forwarding an email relating to this case, before leaving the party for good.

⁴⁶⁶ Case: “180203 Shawcroft Matthews siddiqi.eml”

⁴⁶⁷ Case: “180208 response to shawcroft.eml”

⁴⁶⁸ Case: “180203 Shawcroft Matthews siddiqi.eml”

⁴⁶⁹ Case: “171109 Crime Reference number 4420178 17.eml”

⁴⁷⁰ Case: “180207 manjit was interviewed under caution, referred to CPS, who decided not progress.eml”

⁴⁷¹ Case: “180620 Goodyear to Hogan.eml”

On 21 June, Goodyear responded to Formby:

As far as I can see no action has been taken against Manjit Panesar, but this is something I asked Dan for an update on as he was investigating and he is out of the office for a few weeks now.

In October 2018, Panesar was issued with an NOI regarding his Islamophobic abuse, and on 17 April 2019, the NEC decided to suspend Panesar and refer his case to the NCC. Having failed to engage in any communication with the party regarding the case, he subsequently resigned from the party. Siddiqi, meanwhile, remains suspended pending an NCC hearing.

2.3.3.ii. Assessment

The Party believes that Dan Hogan and Sam Matthew's actions in this case can only be understood as reflecting the influence of factionalism. After being chased by someone who had received Islamophobic abuse, the audio recording of which was submitted to the Party, Hogan and Matthews at first acted appropriately and suspended the perpetrator. After input from local "stakeholders", however, which seem to have included the council leader and local MPs, all on the Labour right, they reversed that decision and instead suspended the victim - from the party's left - meaning he was deselected as a council candidate while the person who was recorded making Islamophobic and abusive comments was able to take his place as CLP Secretary.

The party had also failed to investigate complaints from left-wing councillors deselected previously, even though one, Barbara White, made allegations of antisemitism.

Some of the allegations collected or submitted against Siddiqi merited investigation - and his case is currently pending an NCC hearing - but the evidence against Panesar was far stronger, and the disparity in the treatment of these two individuals is glaring. There does not appear to be any explanation other than factionalism for this discrepancy, including the failure to progress the case against Panesar at all, and the misleading explanations that Hogan and Matthews provided to the NEC. The fact that Hogan went on long-term sick leave after being asked for a "update in writing... on record" regarding the Panesar case, meanwhile, is concerning.

This behaviour is all completely inconsistent with the claim that some former GLU staff have apparently made that they were afraid of taking disciplinary actions that would result in a negative reaction from LOTO or the NEC, or from Jennie Formby or Thomas Gardiner after they started working in HQ. Even in late 2017 and spring 2018, after Jennie Formby and Thomas Gardiner had started, former staff continued to take highly dubious actions on disciplinary matters for their own factional ends.

Moreover, they chose to dedicate significant amounts of time and resource to such actions, while - as we shall see - serious complaints of antisemitism were ignored.

2.3.4. Conclusions

Key GLU staff were not “afraid” of LOTO or the NEC. If any guidance, written or unwritten, from LOTO not to act on certain cases had existed, the available evidence strongly indicates that they would not have followed it.

On the contrary, key GLU staff continued to engage in factional actions in support of the right of the Labour Party. They did this not only after the 2017 general election, but even after Jennie Formby became General Secretary. They also appear to have chosen to continue to dedicate significant proportions of their time to such work.

As will be explored later in the report, the factional activity of GLU and GSO appears to have come at the expense of the work required to improve Labour’s disciplinary procedures, and to make them fit for purpose for a Party of more than half a million members.

3. The Governance and Legal Unit's handling of antisemitism disciplinary cases, 2014 – February 2018

3.1. The Governance and Legal Unit's processes and practices, 2015-16

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3.1.1. Summary

This section shows that GLU's disciplinary processes in 2015-2016 were characterised by an almost complete lack of systems, processes, guidance, and training for staff members. There was no system for logging all complaints and GLU did not apply the Macpherson principles of recording all complaints of racism as racism.

Before 2015, GLU appears to have only done small amounts of work relating to disciplinary cases. Staff appear to have been accustomed to being subject to little or no scrutiny or oversight from within Labour HQ or externally, and the processes that did exist were equipped to, at best, deal with a small number of cases, very slowly and in an ad hoc manner.

This approach allowed for decisions to be influenced by personal responsibilities and political allegiances. For example, after complaints about Rod Liddle over transphobic and Islamophobic comments, GLU proposed suspending him and wrote to LOTO to let them know (as Rod Liddle is a journalist). LOTO agreed with the proposed suspension. However, GLU's Director then informed the Executive Director of Governance, Membership and Party Services that "apparently Rod Liddle is chummy with Ian Austin & by extension TW [Tom Watson]" and suggested they "sit on it for now" rather than suspend immediately. The Executive Director replied "Ok. I will speak to Ian", presumably a reference to consulting Ian Austin on a disciplinary case against his friend.

GLU often decided to conclude cases through informal solutions, without taking cases to the NEC. For example, they routinely decided that individuals should just be asked to delete their racist or otherwise offensive social media posts and apologise. In other cases they imposed suspensions and then lifted them shortly afterwards. For example, in 2014, before Jeremy Corbyn became leader of the Labour Party, antisemitic comments by a Labour PPC, Vicki Kirby, were uncovered. Kirby was suspended, and therefore removed as a PPC, but GLU lifted Kirby's suspension a month later with a staff-issued warning, without ever bringing the case to the NEC.

In June 2016 the Chakrabarti Report, adopted by the NEC shortly after, offered a range of guidance on the different forms of antisemitism that can manifest on the left, and the kinds of conduct that were unacceptable in the Labour Party. Jeremy Corbyn gave similar, detailed guidance in a speech at the time. However, although these interventions led to some stronger action on antisemitism by GLU, such as acting on usage of the term "Zio", GLU did not then produce any guidance or arrange any training for staff to direct decision-making on such cases. As a result, GLU staff

including Director Stolliday and Head of Disputes Matthews continued to make some inappropriate decisions, failing at times to recognise as antisemitism warranting action a range of different antisemitic materials, from classical antisemitism about the “chosen people” to conspiracy theories about “Zionist” and “Rothschild” control, and even Holocaust revisionism.

GLU also changed their policies to provide short-term fixes to political and factional problems and with little thought given to their long-term implications, which had a negative impact on their handling of some extreme cases of antisemitism and Islamophobia.

One example of this was the different treatment of Andrew Fisher and Emily Benn. In 2015 GLU suspended Jeremy Corbyn’s adviser Andrew Fisher. When GLU came under pressure for not suspending Emily Benn, who like Fisher was accused of indicating support for another political party, senior staff in GLU emailed each other openly discussing the need to find justifications for not suspending Benn as they had suspended Fisher, with the Executive Director of Governance, Membership and Party Services saying “we need to put to bed this in relation to not suspending her”.

This led to GLU creating a policy of not taking action on individuals who like, share or retweet content which breaches the Party’s rules, as opposed to making original comments themselves. Executive Director Emilie Oldknow wrote “we will simply have to hold this line when asked why we haven’t suspended her.”

This “line” had consequences for the handling of disciplinary cases over the next two years, however. For example, in April 2016 a member was reported to GLU for sharing Holocaust denial and pro-Hitler materials, but John Stolliday advised to ask if she could delete the posts and apologise, as he didn’t like acting on shared posts.

GLU abandoned this policy in 2016 during the “Validation” process, a factional operation which saw thousands of members and supporters suspended or excluded, in some cases solely on the basis of likes or shares, not original comments. GLU then reinstated the policy after the leadership election and continued to cite it in relation to some complaints of antisemitism and Islamophobia, where, in some cases, no action was not taken as a result, with staff saying “we can’t take action on a shared post”.

In 2016, the vast majority of the disciplinary work GLU conducted related to the “Validation” operation of suspending or auto-excluding members during the leadership election, mostly on flimsy grounds, in an overtly factional operation. A great deal of work and energy went into this. Work to improve Labour’s disciplinary

procedures, however, took place only at an extremely slow pace, and minimal progress was made until spring 2018 when Jennie Formby became general secretary.

3.1.2. Overview of the disciplinary process

At this time, the Labour Party had a three-step disciplinary process. First, complaints and cases would be handled by Labour staff. Second, they would be brought before the NEC Disputes Committee, which only met four times a year.

Disputes could decide to give warnings, or they could refer the case to the National Constitutional Committee (NCC). NEC Disputes could also suspend members pending their NCC hearing, if staff had not already suspended the individual.

The NCC is an autonomous, quasi-judicial body which is separate from other Party structures, including the NEC and the Leader's Office. It was created in the 1980s under Neil Kinnock after a number of members successfully obtained an injunction against their expulsion by the NEC, resulting in expulsion powers being removed from the NEC and the NCC being created instead. As a result, the NCC was the only body with the power to expel members in disciplinary cases.

NCC members are elected by delegates at Labour's Conference and by trade unions and affiliates. They would self-organise their hearings, and hearings would usually take a whole day, and on some occasions took place over several days.

The hearings are essentially like trials, with either Party staff or lawyers acting on their behalf, acting as the prosecution, and the panel of three NCC members acting as the judge. Therefore the NEC is a party to the case, and pursues disciplinary charges against the individual member.

Within the first 8 weeks of someone's membership, their membership could be rejected entirely by the General Secretary (in practice, GLU staff) or their Constituency Labour Party (CLP). After that point, GLU staff could "auto-exclude" members for supporting a candidate standing against the Labour Party, or if they had been convicted of a serious criminal offence. But for all other kinds of conduct, neither the NEC or GLU staff could expel Labour members. As Stolliday wrote on 15 March 2016:

*that is something which is determined by the NCC. We can only suspend & send it to them to determine I'm afraid.*⁴⁷²

⁴⁷² Pre-2016: "160315 can only suspend and send to NCC.eml"

3.1.3. How GLU operated

“Easily fudgeable” - John Stolliday on an NCC case

“We just need options depending on what happens and the way the political wind blows.” - Emilie Oldknow on an NCC case

At the time Jeremy Corbyn was elected in September 2015, GLU’s work was orientated more towards Internal and External Governance than complaints.

GLU centrally would handle “auto-exclusions” of members for supporting rival parties, often done through examining nomination papers or investigating the activities of small far left groups.

GLU would also conduct “major investigations”, for example into CLPs. Many of these dragged on for years. In her 2016 report, Shami Chakrabarti wrote:

I have had testimony that 4 constituencies in central Birmingham have been subject to [special measures] for up to 23 years (the precise dates are unclear), without regular reconsideration by the NEC, nor the creation of any kind of roadmap for how local member democracy might ever be restored. Further, many in the local party have expressed considerable unease about the way that this broad discretion has been exercised by all white Party staff, and the way that they and their fellow (majority) Muslim members and voters have felt undermined and even discriminated against as a result.

It seems to me that whilst there may have been real concerns about the authenticity of new membership applications some years ago, modern banking and internet-based joining methods ought to make membership fraud easier to identify. Further, large-scale recruitment from minority or any other communities is not to be regarded as suspect per se. Far more worrying, in my view, is the enduring image of hundreds of BAME Labour members in one part of a city being denied democracy and autonomy, with little in the way of procedural protection, and the likely message this sends, whilst a handful of their white neighbours enjoy full membership rights down the road.⁴⁷³

Almost all other complaints were handed over to Regions rather than being dealt with by the GLU team, with GLU’s role primarily being to direct complaints downwards to Regions and CLPs and to give suggestions on appropriate courses of action.

In April 2016, for example, a complaint was received alleging antisemitic remarks being made at meetings of Riverside CLP, where Louise Ellman, who is Jewish, was the

⁴⁷³ Chakrabarti Report, <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>, pp. 25-6

Labour MP. Iain McNicol personally responded to the complainant that “Your complaint should go to the region in the first instance”, copying in regional staff.⁴⁷⁴ In December 2017, meanwhile, John Stolliday noted regarding a complaint of antisemitism:

This is probably languishing in Disputes inbox.

I am trying to prod them towards [a] CLP case but to be honest it's probably a strong letter from us.⁴⁷⁵

At the time, GLU centrally would automatically suspend members when placing them under investigation. As Stolliday later put it, they would “automatically suspend people under investigation”,⁴⁷⁶ or, as Sam Matthews later explained, they would always “impose an administrative suspension as the first stage of an investigation”.⁴⁷⁷

GLU would therefore either “suspend and investigate” (with the investigation conducted by Region); take no action; or encourage some form of informal resolution, such as deleting posts, apologising or being given a staff-issued warning. In many cases, the preference after “suspend and investigate” - often decided on due to media publicity - was also then a lift of the suspension with an informal resolution or warning, all done by staff without any decision being taken by the NEC Disputes Committee.

In relation to these “suspend and investigate” cases, GLU would:

- Agree or sign-off, implement and lift suspensions, often jointly with Regions;
- Receive and sign-off, or jointly agree, decisions on further action with Regions;
- And then jointly prepare reports for the NEC and NCC for the (very small) number of cases that were escalated to those stages.⁴⁷⁸

As the party was considerably smaller and involved fewer competing factions among the active membership, before 2015-16 the number of cases dealt with by GLU was small. Nevertheless, there was a considerable backlog of such cases to deal with, and many of them had gone years without action.

A spreadsheet from May 2015, for example, showed that 51 people were under suspension. Information on the status of the cases was patchy, but the majority

⁴⁷⁴ Pre-2016: “160404 riverside AS complaint referred to region.eml”

⁴⁷⁵ Guidance and standards: “171204 Andrew Jackson case, Stolliday wants CLP case.msg”

⁴⁷⁶ Guidance and standards: “170130 Stolliday explains new procedure in case.eml”. See also: “161116 suspension scott hopper.eml”

⁴⁷⁷ Guidance and standards: “170203 no longer policy impose suspension as first stage.eml”

⁴⁷⁸ Even NCC case files were prepared by regions: LOTO: “160816 RE Peter Gates and John Walsh.eml”.

pertained to police investigations and criminal offences (Labour would often suspend while police investigations were ongoing).

Despite the low number of cases, however, many were waiting years for a resolution. On average, each individual had been suspended for 342 days, while cases that appeared to have no relationship to external investigations (such as police investigations) had actually gone on even longer, with the members being suspended for an average of 399 days.⁴⁷⁹

A member suspended in January 2011 for “inappropriate messages posted on online forums”, for example, had the status “Region trying to interview member”; two cases from May 2013 - two years earlier - had the status “George to take to NCC”; and another member, suspended for “urinating in private garden” eleven months ago, had the status “Region arranging interview”.

Selection of suspended Labour Members, 19 May 2015⁴⁸⁰		
Date of suspension	Reason as recorded in the spreadsheet	Status as recorded in the spreadsheet
13.1.11	Inappropriate messages posted on online forums	Region trying to interview member
23.5.13	Attending BLP not his own without invitation or agreement of members	George to take to NCC
23.5.13	Attending BLP not his own without invitation or agreement of members	George to take to NCC
17.6.14	Urinating in private garden	Region arranging interview of member
20.8.14	Convicted of ABH	NCC - Dan to get statement
3.6.13	Improper relationship with lobbyists	leave

⁴⁷⁹ Pre-2016: “Suspensions as at 19.5.15 Updated by SG.xlsx”

⁴⁸⁰ Pre-2016: “Suspensions as at 19.5.15 Updated by SG.xlsx”

30.7.13	Referred to Standards body for disclosure of confidential information	Standards found the complaint proved. Region to interview member.
8.7.13	Licensing offence	Is involved in variety of matters that are damaging to LP since suspension. Need update
11.9.13	NNC suspension until 11.9.15	
13.1.11	Convicted of dishonestly obtaining £14,000 of housing benefit	REGION TO INTERVIEW

The number of cases being dealt with was not large: a “Suspensions Register” folder for 2014 contains 52 suspension letters, accompanied by 22 corresponding suspension lift letters. Moreover, in cases where criminal investigations were ongoing, the member was simply suspended with no accompanying Labour investigation.

And yet cases were still dragging on for years. As explored in more detail later, the role of Regions was highly problematic, as regional staff often failed to take forward cases, and GLU did not have a process for managing or tracking the work being undertaken. Clearly, if in May 2015 a Region was still “trying to interview” someone suspended for online posts more than four years ago, this was not a system that was functioning very well.

At this time, the NEC Disputes Committee also did not play much of a role in determining action on cases. It met just four times a year, and its function was primarily to wave through cases to the National Constitutional Committee (NCC).

The NCC, meanwhile, was constituted like a court, and would hold quasi-judicial proceedings on individual cases, with GLU acting as a prosecutor on behalf of the NEC, and NCC members acting as judges. Hearings would take place in person, could run over several days, and would involve witnesses and other written or oral evidence. This process was designed for dealing with only a very small number of individuals - and slowly.

According to Labour’s rulebook, the NCC could issue any sanction it chose, such as punitive time-limited suspensions. GLU-GSO staff themselves noted this: the NCC “had

always had the ability to apply intermediate sanctions - such as limiting some rights rather than all rights".⁴⁸¹ However, at the time GLU's practice was only to take cases to the NEC and then NCC if they felt it was worth pursuing their expulsion. This was very rarely the case, and instead the preference was almost always to lift their suspension once the dust had settled, sometimes with a warning.

As Emilie Oldknow advised in April 2016, for example, there could be "no 'temporarily' lifting of administrative suspensions" with a "case" nevertheless continuing:

*They are either lifted or cases are referred to our National Constitutional Committee for disciplinary action (after going through the NEC Disputes Panel).*⁴⁸²

These processes also appear to have been understood as malleable to the immediate needs of GLU-GSO staff. For example, on being informed in November 2015 that a line in a letter - not yet sent - suspending Andrew Fisher, a senior advisor to Jeremy Corbyn, would mean that, according to Labour's Rulebook, if the NCC found the charges proven they would have no choice but to expel Fisher, Oldknow responded to Stolliday, Creighton, Buckingham and Jane Shaw (later NCC Secretary):

We cannot now change this letter so we will need to ride it out with members of the NCC.

And try to fudge later on down the line. We will need a good panel who understand this.

We just need options depending on what happens and the way the political wind blows.

However, clearly, the NCC will need to do the right thing.

John Stolliday responded that he thought it was "easily fudgeable".⁴⁸³

In 2019, commenting on an email in which Jennie Formby raised concerns about the NCC not following proper processes, Iain McNicol said that it "should ring alarm bells across the party" as "To try to interfere politically within the NCC is just wrong."⁴⁸⁴ This view does not seem to have been shared by his key staff in GLU-GSO who worked on such matters.

⁴⁸¹ March 18 change: "180220 RE Shami Chakrabarti Reply.eml"

⁴⁸² Pre-2016: "160404 cannot temporarily lift.eml"

⁴⁸³ Pre-2016: "151106 Re Andrew Fisher.eml".

⁴⁸⁴ BBC Panorama, "Is Labour Anti-Semitic?"

The numbers of cases involved were very low. For example, in October 2014 GLU brought reports on three members (and two party units, such as branches or Labour Groups) to NEC Disputes;⁴⁸⁵ in January 2015 four members (and four party units);⁴⁸⁶ and in July 2015 seven members (and three party units).⁴⁸⁷

A look at expulsions, meanwhile, shows how few cases were being taken through to the NCC. An export from Members' Centre for all entries with the status of "Expelled", shows just 5 expulsions between 2011 and 2017, with 3 in 2015 and none at all in 2016.⁴⁸⁸

Year	Expulsions
2011	0
2012	0
2013	1
2014	1
2015	3
2016	0
2017	2
2018	10
2019	49
2020 (up to 3 March 2020)	30

Dealing with complaints was therefore a much smaller part of GLU's work, and there was a lack of systems, process or guidance for this.

This is illustrated by a document Emilie Oldknow sent to LOTO on 7 March 2016, following some controversial cases in the press, providing "an explanation of what the Compliance Unit does for Jeremy and the PLP this evening should it be raised". The attached 6 page document spoke mainly about work to do with various electoral

⁴⁸⁵ Pre-2015: "141024 Confidential NEC sub-committees, Tuesday 28 October 2014.eml"

⁴⁸⁶ Pre-2016: "150109 NEC sub-committees, Tuesday 13 January 2015.eml"

⁴⁸⁷ Pre-2016: "150708 Org and disputes papers.msg"

⁴⁸⁸ Statistics: "200302 Expulsions, 2011 to present.csv"

regulations, along with managing “around 30 Subject Access requests [a] year which take a considerable amount of staff time”. (For comparison: in the final months of 2016 GLU did almost 300 SARs.)⁴⁸⁹

About complaints, the document simply said:

The Compliance Unit is responsible for the conduct of major investigations, particularly in respect of membership abuse or selection abuse.

*We are currently carrying out a major review of the Labour Party's complaints, harassment, and safeguarding policies.*⁴⁹⁰

Labour’s “Complaints Procedure” document, meanwhile, “A guide for Labour Party Members, Volunteers and Staff”, simply advised that complaints could be dealt with by your CLP, and “more serious complaints” by “your relevant Regional Director/General Secretary or the Compliance Unit”, and that formal complaints “must be made in writing” by email - to legal_queries@labour.org.uk - or by post.⁴⁹¹

⁴⁸⁹ Pre-2016: “160307 Compliance Unit.eml”

⁴⁹⁰ Pre-2016: “160307 Compliance Unit.eml”

⁴⁹¹ Pre-2016: “151214 Investigating complaints.eml”

3.1.3.i. Logging complaints and the “Macpherson principle”

“Apparently Rod Liddle is chummy with Ian Austin & by extension [Tom Watson]... so may just sit on it for now” - John Stolliday

There was, at the time, no system of logging and recording complaints or decisions. Staff would simply periodically export the list of currently suspended members from “Members Centre”, and then make notes on those cases, to check their status and/or report to NEC Disputes.⁴⁹² Moreover, as Creighton noted in June 2016, “we do not record who may have made the original complaint (unless it is a simple complaint by one person against another)”, and complaints rarely came from “members of the public”.⁴⁹³

These exports would not include any cases that had been resolved, or that had never progressed to “suspend and investigate”, and nor was there any facility for a “Members Centre” export to include important information like the reason for the suspension, the current status of the investigation, who was conducting the investigation, or staff’s recommendations for action. The information recorded and available was therefore very limited.

At no point was the MacPherson principle - which sets out that all complaints reported as an incident of racism should be recorded and investigated as such - applied (and, indeed, there was no system for logging complaints).

This was illustrated by a February 2016 enquiry from *BBC Newsnight*, on the basis of “Muslim women’s complaints to us”, asking whether “complaints [had] been made to Ann Black on the NEC and/or Harriet Harman” when she was Deputy Leader of Labour “regarding discrimination of Muslim women trying to become councillors”, and whether “any action” was taken. Stolliday replied:

*No way of knowing easily. We receive complaints all the time & I expect we have. But selections are a matter for the regional office & [Local Campaign Forum] so we pass back to them.*⁴⁹⁴

On whether “any action” was taken, Stolliday’s response was simply:

*Ditto.*⁴⁹⁵

⁴⁹² For example: Pre-2016: “151019 Auto Exclusions and Suspensions .eml”; “151019 RE Suspensions.eml”

⁴⁹³ Systems and tracking: “160609 do not record complainant.eml”

⁴⁹⁴ Pre-2016: “160204 RE BBC Newsnight Labour response.eml”

⁴⁹⁵ Pre-2016: “160204 RE BBC Newsnight Labour response.eml”

Complaints of racism or discrimination were not, as a rule, logged and investigated. The suspicion of some on the left was also that GLU operated factionally even in relation to allegations of racism, and generally dismissed complaints against people on the Labour right.

For example, on 18 March 2016 Labour received a complaint of “racism in Labour local government”, to Iain McNicol and several members of the NEC. The case concerned councillors in Newham discussing Gypsy and Traveller accommodation, with “deputy mayor Cllr Lester Hudson [joking] that he would like to know the address of the person who “made the objective””, and Mayor Sir Robin Wales continuing that “I think what Lester is saying is that we would be very happy to set up a site right next to their house”. The complainant said:

Intolerance and prejudice against Travellers may be an outstanding form acceptable racism in wider society but it cannot be tolerated inside the party. I was not at the meeting reported here and cannot claim to know the accuracy of the report, but I suggest a full investigation needs to take place as soon as possible. Given some understandable logistical delay in view of crucial forthcoming elections, there may be a case for administrative suspension in the interim, as this report is already being circulated, and damaging the Labour Party, on twitter.

Shortly after, it was reported that “Gypsies and Travellers from east London have taken their Mayor to task and launched a complaint to the Equalities watchdog over comments made during a Newham Council Cabinet meeting late last week in which councillors were reported to have ‘joked’ about living next to a Traveller site.”⁴⁹⁶

Six months later, on 17 August 2016, the complainant chased, having not received any reply, and the email was forwarded on from McNicol’s email address to GLU.

The following day Dan Simpson, London Regional Director, responded: “mentioned this to me yesterday. I’m not sure what there is to say on this, there has been a statement of clarification and I think we can leave it there.”⁴⁹⁷ No case was created and no further action taken.

On 12 December 2016 it was reported that Sir Robin Wales “has formally apologised to Gypsies and Travellers for making comments deemed to be “casual racist banter” at a council meeting”.⁴⁹⁸

⁴⁹⁶ <https://www.travellerstimes.org.uk/news/2016/03/newham-mayors-comments-no-joke-say-london-gypsies-and-travellers>

⁴⁹⁷ Other Categories: “160818 anti-traveller racism.msg”

⁴⁹⁸ <https://www.newhamrecorder.co.uk/news/mayor-of-newham-issues-public-apology-to-travellers-and-gypsies-1-4813479>

In April 2016, meanwhile, NEC member James Asser emailed Emilie Oldknow enquiring about journalist Rod Liddle's comments about Emily Brothers, a trans and blind Labour PPC in 2015, on behalf of trans members who had contacted him.

I've been getting some inquiries about Rod Liddle from trans members. He has been consistently writing pretty unpleasant columns about the trans community, especially since his jokes about Emily Brothers in The Sun during the general election.

There is some concern that he is a Labour member. I would be surprised if he still was, I know he was in the past. Could you check for me to see if he is still a paid up member?

John Stolliday responded to Asser telling him that Liddle was a member, and that he (Stolliday) remembered the Emily Brother's comments as he was a Press Officer that dealt with it at the time. He recalled that they got a "sort of" apology from Liddle. No further action was taken.

In May 2016, controversy then erupted over Rod Liddle writing in *The Spectator* that antisemitism was "absolutely endemic" among "Muslims". Moreover, he wrote:

For many Muslims the anti-Semitism is visceral, an ingrained part of their unpleasant ideology... [based] as much upon envy - at Jewish success, worldwide and in Israel - as anything else. If you handed over Israel to the Palestinians they would turn it into Somalia before you could say Yom Kippur.

On 3 May, Stolliday emailed this to Oldknow, asking "Can we suspend him for Islamophobia for this?" The following day he emailed a more formal proposal, referring to both "derogatory remarks about our blind and transgendered PPC Emily Brothers" - "complaints were upheld by IPSO following an investigation" - and the *Spectator* article:

This is prima facie racist and islamophobic language, and I recommend we suspend pending an investigation.

Oldknow then sent this to LOTO chief of staff Simon Fletcher, noting that she wanted to send it to him first as Liddle was a journalist:

It is my intention to agree with John on this one. He would be suspended under "bringing in the party in to disrepute".

Didn't want to do anything, because he is a journalist, without you knowing about it first.

Can you let me have thoughts please? By close of play today would be helpful.

Many thanks and apologies for the short notice...

Fletcher replied: "yes, agree."

Two days later, however, on 6 May 2016, Stolliday emailed Oldknow:

Apparently Rod Liddle is chummy with Ian Austin & by extension TW [Tom Watson].

I still want to do this but we're not under pressure to do it – so may just sit on it for now

Oldknow replied: "Ok. I will speak to Ian", presumably a reference to Ian Austin.

Liddle was suspended a week later, on 12 May 2016. In September 2016 regional staff then sent him questions regarding his case, and he responded by resigning from the party.⁴⁹⁹

There were serious, well-evidenced allegations of transphobia and Islamophobia against Liddle, as Stolliday himself had documented. Liddle being "chummy with Ian Austin & by extension [Tom Watson]" should have had no bearing on the disciplinary case, but Stolliday wrote quite openly to Oldknow that he "may just sit on it for now" as a consequence, while Oldknow then apparently spoke to Austin.

This illustrates again the informal manner in which decisions were made, including over extreme cases involving protected characteristics and racism, and how senior GLU staff openly allowed factional considerations to influence decisions on disciplinary matters.

In November 2016, meanwhile, there was a controversy about Labour MP Jim Fitzpatrick tweeting about the "same old, same old worst of Bengali politics". Many raised the issue directly with Iain McNicol, the NEC and GLU.

On 16 November a local independent councillor Rabina Khan sent a complaint:

Please consider this a formal complaint against Mr Fitzpatrick and deal with it according to your regular procedures. This should involve immediately suspending

⁴⁹⁹ Case: Rod Liddle.

Mr Fitzpatrick pending a thorough investigation... I have no need to explain to you how offensive, prejudiced and disreputable this comment is and I am confident that you will agree that making such comments is not compatible with membership of, or association with, the Labour Party.

The complaint was extensive and alleged Fitzpatrick had displayed a pattern of racist behaviour including allegedly calling a local Bengali wedding an “Islamist plot”. It also included the following:

Mr Fitzpatrick has for some years sat on the board of an affiliate of the Henry Jackson Society whose director and public face, Douglas Murray, was a decade ahead of Donald Trump in calling for a ban on legal immigration by Muslims. Murray has repeatedly described Islamophobia as a 'nonsense' term. Yet when this was drawn to Mr Fitzpatrick's attention he refused to step down and disassociate himself with remarks represented by this group.

On 21 November 2016, McNicol responded, as drafted by Stolliday:

The Labour Party takes any allegation of prejudice or abuse with the utmost seriousness.

Mr Fitzpatrick has a long and proud career serving his constituents of all faiths and backgrounds, and is a respected member of the Parliamentary Labour Party.

The Labour Party will investigate disputes between members of the Labour Party and allegations of potential breaches of the Labour Party's rules.

However as you are not a member of the Labour Party but a political opponent to Mr Fitzpatrick and the Labour Party, and you have notified us of your intention to release your letter to the press, we shall pass on your complaint to Mr Fitzpatrick and although you are not his constituent, I am sure he would welcome the opportunity to respond to you directly.⁵⁰⁰

There is nothing in the Labour Party's rules which state that individuals who are not members of the party cannot submit complaints to Labour. It's unclear why Iain McNicol cites this as the reason for not investigating a complaint of alleged racism by an MP. Many of the complaints which are currently investigated by the Party are submitted by individuals who are not members and to not investigate them on that basis would entail turning a blind eye to prejudice and discrimination.

⁵⁰⁰ Other Categories: “161121 Rabina Kahn re Jim Fitzpatrick MP.eml”

In response to NEC member Christine Shawcroft raising the case, McNicol similarly wrote on 21 November 2016:

This is a matter for Jim Fitzpatrick, who has a long and proud career serving his constituents of all faiths and backgrounds. I'm sure he will respond to any constituent who feels his remarks were inappropriate.⁵⁰¹

On 27 November 2016, meanwhile, Puru Miah, a Labour member in Tower Hamlets, also complained:

As BAME Labour Party member and someone of Bangladeshi heritage I find the tweet offensive and hold it to be a racist incident. I am personally disappointed in both you Chris and Tarik, for not acting on the matter and seeing the danger it poses in polarizing Labour Party members, and the electorate at large. Tower Hamlets Labour Party has a history of not dealing with matters that are racially sensitive and I thought collectively we have all put behind such unwholesome history.

I also want to express my disappointment in Mayor John Biggs, who has failed to distance himself nor condemn the racist incident in the strongest terms. Immediately after the incident I did text Cllr David Edgar to forward a message from me to Mayor John Biggs, expressing my disappointment in him and his 'supporters'. To this day I have not had a reply from Mayor John Biggs, nor seen any public pronouncement by him on the racist incident.

The above inaction is contrary to the Shami Chakrabarti Inquiry, published on the 30th June 2016, and subsequently adopted unanimously by the Labour Party National Executive Committee (NEC). Chakrabarti's report makes clear that "abusive references to any particular person or group based on actual or perceived physical characteristics and racial or religious tropes and stereotypes, should have no place in Labour party discourse."

As per Mc Pherson principles adopted by our leader Jeremy Corbyn, I ask you both to put in place the mechanism to immediately suspend and investigate Jim. The findings of the investigation should be published, allowing thorough transparency in the process. I have canvassed in my local ward and BAME members of the electorate are thoroughly upset with our party and see it institutionally incapable of dealing with racism among its ranks.

The complaint was forwarded to the national party and London Region. Stolliday proposed a reply from McNicol, which the Regional Director Dan Simpson agreed with:

⁵⁰¹ Other Categories: "161121 Jim Fitzpatrick.eml"

Thank you for copying me into your email to Tower Hamlets Labour Party. The Labour Party takes any allegation of prejudice or abuse with the utmost seriousness, and this matter has already been raised by others with Jim Fitzpatrick directly.

Mr Fitzpatrick has a long and proud career serving his constituents of all faiths and backgrounds, and is a widely respected member of the Parliamentary Labour Party.⁵⁰²

This response was also given to other complainants.

Despite this being reported as a racist incident, and one complainant specifically asking that his complaint be investigated in accordance with the MacPherson principle, no case was created, no investigation launched and no action taken.

⁵⁰² Other Categories: "161127 Jim Fitzpatrick.msg"

3.1.3.ii. Informal practices and informal solutions

"[Can we] now lift [the] suspension with a warning?"

In this period, complaints and disciplinary cases were handled very informally by GLU and GSO, without reference to any agreed standards, guidance or processes. Moreover, in 2015-16 GLU's preference was for the vast majority of cases to be resolved informally, with, for example, apologies and/or warnings. If a case was not deemed serious enough for expulsion - which, as the number of expulsions demonstrate, was rare - GLU preferred it be dealt with in this informal manner.

Initially, the NEC would simply pass on decisions to the NCC, and it was not viewed as an intermediary stage that would make decisions. This was just the practice at that time, however, and the NEC did have the power to issue warnings, as it did for one antisemitism-related case in July 2016, for example.

By mid-2016, GLU was drafting guidelines for disciplinary procedures that would include other actions by the NEC, including issuing warnings. However, it was not until January 2018 that GLU brought any other cases to the NEC that it advocated issuing a warning for. In 2016 few cases were brought to the NEC, and GLU's preference, when cases were actually being dealt with, remained informal resolution.

The 2014 case of Vicky Kirby, widely publicised in 2016, illustrates GLU's approach.

In September 2014, the *Sunday Times* enquired about allegations of antisemitic tweets by Kirby, then Labour's parliamentary candidate for Woking. An email chain was started with a range of senior Labour HQ and Regional staff, with LOTO's deputy chief of staff cc-ed in. There was a consensus on the need to suspend Kirby, which Oldknow then signed off for Creighton on behalf of GSO. A month later, however, following Kirby's resignation as PPC for Woking, Creighton approved lifting the suspension with a staff-issued "NEC warning", without any further investigation. As he later recalled, "At that time we made a political decision to suspend as that was the simplest way of sacking a PPC."⁵⁰³

On 14 March 2016 the *Jewish Chronicle* (and Johanna Baxter who later became an NEC member) enquired about the Kirby case and her continuing involvement in the party. In response to public criticism of GLU's inaction, including from Shadow Chancellor John McDonnell, Oldknow suggested they just "expel and then deal with it".⁵⁰⁴ This was not legally possible under Labour's rules - only the NCC had the power to expel. Senior staff were initially confused as to whether the decision on an "NEC Warning" had been taken by NEC Disputes Committee or not. The decision had been taken by

⁵⁰³ Case: Vicky Kirby, VK17.

⁵⁰⁴ Case: Vicky Kirby, VK16.

staff, not by the NEC, and Creighton at first insisted that “There is no rule which allows for simply turning over a decision from two years ago”, and that he could not reverse his own decision. This was not the case. Staff could have taken Kirby’s case to the NEC Disputes Committee, as they had not done this in 2014, and they could have suspended Kirby pending that process.

Creighton advised that:

*I think the only action which could be taken would be to prepare a case for the NCC of bringing the Party into disrepute. If she gets decent legal advice that may be tricky.*⁵⁰⁵

Stolliday then decided “I’ll suspend her, investigate the claims and send the case to the NCC to decide”.⁵⁰⁶

Kirby was suspended. No further action was then taken on the case for eleven months, until February 2017, when she was contacted with questions regarding the tweets.⁵⁰⁷

Another illustrative example of the informal manner in which complaints were processed was a complaint received on 1 May 2016. This concerned a small SNP poster inside the window of someone’s house, on which someone had written “cunt”, “liar” and “hypocrite” with arrows pointing at Nicola Sturgeon. The General Secretary of Scottish Labour Brian Roy, suspecting it “will be printed in the Standard on eve of Poll”, identified the family of three Labour members that lived at that address, and asked “Can we suspend immediately pending investigation?”⁵⁰⁸ GLU staff member Jane Shaw noted that “Thomas Mabon is only 15, and I think it might look worse if we suspend him (technically a child) than if we don’t suspend at all re this incident.” Stolliday agreed, and continued:

*Brian – I’m happy for these 2 to be suspended if that’s what you want. You will need to do the investigation etc so it’s more on you than me. Let me know if that’s what you want.*⁵⁰⁹

The two members, Peter Mabon and Elizabeth Bennie, were then suspended. By the end of June, Scottish Labour staff had interviewed Mahon:

⁵⁰⁵ Case: Vicky Kirby, VK17.

⁵⁰⁶ Case: Vicky Kirby, VK18.

⁵⁰⁷ Case: Vicky Kirby

⁵⁰⁸ Pre-2016 - Peter Mabon: 160502 Mabon 1.msg

⁵⁰⁹ Pre-2016 - Peter Mabon: 160502 Mabon 1.msg

Peter began by stating that he was embarrassed that this incident occurred. He is a long-standing, committed activist who recognises that it is not acceptable to display offensive material.

Mabon said he thought that his former partner, Bennie, was responsible for the poster. On the basis that he had not removed it when first alerted, however, Scottish Labour suggested to GLU that “a formal disciplinary hearing be brought against [him]”. Head of Disputes Kat Buckingham, however, responded asking if “we can now lift [the] suspension with a warning?”, to which Roy replied “A very stern warning if possible for Peter Mabon”. They had also been “unable to contact Elizabeth Bennie as she no longer lives at the address given on membership”, so Roy added “That would therefore mean reinstating Elizabeth Bennie if we are accepting Peter Mabon was to blame.”⁵¹⁰

Mabon and Bennie’s suspensions were then lifted by staff - the case was not taken to the NEC. None of this was recorded on “Members Centre” as intended, however, and at the end of July, Roy also raised that “the incorrect letter” had been sent to Mabon, without a warning.⁵¹¹

This case further illustrates the informal manner in which cases were handled and decisions made, with a proposal to suspend three people being issued simply on the basis of their residency and a fear of media coverage, followed by the lifting of their suspensions two months later. The lifting of these suspensions did not take place following a decision by NEC Disputes Committee giving a sanction or deciding there wasn’t a case to answer. The suspensions were lifted by staff.

This was, indeed, how all cases were treated, including antisemitism cases: if they were not deemed serious enough to merit expulsion, they would be settled informally. On 12 September 2016, for example, a regional official requested guidance from Stolliday on conducting interviews for two councillors, Salima Mulla and Shah Hussain, suspended for social media comments in May 2016:

If they are prepared to accept that the comments are unacceptable, apologise and accept a warning that would be the end of the matter?

Stolliday responded:

Yes – normal interview – present the evidence, ask if they posted those things, and why, and how they feel about it now. If they clearly express contrition & understanding it was insensitive/wrong, then recommend they are let back in. If they

⁵¹⁰ Pre-2016 - Peter Mahon.

⁵¹¹ Pre-2016 - Peter Mahon.

stand by it all and can't see what the problem is, then recommendation could be for further action.⁵¹²

Salim Mulla, the case evidence for which Stolliday attached, was a former mayor of Blackburn suspended in May 2016 after his recent Facebook posts received publicity, which said that Israel was behind school shootings like Sandy Hook in America and ISIS, and writing that "Zionist Jews are a disgrace to humanity".⁵¹³

Shah Hussain, meanwhile, was a Burnley councillor suspended at the same time for writing to an Israeli footballer "you and your country [are] doing the same thing that hitler did to ur race in ww2". At the time of his suspension, Hussain had publicly defended himself by saying "If Jewish people find it offensive then I think they need to think about what the rest of the world thinks. I wanted him to reflect on what Hitler did to the Jewish people, and then I wanted him to reflect on that and to see what's happening in Palestine, can it be seen as the same?"⁵¹⁴

GLU's general practice was to opt for an informal resolution, if a case was not deemed to meet their extremely high bar for taking through the NCC for expulsion. Suspensions were often initiated for other reasons, such as to deal with disputes in CLPs or because of media publicity, and staff would often lift their suspensions at a later date, rather than bringing cases to the NEC for them to take decisions in line with the rules.

⁵¹² 2016: "160912 interview process.msg"

⁵¹³ <https://www.itv.com/news/granada/2016-05-02/former-mayor-of-blackburn-zionist-jews-are-a-disgrace-to-humanity/>

⁵¹⁴ <https://metro.co.uk/2016/05/02/labour-suspends-a-third-councillor-in-a-day-over-anti-israeli-posts-5854895/>

3.1.3.iii. Tracking and acting on cases, 2015-16

“Not quite up to date”

“Please let me know if you need a more full list, it just will take more than the evening to put together”

With the huge growth in membership over the summer of 2015, there was some recognition of the need to develop at least a rudimentary system for tracking complaints cases and the associated work.

On 2 December 2015 Mike Creighton emailed the team on “Complaints Procedure”:

*In order to tighten up our complaints procedure – partly in the light of the Tory press coverage, but more importantly to get it right – we are adopting a new procedure for logging and reviewing all incoming complaints.*⁵¹⁵

This related to “behavioural complaints – bullying, harassment and so on”, and Creighton outlined a new process that involved:

- Informing Compliance Administrator Sophie Goodyear of cases so she could maintain a “complaints log” and “new electronic archival system”.
- Cc-ing a new, internal “Complaints” email address “so that we can ensure all relevant emails are collected into one email box.”
- Monthly reports of the “complaints log” to the chair of NEC Disputes.
- Team reviews of “all cases at monthly meetings to make sure nothing is being missed”.⁵¹⁶

These proposed practices do not appear to have been implemented or maintained, however.

In order to get a list of ongoing cases, staff would continue to export current suspensions from Members Centre, and then add some information to the resulting spreadsheet. For example, on 3 May 2016, when asked for “the list of investigations please and what is outstanding”, Buckingham replied that “The list needs to be updated as I’ve not done a new one since last Disputes” in March 2016, and she would “ask Sophie [Goodyear] to get me a new one off membercentre (she and Jane [Shaw] had a special trick to get it to produce the right info that I need to learn)”.⁵¹⁷ Staff would then add some basic information to additional columns on that spreadsheet.⁵¹⁸

⁵¹⁵ Pre-2016: “151202 Complaints Procedure.eml”

⁵¹⁶ Pre-2016: “151202 Complaints Procedure.eml”

⁵¹⁷ Pre-2016: “160503 exports from Members Centre.eml”

⁵¹⁸ Pre-2016: “160516 old suspensions list - working on new one.msg”

As these involved manual processes, inaccurate or incomplete information was often distributed. For example, on 9 June 2016 Creighton shared a list of antisemitism suspensions, totalling just 19, noting this was “Not quite up to date”.⁵¹⁹

On 9 June 2016, it appears the team realised they had lost their current cases spreadsheet - “I can’t seem to locate it the disciplinary folder or in the disputes folder and I can’t think where else it would be!”

*I think Jane has assumed that Kat has the latter list saved somewhere on our drive but I cannot locate it, so that may take a bit of time to put together. I have attached a basic list in case that is what you need, but please let me know if you need a more full list, it just will take more than the evening to put together.*⁵²⁰

Instead, they appear to have worked on a new spreadsheet.⁵²¹ On 28 June 2016 Buckingham shared with new employee Sam Matthews “the list I am working on”. She noted the status of each region, and the extent to which each was “in control”:

*Dan will be in contact with me tomorrow about the long London list. You are working with Gordon on the East Mids list. Scotland seem to be in control, East are in control. Fiona needs a list of her current – could you send one to her please?*⁵²²

Attached was a spreadsheet of 101 suspensions, with columns, mostly filled in, for “Reason”, “Progress” - and now also a sparse “to do” column.⁵²³ The broad category of “Offensive comments on social media” was used - the MacPherson principle of specifically identifying complaints that concerned racism was not applied, nor any categorisation that could provide a breakdown without manual review of the evidence.

In spring 2016, there were increasing incidents of people being reported in the press as Labour members who had engaged in antisemitism, and increasing complaints about other other types of conduct, and the number of people being suspended began to rise. Regions, as before, proved ineffective at progressing cases and GLU ineffective at managing them. This was, indeed, a perennial problem until Regions’ roles in handling cases relating to protected characteristics was abolished in 2018.

As Creighton reported on 9 June 2016, for example, investigating officers working on current suspension cases were “mainly regional staff whose main priorities are now

⁵¹⁹ Pre-2016: “160609 Suspensions.msg”

⁵²⁰ Pre-2016: “160609 RE Suspensions list - cant find list with reasons 2.eml”, “160609 RE Suspensions list - cant find list with reasons.eml”

⁵²¹ Pre-2016: “160627 old suspensions list - working on new one.msg”

⁵²² Pre-2016: “160628 suspensions, working on list.msg”

⁵²³ Pre-2016: “160705 NEC Tabled papers.msg”

relating to the referendum”, so he was “not certain how many will be completed” by the following month, and “wouldn’t be able to give... any information” about likely outcomes.⁵²⁴

Therefore, only a few of the old or new cases were actually being dealt with and, consequently, already before the 2016 leadership election, GLU had a considerable backlog of cases to resolve. Already on 3 May 2016, Oldknow was expressing concern about suspensions “which are outstanding – and have been for some time”, noting that “Justice delayed is justice denied....” (Buckingham responded that “I will start pushing regions on these next week”⁵²⁵ - and it is telling that, the following month, she was commenting on the extent to which each Region was “in control” of its complaints.)⁵²⁶

On 12 May 2016, GLU listed 95 people currently suspended:

- 53 from 2016 so far
- 26 from 2015
- 9 from 2014
- and 8 from 2010-13.⁵²⁷

By 28 June 2016 this had grown further to 101 Labour members currently suspended,⁵²⁸ but for the July 2016 NEC Disputes panel GLU provided reports on just six cases and two party units. Prior to the meeting some other cases had been brought to a close through staff decisions to lift suspensions.⁵²⁹ In October 2016, however, Labour still had 75 members suspended from before that year’s leadership election, about 20 of which appear to have related to antisemitism.⁵³⁰

If GLU had decided in autumn 2016 to progress those 20 antisemitism cases and take them to the next NEC Disputes meetings, at the rate at which this work actually unfolded, it could have taken a year for the NEC to hear those cases. If half of those cases had been referred to the NCC, the NCC would not have finished going through them until the end of 2018.

However GLU did not take those 20 antisemitism cases to the next meetings of the NEC Disputes Committee. Instead, when the 2016 leadership election took place, GLU

⁵²⁴ Case: Ken Livingstone: “KL080”

⁵²⁵ Pre-2016: “160503 outstanding suspensions, going to regions.eml”

⁵²⁶ Pre-2016: “160628 suspensions, working on list.msg”

⁵²⁷ Pre-2016: “160515 all suspensions.msg”

⁵²⁸ Pre-2016: “160628 suspensions, working on list.msg”

⁵²⁹ Pre-2016: “160628 suspensions, working on list.msg”

⁵³⁰ 2016: “161018 reports.msg”. “161125 Current suspensions list.msg”.

launched a process which saw the number of suspended members increase, in the space of three months, more than tenfold. This factional operation was prioritised over outstanding antisemitism cases, and further clogged up the disciplinary system.

3.1.3.iv. Efforts to improve complaints processes, 2015-16

"I don't think we need to throw the baby out with the bathwater – a lot of what we have is sound. But the structure of our reporting systems and training needs wholesale change."

Although Creighton's proposed practices from December 2015 do not appear to have been implemented or maintained, a review of complaints processes was initiated, led by Kat Buckingham. However, this progressed very slowly, and at times in the wrong direction.

On 5 April 2016 Oldknow emailed Buckingham "Can you let me know where we are with the complaints procedure and what the timescale is?", noting the particular issue of "women not coming forward with complaints – and also the issue of positions of power/authority." Buckingham outlined a plan to finish a draft that week, then take two to three months to "hash it out between us" and have it checked externally, followed by consideration of "subsequent rule changes" and bringing the proposal to the NEC in July.⁵³¹

On 11 April 2016 Buckingham then emailed with her proposal:

I don't think we need to throw the baby out with the bathwater – a lot of what we have is sound. But the structure of our reporting systems and training needs wholesale change.

The attached document noted that "The current complaints procedure is ill-publicised and could be off-putting for members", and:

It is proposed that the Party's complaints procedure changes in two fundamental ways. Firstly, that there should exist a national network of [voluntary] 'pastoral care' members. Secondly, that it is made explicit at all levels of the organisation that the Party does not tolerate abusive or harassing behaviour.

It also suggested that "All complaints will be logged, and decisions regarding investigations will also be logged."⁵³² In subsequent discussion, Creighton "favoured a national single point of contact approach, which could involve having a few of the inbound callers trained to pick up a specific complaints phonenumber and email address." Buckingham developed a new draft, in which her proposed "pastoral care" volunteers were not decision makers as they had been in her first draft and were instead "more simply complainant advisors". She noted:

We also need to change our procedure on the reporting complaints, to achieve:

⁵³¹ Pre-2016: "160405 RE Complaints procedure.eml"

⁵³² Pre-2016: "160411 Complaints proposal.eml"

- *A visible, single point of contact for complaints, so that it is clear where complainants can turn.*
- ...
- *Consistency of complaints referral, so that sensitive matters are passed to Compliance and that local matters are sent to CLPs.*
- *National logging of complaints, so that patterns of behaviour can be recorded.*
- *Training for complaints handlers, investigators, and training and support for CLPs.*⁵³³

Buckingham outlined a number of options to manage this, including “pastoral care” volunteers, a network of regional volunteers, or training a few people in Labour’s call centre. Whatever system was used, it was suggested that a single staff member would oversee their work.⁵³⁴

Creighton responded that - although “I’m not opposed to pastoral officers/lay people giving advice to complainants per se” - “from a complainants point of view they don’t want a list of people – they want a single number, a single, email, a single postal address”, and this, and procedures for complaints, was the “critical” thing to address.⁵³⁵

Two months later, on 21 June 2016, Creighton then sent Oldknow and others “two VERY PRELIMINARY drafts of our thoughts in respect of complaints and disputes procedures”, including a new version of Buckingham’s paper. It suggested that “Complaints should come to a single named officer (a Complaints Liaison Officer)”, sitting outside the Governance and Legal Unit, who would “log the complaint and filter it to the correct avenue” and also “monitor and ensure that all complaints are handled within agreed time limits”. Every region would have one “Regional Liaison Officer” - “one named person to deal with complaints”, who would be the “visible point of contact for members who have an issue they would like to address”. The “Complaints Liaison Officer” would distribute complaints to CLPs, the General Secretary if about staff, or a “Regional Liaison Officer”.⁵³⁶

However, progress on these proposals remained slow.

In July 2016, as in the 2015 leadership election, a special “Validation” email address was advertised for all complaints regarding people’s validity in participating in the election. On 25 November 2016 a new process was then agreed, of complaints being

⁵³³ Pre-2016: “160419 RE Complaints paper.eml”

⁵³⁴ Pre-2016: “160419 RE Complaints paper.eml”

⁵³⁵ Pre-2016: “160419 RE Complaints paper 2.eml”

⁵³⁶ Pre-2016: “160621 Complaints and disputes procedures.eml”

forwarded from “Legal Queries” to a new “Disputes” inbox for action. However, as explored later, it was not until spring 2018, a year and a half later, that that process began to actually be operated.

3.1.4. Guidance and standards

"We will simply have to hold this line when asked why we haven't suspended her."

The main form of antisemitism complaint the party has received from 2015 onwards has related to conduct on social media. This includes a range of different types of conduct and a spectrum of severity, from explicit hatred of Jews, to conspiratorial language about "Zionists", to insensitive language about Jewish organisations and Jewish party members.

GLU, however, failed to develop any effective guidance for staff on how to deal with such cases.

Social media conduct that has been reported to the party since 2015 ranges from:

- "Liking" a Facebook page
- "Liking" a post, comment or tweet
- Retweeting a tweet
- Sharing a post on Facebook
- Tweeting an article or image on Twitter
- Retweeting, sharing or tweeting content with additional comment, expressing agreement
- Authoring an original post, comment or tweet

The above are ordered roughly in order of severity - writing something oneself, for example, is clearly greater evidence of a person's beliefs than simply having "liked" a Facebook page that has expressed certain views, given that people commonly "like" Facebook pages for interest without necessarily endorsing, or even seeing, most of their content.

Our current guidelines to staff note this hierarchy, but urge cases to be considered on a case-by-case basis, and note the importance of judging patterns of behaviour and repeat behaviour, as well as the extremity of the evidence. Thus, for example, it is worth taking into account that some people "like" all comments friends post on their walls, and some people will "like" a comment when they agree with part of it, possibly without even reading the entire comment. However, repeatedly liking offensive posts demonstrates a pattern of behaviour, and even liking a single comment could, on its own, be grounds for suspension or investigation, depending on the comment and the context. There are no blanket rules, and it is critical to judge the context and the pattern of behaviour of the individual in question. (We now also conduct additional

social media investigations, beyond just the evidence submitted, to help establish this.)

In 2015, however, the party lacked any guidance on how to judge different types of social media activity. The informal practices it then adopted:

- Were motivated, it seems, at least partly to justify a factional decision by GLU;
- Were inconsistently applied, partly due to the fact they were never developed beyond a sentence or two of explanation;
- Were poorly thought through and, in fact, highly illogical.

During the 2015 leadership election, GLU's "vetting" of new members and supporters - their "Trot hunt" - flagged people simply for having "liked" a Facebook page, or having retweeted the Green Party on an issue they agreed with.

On 12 August 2015, NEC member Alice Perry expressed her concern about some of the people GLU had flagged:

Caroline King - her Facebook likes are fine, very similar to lots of members of the Labour Party. We can't block people just because they like the people's assembly and UK uncut. I wouldn't consider these to be far left either (and I've spent the last few weeks looking at proper far left left unity/TUSC tweets and blogs)⁵³⁷

Fellow NEC member Jim Kennedy, from Unite, followed up:

I am happy to support Alice's comments. Just to reiterate what was agreed today at the Leadership Procedure Committee, in terms of retweet references, these must only be forwarded to the scrutiny panel if they contain a substantive matter for us to consider, a simple retweet of a Green Party issue for example is not enough for excluding and is frankly a waste of everyone's time.⁵³⁸

Creighton responded that he would produce some guidelines to help, and also to "make it a bit more streamlined".⁵³⁹ On 13 August 2015 Creighton shared these, outlining three different categories of offenses. "Posting or re-posting grossly offensive or abusive material" and people who "recently self-declare through whatever media that they do not share our aims and values" would be in Category 1, "reported to the panel for confirmation", while "A single retweet (or similar) of a policy

⁵³⁷ Pre-2016: "150812 Re Supporter Update 12 08 5pm.eml"

⁵³⁸ Pre-2016: "150812 Re Supporter Update 12 08 5pm.eml"

⁵³⁹ Pre-2016: "150812 Re Supporter Update 12 08 5pm.eml"

statement of another party" would fall into Category 3, not to be reported to the panel.⁵⁴⁰

People were, however, still rejected as members or supporters in 2015 for retweets, including single retweets. A 21 August 2015 list of 238 rejected members, for example, included someone who "Retweeted Class War"; "Retweets the [National Health Action] party and appears to have been a supporter of them"; someone with a "Pattern of retweeting Green Party material and expressing support"; and someone who retweeted a Mark Thomas tweet saying "Dear Labour... get fucked" after their abstention on a welfare bill, which was opposed by many Labour members. It also included members rejected with the note "green party supporter -likes on facebook", and "likes a lotta greens on FB".⁵⁴¹

Just six weeks after Jeremy Corbyn's election as leader of the Labour Party, in early November 2016, a variation of Creighton's policy on social media shares would then be cited to justify why GLU suspended a member of Corbyn's own staff team, but declined to act against a figure from the right.

3.1.4.i. Andrew Fisher and Emily Benn

"We need to put to bed this in relation to not suspending her"

In early November 2015 GLU suspended Andrew Fisher, a key advisor in Jeremy Corbyn's office who subsequently became Executive Director of Policy. Described at the time in *The Guardian* as a "highly unorthodox move illustrating a rift between the party's leader and its HQ bureaucracy", the "most prominent complaint" about Fisher had come from Emily Benn, the party's PPC for Croydon South in the 2015 election, over a tweet from Fisher fourteen months previously seeming to support a candidate of anarchist group "Class War" over her.⁵⁴² In mid-November GLU interviewed Fisher, who maintained the tweet was sarcastic. GLU then suggested he be referred to the NCC for a full hearing (in contrast to Vicki Kirby, for example, who was simply issued a warning). The NEC Disputes Committee, however, subsequently opted to end the case with a warning.

At the same time, however, GLU declined to act on complaints about Emily Benn herself, who just a month earlier had retweeted and posted on Facebook a tweet saying that "Anyone disappointed by Corbyn's male dominated line-up should consider joining the Women's Equality Party [WEP]", along with another retweet of

⁵⁴⁰ Pre-2016: "150813 Panel guidelines.eml". "150813 FW Guidelines.eml".

⁵⁴¹ Pre-2016: "150815 Member Rejections.eml"

⁵⁴² <https://www.theguardian.com/politics/2015/nov/06/andrew-fisher-labour-suspends-corbyn-policy-chief>. See: Pre-2016: "151024 Fw Fwd Dear Iain.msg", "151027 Conversation with Sarah Brown.eml".

WEP in mid-October 2015.⁵⁴³ GLU received complaints about this, including from several NEC members, but chose not to investigate as they had investigated Fisher.⁵⁴⁴

On 6 November 2015, as criticism mounted, Oldknow wrote:

We are going to have to get some specifics on the Emily Benn tweet and quick.

*We need to put to bed this in relation to not suspending her.*⁵⁴⁵

Stolliday maintained that the post may have been from “some over-enthusiastic local volunteer running [the account] on her behalf”, and suggested that “next week we write to Emily asking her to clarify that point.”⁵⁴⁶ He added that he thought the cases were also “entirely different” as “I think it’s highly dubious to assume that retweeting or posting something from somebody else implies an endorsement” (despite the fact that GLU had, just recently, been excluding people on that basis). Oldknow agreed but argued that “we aren’t dealing with sane people here” - although complaints had come from numerous Labour members, and members of Labour’s governing NEC.⁵⁴⁷

They also discussed whether they had excluded people in the autumn over support for the Women’s Equality Party. Creighton incorrectly said “No I don’t think so”, and that “Simple retweets didn’t rule you out – unless it was particularly offensive”, although he did acknowledge “There was also some inconsistency between the panels, and the panels themselves changed tack slightly as time went by – becoming a little more relaxed over time”.⁵⁴⁸ (They had, in fact, rejected members for individual retweets critical of Labour, and at least one member for declaring membership of WEP.)⁵⁴⁹

On 12 November, Iain McNicol then wrote to Benn: “In order to help me consider whether a formal investigation is required in this matter I would be grateful if you could answer the following questions” about the tweets.⁵⁵⁰ We are not aware of anyone else in this period being sent questions from the General Secretary prior to an investigation by GLU, to ascertain if an investigation was necessary, and this

⁵⁴³ <https://www.theguardian.com/politics/2015/oct/28/corbyn-adviser-andrew-fisher-backed-non-labour-candidates-three-times>.

Pre-2016: 151025 RE Retweet.eml

⁵⁴⁴ Pre-2016: “151027 FW Andrew Fisher.eml”, “51025 RE Retweet.eml”.

⁵⁴⁵ Pre-2016: “151107 Re Emily Benn.eml”

⁵⁴⁶ Pre-2016: “151107 Re Emily Benn.eml”

⁵⁴⁷ Pre-2016: “151107 Re Emily Benn.eml”

⁵⁴⁸ Pre-2016: “151112 RE Did we reject anyone from leadership for supporting WEP .eml”

⁵⁴⁹ Pre-2016: “150815 Member Rejections.eml”

⁵⁵⁰ Pre-2016: “151113 Women's Equality Party Tweets.eml”

opportunity was not offered to Andrew Fisher, even though Fisher had already clarified and apologised for his tweet before his suspension was issued.⁵⁵¹

On 14 November, Benn replied arguing that “Retweeting does not imply endorsement of the original tweet”.⁵⁵² Oldknow noted to GLU-GSO:

This isn't the most helpful of responses. I can only gather from this that she did retweet the posting herself.

We will simply have to hold this line when asked why we haven't suspended her.

We need some examples of other, high profile people, who have retweeted something controversial which we haven't taken action against.

Should also say that we judge each case on it's own merits and [Andrew Fisher] actively tweeted himself and urged people to support another party.⁵⁵³

Rather than applying a pre-existing set of rules that apply equally to all Labour members, it appears that Oldknow was looking for justifications for “holding [their] line” on not suspending Benn.

On 16 November, Creighton then forwarded Jim Kennedy’s email on retweets from that August, saying “I think [Emily Benn] response was fine given this.” Oldknow responded: “I hadn't seen this. Brilliant!”,⁵⁵⁴ and forwarded it to McNicol for use “in case Jim has a meltdown over [Emily Benn] stuff”.⁵⁵⁵

3.1.4.ii. “Cf. Emily Benn”

“It's horrific, nasty stuff & not in any way acceptable. However don't we treat "sharing" content on Facebook in the same way as a retweet on Twitter? (cf Emily Benn)”

GLU’s policy towards retweets and shares had evolved to meet the need of justifying a decision, already taken - not to act against Emily Benn. This inaction then seems to have been justified internally by the idea that to act they needed “actual comments or posts from [a] person, rather than sharing other people's content”, and shares and retweets were not alone grounds for action (although this was contrary to, for example, Creighton’s August 2015 guidance to the NEC that “Posting or re-posting

⁵⁵¹ Should download email.

⁵⁵² Pre-2016: “151114 Emily Benn - Reply.eml”

⁵⁵³ Pre-2016: “151116 Re Emily Benn - Reply.eml”

⁵⁵⁴ Pre2016: “151116 FW Supporter Update 12 08 5pm.eml”

⁵⁵⁵ Pre2016: “151116 FW Supporter Update.eml”

grossly offensive or abusive material" would be in Category 1, "reported to the panel for confirmation").⁵⁵⁶

Stolliday and other GLU staff would go on to make repeated references to the Emily Benn case when discussing approaches to shares and retweets, as if it was an established precedent.⁵⁵⁷ However, this apparent policy was never elaborated, and nor was it consistently applied, as numerous suspensions took place for social media shares and retweets in 2016, even before the 2016 leadership election. It was also extremely poorly thought out, and led to some appalling errors of judgement on cases, including cases involving antisemitism.

For example, in February 2016 the party received a bundle of "about 150 pages" of Facebook posts by a Labour councillor Alec Henstock. Jane Shaw forwarded twenty of these posts to GLU. Later summarised by Regional staff as "posts by Britain First and UKIP, and posts which could be considered racist, sexist and not consistent with Labour Party values", they included a range of openly racist, Islamophobic and anti-immigrant content, including a meme from far right group Pegida saying Britain should "BAN the burqa on security grounds" and an image of a train overflowing with BAME people, described as the Eurostar arriving at St Pancras, with the text "Don't blame me, I voted UKIP!"⁵⁵⁸

Stolliday responded:

It's horrific, nasty stuff & not in any way acceptable.

However don't we treat "sharing" content on Facebook in the same way as a retweet on Twitter? (cf Emily Benn) If so I'd think it's hard to suspend, unless within the greater bundle there are actual comments or posts from this person, rather than sharing other people's content.

*If we can make the argument that this is different to a retweet for X reason, and that therefore we should suspend, then great.*⁵⁵⁹

Stolliday did not seem to distinguish between retweeting and sharing one item expressing support for another political party, and sharing twenty pieces of Islamophobic, racist and sexist content, and it apparently did not occur him to "make the argument" that this was the difference from the Emily Benn case. GLU's informal policy seems to have become that they could not take any action on shares at all,

⁵⁵⁶ Pre-2016: "150813 Panel guidelines.eml". "150813 FW Guidelines.eml".

⁵⁵⁷ Pre-2016: "160315 RE Alec Henstock.eml", "151203 not act on RT.eml". 160429 retweet policy.eml.

⁵⁵⁸ Case: Alec Henstock.

⁵⁵⁹ Case: Alec Henstock.

unless, as Stolliday put it, “there there are actual comments or posts from this person, rather than sharing other people's content.”⁵⁶⁰

Subsequently informed that Region had interviewed Henstock, and he had refused to apologise, Creighton asked:

What does the region want us to do?

*I would be happy to suspend given he has endorsed the stuff, but I think we can take advice from region on this one.*⁵⁶¹

This discussion of a “potential suspension” ended there, however, and no further action was taken or case initiate, and it appears that the case, which existed as an email exchange alone and was not logged anywhere, was forgotten by GLU.

Henstock remained a full member until autumn 2018, when he was auto-excluded for supporting an “independent (ex UKIP)” candidate against Labour.⁵⁶²

In a similar incident involving both Islamophobia and antisemitism, in April 2016 a CLP Secretary contacted Region regarding a local member, Fleur Dunbar, who the CLP Executive believed needed to be expelled. They noted with concern that Dunbar had recently been elected CLP Political Education officer, and attached screenshots of forty Facebook posts of hers displaying a range of Islamophobic, antisemitic and far right content, including:

- a “Britain First” meme saying that Britain should “BAN the burqa on security grounds”.
- claims that “Rothschilds” were behind the killing of Gaddafi.
- a meme saying ISIS was “created to protect the Zionist entity”.

Regional Director Fiona Stanton forwarded this to Creighton, with Stolliday and Oldknow in cc, noting “I think they are very concerning... I've not gone back to the CLP yet as looks quite clearly like a suspension issue”. Creighton, however, advised that CLPs should deal with these issues themselves, despite Stanton asking “Is it not a clear cut suspension given the views expressed in the postings and the wider issues about anti-semitism?”. Oldknow noted, in response to a private appeal for help from Stanton:

⁵⁶⁰ Case: Alec Henstock.

⁵⁶¹ Case: Alec Henstock.

⁵⁶² Case: Alec Henstock.

It is a tricky one. We are under some pressure nationally around 'suspensions' for simple facebook likes and we have argued against suspending someone (Emily Benn) for sharing a Facebook article about Women's Equality Party. That is, sharing doesn't mean endorsement – it means debate.

I think the bigger issue is what she has said about Jewish people and pork but I am not sure we can suspend over this and therefore, suggest the local party interview her about the comments and see what she says.⁵⁶³

Staff, again, did not seem to appreciate the difference between one retweet or share, and sharing forty pieces of Islamophobic and antisemitic content. The CLP was then advised to deal with the case themselves.

On 3 May 2016, however, the CLP contacted Stanton again, noting that Dunbar's Facebook now carried two recent posts of overt Holocaust denial and rebuttal of "Lies about Hitler", which asserted that:

- The Holocaust did not happen and 6 million Jews were "all... well fed".
- Hitler put Jews in camps "because they stabbed Germany in the back".
- It was Jews, not Nazis, who believed they were a superior race.⁵⁶⁴

Stanton asked if suspension was now possible, but despite the extremely antisemitic content in the posts, Stolliday responded:

This is horrid. I don't like acting on material that is just "shared" as it doesn't necessarily imply endorsement.

Could she be asked to delete and apologise, and if she equivocates in any way then we'll suspend.

Stanton then called the member and reported back that she would not apologise - "Can we suspend please?" - with which Stolliday finally agreed.⁵⁶⁵

Again, a rigid policy of "shares not meaning endorsement" was applied, based on the supposed Emily Benn precedent, which gave no consideration of the extremity of the materials or the clear patterns of behaviour displayed by the individuals sharing them.

On 3 June 2016, meanwhile, London Regional Director Dan Simpson, suggested to Stolliday that:

⁵⁶³ Case: Fleur Dunbar.

⁵⁶⁴ Case: Fleur Dunbar.

⁵⁶⁵ Case: Fleur Dunbar.

Given the various cases that have emerged since, and the policy pursued of not taking action against people simply for sharing content, it would seem that we should reinstate [a suspended councillor] for the sake of consistency.

Stolliday agreed, although the case had related to antisemitic comments as well as shares, and had already received media publicity, and in July 2016 the councillor's suspension was lifted.⁵⁶⁶

During the 2016 "Validation" process, by contrast, GLU again proposed action even on individual retweets, with large numbers of people being suspended or excluded for things the Head of NEC Disputes, Ann Black, later described as "frivolous".⁵⁶⁷ In response to a request for guidance from the NEC, on 15 August 2016 Buckingham had provided brief "Validation Guidelines" which noted, for example:

*Social media comments should be considered in context. For example, someone may 'retweet' an abusive statement and mean to perpetuate the abuse, whilst others are less clearly designed to spread the abuse, but may be to comment on another part of the tweet. These need to be considered on a case-by-case basis.*⁵⁶⁸

This guidance was different from the pre-existing GLU policy of not acting on retweets or shares. However, like Creighton's August 2015 guidance, this more nuanced and sensible guidance was not built into any written GLU guidance thereafter, which indeed did not exist. Instead, on 1 September 2016 Stolliday again commented that he was "uncomfortable suspending anyone based on sharing, retweeting or liking material" (although GLU was then doing precisely that, at a large scale).⁵⁶⁹

In summary, in 2015-16 GLU created a policy of not suspending on the basis of likes or retweets / shares for the purpose of justifying not taking the same action against Emily Benn - their factional ally - that they took against Andrew Fisher - their factional opponent. GLU appear to have adopted this new policy without any mandate from Labour's democratic structures, and as a consequence of it they decided not to act on some extreme cases of antisemitism, Islamophobia and other forms of prejudice which clearly warranted suspension and referral to the NCC with a recommendation for expulsion.

This demonstrates that policies relating to the disciplinary process were created in an ad-hoc manner, primarily to provide short-term fixes to political and factional

⁵⁶⁶ Case: Binazir Lashire: "160604 RE Beinazir Lasharie.eml"

⁵⁶⁷ 2016: "161107 Ann Black raises many cases.msg"

⁵⁶⁸ 2016: "160815 guidance.eml"

⁵⁶⁹ 2016: "160901 martin burke, current policies.msg"

problems, and with little thought given to their long-term implications. Staff in GLU and senior management implemented them in much the same manner, creating inconsistencies and irregularities. Policies were either followed or not followed on a selective basis. For example, it was not followed in the 2016 leadership election, but was still applied in relation to some extreme cases of antisemitism and Islamophobia, which in some cases resulted in no action being taken.

3.1.4.iii. Share and retweet guidelines

"We can't take action on a shared post."

In spring 2016 Labour had commissioned two enquiries related to antisemitism - the Royall Report, an investigation into allegations of antisemitism in the Oxford University Labour Club (OULC), and the Chakrabarti report into antisemitism and racism. Both made recommendations regarding Labour's disciplinary processes, and GLU staff attempted to formulate new guidelines on the back of them.

On 3 October 2016, Stolliday produced his first draft of new guidelines for disciplinary procedures, noting "some of this comes out of the away day we held earlier this year, and also incorporates a bit of Chakrabarti and JLM." This noted that social media includes some "grey areas" - "here context is crucial", and:

It is recommended that "likes" on Facebook, or "retweets" on Twitter, or similar on any social media site should not alone be a trigger for disciplinary action. However they may form part of a wider narrative and context of social media posts to be considered in any disciplinary action being taken against a party member.⁵⁷⁰

After the 2016 leadership election, NEC members further raised the ambiguity around action on different forms of social media activity, and a January 2017 summary of concerns from the NEC Disputes Committee asked "in examining social media, what weight should be given to retweets / likes / shares, as opposed to original tweets and postings written by the member?"⁵⁷¹ This was in the context of discussion of Labour members being suspended or autoexcluded for simply having retweeted the Green Party on issues they agreed with them on. At the meeting at which this discussion took place, Jeremy Corbyn himself noted that "We need to deal with the serious cases of abuse", while arguing:

On support for another political party, it is very unclear what that constitutes. There's a whole range of policies you might support without actually supporting another party, and the timeframe of previous support is unclear.⁵⁷²

In his final version of the paper, agreed by the NEC in March 2017, Stolliday noted in his introduction that "Retweets and likes alone on social media are not a reason for disciplinary action - but they could form context in a wider investigation", while the paper said:

⁵⁷⁰ Guidance and standards: "161003 stolliday NEC draft.msg"

⁵⁷¹ Guidance and standards: "170108 Note on suspensions for Disputes Panel.eml"

⁵⁷² Guidance and standards: "161020 Stolliday notes on discussion.msg"

On social media or other forums, the simple promoting of a point of view – for example, by retweeting or liking – should not in itself be a reason for taking disciplinary action – save for a warning. However where there is a pattern of repeated behaviour that may form part of a wider narrative and context of social media posts considered in any disciplinary investigation involving a Party member.⁵⁷³

This guidance remained confusing and ambiguous. It did not explain, for example:

- If retweeting or liking alone could be the basis of disciplinary action, if this was part of a persistent pattern of behaviour.
- If retweeting or liking alone could be the basis of disciplinary action, if the content met a certain level of extremity.
- If shares were also considered a “simple promoting of a point of view”.

This was not elaborated on and GLU staff do not appear to have made decisions on the basis of any written guidance. As a result, an informal, vague policy of “not acting on shares or retweets” continued to be used, but inconsistently.

Again, this led to some very poor decisions, including on antisemitism cases.

For example, Sarah Wilkinson had been suspended during the 2016 leadership election for a range of antisemitic tweets, including calling a Jewish Labour donor a “zio-desperado” and saying “Israel is a Nazi state”. After interviewing Wilkinson in December 2016, investigations officer Ben Westerman asked colleagues for “a second opinion... on whether this crosses the line”, noting her “obsessive pattern of posts – at least 10 daily – about the Middle East”.

Wilkinson, however, claimed that she did not write many of things she tweeted, as she would copy and paste what other people had written as if it were her own, and argued that “It is impossible to cause offence on twitter, because if people were to be offended by what i post, and i seriously doubt they ever are, they can stop following me.” On 16 January 2017, Westerman therefore lifted her suspension without warning.⁵⁷⁴

The distinction between sharing something and writing it oneself seems to have informed Westerman’s decision. However, a more systematic search of Wilkinson’s social media profiles would have revealed that she repeatedly supported a range of extreme antisemitism, including Holocaust denial and antisemitic conspiracy theories about Israel being behind 9/11, 7/7 and other “false flag” terrorists attacks.

⁵⁷³ Guidance and standards: “170322 Stolliday adds blurb.msg”

⁵⁷⁴ Case: Sarah Wilkinson.

Less than two months later, some of this evidence was flagged to the team and a “case” created in GLU’s “SharePoint”. In July 2017 a case was then created in Members Centre’s “GLU tab”, but no further action was taken, and Wilkinson remained a member until her resignation in October 2018.⁵⁷⁵

In March 2018, meanwhile, a Momentum activist submitted a complaint about Glen Shakespeare for a post he believed “to be anti-semitic in nature” - a meme saying that an antisemite is now someone Jews hate”. Disputes officer Megan McCann responded to the Complaints team saying simply that:

We can't take action on a shared post. However, the complainant is welcome to submit more evidence.

The complainant was then informed that “we cannot take action against posts which have been shared or re-tweeted.” Shakespeare’s social media profiles do not appear to have been looked at. Searches of them would have revealed a range of antisemitic materials - in February 2018 the “GnasherJew” Twitter account had even tweeted a screenshot of Shakespeare sharing a Holocaust denial article, but staff had apparently not seen this.

Following our audits into historic cases which were mishandled, Shakespeare was suspended in autumn 2019.

Similarly, on 12 April 2018 a member Michael Preece was reported for several retweets, including one explaining *Economist* articles on Syria by the purported facts that “The Rothchilds own 50% of The Economist” and “Jacob Rothschild is on the Advisory Board of Genie Energy”, drilling in Syria’s Golan Heights. An email was sent from the complaints inbox in response saying:

*we are unable to take any further action in this matter... because we are unable to take action against statements which have been re-tweeted.*⁵⁷⁶

This was despite the fact that Preece was also shown tweeting to the complainant that he was “a fuckwit”, and Preece’s profile was apparently not looked at. In autumn 2019 this case was reviewed as part of our historical audits, and an investigation launched.

On 14 April 2018, meanwhile, “Labour Against Antisemitism” (LAAS) submitted a dossier on Andrew Paul Thompson, containing numerous Facebook posts of his.

⁵⁷⁵ Case: Sarah Wilkinson.

⁵⁷⁶ Case: Mike Preece.

However, although Megan McCann said “I do think that this guys posts are anti semitic”, she maintained:

The problem is his bio ‘sharing without comment is not endorsement’. The most offensive and notable posts are shares with no comment.

The Complaints email account therefore responded that this would “not be investigated further by the party”:

This is because most of the evidence provided against Andrew Thompson is material which he has shared rather than written himself. His profile contains a disclaimer that sharing a post does not necessarily mean he agrees with or endorses it.

It therefore seems that GLU were, at least in some cases, continuing to not take action on shares, regardless of their extremity or the pattern of repeated behaviour, albeit with the added context that this respondent claimed his shares did not mean endorsement.

This was despite the fact that McCann herself noted the content as antisemitic, and the fact that numerous written comments from Thompson were included, such as him writing about a “pro Zionist cabal” in Labour, explaining why he “equate[s] Zionism with barbaric oppression and racism” and that “Zionism is racism” and claiming that Arab “are... Semitic”.

Just weeks later, Labour and LOTO press staff enquired about a *Times* story from “LAAS” about individuals, including Thompson, being “let off”. Although forwarded to Goodyear and Matthews, it did not prompt any review of the case decision.⁵⁷⁷ In summer 2019, however Thompson was raised by another complainant, and an investigation launched.

On 23 April 2018, meanwhile, head of Complaints Sophie Goodyear explained that:

in most cases re-tweets and shares alone are not enough to amount to a breach of the rules as they don’t necessarily reflect a person’s own views, they are however used to advise a decision where other evidence is available or where a pattern of behaviour is clear.⁵⁷⁸

This response was also given in other similar cases, such as a report of transphobia.⁵⁷⁹

⁵⁷⁷ Case: Andrew Paul Thompson.

⁵⁷⁸ Standards and guidance: 180423 SG on retweets or shares.eml

⁵⁷⁹ Case: Gwenda Owen

In other cases, however, GLU did act entirely on shares. On 22 February 2018, for example, a member received an NOI for sharing two posts.⁵⁸⁰

The informal policy, such as it existed, appears to have been very inconsistently applied. It was poorly thought through, and led to some very poor decisions on cases. It also seems to have developed, primarily, not as an attempt to offer coherent guidance and judgement on how to respond to cases involving social media activity, but simply as a justification for a factional decision taken by GLU - to take no action against Emily Benn whilst suspending Andrew Fisher.

⁵⁸⁰ Guidance and standards: "180222 NOI Offlands.pdf"

3.1.5. Guidance on antisemitism

“Given the sensitivities on the issue... is there any guidance/learnings from investigations of this nature elsewhere?”

In mid-2016, both the Royall and Chakrabarti reports offered some guidance to Labour members and recommendations for their conduct relating to antisemitism. In late 2016, Labour adopted a social media pledge and code of conduct, which had been proposed by Deputy Leader Tom Watson. In late 2016 the NEC also adopted the IHRA definition of antisemitism, and in September 2017 Labour passed a rule change, worked on in cooperation with the JLM, making explicit that antisemitism, Islamophobia and other forms of racism and prejudice towards anyone with a protected characteristic were contrary to the party's rules.

The guidance offered in these documents ranged from the general to the highly specific. Although many principles were specifically agreed, however, GLU in this period failed to implement many of them, or to develop any detailed internal guidance of its own to guide decision-making on antisemitism cases. Instead, decisions continued to be made by staff who had been recruited largely along factional lines, and who lacked relevant experience or expertise. As we shall see, this helped to lead to highly inconsistent and, in many cases, poor decisions on antisemitism complaints in this period.

3.1.5.i. The Chakrabarti Report

The Chakrabarti Report, published on 30 June 2016, and adopted by the NEC shortly after, offered a range of guidance and recommendations with regard to how the Party should treat different types of racism and antisemitism.

Regarding the term “Zio”, Chakrabarti noted that “racist epithets [have] no place in the Labour Party”, and:

I recommend that the word "Zio" should have no place in Labour Party discourse going forward.

Chakrabarti also noted:

During the short period of my current Inquiry, I have learned of a new modern-day racist epithet. "Zio" is a word that seems to have gained some currency on campuses and on social media in particular. No doubt it began as an abbreviation of "Zionist" (a term I will discuss later). However, I am clear that no one uses this word to describe their own political or cultural identity. It is a term of abuse, pure and simple, and should not in my view have any place in the vocabulary of Labour members, whether online, in conversation or anywhere else.⁵⁸¹

In a section on “stereotyping”, Chakrabarti addressed antisemitic stereotypes and tropes, and remarked that “any seasoned activist who says that they are completely unaware of any such discourse must be wholly insensitive or completely in denial”:

To suggest, for example, that all or most Jewish people are wealthy or interested in wealth or finance or political or media influence or less likely to be of the left or likely to hold particular or any views on the subject of the Middle East is a classic stereotype. Equally, to doubt the political or national loyalty of a Jewish person on account of their actual or perceived connection to fellow Jews elsewhere around the world including in Israel is (unwittingly or otherwise) to tap into an age-old antisemitic conspiracy trope that will inevitably and understandably leave your Jewish friends, neighbours or fellow activists feeling vulnerable, excluded and even threatened. Once more, I am not saying that this is endemic, but any seasoned activist who says that they are completely unaware of any such discourse must be wholly insensitive or completely in denial.⁵⁸²

⁵⁸¹ Chakrabarti Report, p.9. Available online at: <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

⁵⁸² Chakrabarti Report, p.10. Available online at: <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

Chakrabarti addressed a number of specific examples of racism and antisemitism experienced by Labour members. One was about Ruth Smeeth MP, a Labour MP who is Jewish, and allegations that she was “some kind of agent for Mossad”:

I have heard the painful experience of a Labour councillor who was told that he would be particularly good at a finance role (for no reason other than being Jewish). I have heard from an MP around whom rumours circulated that she was some kind of agent for Mossad. This was simply on account of her faith identity and pre-parliamentary career in community activism. I have heard from Jewish students expected either to defend or condemn the policies of the Israeli government during their freshers' week when in truth they have no firm or developed view and just want to settle in and go to the parties like everyone else.⁵⁸³

In a section on “Insensitive and incendiary language, metaphors, distortions and comparisons”, Chakrabarti explained that:

In day-to-day political debate, it is always incendiary to compare the actions of Jewish people or institutions anywhere in the world to those of Hitler or the Nazis or to the perpetration of the Holocaust. Indeed such remarks can only be intended to be incendiary rather than persuasive.

Chakrabarti noted that such metaphors and comparison “are all too capable, not only of bringing the Labour Party into disrepute, but of actively undermining the cause of peace, justice and statehood for the Palestinian people which forms part of Labour's current “two-state” foreign policy and which so many Jewish people (including in the Labour Party) actively support.” She concluded:

I recommend that Labour members resist the use of Hitler, Nazi and Holocaust metaphors, distortions and comparisons in debates about Israel-Palestine in particular.

On comparing the Holocaust to other atrocities, Chakrabarti further argued that:

if every human rights atrocity is described as a Holocaust, Hitler's attempted obliteration of the Jewish people is diminished or de-recognised in our history as is the history of a global minority that has had cause to feel, at worst, persecuted and, at best, vulnerable for thousands of years.

She noted that “diluting their particularity or comparing degrees of victimhood and evil does no service to anyone”, and wrote:

⁵⁸³ Chakrabarti Report, p.10. Available online at: <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

I further recommend that excuse for, denial, approval or minimisation of the Holocaust and attempts to blur responsibility for it, have no place in the Labour Party.⁵⁸⁴

Chakrabarti therefore suggested that not only denial of the Holocaust and Holocaust revisionism, but also any attempt to “minimise” or “blur responsibility” for the Holocaust, including by diminishing its significance through comparison with other genocides, should “have no place in the Labour Party”.

On the issue of “Zionism and Zionists”, meanwhile, Chakrabarti noted how “Zionist” meant different things to different people, but has also:

been used personally, abusively or as a euphemism for "Jew", even in relation to some people with no stated position or even a critical position on the historic formation or development of modern Israel.

Further, she noted varying views in the Jewish community, with “some people personally redefining their Zionism in ways that appear to grant less support to the State of Israel and more solidarity to fellow Jewish people the world over”, while some were “suspicious of repeated criticism of Israeli policy in a way that they see as disproportionate or out of synch with human rights abuses by other states and governments around the region or the world.” She concluded:

It seems to me that it is for all people to self-define their political beliefs and I cannot hope to do justice to the rich range of self-descriptions of both Jewishness or Zionism, even within the Labour Party, that I have heard. What I will say is that some words have been used and abused by accident and design so much as to blur, change or mutate their meaning. My advice to critics of the Israeli State and/or Government is to use the term "Zionist" advisedly, carefully and never euphemistically or as part of personal abuse.⁵⁸⁵

As noted in Section 2.1, the Chakrabarti Report was not immediately made available by Labour HQ to Labour members, although it was fully available to GLU-GSO.

Jeremy Corbyn spoke similarly to Chakrabarti at the time. In his speech at the launch of the Chakrabarti Report on 30 June 2016, Corbyn elaborated on some of the left-wing forms of antisemitism that the Party needed to challenge. He said:

⁵⁸⁴ Chakrabarti Report, p.11. Available online at: <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

⁵⁸⁵ Chakrabarti Report, p.12. Available online at: <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

[Jewish people] are also a minority amongst minorities and have had good cause to feel vulnerable and even threatened throughout history. This should never happen by accident or design in our Labour Party. Modern antisemitism may not always be about overt violence and persecution, though there is too much of that even to this day. We must also be vigilant against subtler and invidious manifestations of this nasty ancient hatred and avoid slipping into its traps by accident or intent.

In the speech Corbyn also called “Zio” a “vile epithet” and spoke about common antisemitic tropes such as:

- assuming that Jewish people are wealthy;
- accusing Jewish people of being part of a financial or media conspiracy;
- making assumptions about Jewish people’s political views, especially on Israel and Palestine;
- or holding Jewish people responsible for the actions of Netanyahu’s government.

Corbyn also requested that Labour members not use Hitler or Nazi comparisons, especially in the context of Israel, and explained that comparing every human rights atrocity to the Holocaust diminishes Hitler’s attempt to obliterate the Jewish people.⁵⁸⁶

Both Chakrabarti and Jeremy Corbyn therefore provided in-depth, nuanced and detailed guidance on a range of contemporary forms of antisemitism, focused on those forms that can manifest on the left. Chakrabarti also recommended that:

*There should be specific training for all staff and members involved in the investigations and disciplinary process.*⁵⁸⁷

However, although these interventions led to some stronger action on antisemitism by GLU, such as acting on usage of the term “Zio”, GLU did not then produce any guidance or arrange any training for staff that would cover such issues. As a result, GLU staff including Director Stolliday and Head of Disputes Matthews continued to make some inappropriate decisions, failing to recognise as antisemitism a range of different antisemitic materials, from classical antisemitism about the “chosen people”

⁵⁸⁶ Jeremy Corbyn | My speech at the launch of the Chakrabarti report
<https://jeremycorbyn.org.uk/articles/jeremy-corbyn-my-speech-at-the-launch-of-the-chakrabarti-report/>

Jeremy Corbyn tweet with a video of the speech: ‘The Shami Chakrabarti Inquiry’s report into antisemitism and all forms of racism was published yesterday’ 01/07/16
<https://twitter.com/jeremycorbyn/status/748837077337255936>

⁵⁸⁷ Chakrabarti Report, p.23. Available online at: <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

to conspiracy theories about “Zionist” and “Rothschild” control, and even Holocaust revisionism.

3.1.5.ii. GLU decision-making on antisemitism, 2014 to March 2018

GLU had responded to complaints of antisemitism prior to 2015 - such as in the case of Vicki Kirby - and there were other suspensions in relation to antisemitism from late 2015 onwards. However, GLU never produced any guidance for central or regional staff on how to deal with such cases. This was despite the key staff involved not having a history of working on such complaints, or dealing with issues of racism or antisemitism, with Stolliday, for example, having joined from the Media Monitoring Unit. This partly explains the many inconsistent and unusual decisions taken (some of which have already been detailed).

In this period, public interventions and statements by Jeremy Corbyn and Shami Chakrabarti led to some increased action on antisemitism by GLU. But GLU's failure to produce or procure any internal guidance or training meant that decisions were highly inconsistent, in many cases poor, and often contrary to the recommendations of both Chakrabarti and Jeremy Corbyn.

For example, on 18 October 2015 Ian Austin MP emailed Iain McNicol regarding Len Jukes, who had joined the Party 10 days earlier.⁵⁸⁸ Austin attached two emails from Jukes, where he said Labour MPs were:

*NOTHING BUT EGOTISTIC ZIONIST TWIRPS WITH A ROTHSCHILD HIDDEN AGENDA ..I
BET YOU ARE ALL FRIENDS OF ISRAEL*

self seeking Zionist trolls with a hidden agenda

Austin commented:

I think his email is racist and anti-semitic and should be dealt with.

Jukes had sent these emails to more than twenty Labour MPs, and Austin cc-ed them all in his email. On 19 October Claire Pryor forwarded this to Stolliday - "Iain thinks action should probably be taken". Stolliday forwarded it to Jane Shaw, who noted that Jukes was "well within the objection period". This was a reference to the fact that in the first 8 weeks of someone's membership, their membership can be rejected by the General Secretary or CLP. However, Stolliday subsequently discussed the case with Shaw over the phone, and agreed she would not take action. She wrote on 23 October:

As agreed on phone – nothing for me to do and back to you

⁵⁸⁸ Case: Len Jukes.

Instead, on 23 October Stolliday forwarded the complaint to Sophie Goodyear. He then responded to Pryor:

The comments in this correspondence were of an abusive nature and unacceptable.

Because of this inappropriate conduct towards other Labour Party members, I have sent this person a formal warning letter which will remain on his file.

If there are any further issues the party reserves the right to consider this matter further.

This response was then sent from McNicol to Austin and the other Labour MPs, although the Party has been unable to find any evidence that a warning was sent, and no evidence or letter was saved to his Members' Centre record.

Gisela Stuart MP responded:

I am astonished. A letter of warning and we "reserve the right".

This behaviour is utterly and totally unacceptable. His words were offensive and anti-Semitic.

If you don't want to suspend him right away, I expect an apology.

This was forwarded to Stolliday with the comment:

As expected! Iain is away next week so if there is a reply to her could it go from Emilie?

Nothing further appears to have happened, until on 16 November 2015, Austin raised a further complaint about Jukes. Tracey Allen, Mike Creighton and Katherine Buckingham all commented that the case was new to them, reflecting the lack of record-keeping or clear processes at the time. On 24 November 2015 Tracey Allen enquired about Jukes' membership status, in relation to this email.

Separately, however, in mid-November 2015 the CLP themselves rejected Jukes' membership, within the 8 week period, which Shaw administered for them on 16 November. Allen was therefore informed on 24 November that Jukes' membership had already been rejected, which McNicol then relayed to Austin.

On 3 December 2015, by contrast, Facebook comments by member Ray Hall about a "zionist cabal" of "labour friends of israel" and their "puppets" was flagged to GLU. Stolliday responded:

Clearly nasty antisemitism from a new member - I think we should take action – cannot allow those sort of repugnant views in the party now it's been brought to our attention.

As a new joiner, Hall then received a General Secretary Membership Rejection.⁵⁸⁹

These decisions were clearly inconsistent: Jukes directed abuse directly at Labour MPs, and his antisemitism, accusing the MPs of following a “Rothschild hidden agenda”, was apparent. Stolliday’s decision to issue an informal warning to Jukes, even though he was aware the option of a membership rejection was available, also suggests a lack of understanding of the severity of the conduct highlighted. This was a consequence of a lack of training and guidance for staff on antisemitism.

This could also be seen in cases of more “classical” antisemitism. On 19 February 2016, for example, John Mann MP forwarded to Iain McNicol an email from a local member, Tony Olsson, which he described as “An extraordinary diatribe from a Labour Party member.”⁵⁹⁰

Olsson’s email included countless examples of classical antisemitism. He wrote, for example:

The Jews are so sure that they are God’s chosen race, that they do not, or will not, accept that it is they who are stirring up hatred against themselves. They’ve been doing it for millennia. Is it not time they stopped?

Olsson claimed:

any criticism of Jews will be treated as anti-Semitism, not least by the large number of Jewish MPs and Lords in Westminster, including those in the Labour Party. This is an unfortunate consequence of legislation designed to protect Jews, but which enables them to act with impunity, and deflect criticism of their actions in Israel, Palestine and the wider Middle East. The problem is perhaps even more acute in America where many of its congressmen are Jews

He quoted from the Bible to explain actions of “the Jews”:

This is why the Jews will not engage in discussions about their illegal occupation of Palestine; and continue their vicious persecution and murder of the people they consider are occupying “their” land.

⁵⁸⁹ Pre-2016: “151204 RE Member making antisemitic remarks.eml”

⁵⁹⁰ Case: Tony Olsson

That's why the large contingents of Jews in the British and American Governments will not allow international action to be taken against Israel to stop it breaking International laws and UN resolutions.

Olsson even quoted Osama bin Laden's views on Israel, without comment or criticism.

Stolliday forwarded Olsson's email to Creighton, asking:

Is this enough to suspend & send to NCC for consideration?

Creighton, however, was unsure:

I think so, but I have to say I am very nervous about where the boundaries are drawn (as it were) on these issues, since it does not seem at all clear to me where distinction between right and wrong lies.

Stolliday then agreed it was unclear, and suggested to just "leave this one":

I agree not easy. It's offensive but right at the limit of freedom of speech/thought. I don't think a warning letter would do anything which is why I thought let the NCC decide - but maybe we should just leave this one.

No case was logged, no further investigation was conducted, and no action was taken.

On 23 July 2018, Gloria de Piero MP then reported Olsson for a similarly racist email.

On 2 August 2018 Olsson was suspended, and he resigned the following month.

Olsson's email revealed deep, direct, classical antisemitic prejudice and hostility towards Jews. That Creighton and Stolliday felt it was "right at the limit of freedom of speech/thought" exhibits a lack of understanding of antisemitism, reflecting a lack of staff training, while the deliberation between a full NCC case and not acting at all underlines the informal manner in which complaints were handled.⁵⁹¹

On 13 April 2016, meanwhile, Richard Angell emailed Emilie Oldknow on "Antisemitic tweets", asking if David Brede was a member, attaching a screenshot of Brede reply to David Cameron's Passover message on Twitter: "ask the Jews to stop seizing Palestinian lands".

Oldknow asked Stolliday to "have a look and let me know about suspensions/regional office investigation etc". Stolliday liaised with Region, noting that he had been

⁵⁹¹ Case: Tony Olsson.

“thinking warning letter”, but was now “erring on side of suspension” given Jeremy Corbyn’s latest statement on party action against antisemitism:

*I was thinking warning letter but because JC said: "Anti-Semitism is absolutely abhorrent and wrong. Anyone that commits any act of anti-Semitism, that makes anti-Semitic remarks, is auto excluded from the party and an inquiry follows immediately. We have suspended, we will suspend, any member that behaves in that way." I'm not sure a warning letter is good enough.*⁵⁹²

After a two week delay, a suspension was agreed and enacted. In March 2017, almost a year later, after Region interviewed Brede and he showed contrition and “full understanding”, and “pointed out that he apologised at the time almost straight away”, Brede’s suspension was lifted.⁵⁹³

As antisemitism cases escalated from spring 2016 onwards, mostly prompted by urgent media enquiries, some regional staff asked GLU for central guidance on how to investigate and deal with such cases. On 16 May 2016, for example, Regional Director Cameron Scott asked Stolliday regarding a new antisemitism investigation, with Creighton and Goodyear in cc:

*Given the sensitivities on the issue is the approach that we look to do the investigation urgently and is there any guidance/learnings from investigations of this nature elsewhere?*⁵⁹⁴

Stolliday responded simply:

*I don't think anyone else has done their investigations quickly – although Harry is making a start. Maybe worth chatting to him?*⁵⁹⁵

The next day, Buckingham emailed the Regions and Nations asking for progress on cases, and advised:

*If it's an anti-semitism allegation, stand by for further advice from Compliance so that we can approach these consistently nationally. This will come later this week.*⁵⁹⁶⁵⁹⁷

⁵⁹² Case: David Brede: “160427 Antisemitic tweets david brede.msg”

⁵⁹³ Case: David Brede: “170228 FW East Midlands suspensions.eml”

⁵⁹⁴ Pre-2016: “160516 request for AS guidance.eml”

⁵⁹⁵ Pre-2016: “160516 request for AS guidance.eml”

⁵⁹⁶ Pre-2016: “160520 RE Suspensions - regional staff investigate.eml”

⁵⁹⁷ Pre-2016: “160622 RE Suspensions.eml”

However, the Party cannot find any evidence of this having been produced or sent.

On 28 June 2016, meanwhile, a regional director asked new Investigations Officer Sam Matthews “on the antisemitism ones, have we got something to follow now?” Matthews responded that “Full advice on racism in the party with guidance will be available shortly after the Chakrabarti report is released on Thursday.”⁵⁹⁸

On 29 June, the director of London Region emailed GLU:

*you also asked us to stand by for further advice on the anti-Semitism cases. Where someone alleged of anti-Semitism is yet to be interviewed, should we ensure that an interview is scheduled or wait to hear from you?*⁵⁹⁹

On 27 June, meanwhile, Creighton noted regarding Scotland that “Party discipline remains with the national party except where it is clearly with regions and nations”, and they could “encapsulate that perhaps in new guidance” rather than party rules - “unless Brian wants to deal with Scottish antisemitism differently to English AS!!”⁶⁰⁰ It was therefore clearly understood by Creighton that the responsibility for creating national guidance on dealing with antisemitism cases lay with GLU.

On 29 June 2016 Terry Flanagan was reported to GLU for an antisemitic email about “Israeli Mossad... orchestrating the attack on... Jeremy Corbyn”, asking “for how much longer are we going to allow supporters of this vile racist state” - Israel - to “pollute” the Labour Party.⁶⁰¹ Camden Council’s Labour whip even emailed Stolliday directly:

Flanagan has been subjecting me, other councillors and other members to a string of hateful, abusive and intimidatory emails for many months. These are the subject of local complaints and are being investigated by the CLP.

*Although existing complaints against him are being investigated, I think that his latest horrible diatribe merits immediate action by the Party.*⁶⁰²

In discussion with Matthews, who was “erring on the side of suspension”, Stolliday wrote:

⁵⁹⁸ Pre-2016: “160628 RE Disputes.eml”

⁵⁹⁹ Pre-2016: “160629 RE Disputes.eml”

⁶⁰⁰ Pre-2016: “160627 RE Party Reform.eml”

⁶⁰¹ Case: Terry Flanagan, “160629 RE Complaint vs Terrence Flanagan.eml”

⁶⁰² Case: Terry Flanagan, “160629 Complaint re anti-Semitic behaviour by Party member.eml”

The problem is in normal times (ie when we're not in an anti-Semitism swirl) we would probably deal with mad conspiracy theories like this with a warning letter as to future conduct.

As much as I disagree with the content and find it offensive, I do think there is an argument which could be made that this is legitimate political belief protected by freedom of speech. However it invokes a common anti-Semitic trope (Israel/Jews/Mossad secretly conspiring to influence world events) and in current climate we have certainly suspended for less. So if Kat agrees, go for it.⁶⁰³

Matthews responded "Understood - helpful to know where the bar sits."⁶⁰⁴ After repeated complaints and chasing from several complainants, submitting numerous emails of Flanagan's, on 18 August London Regional Director Dan Simpson asked "Without wading through all 27 emails is there any reason not just to suspend Flanagan and then investigate or is there something I am missing?" Flanagan was suspended that day - but in January 2017 his suspension was lifted and the case closed with a staff-issued "formal NEC warning".⁶⁰⁵ Flanagan was suspended again in January 2020, in a staff-initiated case concerning antisemitic emails.⁶⁰⁶

On 30 June 2016, meanwhile, Richard Angell from "Progress" submitted a complaint about a member who "see[s] 'Zio' as OK and 'Zio' and 'Zionist' as interchangeable". Oldknow asked Stolliday "What do you think". He responded:

Honestly I don't know, but I would be guided by Shami's strong words on the phrase 'zio' today

Creighton followed up referring to what Chakrabarti had written about the term "zio":

The word zio should have no place etc....⁶⁰⁷

This shows that Chakrabarti's guidance was already having a positive impact on decision-making by staff in GLU, although actual action by GLU remained slow - this case appears to have been lost without any action being taken. The member in question was eventually suspended on 31 May 2017, 335 days after the original complaint, over a separate complaint of antisemitism.

⁶⁰³ Case: Terry Flanagan, "160629 RE Complaint vs Terrence Flanagan.eml"

⁶⁰⁴ Case: Terry Flanagan, "160629 RE Complaint vs Terrence Flanagan.eml"

⁶⁰⁵ Case: Terry Flanagan.

⁶⁰⁶ Case: Terry Flanagan.

⁶⁰⁷ Guidance and standards: "160630 RE Tweet by Phillip Jones on Twitter.msg"

As discussed, both Jeremy Corbyn and Shami Chakrabarti in this period gave detailed guidance to Labour members on how antisemitism can manifest on the left, and the types of conduct that the Party considered unacceptable. It was evident that GLU staff were unclear about how to respond to the many different types of antisemitism, and Matthews commented in relation to Flanagan that it was “helpful to know where the bar sits”. Despite this, however, no internal GLU guidance on how to approach cases concerning antisemitism appears to have then been produced or procured.

Instead, on 1 July 2016, new Investigations Officer Sam Matthews emailed all key regional staff with guidance on “Sending Disciplinary Matters to Compliance”, with GLU-GS in cc:

Some regional staff have enquired about when it's appropriate to forward something to our team so I thought it would be helpful to outline where the bar sits when it comes to sending cases our way.

Matthews' guidance was to apply a “common sense test”:

*What it comes down to is essentially a common sense test. **Any examples of personal abuse, sexism, racism, homophobia or threats of any kind should come to us.** If there is any question about the personal safety of anyone involved, that information should also go to the Police.*

Examples which fall into a grey area are more challenging. They tend to involve situations where someone is being (essentially) impolite towards another member or dismissive of the Labour Party/parts of the Labour Party. For example:

- *A member is using expletives, in a way that is not abusive towards any individual (or group of individuals).*
- *A member is expressing strong discontent with the position of the Labour Party or some of its MPs in a way which does not constitute a threat or personal abuse towards any individual (or group of individuals).*
- *A member is expressing a view which another labour party member finds unsavoury, but is never the less a legitimate political position.*

We are committed to providing a safe space for debate to take place among members and supporters but those examples generally fall into the general discourse – rather than a cause for disciplinary action.⁶⁰⁸

This “common sense” advice was ambiguous and unclear. With many forms of antisemitism, as with other forms of racism, sexism, transphobia and so forth, the

⁶⁰⁸ Guidance and standards: “160701 SM on Sending Disciplinary Matters to Compliance.eml”

question is precisely what is a “legitimate” political viewpoint, and what is “racism”. This is what Stolliday touched on in his response to the Terry Flanagan case, and what this “common sense test” failed to explain.

The “Validation” process of 2016, meanwhile, does not appear to have involved any written guidance to staff or NEC members on what kinds of comments merited action, beyond the general statement on not tolerating talk of “traitors” and “scum” that had been agreed.⁶⁰⁹

On 23 January 2017, Ben Westerman elaborated on GLU’s rationale for a decision on an antisemitism case, originally submitted by JLM Chair Jeremy Newmark and JLM Director Ella Rose, for Scottish General Secretary Brian Roy. He also shared it with Matthews. He wrote:

Treating this as an individual case, we don’t think this quite crosses the line of what the NEC Disputes Panel would be happy to send further to the NCC.

Whilst his comments are certainly insensitive, they actively distinguish between Judaism and Zionism, stating that the media have conflated the two (itself questionable but not directly anti-Semitic) and his comment on JLM is that they are “cunning connivers” – not itself an anti-Semitic attack, rather a general attack on them.

He further states that the NEC is “in league” with JLM – not anti-Semitism.

On his comments RE Jeremy Newmark – to call him [and JLM] “arrogant and dogmatic” is certainly unpleasant and uncomradely, but can’t be described as anti-Semitic according to the newly adopted IHRA definition – it’s simply an attack on a member who happens to be Jewish.

When it comes to “they are rabid Zionist Jews” – this is the most offensive thing said in the post, and whilst it certainly errs very close to the line, it would not fall within the IHRA definition of anti-Semitism which the NEC have adopted, so for now there is no sanction in place within the rulebook outside of the warning he has already received for it. He also notes that the “not representative of Jews” thing is from the article.

Equally, the stuff about “anti-Semitic slurs” being unfounded is highly insensitive, but in itself not anti-Semitic and certainly not what the NEC would consider worthy of a NCC case.

⁶⁰⁹ 2016: “160719 Join-System Guide.msg”. Also: aug 16 NEC response

Hope that all makes sense – appreciate you're under a bit of pressure with these, but we have to treat them individually and be aware of what will constitute something which can be actioned and a case formed for expulsion from the party.⁶¹⁰

The guidance and reasoning offered here is very weak in comparison to the Labour Party's current decision-making matrix and guidance on antisemitism.

Staff today would note that the language of the JLM being “cunning connivers” and “in league” with others bears a strong resemblance to antisemitic tropes about Jews; “rabid Zionist Jews” is highly inappropriate and offensive, and a clear use of “Zionist” as a term of abuse, which Chakrabarti had warned about; the reference to “anti-Semitic slurs” suggests the member might not treat antisemitism in the same way they would other forms of racism, and may support conspiracy theories about antisemitism being faked; and the attack on a leading Jewish member who “happens to be Jewish” would be concerning if they were being attacked because they had raised the issue of antisemitism. “[Distinguishing] between Judaism and Zionism”, meanwhile, does not mean one is not promoting antisemitic ideas - many people who promote antisemitic ideas do this, from David Icke to opponents of “Zionist world control” who share memes of the Neturei Karta.

Ben Westerman is Jewish, he expressed frustrations at times about the inadequacy of the party's disciplinary processes in relation to antisemitism, and he appears to have been much more diligent in doing his job than his then colleagues. There can be no doubt about his sincere opposition to antisemitism and desire to deal with it in the party. However, this guidance was deficient in many respects. This underlines how complicated some aspects of antisemitism are, and why expertise, training and clear, detailed guidance is so necessary. Unfortunately, however, none of this was procured or produced while Iain McNicol was general secretary.

Later, on 28 June 2017, in an update on antisemitism to Jan Royall, Stolliday commented that:

I believe... that the prominence of the investigations we are doing has led to a resurgence of what is called the "anti-Zionist movement" - under which many people use well-known anti-Semitic tropes, language and claims but simply use the word "Zionist" instead of "Jew," and then forcefully claim that this is their right to criticise Zionism and the State of Israel when challenged. This is clearly much harder for us to deal with and harder to prosecute - falling into a murkier area than simple anti-Semitic abuse.⁶¹¹

⁶¹⁰ Guidance and standards: “170123 BW and SM on AS standards .eml”

⁶¹¹ 170628 Re Jan Royall Antisemitism .eml

Despite identifying this area as “clearly much harder for us to deal with”, “harder to prosecute” and “a murkier area than simple anti-Semitic abuse”, however, Stolliday did not draft guidelines for staff outlining how to handle such cases.

Such guidelines were, indeed, never developed while Iain McNicol was general secretary. In January 2018, for example, concerning a case of racism, Scottish General Secretary Brian Roy enquired with Emilie Oldknow “Do we have any specific procedures or policies to deal with complaints of racism or racial discrimination?” Oldknow responded:

These are dealt with as part of our usual disciplinary code of conduct on behaviours. Conference passed a rule change last year on all forms of discrimination.

It is dealt with through the normal investigation route but the NEC now have specific powers as outlined in the rule book.⁶¹²

In short: there weren't.

Similarly, on 21 February 2018, Matthews noted regarding a tranche of antisemitism cases:

Some of these will not represent a prima facie breach of 2.1.8 and, as always, you will need to use your judgement in applying the IHRA (NEC adopted) definition of antisemitism and the rule itself in deciding which ones require further action.

The lack of guidance on how to approach cases of antisemitism (or, for example, Islamophobia), resulted in a number of individuals being “let off” who should not have been, as GLU staff at times seem to have failed to appreciate the severity of the conduct being presented to them.

For example, on 14 September 2016 Regional Director Fiona Stanton forwarded local complaints about member Alan Myers to Sam Matthews. Screenshots showed Myers writing about Israelis:

if you say anything against them they cry anti semitism and harp back to the holocaust to curry sympathy. Well, the holocaust is exactly what they are performing on the rightful inhabitants of Palestine with the financial support of the US and UK. The problems caused by “terrorism” presently are 100% caused by the Zionist leaders of Israel (an illegal state) and their billionaire masters, the Rothschilds.

⁶¹² LOTO: “180130 stolliday on consulting LOTO.eml”.

This was clearly antisemitic and would merit an immediate suspension under our current guidelines and decision-making matrix. Two months later, on 16 November 2016 (after chasing by Stanton), Matthews responded:

*I don't think there is enough to suspend Alan Myers here – although we should send a stern warning about his use of language.*⁶¹³

At this point, the old procedures of automatic suspension when under investigation still applied, and in January 2017 GLU re-suspended a member simply for an obtuse and angry response on Facebook to his suspension being lifted.⁶¹⁴ Matthews, however, felt that Myers' comments should be settled with a "stern warning" rather than any investigation.

Similarly, in March 2017 a complaint was submitted about Patricia Sheerin, who had recently been readmitted following a suspension during the 2016 leadership election. A complainant reported her for "Holocaust denial", attaching a screenshot from an unofficial pro-Labour Facebook group in which Sheerin wrote that some argue that:

the narrative we have been fed is inaccurate and the number of Jews exterminated in the camps was fewer than the 6 million claimed. To research the holocaust and challenge is not to deny it happened.

Holocaust revisionism is one of the main forms of Holocaust denial, and this was a clear defence of revisionism. Chakrabarti had explicitly said that not only Holocaust revisionism, but any attempt to "diminish" the Holocaust through comparison with other genocides had "no place in the Labour Party".⁶¹⁵ Disputes officer Louise Withers-Green, however, emailed Matthews as follows:

*Only one thing but she already has a warning, albeit for comradely behaviour rather than anti-semitism... it probably doesn't add up to much but thought I'd check.*⁶¹⁶

Matthews did not reply, and no action was taken or case logged. The case was resurrected from "Palestine Live" in March 2018, but this evidence was not cited, and she received an NOI. In August 2018 the NEC then referred her to the NCC and suspended her, and in March 2019 she resigned from the party after receiving her charges.

⁶¹³ Case: Alan Myers.

⁶¹⁴ Guidance and standards: "170131 case suspension lifted then reinstated.msg"

⁶¹⁵ Chakrabarti Report, p.11. Available online at: <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

⁶¹⁶ Case: Patricia Sheerin: "170329 sheerin holocaust.eml"

Withers-Green took a similar approach to a complaint about Charles Stewart, who had shared a meme about Jacob Rothschild controlling people's lives, and commented that it was "Rothschild". The complainant noted:

[This] is a clear repetition of the anti-Semitic trope of Jews running the world in a vast conspiracy.

On 2 March 2017 Withers-Green identified Stewart and forwarded the complaint to Matthews, with the note "Maybe". Matthews did not reply or take action. After recently uncovering this case in our historical audits (see Section 6.8), GLU staff have now saved a further thirty-seven pieces of evidence from Stewart's Facebook, documenting his support for a wide range of antisemitic conspiracy theories, about "Zionist Western banksters", Soros and the Rothschilds, and Stewart has been suspended.

On 22 April 2017, meanwhile, Colin Maughan sent a letter to the party expressing concern about Corbyn's personal security due to "Mossad and the (dubious) Labour Friends of Israel in Parliament, who probably have close connections with the Zionists and Rothschilds", and who wouldn't "hesitate to silence an outsider, like President Kennedy". This was flagged to GLU by Labour's membership team on 2 May 2017, and on 28 June 2017 Withers-Green forwarded it to Matthews suggesting a potential investigation:

Anti-semitism in a letter to Jeremy. It's only this letter, unsure if this is enough for an investigation, but a letter is quite formal so I'd err on the side of yes.⁶¹⁷

Maughan's letter included clear, explicit advocacy of antisemitic conspiracy theories, and displayed a deep knowledge of such theories. Withers-Green clearly lacked training or guidance in this respect, while Sam Matthews did not reply. The case was not logged anywhere, and no further action was taken. In 2019, before this email was uncovered, Maughan resigned his membership.⁶¹⁸

Guidance for how to progress with antisemitism cases that had been initiated was also lacking. In May 2016, asked by Scottish General Secretary Brian Roy for guidance on conducting interviews in such cases, Buckingham suggested they ask three questions:

We essentially need answers to three questions:

- 1. Did you make the comments/post/etc in question (show the evidence)*
- 2. What was your intention at the time?*
- 3. What do you feel about this now?*

⁶¹⁷ Case: Colin Maughan

⁶¹⁸ Case: Colin Maughan

*Our proposed action will hinge on the answer to the latter question, assuming the first two are clear.*⁶¹⁹

This subsequently became GLU's core guidance to staff involved. On 1 November 2016, for example, Buckingham advised regional staff regarding antisemitism cases:

1. *present them with the evidence and ask them to confirm if they wrote it/said it/whatever.*
2. *Ask what their intention was at the time of making the statement.*
3. *Ask their view of it now.*

*This will lead them to either recognise anti-Semitism and apologise or [deny] there is a problem/defend the statement. Then just write a report of the interview and send it to us.*⁶²⁰

At a November 2016 "away day" of GLU and Regional Directors, meanwhile, Buckingham presented on the Role of Disputes. Regarding Interviews, she referred to "Anti-Semitism – the three questions". (Options for outcomes, meanwhile, were "Warning/conditions/NCC".)⁶²¹

These "three questions" were clearly orientated towards encouraging complainants to apologise and then receive a warning and suspension lift, as was standard practice at the time. They did not provide any guidance to central or regional staff on what kind of proposals were appropriate, and GLU staff continued to argue for a "high bar" for NCC cases, and advise that cases that did not meet that bar should be settled informally.⁶²²

In the two and a half years since Jeremy Corbyn's election, GLU failed to develop any coherent guidance or agreed standards as to when cases would merit action, or what kind of action different types of antisemitism-related cases might merit.

⁶¹⁹ Guidance and standards: "160523 RE Suspensions.eml"

⁶²⁰ Guidance and standards: "161101 three questions.eml". See, for example: Guidance and standards: "160906 RE Abbey Branch Facebook Page.eml"

⁶²¹ Systems and tracking: "161112 from away day - Governance and Legal Unit.pptx"

⁶²² 2016: "170202 SM Validation Plan.msg". Guidance and standards: "170123 BW and SM on AS standards .eml"

3.1.6. Conclusions

In 2015 and 2016 GLU had no systems for logging all disciplinary cases and tracking their progress. This meant that the Macpherson principle was not adhered to and that cases were often lost.

Many complaints were passed to busy regional staff to investigate; there was a lack of guidance for staff on how to investigate and how to take decisions in disciplinary cases; no guidance on antisemitism; and staff do not appear to have been provided with relevant training. This resulted in inefficient processes, often poor judgements, and inconsistent decision-making.

GLU favoured informal solutions as opposed to taking cases through Labour's disciplinary processes. This informal approach sometimes entailed asking an individual to apologise and delete their comment, even in cases involving racism and other forms of prejudice. On some other occasions GLU would suspend someone for a short period of time and then decide to readmit them, without taking the case to the NEC for a decision, which is the proper process set out in Labour's rules.

It also appears that GLU saw the processes as malleable to their immediate needs, which often related to their factional politics. This led to poorly thought out policies like not acting on retweets or shares, developed in order to justify not taking the same action against Emily Benn - a factional ally - that GLU took against Andrew Fisher - a factional opponent and employee of the Leader's Office. This policy does not appear to have been signed off by the NEC and it was not written into the rules or any formal procedures. GLU appear to have adopted this new policy without any mandate from Labour's democratic structures, and as a consequence decided not to act on some extreme cases of antisemitism, Islamophobia and other forms of prejudice which clearly warranted suspension and referral to the NCC with a recommendation for expulsion.

Despite the clear guidance from both Chakrabarti and Jeremy Corbyn himself on left-wing forms of antisemitism that were unacceptable in the Labour Party, GLU-GSO also failed to develop any guidance for staff on how to handle antisemitism cases, and continued to make a number of inappropriate decisions.

Unfortunately, as the next section shows, the situation did not improve in 2017.

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3.2.1. Summary

As this report has demonstrated, the “Validation” process during the 2016 leadership election involved a huge amount of work from the GLU team. A system was designed specifically for processing and making decisions on cases at scale. In just over two months, staff processed information on 11,250 individuals and suspended or auto-excluded thousands.

However, after the leadership election ended, GLU did not develop any similarly efficient system for processing cases of antisemitism, or complaints more generally. Key GLU staff did not display the same drive for fulfilling their jobs in relation to disciplinary processes that they had displayed in relation to factional work.

GLU was well-resourced in this period, with staff describing the team formed at the end of 2016 as “huge” and one of the biggest in Labour HQ.

However, this team did not develop or maintain any functioning system for consistently or comprehensively logging, acting on or monitoring the progress of complaints. This meant that complaints were frequently lost, including cases involving extreme levels of antisemitism such as Holocaust denial. Furthermore, the vast majority of complaints of all categories, including cases of Islamophobia, homophobia and other forms of prejudice, simply were not acted on.

From 1 November 2016 to 19 February 2018, a sixteen month period, GLU suspended just 10 individuals, and issued twenty-four “Notices of Investigation”, in relation to antisemitism. This was not due to a lack of complaints, however - it was due to a lack of action on complaints being submitted.

At no point did the designed complaints process function. The inbox used for receipt of complaints would go months without any staff member tending to it, and in dozens of cases staff even emailed Head of Disputes Sam Matthews proposing that an investigation be launched, but he failed to act or respond. Matthews appears to have been the main blockage to action on antisemitism cases, and the few cases that were acted upon were mostly the result of other senior Labour staff directly chasing him. There appears to have been a lack of managerial oversight over Matthews, and disciplinary processes more generally, from GLU’s Director John Stolliday and the Executive Director of Governance, Membership and Party Services, Emilie Oldknow.

Most antisemitism complaints submitted in this period, including cases of extreme antisemitism such as Holocaust denial and expressions of direct hatred towards

Jewish people, were not acted upon at the time. In one case, regular complaints were made over the course of 18 months about an individual who had repeatedly denied the Holocaust and made comments which displayed sympathy for the Nazis. This was repeatedly raised directly with Matthews and GLU's Director John Stolliday, including by the chair of the NEC Disputes Committee, and Matthews even incorrectly claimed this individual was under investigation - but no action followed.

During the course of the Party's audits into historic antisemitism complaints, and while compiling this report, where the Party has uncovered antisemitism complaints that were not dealt with previously, GLU has opened new cases into those individuals. In many cases, the Party had already suspended these individuals in 2018 or 2019, after Jennie Formby became General Secretary and the GLU team changed, and many of these individuals have now either been expelled or have resigned from the Party. As a direct result of these historical audits, the Party has now also suspended a further 18 people from evidence that GLU received but failed to act on in this period - almost twice as many GLU suspended at the time.

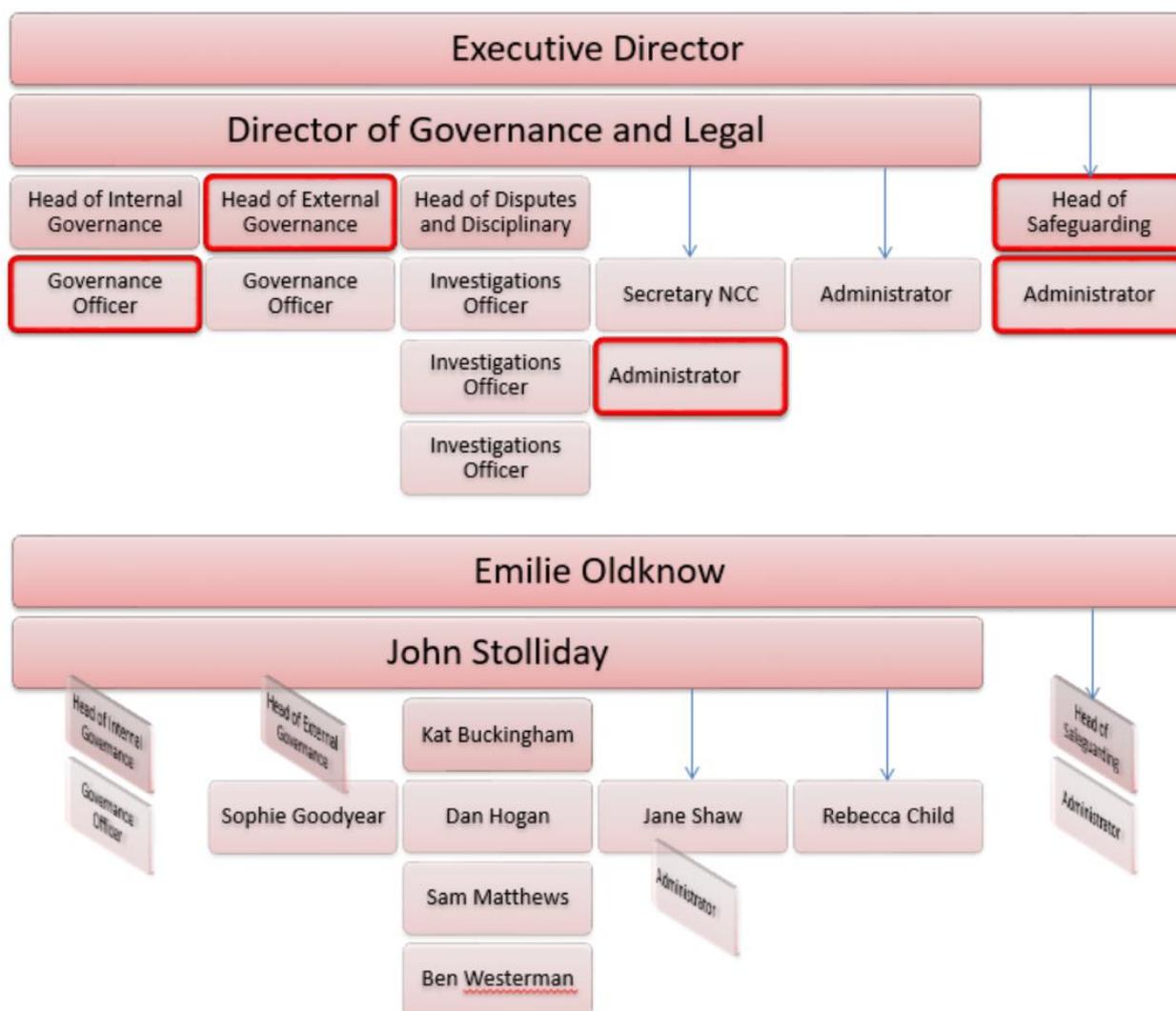
In total, the Party has found that there were at least 170 cases of antisemitism by Labour members reported in this period, that warranted investigation but were not acted on, and the total figure is likely to be higher. In more than 70 of these cases, GLU staff had themselves identified or been made aware of the membership numbers of the Labour members in question, but no action was then taken.

In total, GLU staff acted on, at most, 16% of the complaints made about Labour members engaging in antisemitism in this period. There were just two cases reported in this period where Head of Disputes Sam Matthews acted in accordance with the designed processes and authorised action, which was then taken, without having a personal relationship with the complainant or being chased by senior Labour staff. This amounted to fewer than 1% of the antisemitism cases submitted in this period that should have been investigated and acted on.

There is no suggestion that these shortcomings can be attributed to any antisemitic views on the part of party officials, nor to an unwillingness to oppose their expression. The Party has not found evidence of this, and found evidence to the contrary - that the staff involved had a negative view towards antisemitic views.

3.2.2. Staffing

Following the summer's "Validation" process onwards, a considerably larger team was built in GLU, as the below organograms from November 2016 illustrate.⁶²³



In September 2016 it was decided to add two further Disputes officers to the Disputes team, doubling its staff from two to four.⁶²⁴ Ben Westerman, a "Validation Coordinator" in the summer, filled one role, and Dan Hogan from Labour's Policy team took the other (starting on 28 November 2016).

⁶²³ Systems and tracking: "161112 from away day - Governance and Legal Unit.pptx"

⁶²⁴ Staff: "160909 two investigations officers.eml"

Head of Disputes Kat Buckingham had been working part-time, 2.5 days a week, and in the office “once a week or so”, since September 2015.⁶²⁵ In late 2016 she decided to leave, and the role became full-time. Sam Matthews was the only person interviewed for the job, on 14 December 2016. He was the successful applicant.⁶²⁶

Before starting as a Disputes officer, Hogan also applied for Head of Disputes, but was not interviewed.⁶²⁷ Stolliday explained that “The requirement was for somebody who had experience of the disputes and investigations systems, and then practical experience of working with that system.”⁶²⁸

Filling the vacant position in Disputes, on 13 February 2017 Louise Withers-Green started in the role of Disputes administrator. Formerly active in Labour Students, Withers-Green had, like Matthews, been a “Field Organiser” for “Britain Stronger In Europe” in the first half of 2016, and he had then recruited her as a “Validation Assistant” during the 2016 leadership election.⁶²⁹ She had previously been an intern at Amnesty International and a self-employed English tutor, and her “Validation Assistant” role was her only relevant experience for a complaints or administration role.⁶³⁰ Other candidates had worked for law firms, the police and other organisations, in roles that included administration of complaints and case management systems. However, Stolliday noted in advance of interviews that “there is one applicant who Sam would be more than happy to recruit for Disputes administrator”.⁶³¹

Withers-Green has said following her participation in a BBC Panorama documentary that she didn’t vote for Jeremy Corbyn in 2015 but “wasn’t hostile to him”, doubting “his electoral prospects, not his politics”.⁶³² This is difficult to reconcile with her role as “Validation Assistant” in the 2016 leadership election. Withers-Green has also recalled that before starting in the role, “I didn’t know anything about the issue” of antisemitism.⁶³³ We have found no evidence of her subsequently being given any staff training or formal guidance about antisemitism.

⁶²⁵ Staff: “150814 Conversation with Dominic Murphy.eml”; “150729 RE Kat - Part-time.eml”. “160503 RE Catch up meeting.eml”. “160610 RE Complaints procedures.eml”. “160914 Re Automatic reply Your social media posts.eml”

⁶²⁶ Staff: “161212 Head of Interviews.eml”

⁶²⁷ Staff: “161129 FW Head of Disputes Applications.eml”

⁶²⁸ Staff: “161220 Stolliday re Hogan Head of Disputes.eml”

⁶²⁹ Staff: “160701 Louise Withers Green - Validation Assistant.eml”

⁶³⁰ Staff: “170104 Application for Governance and Legal Administrator.msg”. “170113 RE Administrator role.eml”

⁶³¹ Staff: “170113 RE Administrator role.eml”

⁶³² <https://www.theguardian.com/news/2019/jul/11/labour-whistleblower-in-30-years-ill-be-very-proud-of-myself>

⁶³³ <https://www.theguardian.com/news/2019/jul/11/labour-whistleblower-in-30-years-ill-be-very-proud-of-myself>

The team was also considerably expanded in other areas. Jane Shaw was appointed to the position of Secretary to the NCC, to work full time on arranging NCC hearings. She was also given an administrator assistant, Katy Leighton.

A new "safeguarding" team was also created. Sophie Goodyear from "Internal Governance" applied and became "Head of Complaints and Safeguarding". Instead of an administrator, another applicant Ben Jameson was given the role of "Safeguarding Manager". Both reported directly to Executive Director Emilie Oldknow.

The "Internal" and "External" governance teams were also doubled in size to two staff each, with Claire-Frances Fuller, Stolliday's former colleague from the Press office, being given the role of Head of Internal Governance.⁶³⁴⁶³⁵ Westerman and Matthews discussed this at the time:

Sam Matthews 13:36:

CF Internal

All is well with the world.

Ben Westerman 13:37:

that has john written all over it

he's hilarious

aren't they best mates?

Sam Matthews 13:37:

they describe eachother has "office spouses"

Ben Westerman 13:37:

ha

hilarious that he's actually sitting in the interview

i love a bit of nepotism

christ imagine them giving it to stephen now

Sam Matthews 13:38:

It's not materially worse than Mike [Creighton] sitting on mine

but his

**yes*

hillarious

Ben Westerman 13:38:

knowing john, he will have literally presented claire with a script and answers⁶³⁶

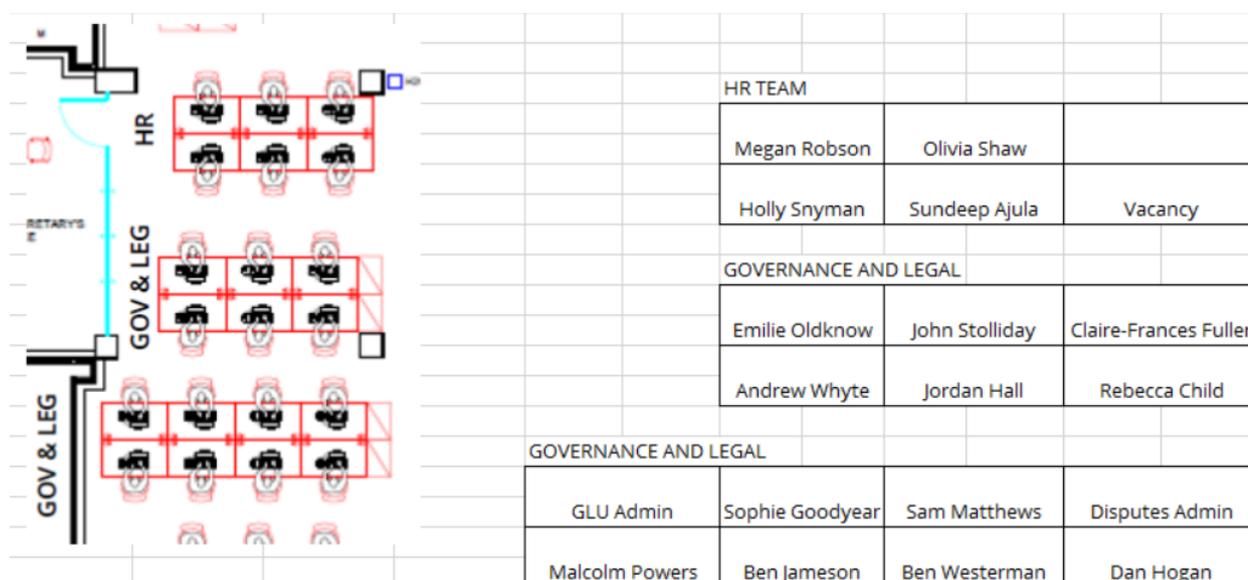
Malcolm Powers, formerly a Regional Director, was also appointed to a special role by Stolliday, leading on party development.

⁶³⁴ Staff: "161212 Head of Interviews.eml"

⁶³⁵ Staff: "161220 Appointments.eml"

⁶³⁶ Political Bias: "161214 EO fabricate case.eml"

Monique Shockness, formerly an apprentice in GSO, also started in an administrator role in March 2017.



In August 2017, Ben Westerman left the team, and on 6 September 2017 Nareser Osei, then “a local campaign organiser for the Party in Hackney”, started as his replacement.⁶³⁷ Osei had, like Matthews and Withers-Green, previously been a “field organiser” for “Britain Stronger IN Europe”, as well as an intern at the “Tony Blair Faith Foundation”, a “Campaign Organiser” for Tessa Jowell’s campaign to be selected as Labour’s London mayoral candidate, and a Labour borough organiser.⁶³⁸ Matthews had known Osei for some time, and in a conversation in February 2017, had already mentioned the idea of hiring Osei.⁶³⁹

This was a considerable expansion of GLU, in all its functions.

On 15 December 2016, Westerman and Matthews discussed the fact that they had a “massive” and “huge” team:

Ben Westerman 09:08:

yeah

weird

massive team

Sam Matthews 09:09:

⁶³⁷ Staff: “170823 New Investigations Officer.eml”

⁶³⁸ Staff: “170802 Nareser Osei - Investigations Officer Role.eml”

⁶³⁹ Staff: “161011 Conversation with Sam Matthews.eml”. “170206 Conversation with Ben Westerman.eml”

huge.

Ben Westerman 09:09:

think we'll be the biggest unit that's not field⁶⁴⁰

It is difficult to understand why, over the following sixteen months, this considerably expanded team did so little work on disciplinary cases to do with antisemitism.

⁶⁴⁰ Staff: "161215 BW and SM say biggest team.eml"

3.2.3. Case management systems

“The Work Goes On delivering the new case management database... but there is no timescale yet” - Sam Matthews, February 2017

“We don’t currently keep a comprehensive log of all complaints submitted” - Dan Hogan, 15 September 2017⁶⁴¹

As we have seen, prior to the 2016 leadership election GLU lacked a system for logging and recording complaints. Lists of suspended members would simply be periodically exported from “Members Centre”, and other details then added.

For the 2016 leadership election, Labour's then Lead Developer Richard Shakespeare created a specific system for processing and making decisions on cases at scale. This was viewed as a one-off system, however, and its use was ended shortly after the leadership election.

The task of developing a system for logging and recording complaints and cases appears to have sat with both Sam Matthews and Sophie Goodyear, with Matthews responsible for the cases side of things, and Goodyear complaints.

To begin with, some further use was made of the “Validation” system. On 14 September 2016, for example, a regional official asked Matthews regarding a complaint “What are we doing on these issues now?” Matthews responded:

For non-urgent cases which you’re happy to be dealt with in due course, the best thing to do is upload any evidence you’ve got to the join system (which is still functional, although nothing new will go in front of the panels now) and “send for review”. That will put it in the pile of legacy work that we’ll start on after conference.

If you can’t find the member or get access to the join-system, send it across to validation and we’ll be working through the pile of emails in that inbox after conference.

Urgent matters still send straight over to us.⁶⁴²

In December 2016, Matthews met “Tangent”, an existing provider of technology for Labour, regarding creating a new “CRM/case management tool”.⁶⁴³ This was to develop “Members Centre” so it would also have a “GLU tab” for managing cases, where GLU admins could, on a member’s record, open investigations, record

⁶⁴¹ Systems and tracking: “170915 no log of complaints.msg”

⁶⁴² Alan Myers: “160914 FW advice please.eml”; “160914 RE advice please.eml”

⁶⁴³ Systems and tracking: “161215 Tangent Meeting Notes.eml”

evidence, note decisions, and so forth.⁶⁴⁴ However, it appears that budget was not fully approved for this, and development was slow.⁶⁴⁵

On 2 February 2017 GLU staff therefore created a GLU Microsoft “SharePoint” and uploaded cases to it. Matthews said:

*The Work Goes On delivering the new case management database within member centre – but there is no timescale yet. We’re going to be using a SharePoint system for the next little while to track where we are with cases as an interim solution.*⁶⁴⁶

Cas files would typically say the date the case was opened, its category and who it was assigned to. It was also possible to attach evidence files, though this feature never appears to have been used. Six weeks later, Matthews would describe this as “our current rudimentary sharepoint system”.⁶⁴⁷

From February 2017 to July 2017, staff used this “rudimentary sharepoint system” for case management.⁶⁴⁸ In total, 136 cases were added to it, with the “Opened Date” varying from March 2016 to July 2017. 19 did not have a “Opened Date”, and almost all of the rest (117) dated to October 2016 after the leadership election (44) and spring 2017 (55). In total, 39 of these cases mentioned “Antisemitism” as a “Category”.

Use of this case log appears to have been inconsistent and patchy, however, and many cases were also created in it and later dropped completely without explanation.

In July 2017, meanwhile, the new “GLU tab” in “Members Centre” was launched, including a “Disputes Case Management” section.⁶⁴⁹ On 24-27 July 2017, Lousie Withers-Green logged a large number of ongoing cases in this tab, although without uploading the relevant evidence, which remained on drives or in emails. Thereafter use of this case management system appears to have been inconsistent and patchy.

This just pertained to logging actual cases that had been initiated - not all complaints. As GLU staff wrote on 15 September 2017:

We don’t currently keep a comprehensive log of all complaints submitted, as they arrive with the Party via a number of different levels (CLPs, Regional/National offices, elected representatives, GLU).

⁶⁴⁴ Staff: Goodyear: “161215 GLU tab Mem Centre.eml”

⁶⁴⁵ Systems and tracking: “170613 tangent spec for disputes system.eml”

⁶⁴⁶ Systems and tracking: “170202 Validation Plan.eml”; “170203 A new day has dawned, has it not .eml”

⁶⁴⁷ 2017: “170314 RE Info for JC.eml”

⁶⁴⁸ 2017: “170314 RE Info for JC.eml”

⁶⁴⁹ Systems and tracking: “170705 new GLU tab in Mem Centre.msg”

However, they hoped that a new system being developed “will allow us to log complaints centrally in the near future.”⁶⁵⁰

Creating a system for logging complaints received was in the purview of Sophie Goodyear. As outlined in February 2017, for example:

*A new unit has recently been set up to provide a ‘one stop shop’ for reporting and handing complaints. The team (made up of Sophie and Ben) are currently writing and will be implementing a brand new complaints procedure that will include new systems for reporting and recording complaints. The procedure should be in place by the start of April and at the point they will have a specific email address that all complaints should be directed to. They will then log the complaint and direct it to the correct part of the organisation to investigate.*⁶⁵¹

However, it appears that Goodyear’s main focus was on developing sexual harassment policies for the party, and, with Jameson, safeguarding policies (for example, for young children and vulnerable adults).⁶⁵² Goodyear also worked on drafting various documents on complaints procedures, some guidance for regional staff, and training for sexual harassment and mediation.⁶⁵³ A 1 December 2016 “braindump” from Oldknow showed some of the work Goodyear and Jameson were to work on:

- *Establish CRB checks for regional staff, labour students, youth officers etc – those who are in contact with young people*
- *Training – ‘e’ learning and classroom based package – this needs to be across the organisation from our officers in CLPs to our staff*
- *Safeguarding information to be added to our staff induction programme/documentation – outlining what to do/what to look out for/their responsibilities*
- *Adding safeguarding statement to the members induction letters/pack*
- *Implement the safeguarding policy (obvs)*
- *Design, maintain and review the national complaints log*
- *Est. SLAs for the complaints – how long for a response, named person etc*
- *Vexatious complaints policy – what to do with serial offenders*
- *Robust whistleblowing procedure*
- *Pull together easily digestible summary sheet of how to make a complaint, what happens with it*

⁶⁵⁰ Systems and tracking: “170915 no log of complaints.msg”

⁶⁵¹ Staff: Goodyear: “170210 plans Complaints and Safeguarding Guidance.eml”

⁶⁵² See: Staff: Goodyear.

⁶⁵³ Staff: Goodyear: “170126 SG on complaints, RE Dealing with Complaints.eml”

- *Sexual harassment policy*
- *Develop a team of 'experts' to help advise as and when necessary on difficult complaints*
- *Work with the Disputes and Investigation teams to work out workflow and who does what.*⁶⁵⁴

Progress on the “complaints” side of logging was slow. In autumn 2017, “Tangent” was commissioned to develop a complaints management system that would sit alongside and interact with Members’ Centre’s “GLU tab”, based partly on proposals discussed previously but not budgeted for.⁶⁵⁵ Named “Complaints Centre”, this was available for testing in late October 2017, and then launched in early November 2017.⁶⁵⁶

“Complaints Centre” was operated primarily by Goodyear’s “Complaints” team, and its functions revolved around complainants rather than respondents. Once a complaint progresses to investigation in “Complaints Centre” and work passes to the Disputes team, that work moves onto the Members’ Centre “GLU tab”, rather than continuing in “Complaints Centre”.

The experience of current staff has been that both “Complaints Centre” and the Members’ Centre “GLU tab” are very limited in their functionality. For example:

- The switching between the two systems is confusing, often results in discrepancies in logging between the two systems and contributes to mistakes in recording information.
- Reporting functions, enabling staff to track and monitor the progress of complaints as a whole, or the work of individual staff members, are completely lacking.
- There is no system in either for, for example, recording critical information such as recommendations or decisions in a standardised format, or viewing or even exporting such recommendations or decisions.

In addition, the Disputes team would for many months continue to create cases themselves in the Members’ Centre “GLU tab” without, generally, creating a case in “Complaints Centre”. Neither system was therefore a comprehensive log of ongoing complaints and their progress. It was only around July 2018 that comprehensive use of both systems began, with all cases being logged in “Complaints Centre” regardless of how they arrived with GLU.

⁶⁵⁴ Staff: Goodyear: “161214 EO suggestions.eml”

⁶⁵⁵ Systems and tracking: “170613 tangent spec for disputes system.eml”

⁶⁵⁶ Staff: Goodyear: “171027 RE Demo of the new system.eml”.

3.2.3.i. Assessment

As we have seen, Mike Creighton had already identified in December 2015 the need for a means of logging and tracking cases. However, it took till November 2017 for systems to be created, and these were quite dysfunctional. This new system, like past “rudimentary” systems, was also inconsistently and only partially used.

Part of the reason this took so long may have been due to it sitting with various different staff members - at first Kat Buckingham, then Matthews and Goodyear jointly. As far as the Party has been able to tell, none of these three staff had any previous experience of administering a complaints process or case management system.

Line management may also have been an issue. On 14 June 2017, for example, Goodyear expressed concerns to Matthews about her line management by Oldknow. Goodyear apparently wanted to “move properly into GLU” instead of being managed directly by Oldknow, though Matthews wasn't sure that would be an improvement:

*Sophie Goodyear 10:42:
at another meeting
she emailed to say she will be 15 mins late
yesterday she reduced the catch up from 1 hour to half
now it is 15 minutes...
i feel very valued*

*Sam Matthews 10:42:
maybe you should just front up about wanting to move properly into GLU?
not that I'm sure that's better....*

*Sophie Goodyear 10:43:
yeah i was thinking something along those lines⁶⁵⁷*

Ultimately, insufficient managerial drive and organisational prioritisation was given to the creation of a system for logging and tracking complaints and disciplinary cases.

After the “coup” against Jeremy Corbyn began on 24 June 2016, in a matter of days Labour staff created a system for trawling social media for different search terms, matching that data to member and supporter profiles, and then presenting it to staff and NEC members for consideration and review. They then processed about 10,000 cases, taking thousands of decisions, in just two months. Staff were, evidently, highly motivated to work on the 2016 “Validation” process. Similar motivation and drive appears, unfortunately, to have been lacking for other areas of GLU's work, such as the creation of a system for logging and tracking complaints and disciplinary cases.

⁶⁵⁷ Staff: “170614 Conversation SM SG.eml”

One consequence of this was that complaints and cases were repeatedly lost, while progress on existing cases was sporadic and limited.

3.2.4. Post-“Validation” work

“Set a high bar for what we think would be a successful NCC case and issue warnings to those who do not meet that bar”

Already before the 2016 leadership election, GLU had a significant backlog of cases to work through. By October 2016, Labour still had 75 members still suspended from before the leadership election, and about 20 of these related to antisemitism.⁶⁵⁸

The “Validation” process had then generated an enormous number of cases and other work for staff to deal with.

For example, some people had the right to appeal actions taken against them. By 1 September 2016, the team already reported having “278 emails in the appeals inbox”, and by 6 September they had identified “50 genuine appeals”.⁶⁵⁹ By 18 October 2016, there had been 86 appeals.⁶⁶⁰ Auto-excluded members did not have any right to appeal, but on Ann Black’s request at least some of these were reviewed.⁶⁶¹

The decision to suspend and exclude people without attaching the relevant evidence, and delays in getting that evidence to people on their request, led to large numbers of people submitting Subject Access Requests (SARs). This created further work for GLU as it is a legal requirement to comply with SARs, and by 14 December 2016 GLU reported having done 297 SARs.⁶⁶²⁶⁶³ Members could also continue to request the evidence against them by emailing “appeals@labour.org.uk”, which staff had to manage.⁶⁶⁴

In addition, the “Validation” email had been openly advertised as the place to send complaints, and a number of MPs, and members of the public, had submitted complaints to it that GLU had not managed to process during the election itself. On 21 September Westerman noted that

*there are still anywhere between 1000-1500 emails still to deal with in the validation inbox and we couldn’t have got through them all.*⁶⁶⁵

⁶⁵⁸ 2016: “161018 reports.msg”. “161125 Current suspensions list.msg”.

⁶⁵⁹ 2016: “160901 appeals cases.msg”. 160907 process for dealing appeals.msg.

⁶⁶⁰ 2016: “161018 reports.msg”

⁶⁶¹ 2016: “161024 report on CLPs and suspensions.msg”

⁶⁶² 2016: “161214 done 297 SARs.eml”

⁶⁶³ 2016: “161024 report on CLPs and suspensions.msg”

⁶⁶⁴ 2016: “161005 RE Investigation Processess following validation.eml”

⁶⁶⁵ 2016: “160921 Abuse document .msg”

It seems that complaints sent to this inbox were never comprehensively covered. In November 2016 Ben Westerman did go through 96 cases from such emails, noting "I've only gone for the very worst." By 28 November, Westerman had proposed "Further action" for 23 cases (of which 4 involved antisemitism); no actions for two; and warnings for 72. He suggested:

I propose a two-tick system similar to the NEC panels whereby if two of us agree on severity, then we further action them, and warnings if not.

It is not clear if this ever happened, but by 17 February 2017 Westerman had followed up and acted on all four antisemitism cases. Having now spot-checked a number of the 72 cases of proposed "warnings", however, it appears that none of these were ever enacted.⁶⁶⁶

Other emails in the "Validation" inbox were simply never dealt with. For example, on 12 August 2016 Councillor Alice Smart submitted a complaint about Annette Davies, attaching a series of tweets where Davies wrote about "Zionist controlled Judiciary" and "Rothschild scum". We have no evidence of any action being taken.

After discovering this case in our historical audits, we have investigated and suspended Davies.⁶⁶⁷

Finally, there were the reported 1,024 pre-existing members who had been placed under "administrative suspension pending investigation" during the 2016 leadership "Validation" operation.⁶⁶⁸

On 2 October 2016, Black suggested to GLU that "if the offence relates to abusive language on social media, should we write seeking regret / undertaking not to do it again? Or perhaps send them Tom Watson's pledge which was agreed by the NEC on 20 September, and ask them to sign?"⁶⁶⁹ Similarly, on 4 October 2016 Black - having been informed of an antisemitism complaint resolved through interview and apology - relayed that she was hoping this approach could be used "for members excluded during the leadership contest for unacceptable posts on social media, and in some cases without the need for detailed investigation". Stolliday commented "I think [this is] basically where we are as well".⁶⁷⁰

⁶⁶⁶ 2016: "161109 left over decisions.eml"; "161128 cases missed in validaiton, with decisions.msg"

⁶⁶⁷ 2016: "160812 Annette Davies.msg"

⁶⁶⁸ 2016: "161122 further on validation numbers.msg"

⁶⁶⁹ 2016: "161002 ann black proposals for action.msg"

⁶⁷⁰ 2016: "161004 apology approach.msg"

This had, after all, been GLU's approach to date, and on 4 October Matthews likewise wrote to Regional Directors, on "Administrative suspensions & investigations", explaining:

*there are 2 possible courses of action for these members - send to the NEC disputes panel with the recommendation of a full NCC hearing or lift the suspension with a warning about future conduct. It is our hope that most of the cases involved will be the latter.*⁶⁷¹

In the end, GLU decided to take a two-pronged approach to these cases.

Firstly, following an apparently rapid review of the evidence already received, the vast majority of these cases - 840 - simply had their suspensions lifted with a "warning" (termed an "NEC Warning" on the grounds that staff were using powers delegated from the NEC, although the cases never went to the NEC). On 18 October 2016 GLU reported to the NEC that "[m]any" of the investigations into "Validation" suspensions "had already begun", and "[w]e have concluded a total of 102 investigations where the recommended action has been to lift the suspension with a warning."⁶⁷² In October stock "warning letters" were prepared,⁶⁷³ and by 8 November 2016, 840 members had had their suspensions lifted with a warning, each receiving letters to that effect, with some variance in content relating to the evidence against them.⁶⁷⁴

The vast majority of these "warning" cases - 712 - had the category of "abusive language and conduct", while 44 had "supporting another party", 33 "antisemitism" (3.9%), 30 crowdfunding for other members' fees and 21 "bigotry and prejudicial abuse".⁶⁷⁵

The rapidity with which these decisions were reviewed, and the suspensions lifted, seems to have reflected the seriousness of the evidence involved.

Aside from these 840, another 230 "Validation" suspensions were designated for further investigation. Matthews described these as "more complex cases which require an interview".⁶⁷⁶ 36 of them - 16% - included a reference to antisemitism as the category or a cause.

⁶⁷¹ 2016: "161005 RE Investigation Processess following validation.eml"

⁶⁷² 2016: "161018 reports.msg"

⁶⁷³ 2016: "161107 Ann Black raises many cases.msg"

⁶⁷⁴ 2016: "161108 all suspensions that lifted with warnings.eml"

⁶⁷⁵ 2016: "161108 all suspensions that lifted with warnings.eml".

⁶⁷⁶ 2016: "161122 further on validation numbers.msg".

On 8 November 2016, Disputes officer Ben Westerman shared with GLU and Regions a spreadsheet of these 230 cases “which have been agreed as “further action” and need to be investigated further by either regional teams or the GLU”. GLU was assigned 88 (38%) of the cases and regional staff the other 142 (62%). He noted that “most urgently” they needed to contact the members involved:

*We are already a bit late on this and they are in limbo having not heard anything but are probably aware of the lift letters that went out, so need those sent out as quickly as possible.*⁶⁷⁷

Regional staff would investigate and come up with recommendations, which would be discussed with GLU before being actioned.⁶⁷⁸

These investigations involved arranging interviews over the phone or in-person, then reviewing the evidence and making an assessment and recommendation. This was, at the time (and as Stolliday had outlined on 12 September),⁶⁷⁹ standard GLU practice for cases, and on 18 November 2016 Matthews emailed all GLU staff and Regional Directors a “guide on conducting an internal investigation and investigative interviewing”. This provided extensive guidance on interview invitations and methods, including template emails and responses to members’ frequently asked questions. Other than a brief, bracketed reference in a flow diagram to “or written statement request” beside “Interview Invitations sent”, there was nothing further on proceeding in this manner - an interview was the norm.⁶⁸⁰

The flow diagram also reiterated GLU’s inclination towards lifting suspensions and issuing warnings. Only two options were actually noted for investigator’s recommendation: “no further action” and lifting suspension, or “Recommendation... for a full NCC hearing which could result in expulsion from the party”, at which point the member would be “suspended if not already”. Only those cases would be taken to the NEC, which would in turn refer to the NCC or decide another outcome.⁶⁸¹

GLU, as Westerman wrote on 8 November 2016, was “aiming to have as many of these as we possibly can concluded in time for January’s meeting of the NEC disputes panel.”⁶⁸² On 21 November Buckingham reported that “We expect that by January, the majority of those 230 will be either lifted or reported to Disputes”,⁶⁸³ while the

⁶⁷⁷ 2016: “161108 investigations spreadsheet for RDs.msg”

⁶⁷⁸ 2016: “161118 SM guide to interviewing people.msg”

⁶⁷⁹ 2016: “160912 interview process.msg”

⁶⁸⁰ 2016: “161118 SM guide to interviewing people.msg”

⁶⁸¹ 2016: “161118 SM guide to interviewing people.msg”

⁶⁸² 2016: “161108 investigations spreadsheet for RDs.msg”

⁶⁸³ 2016: “161108 all suspensions that lifted with warnings.eml”

following day Matthews reiterated that “A significant proportion” of these people “will be taken to Disputes in January”.⁶⁸⁴

These plans were not fulfilled. Only four of the “Validation” cases were taken to the January 2017 NEC Disputes. On 2 February 2017, following discussion with Creighton, Matthews presented a new plan for dealing with these cases. He noted there were currently “192 remaining suspensions resulting from the validation process”, of which “70 sit with the Disputes team and 122 sit with the regions”.⁶⁸⁵ (In the preceding 12 weeks, GLU had thus apparently resolved 18 cases, and Regions 20 - 17% of the total, all through lifting suspensions and ending the cases.)

Matthews attached a PDF, probably exported from Richard Shakespeare’s web app, of “Open cases by Investigating Officer”, listing cases under each regional director or GLU staff. Under category and the person responsible, however, the only information on “Status” was whether it was “Active” or “Resolved”.

Matthews’ new plan outlined that for the cases with GLU, investigations officers would:

*Set a high bar for what we think would be a successful NCC case and issue warnings to those who do not meet that bar.*⁶⁸⁶

Therefore, all cases that were not expected to meet a “high bar” of what would be a “successful NCC case” - an expulsion - would simply be resolved through staff warnings.

With Regions, meanwhile, Matthews planned to email Regional Directors “a list of those who I think are currently still sitting with them and ask for an update on each case”. Where respondents had not yet replied, GLU would take over the cases, and for the rest GLU would work with Regions on recommendations.⁶⁸⁷

As Matthews explained:

*We’ll issue warnings and get them off of the suspensions list before Disputes and we just need to be confident in all the NCC cases we’re taking forward (however many that may be).*⁶⁸⁸

⁶⁸⁴ 2016: “161122 further on validation numbers.msg”.

⁶⁸⁵ 2016: “170202 SM Validation Plan.msg”

⁶⁸⁶ 2016: “170202 SM Validation Plan.msg”

⁶⁸⁷ 2016: “170202 SM Validation Plan.msg”

⁶⁸⁸ 2016: “170202 SM Validation Plan.msg”

One cause of delays in this period was respondents simply not responding to emails. Neither GLU nor regional staff had any guidance as to how to proceed in this case, and would typically send a chaser and then leave the case, waiting for a response.

A number of these cases were progressed in this period, however - but mainly, again, by interviewing and then lifting the suspensions with a warning.

On 25 November 2016, 299 members were suspended, of which 69 had cases relating to antisemitism (though some were still being lifted).⁶⁸⁹ Most of these cases dated to the 2016 "Validation" process, and by January 2019, there were still 75 members whose suspensions dated to before 2018, including 28 from 2016, 4 from 2015 and 2 from 2013-14.⁶⁹⁰

3.2.4.i. Assessment

The Party has identified many problems that led to GLU's delays in investigating these "Validation" cases, which the Party has since rectified:

- Lack of a system for logging and tracking the progress of cases:

Beyond the "Validation" web app created by Shakespeare for reviewing evidence put into that system, GLU seem to have lacked a case management system. In recognition of this, on 2 February 2017, Matthews created a new "rudimentary sharepoint system",⁶⁹¹ using Microsoft SharePoint: *"The Work Goes On delivering the new case management database within member centre – but there is no timescale yet. We're going to be using a SharePoint system for the next little while to track where we are with cases as an interim solution"*.⁶⁹² A few months later, this rudimentary system was abandoned in favour of another rudimentary system, and then a few months later that was partly replaced with another limited system, that the staff initially only partly used. The lack of an effective case management system or process was one reason why progress was so slow and (as we shall see) cases became "lost".

- Distribution of cases to Regions:

⁶⁸⁹ 2016: "161125 Current suspensions list.msg".

⁶⁹⁰ March 2018 change: "190123 Suspensions Clearing! .eml"

⁶⁹¹ 2017: "170314 RE Info for JC.eml"

⁶⁹² Systems and tracking: "170202 Validation Plan.eml"; "170203 A new day has dawned, has it not .eml"

Cases were divided up between central GLU and Regional staff. However, GLU lacked effective means of tracking work undertaken by Regional staff, or any effective line of sight or oversight regarding work they did on this. This often caused delays and gaps where cases would not progress at all, including due to confusion over whether GLU or Region was actually responsible for cases.

- An approach orientated towards dealing with individual cases of member conduct, not large numbers of cases based on screenshots of social media activity:

Going back and forth with people on arranging a time to speak or meet, and then interviewing them, was an extremely time consuming way to investigate cases that solely involved screenshots of social media conduct. While this can be appropriate when dealing with a small number of cases involving, for example, contested allegations of bullying and harassment, this approach was unnecessary and inefficient when progressing hundreds of cases concerning social media screenshots.

In addition, the decision to focus on taking forward only the most extreme cases; the practice of examining existing evidence only, without extra systematic social media searches; and a lack of training or guidance on how to proceed with cases, also led to some decisions which were not at all appropriate or sufficiently robust.

For example, as discussed earlier, the Holocaust denier Sarah Wilkinson had her suspension lifted without warning in January 2017.⁶⁹³ Less than two months later, some further evidence was flagged to the team and a “case” created in GLU’s “SharePoint”, but no further action was taken, and Wilkinson remained a member until her resignation in October 2018.⁶⁹⁴

Siamak Alimi, meanwhile, had been suspended for a range of posts on “Zios”, the “Zio lobby”, and so forth. In December 2016 regional staff had interviewed Alimi by phone. Due to a mistake in the evidence provision, however, he was only asked about a single retweet, and on the basis of his agreement that the term “Zio” was offensive, it was suggested his suspension be lifted with a warning. In January 2017 a letter was sent to this effect.

In March 2017, however, Disputes administrator Louise Withers-Green spotted that much of the evidence did not appear to have been looked at. The Disputes officer involved, Dan Hogan, now thought “this might call for an NCC case, rather than warning”. As Alimi’s suspension had already been lifted, Hogan reported that he was

⁶⁹³ Case: Sarah Wilkinson.

⁶⁹⁴ Case: Sarah Wilkinson.

“looking at what he’s tweeted since” to see if he could “reopen a case”. On 24 March 2017 a case was created in GLU’s “SharePoint”, with the note “Issue new Nol, based on [new] conduct”. However, no further action was taken, while complaints about Alimi from “Labour Against Antisemitism” in December 2017 were also ignored. It was only in late March 2018, in the transition period between general secretaries, that those complaints were picked up, and in May 2018 Alimi was suspended.⁶⁹⁵

Terry Flanagan, similarly, had been suspended for numerous antisemitic and abusive emails about “Israeli Mossad... orchestrating the attack on... Jeremy Corbyn”, a “Jewish millionaire”, and similar. On 16 January 2017, however, Westerman lifted the suspension with a warning.

As one complainant continued to pursue the case and offer new evidence, the case was subsequently re-opened and on 27 February 2017 Westerman sent Flanagan a further “Notice of Investigation”. Thereafter, the case was lost, due in part to the lack of a functioning case system - despite being raised a number of times - and it was not until January 2020 that Flanagan was again suspended - again, for an abusive and antisemitic email.⁶⁹⁶

Another example was Brian Lovett-White, suspended for commenting that “Coke [was] clouding [Matthews’] thinking.” Lovett was one of the 840 members who had their suspensions “lifted with warning” in November 2016, without further investigation. Lovett has since been reported to the party for a range of antisemitic and abusive social media activity, and was suspended in August 2019. Because such searches were not conducted in 2016, Lovett had his membership restored and was allowed to remain an active member of the party for many more years, until he was suspended in 2019, on the basis mainly of evidence gathered by staff. He has since resigned from the party.⁶⁹⁷

Similarly, Patricia Sheerin was also suspended during the “Validation” process for “directly tweeting abuse to MPs”. Further social media checks were not conducted, which would have revealed a range of extreme antisemitic materials including Holocaust denial. Instead, her suspension was among the 840 lifted in October 2016.⁶⁹⁸

Finally, Alex Allardyce was flagged during “Validation” for writing about “THE ZIONIST CONTROLLED USA”, and calling Bill Clinton a “ZIONIST BASTARD”. However, his entry received the tag “NO ACTION - Bad evidence” - although the identity match was very

⁶⁹⁵ Case: Siamak Alimi.

⁶⁹⁶ Case: Terry Flanagan.

⁶⁹⁷ Case: Brian Lovett-White.

⁶⁹⁸ Case: Patricia Sheerin.

clear-cut - and no action was taken. In 2018 Allardyce received a staff-issued NEC Warning for a complaint relating to different evidence, and in February 2020 he was suspended after this initial evidence was discovered in our historical audits, based on the totality of past evidence and results from further social media searches.⁶⁹⁹

From this small sample of cases, it is clear that, although it reduced staff's workload, "setting the bar high", combined with the lack of systematic further investigations of social media, helped lead to some extreme antisemites being "let off" and readmitted back into full party membership. This is one reason why the Party does not take such an approach now, and, on the contrary, investigates individuals fully even though it leads to the creation of significantly more cases and increases the workload of the team - as there is no place for antisemitism in the Labour Party.

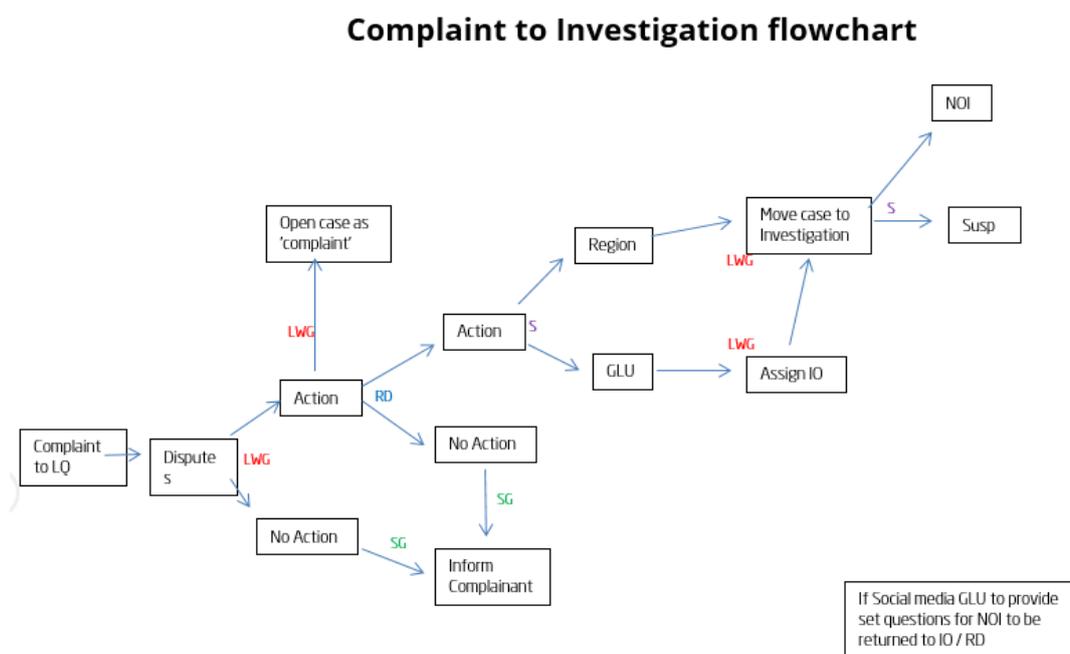
⁶⁹⁹ Case: Alex Allardyce.

3.2.5. The new complaints process

From 25 November 2016 to 19 February 2018, the formal process for deciding on action on complaints, including antisemitism complaints, was as follows:

- Complainants would email “Legal Queries”, an inbox also used for queries for GLU’s internal and external governance teams.
- A GLU administrator would forward complaints from “Legal Queries” to “Disputes”. (It is not clear why the process was not simply that complaints were sent to “Disputes” in the first place.)
- Disputes team staff managing the “Disputes” inbox would investigate complaints to identify the Labour member(s) they related to, and make an initial judgement about whether there was a case for action.
- If they felt a case merited action, Disputes team staff would forward the complaint from “Disputes” to Sam Matthews, Head of Disputes, for his assessment and sign-off.
- Head of Disputes Sam Matthews would then decide on the course of action to take, and inform the staff managing the “Disputes” inbox and “Investigation Officers” as appropriate.

The below flowchart, produced in August 2017, attempted to explain this process (with additional reference to Regional Directors):⁷⁰⁰



⁷⁰⁰ Systems and tracking: “170830 LWG to SM process chart.msg”

(LWG - Louise Withers-Green; S - Sam Matthews; RD - Regional Director; SG - Sophie Goodyear)

The relevant parts of this process were advertised both publicly and internally:

- On 25 November 2016, GLU administrator Rebecca Childs noted that the "Validation" inbox was now closed and sending an autoresponse: "This mailbox is no longer active. If you have a complaint, please contact legal_queries@labour.org.uk." She explained: "Please send any queries you get which you would normally send to "Validation", along to "Legal Queries". The Disputes team will be getting their own email address but this will be for internal use only. I'll be filtering everything through Legal Queries."⁷⁰¹
- On 25 November 2016 the "Disputes" inbox began operating. From then on, "Legal Queries" would forward complaints to "Disputes".⁷⁰²
- On 9 March 2017, Sam Matthews advised a Regional Organiser "we don't check the validation inbox anymore – anyone emailing it gets a bounce-back saying that this account is closed and they should email legal queries", advising him to email complaints to "Legal Queries".⁷⁰³
- In response to a complaint made directly to him on 28 September 2017, John Stolliday responded: "The "Legal Queries" email address you have included is the correct one for complaints of this nature. I will ask that team to look at your complaint as quickly as possible."

However, throughout this period, this process rarely functioned.

Inboxes were not managed, critical stages in this process would go months without staff working on them, and the most critical step - Head of Disputes Sam Matthews' input and decision-making - was almost entirely absent.

⁷⁰¹ Systems and tracking: "161125 meeting plan inc inboxes .eml"

⁷⁰² For example: Systems and tracking: "170214 Lou from disputes.eml"; "181222 complaint forwarded to disputes and response.eml". Also: "161219 disputes re Labour Party Forum.eml".

⁷⁰³ Systems and tracking: "170309 SM on validation and legal.eml"

3.2.5.i. First step: forwarding to Disputes

It appears that it was only the first step of the process - forwarding of complaints from "Legal Queries" to "Disputes" - that was consistently undertaken, by GLU administrator Monique Shockness.

It is not clear, however, why this step was necessary, given a separate email address could simply have been advertised as the address for complaints.

3.2.5.ii. Second step: assessing complaints (managing inbox)

The next step - assessing complaints forwarded to the "Disputes" inbox, in order to then identify members and suggest action - was done inconsistently, and only ever incompletely.

For more than two and a half months to 13 February 2017, the "Disputes" inbox, now the official destination for all complaints, appears to have been unmanaged. Matthews asked Disputes officer Hogan to tend to some of the emails in the inbox in December, but in total just six emails were sent from "Disputes" between 25 November 2016 and 16 January 2017, followed by a four week gap.⁷⁰⁴

On 13 February 2017, Louise Withers-Green started managing the inbox, in her new role as "Disputes" administrator. She began processing complaints received since the very opening of the inbox on 25 November 2016.⁷⁰⁵ Withers-Green performed this role going forwards, with a gap during the 2017 general election.

However, work on the inbox was never comprehensive - many complaints forwarded to the inbox appear to simply never have been addressed. Between 12 June and 21 September 2017, 171 emails were sent from this inbox, about two per working day. In autumn 2017, moreover, Withers-Green was increasingly moved onto other work and the "Disputes" inbox became even less attended to. From 22 September to 17 October 2017 no emails were sent from "Disputes", and on Monday 6 November Withers-Green was moved to work on a "backlog" in the newer "Complaints" inbox.⁷⁰⁶ From this point on, the "Disputes" inbox appears to have been left completely unmanaged - for four and a half months.

⁷⁰⁴ Systems and tracking: "161213 SM asks DH to go through some disputes emails.eml": "170116 DH disputes.eml"

⁷⁰⁵ Systems and tracking: "170214 Lou from disputes.eml"

⁷⁰⁶ Systems and tracking: "171106 LWG being added to complaints inbox.eml"; "171108 SG complaints procedure.eml"; "171109 LWG on complaints backlog.eml".

Between 4 November 2017 and 28 February 2018, just five emails were sent from “Disputes”, and - without other key staff being cc-ed - no action appears to have been taken on any antisemitism complaints forwarded there. Throughout this period, however, the GLU administrator, Monique Shockness, continued to forward all complaints from “Legal Queries” to “Disputes”.

The Complaints@labour.org.uk email address was created in 2015. In November 2017, as high profile allegations concerning complaints of sexual harassment and assault were reported, it began to be used as a new entry point for complaints, and was publicised as such. There was an overlap in the role of inboxes, however, and many complainants continued to submit complaints to “Legal Queries”, where the GLU administrator in turn continued to manually forward complaints to “Disputes”.

Withers-Green’s “Complaints” inbox work was focused mainly on dealing with complaints of sexual harassment.⁷⁰⁷ For example, in November up until 29 November, 56 complaints were logged, of which 28 were cases of sexual harassment and none antisemitism (and replies were only, at that stage, being sent for sexual harassment cases).⁷⁰⁸

On 27 November 2017 Withers-Green raised concerns with Matthews about “where I feel things are going wrong and the massive gaps we have”. This partly related to other Labour employees being seconded into GLU to help with the increased numbers of cases, but without being given any guidance.

She wrote that:

*Complaints that are not sexual harassment are not being dealt with at all. This is generally due to there being a lot of them. They have been divided up between me and the seconded complaints staff to deal with. I appear to be the only one dealing with any of them. I think this is because seconded staff inevitably spend half their time doing their actual jobs, as well as many complaints being boring and tricky to deal with. It takes quite a lot of experience to know how a complaint is best dealt with, for people joining us there is no guidance on this.*⁷⁰⁹

Withers-Green was also unsure what actually happened to complaints after they were logged in “Complaints Centre”.⁷¹⁰

⁷⁰⁷ Systems and tracking: “171121 SG thanks LWG for work on complaints inbox, asks flag sexual harassment.eml”

⁷⁰⁸ Except one data protection case incorrectly categorised as antisemitism. Systems and tracking: “171129 logged 56 complaints from inbox.msg”.

⁷⁰⁹ Systems and tracking: “171128 LWG concerns.eml”

⁷¹⁰ Systems and tracking: “171128 LWG concerns.eml”

Withers-Green forwarded her concerns to Emilie Oldknow, who raised it to a wider group including Matthews and Stolliday. On her first point, Oldknow asked “Can we look at a process of what she means by not being dealt with – does she mean just with Dan [Hogan]? How can we help with this?”⁷¹¹ Matthews, however, responded:

*I don't think point 1 refers to Dan or disputes. Dan is very busy dealing with a handful of non-SH bigger projects (like Slough), but him, Nareser and Ellie are keeping other matters ticking along as well. I believe Lou is referring to is complaints which are going into complaints@labour.org.uk which are not Sexual Harassment are currently not being reviewed, categorised or passed onto us for an investigation to be started. I think this is just a matter of having staff resource covering that inbox.*⁷¹²

Withers-Green confirmed she was talking about the “Complaints” inbox:

*complaints coming to the complaints inbox and just sitting there. I monitor the ones that come in new to check if they're SH and randomly work through some of oldest ones, but there's already a massive backlog in that inbox.*⁷¹³

Following this, effort was made to clear complaints in the “Complaints” inbox, which on 4 December 2017 still had “around 295 emails in it”. Staff focused on clearing the backlog, whilst flagging for immediate logging any incoming sexual harassment cases, which alone would be categorised as “high priority”.⁷¹⁴ On 14 December, however, head of complaints Sophie Goodyear still described this as a “huge backlog of complaints”.⁷¹⁵ (On 22 March 2018, similarly, Complaints staff were still “busy working through a backlog” stretching back at least two months.)⁷¹⁶

The priority was logging sexual harassment, and as Withers-Green noted, it was unclear what was actually happening with other cases logged. Between November 2017 and 14 February 2018, just thirteen antisemitism cases were logged in “Complaints Centre”, and most of these were not accompanied by any action.

Moreover, Matthew’s assurance to Oldknow that the “Disputes” inbox was being managed, and his team were “keeping other matters ticking along”, does not appear to have been accurate. In November and December 2017 just two emails were sent from “Disputes”, both by Matthews, and none of the numerous antisemitism

⁷¹¹ Systems and tracking: “171128 LWG concerns.eml”

⁷¹² Systems and tracking: “171128 LWG concerns.eml”

⁷¹³ Systems and tracking: “171130 LWG on backlog.eml”

⁷¹⁴ Systems and tracking: “171204 complaints inbox clearing.eml”; “171207 SG advise on complaints inbox.eml”

⁷¹⁵ Systems and tracking: “171214 SG on complaints backlog.eml”

⁷¹⁶ Systems and tracking: “180322 complaints backlog.eml”

complaints forwarded to “Disputes” in this period, without other key staff cc-ed, were acted on. From 3 November 2017 to mid-March 2018, the inbox does not appear to have had anyone working on it.

The apparent intention was that “Complaints” would be the new starting point for complaints, but this does not seem to have been clear to staff. On 13 February 2018, for example, Matthews himself forwarded a complaint, sent to him directly, to “Complaints”, advising the complainant they “will look at it and come back to you. In future, please direct complaints to that inbox rather than to me directly.”⁷¹⁷

However, the administrator working on “Legal Queries” continued to forward complaints to “Disputes” throughout this period. “Complaints” was also forwarding cases to “Disputes” for action, although that inbox was not being managed. For example, on 25 and 29 January 2018 “Complaints” forwarded three complaints of Islamophobia and online abuse to “Disputes”. On 21 March and 29 March 2018 when the “Disputes” inbox was being worked on, “Disputes” forwarded them back to “Complaints”.⁷¹⁸

Senior staff were aware that there were issues with covering the inboxes. For example, on 4 December 2017 Stolliday emailed Matthews to enquire about a case he had forwarded previously, and commented that it was “probably languishing in Disputes inbox”.⁷¹⁹ The issue was not fully spotted or addressed until mid-February 2018, after which a meeting was held on the role of inboxes, and Shockness was apparently advised to forward complaints to “Complaints” rather than “Disputes”.

It remains unclear why, for four months:

- After Louise Withers-Green was moved to working on the “Complaints” inbox, the “Disputes” inbox was apparently left completely unmanaged.
- It was not communicated to “Complaints” staff that the “Disputes” inbox was not being managed, and Matthews instead told Oldknow it was being managed.
- Matthews apparently failed to advise Shockness to forward emails to “Complaints” rather than “Disputes”, despite the fact he accessed that inbox and so would have seen the cases being sent there.

All the staff involved - Sam Matthews, Sophie Goodyear, Louise Withers-Green and Monique Shockness - worked in the same office, and according to the seating plan, sat in a row next to each other.⁷²⁰

⁷¹⁷ Systems and tracking: “180213 SM advises email complaints inbox not me directly.eml”

⁷¹⁸ Systems and tracking: “180321 nora mulready.eml”; “180321 jay turner islamophobia.eml”; “180321 disputes inbox exchange.eml”

⁷¹⁹ 2017: “171204 stolliday languishing in disputes.eml”

⁷²⁰ Staff: “170206 Desk moves.msg”

The Labour Party believes that this was, unfortunately, indicative of the level of thought being put into Labour's disciplinary procedures at the time.

3.2.5.iii. Complaints missed after being forwarded to Disputes

Throughout 2017, numerous complaints of extreme antisemitism from Labour members were received, and, after being forwarded from “Legal Queries” to “Disputes”, simply ignored.

For example, on 7 October 2017 Jewish Labour member Colin Appleby reported Robert Cullen for tweeting about a “Zionist cancer” in the Middle East, “Zionist scum” and “Zionist puppets”. “Legal Queries” forwarded this to “Disputes”, and promised to Appleby that the party would “review the evidence and take any appropriate action.”

Cullen’s identity was easy to identify and match to Members Centre. However, no case was created anywhere, and no further action appears to have been taken. (The case was uncovered in our historical audits, and, on the basis of Cullen’s support for Chris Williamson standing against Labour, he has now been auto-excluded from the party.)⁷²¹

In late October 2017, meanwhile, Appleby submitted a complaint about Andrew Lee Thompson for repeated Holocaust denial and other extreme antisemitism. This was forwarded to “Disputes”, but no further action was then taken.

Danny Adilypour, advisor to Labour Party Deputy Leader Tom Watson, had also submitted a complaint about Thompson for abusive behaviour on 2 December 2016, directly to Matthews, Buckingham and Stolliday. On 8 March 2017 Matthews had forwarded this to Hogan, who searched Thompson’s Facebook and saved information proving his identity and an array of evidence of antisemitism, including antisemitic graphics depicting prominent US Democrats and Republicans as Jews, and writing in detail about “Zionist” control of America. However, no further action was then taken.

In November 2017 Jewish Labour Movement member Stephane Savary also submitted a complaint about Thompson, providing not only evidence of his explicit, repeated Holocaust denial, but even a photo of his Labour Party membership card including his membership number. His complaint was forwarded from “Legal Queries” to “Disputes”, but, again, no action was taken or case logged anywhere.

It was only in July 2018, under the new GLU team, that Thompson was suspended, when the JLM submitted a dossier of antisemitism that included evidence on Thompson.⁷²²

⁷²¹ Case: Robert Cullen.

⁷²² Case: Andrew Lee Thompson.

From spring 2017 onwards “Labour Against Antisemitism” (LAAS) submitted complaints about dozens of Labour members, often for gross and extreme antisemitism. However, as discussed later, the vast majority of these complaints, though forwarded from “Legal Queries” to “Disputes”, received no further action at this stage.

This even included some cases of people whose membership numbers were located by Shockness. On 6 September 2017, for example, LAAS submitted a dossier, “Report 15”, which included, among other things:

- ten pages of screenshots from Jan Patterson promoting gross antisemitism, including claims of Rothschilds inventing Nazism; Soros and Hilary Clinton being Rothschild puppets; and a post on “Jewish power.”
- twenty pages of screenshots from David Powell, including numerous examples of gross antisemitism, such as repeated Rothschild conspiracies; posting about Jews receiving a “Jew call” on 9/11; the “Jewish House of Rothschild”; “Zionist neocon Jews”; and Zionist Hollywood “Media programming”.

Shockness identified six members from the report, including Patterson and Powell, and sent their membership numbers to Withers-Green at “Disputes”, who thanked her: “SUPER UNREAL LEVELS OF HELPFUL MON!”

However, we have no record of Withers-Green or any other staff taking any further action, and no cases were logged anywhere. These cases were uncovered in our historical audits, and Patterson and Powell have now been suspended pending referral to the NEC for expulsion.⁷²³

Similarly, on 31 August 2017 LAAS submitted a complaint about Paul French, for tweeting that “the mainstream MSM media... get their orders from Tel Aviv”. He was easy to match to the appropriate Labour membership record, as he used, for example, his email address as the basis for his Twitter handle. On 1 September “Legal Queries” forwarded the complaint to “Disputes” saying “Not sure there’s much in this”. On 19 September “Legal Queries” also responded “Thank you for your email. We will review the evidence and take any appropriate action.”

No further action was taken, however.

In February 2018, French lapsed from membership, and since discovering this case we have added a flag to his profile to prevent him from re-joining.⁷²⁴

⁷²³ Case: Jan Patterson.

⁷²⁴ Case: Paul French.

3.2.5.iv. Third step: Disputes authorise action

The “Disputes” inbox was inconsistently managed; never cleared; and for months was not managed at all, resulting in numerous cases of extreme antisemitism from identifiable Labour members being ignored.

In the periods where Withers-Green did manage the inbox, though, she did act on some cases, identifying members and forwarding them to Sam Matthews with proposals for action.

However, in the vast majority of these cases, Matthews does not appear to have replied or taken any action at all.

3.2.5.v. Complaints forwarded to Head of Disputes and then ignored

On 5 February 2017 Luisa Attfield, a young Jewish member of the Labour Party, submitted a complaint about several individuals including Ilona Csatlos-Graudins. The evidence included a screenshot of Csatlos-Graudins sharing a post titled “Meet the Jews in Donald Trump’s inner circle”. On 17 February 2017, Withers-Green forwarded this to Matthews for investigation, identifying Csatlos-Graudins as a member and providing her membership number.

Matthews did not reply, and we have no record of any case being logged, or any further action being taken. On 1 January 2018 “LAAS” then submitted a complaint about Csatlos-Graudins, which included evidence of her:

- Sharing a YouTube video titled “Zionist - How to Kill Goyim children”
- Sharing videos on “Rothschild and the illuminati”
- Posting an image with a series of Jewish men on it, reading “know your enemy these men rule the world”

This complaint was also ignored at first, until being picked up at the end of February 2018 (discussed later).

Similarly, on 5 January 2017 Rebecca Filer, a JLM member, submitted a complaint about Patrick Mansfield, for repeatedly writing and sharing content about “Zio-Nazis”, the “Cult of Zionism” and “Ziobots”. As well as emailing “Legal Queries”, Filer had sent

this to "Validation", who on 20 January 2017 forwarded it to Dan Hogan: "One for you?" Hogan did not reply.

On 15 February 2017, Withers-Green forwarded the complaint to Matthews for action, identifying the member and writing:

*I think this is definitely a case.*⁷²⁵

Instead of suspending or investigating Mansfield, Matthews did not reply, and we have no record of any case being logged, or any action being taken.

In March 2017 Disputes also identified Mansfield in David Collier's PSC Report, with the note "Holocaust denial". However, again, no action was taken.

On 19 July 2017 Mansfield's membership lapsed, and on 21 September 2017 Withers-Green added "Must refer to GLU" to his record.

Another case submitted by Rebecca Filer, on 29 January 2017, was similarly sent by Withers-Green to Matthews on 16 February 2017. David Jessep was shown writing that:

what is at the heart of everything is Zionism and the infiltration within. It is spread like a virus.

Matthews did not reply, and we have no record of any case being logged, or any action being taken. After this complaint was discovered in our historical audits, a new case and investigation has been opened into Jessep.⁷²⁶

On 9 May 2017, meanwhile, Jessica Naish from "LAAS" had submitted two documents of screenshots of alleged "Abuse from Labour members". On 21 August 2017 Withers-Green accessed this email and identified Labour member John Arthur Thatcher. She conducted further searches on his Facebook, saving posts in which Thatcher talked about "Zionist influence on the British election" and the "Zionist lobby"; "Zionist settler scum"; "Zionist pogroms"; his desire to see "the zionists" removed from Labour; and North Korean nuclear weapons being legal if the country "converted... to Judaism". She forwarded the case to Matthews suggesting "Investigation into antisemitism".

Matthews did not respond, and we have no record of any further action being taken.

⁷²⁵ 2017 Investigate - no action: "170215 FW Patrick Mansfield - Antisemitism.msg"

⁷²⁶ 2017 Investigate - no action: "170216 FW David Jessep.msg"

In autumn 2019 our historical audits uncovered this case, and systematic social media searches revealed a wide range of gross antisemitism throughout his membership, including repeated Holocaust denial and a graphic of Jewish Zionist Rothschilds controlling the federal reserve and orchestrating wars. Thatcher was suspended in 2019 and then resigned from the party.⁷²⁷

Similarly, on 3 July 2017 a complaint was submitted about multiple Labour members for antisemitism, which included a range of antisemitic comments from Susan Diane Grant about the “Zio-occupied world”. On 4 July 2017 “Legal Queries” forwarded this to “Disputes”, and on 22 August 2017 Withers-Green identified Grant and saved one further antisemitic post from her Facebook. She forwarded it to Matthews:

Ms Susan Diane Grant... Investigation into antisemitism based on the attached.

Matthews did not respond, and we have no record of any further action being taken.

On 21 September 2017 and 10 October 2017, meanwhile, LAAS submitted dossiers containing further antisemitic posts by Grant. These were forwarded from “Legal Queries” to “Disputes”, but we can find no evidence of any further action being taken.

In autumn 2019 our historical audits uncovered this case, and systematic social media searches revealed a range of antisemitism including explicit Holocaust denial and support for Gilad Atzmon. Grant was suspended and in February 2020 expelled under the NEC’s new expulsion powers.⁷²⁸

Andrew Bryant was also flagged in Naish’s 3 July 2017 submission, and then identified by Withers-Green and forwarded to Matthews for action on 22 August 2017. Naish documented directly antisemitic comments by Bryant, including:

I am sick to death of hearing and reading about moaning jews in this world as if suddeny they are more important than anyone else!!!! If you don't like it here fuck off!⁷²⁹

Matthews did not reply, and no action was taken. In 2019, however, separate complaints led to Bryant’s suspension.

In May and July 2017, meanwhile, complaints were submitted about Brian Lovett-White (previously suspended after suggesting that Sam Matthews used cocaine), with evidence including alleged antisemitism. On 19 July 2017 Withers-Green identified his

⁷²⁷ Case: John Arthur Thatcher.

⁷²⁸ Case: John Arthur Thatcher.

⁷²⁹ Case: 2017 Investigate - no action: “170822 Andrew Bryant.eml”

membership number and forwarded evidence to Matthews, which included Lovett-White saying "Zionism IS antisemitism" and alleging Zionist-Nazi collaboration.

Matthews did not reply, no case was logged and no action appears to have been taken.

In 2019, a separate complaint, combined with our systematic social media searches, led to Lovett-White's suspension.

On 4 April 2017, meanwhile, Ken Livingstone had received a two-year suspension as a sanction from the NCC. Dan Hogan apparently saw a Labour member, Pete Moyes, react negatively, and Hogan then saved two screenshots from his profile, in one of which Moyes said "the fucking zioscum" are doing a "Holocaust" in Palestine. On 6 April 2017 Hogan created a case in "SharedPoint" for Moyes, with the note "Spotted by DH in KL aftermath. Need to issue NoI".

Two weeks later, on 18 April 2017, another complaint was separately submitted about Moyes talking about the "zioscum... behind all the conflict on the planet in pursuit of debt slavery of all the countries". On 14 June 2017 Withers-Green forwarded this to Matthews with further screenshots saved, which included Moyes writing about the "zio owned media", "fucking zioshits controlling camoron... the zio's control the media", and sharing text about the "Zio-Jewish nonce arch-Buggerers of British Children at the British Brainwashing Corporation". "Undoubtedly anti Semitism", she wrote, providing Moyes' membership number.

Matthews did not reply and we have no record of any further action being taken, or the evidence being saved anywhere.

Separately, on 21 November 2017 Hogan created a case for Moyes in Members Centre, "GLU Tab", with the category of "antisemitism". No evidence or explanation was attached, and we have no record of any further action being taken.

Moyes was suspended in November 2018 following a new complaint, and in May 2019 his membership lapsed. Evidence included him saying that "Russian Bolshevik Communism was Talmudic" and "the Jewish media continues to hide the fact that the communists were Jews"; denying the Holocaust; claiming that "Zionists... backed Hitler and the nazis"; and talking about "zioscum masters" and their "ultimate agenda of wiping out the goyim".

Between 13 February 2017 and 3 November 2017, the Party has found that Louise Withers-Green forwarded at least 27 complaints of antisemitism to Matthews with

proposals for action, with the relevant Labour members' membership numbers attached, that did not receive any response or action at all from Matthews. When Withers-Green performed the role designated for her, in the vast majority of cases, the members she identified for action simply were not acted on by Matthews.⁷³⁰

Other staff also identified some Labour members engaging in antisemitism. A particularly notable example was in March 2017. On 9 March 2017 Labour activist Patrick Lilley emailed Dan Hogan, saying it had been "Good to catch up just now", and "Since we spoke today this came to my mind and I'd like to flag it up with you in case it got lost in the system."⁷³¹ He attached a link to a report by David Collier on antisemitism in the Palestine Solidarity Campaign (PSC), specifically flagging Labour member Elleanne Green.

Hogan then emailed this PSC report to Westerman and Withers-Green, dividing an investigation into possible Labour members included in the report between the three of them (with Matthews in cc):

*We need to check whether any are Labour members, and for the ones which are, capture anything dodgy from their timelines before it's deleted.*⁷³²

A spreadsheet shows that, in total, the team then identified 27 current Labour members for investigation regarding antisemitism.⁷³³ A number of these members had their timelines searched and screenshots saved in the Disputes team's shared disciplinary folders.

However, no action was then taken in relation to any of these people (with the exception of Elleanne Green. An NOI was issued to Green in April 2017 over separate complaints. Green was later suspended in July 2018 and expelled by an NEC panel in January 2020).

For example, Norma Frye was documented as having shared numerous antisemitic conspiracy theories, including Holocaust denial, and identified by the team as a Labour member. Cookie McBride was, likewise, identified as a Labour member sharing antisemitic conspiracy theories. But no action was then taken against either, and no case was logged anywhere.

⁷³⁰ Cases: 2017 Investigate - no action: "200217 Members identified or reported but not acted on, November 2016 to February 2018.docx"

⁷³¹ PSC 2017: "170309 Elleanne Green.eml"

⁷³² PSC 2017: "170309 Dan Hogan PSC report, investigate if members.eml"

⁷³³ PSC 2017: 180308 original PSC investigation re-forwarded, with page numbers.msg

In September 2019 these cases were discovered in historical audits, both Fyre and McBride were suspended, and in December 2019 they were expelled by the NEC.⁷³⁴

Our historical audits have now led to 8 Labour members in this report into PSC, which was reported to GLU in March 2017, receiving suspensions and NOIs, and some have now been expelled. Others identified in the report had subsequently been reported separately and had already had action taken against them. Patricia Sheerin, for example, was documented in the report as promoting antisemitic conspiracy theories and identified by staff as a member at this time. No action was then taken, but the case later returned in March 2018 and she has resigned since being suspended. Others that would have received action have since lapsed or resigned from the party. For example, Sarah Wilkinson, whose suspension Westerman had lifted without warning in January 2017, was identified as supporting Holocaust denial. In her case, this was actually logged in GLU's "SharedPoint", with a folder created in their shared drive. In July 2017 a case was then logged in Members Centre's "GLU tab". No action was actually taken against her, however, and in October 2018 she resigned.⁷³⁵

A few were also misidentifications. For example, GLU had, on the basis of this report, identified a councillor David Carter as engaging in Holocaust denial - and then taken no action. Fortunately, this was actually a different David Carter.

In total, the Party has found that there were more than 70 cases in this period where GLU staff had themselves identified or been made aware of the membership numbers of Labour members accused of engaging in antisemitism, in most cases allegations that were very serious and well documented, but no action was then taken.⁷³⁶

⁷³⁴ Case: Norma Frye

⁷³⁵ Case: Sarah Wilkinson

⁷³⁶ Cases: 2017 Investigate - no action: "200217 Members identified or reported but not acted on, November 2016 to February 2018.docx"

3.2.5.vi. Other requests for action ignored

We have also found many antisemitism complaints forwarded by other sources, including high-ranking Labour staff and politicians, direct to “Disputes” or Sam Matthews for action, which appear to have been ignored, despite the members involved being identified or easy to identify.

On 5 May 2017, for example, John Stolliday emailed “Disputes” with the membership number of Brian Twist and the subject “One to go please”. A PDF was attached containing a comment from Twist:

Parasites. We won't forget the disgusting attacks on our leader by the Jewish media and certain parts of the Jewish community when we do reach power.

On 29 June 2017 Withers-Green forwarded this to Matthews, along with similar posts:

All of this is outside of his short membership time. However, we don't have the timestamp for one comment and I feel that calling the jewish community parasites is particularly bad.

Matthews did not reply, and we have no record of any action being taken.

On 17 May 2017, meanwhile, Jonathon Hoffman had also submitted a complaint about Twist, enclosing a screenshot in which Twist wrote about JLM leader Jeremy Newmark:

Scum... the sooner we disinfect the party of people like Newmark the better.

On 25 July 2017, this single piece of evidence was uploaded to Twist's Members Centre profile. We have no record of any further action being taken, however.

In September 2018 Twist's membership lapsed, and we have now attached the evidence to his profile to prevent him from rejoining.⁷³⁷

In August 2016, meanwhile, a member of “Labour International” submitted a complaint about fellow international member Chris Crookes, for antisemitism. In September 2016 he followed up with further evidence. Both emails were forwarded by “Legal Queries” to “Validation”, but no further action appears to have been taken.

⁷³⁷ Case: Brian Twist.

On 4 November 2016 a different member of "Labour International" then emailed a complaint to Lorraine Hardy, secretary of Labour International, cc-ing NEC Disputes chair Ann Black and members Christine Shawcroft and Rhea Wolfson, concerning:

Christopher Crookes, who claims to be a member of Labour International CLP, and who we believe to be a holocaust denier and a Nazi sympathiser.

The complaint came from the "pro-Corbyn" admins and moderators of an unofficial Facebook group for members of Labour International CLP, who had discovered that Crookes had, "over a number of years", published a range of Holocaust denial and "pro-fascist" materials across the internet, including on Facebook and in Amazon reviews. Extensive evidence was attached of Crookes' explicit Holocaust denial.

On 10 November 2016 this was then forwarded to Buckingham and Stolliday, and Buckingham sent it on to Matthews:

Can you investigate this one please?

Matthews did not respond and no further action appears to have been taken.

On 30 November 2016, Lorraine Hardy complained to Black that some members suspended during the leadership election had still not had their suspensions lifted as announced:

Yet, Chris Crookes, who was reported to Compliance recently for Pro Nazi comments and being a holocaust denier is still shown as a member with no indication of suspension or expulsion.

Hardy raised this again to Black on 11 December:

A members report downloaded today still shows the same 15 LI members suspended and yet Chris Crookes in Sweden L1361255 (holocaust denier and apparent Nazi sympathiser) reported to John Stolliday and Kat Buckingham, with cc to you, is not yet even shown as suspended let alone expelled.

Ann Black forwarded this email to Iain McNicol and Julie Lawrence, Director of GS Operations. Lawrence forwarded this to Matthews asking him to act. Matthews then forwarded the email to Hogan, but only asked him to sort the ongoing suspensions and lifts:

Could you look at the cases below and decide whether any of them require further

action?... If we're not taking further, could you sort lift/warning letters for them?

On 4 January 2017, Hardy again emailed Buckingham and Stolliday:

It is a little worrying to see that Chris Crookes is not yet suspended.

Stolliday then raised doubts as to “whether this is the same Chris Crookes who is a member in Sweden” even though the evidence provided in the original complaint demonstrated that this was the same Chris Crookes and addressed the questions Stolliday raised. Hardy noted that they came across Crookes because he was a member of their Labour International Facebook group.

On 28 April 2017, Hardy then followed up, emphasising the overwhelming evidence they were the same person:

Surely they are one and the same person and the Party should take a serious re-look at the original complaint of 10 November 2016?

Stolliday forwarded this email to “Disputes”. After the election, “Legal Queries” then followed up asking for the original evidence to be sent again. However, once provided this was again simply forwarded to “Disputes”, from where no further action was taken.

A further report from Euan Philipps of “LAAS” was also received on 19 July 2017, containing two posts of Crookes defending Ken Livingstone’s comments and dismissing antisemitism. It was forwarded from “Legal Queries” to “Disputes”, but no action was taken.

On 15 August 2017, however, Withers-Green forwarded Hardy’s email with evidence to Matthews:

Investigation methinks.

No case was logged, and we have no record of Matthews taking any action.

On 7 September 2017 “Labour International” members again raised Crookes with Ann Black, who forwarded their email to Claire Frances Fuller, GLU’s Head of Internal Governance.

On 8 October 2017, Ann Black then raised the case directly with Matthews:

Chris Crookes was reported by Labour International nearly a year ago. Is he somewhere in the system, and if not, could he be followed up for investigation?

LI are not happy with me, and it would help to be able to take something back.

She forwarded emails containing all the evidence.

Matthews did not reply.

On 11 October, Black then chased Matthews “requesting urgent action”:

Attached is Labour International secretary Lorraine Hardy's record of previous correspondence, where the party clearly agrees that whoever it is has engaged in holocaust denial, but questions whether it is the same Chris Crookes. Further evidence follows showing that it is the same person.

I am requesting urgent action, and before the Disputes Panel meeting on 31 October. This case is being unfavourably contrasted with that of Moshe Machover by LI members.

If you need further copies of the original correspondence, screenshots etc Lorraine will be able to provide them.

Matthews now responded:

We'll be sending a notice of investigation today and will endeavour to have a report ready for Disputes on the 31st.

No case was created, and no NOI was sent. We have no record of any action being taken at this point.

On 29 October, Black then emailed Matthews to confirm that a report on Crookes would be tabled at NEC Disputes on 31 October. The following day he responded:

Chris Crookes is under investigation but there hasn't been time to conclude an investigation properly – it's my understanding that we're awaiting a response to questions sent to him. He won't be in the tabled reports.

This was inaccurate. We have no evidence of Chris Crookes having been contacted; no record of any case being saved; and no evidence of Matthews forwarding any of these emails on to investigations officers for action.

On 12 December 2017, meanwhile, Black emailed Matthews again for an update: “I am being chased”. Matthews did not respond. She emailed him again on 4 January 2018:

Any chance of an update on Chris Crookes by Wednesday 10 January, for me to report to Labour International? Even if it's no progress because of other work, Christmas etc.

Again, Matthews did not respond, and no action was taken.

In February 2018, meanwhile, 289 members of “Labour International” signed a petition demanding action on the Holocaust denier in “Labour International”, with the petition containing a full timeline of their attempts to get GLU to take action on Chris Crookes. On 15 February 2018, Hardy sent this directly to Iain McNicol, with Ann Black and NEC member Christine Shawcroft cc’d, as well as Fraser Welsh from GLU’s Internal Governance team. Welsh agreed to take this up, but we have no record of any further action being taken.

It was not until 26 March 2018, when GLU came under more scrutiny from LOTO, that Matthews then accessed his previous emails from Ann Black and initiated a case.⁷³⁸

In total, between August 2016 and February 2018, an 18 month period, the case of Chris Crookes was raised directly with Sam Matthews twelve times, with John Stolliday four times and with other GLU staff four times, as well as being forwarded from “Legal Queries” to the appropriate inbox for action (“Validation” and then “Disputes”) five times. It also went directly to general secretary Iain McNicol twice.

And yet, despite repeated assurances, including Matthews’ direct assurances to Black that “We’ll be sending a notice of investigation today and will endeavour to have a report ready for Disputes on the 31st”, and then his claim that “my understanding [is] that we’re awaiting a response to questions sent to him” - no action was taken.

Chris Crookes was finally suspended in March 2018, in the transition period between general secretaries, and expelled by the NCC in July 2019.

⁷³⁸ Case: Chris Crookes

3.2.6. Actions

GLU staff did take some action on antisemitism in this period. Due to the lack of tracking, to assess the number of antisemitism cases acted on in this period we had to manually review all letters sent to Labour members by GLU.⁷³⁹

In total, between 1 November 2016 and 19 February 2018 - a period of almost 16 months - GLU staff initiated just:

- 10 suspensions for antisemitism
- 24 NOIs for antisemitism
- 2 General Secretary membership rejections for antisemitism

The suspensions and NOIs for antisemitism pertained to just 32 individual members (or 34 including the General Secretary membership rejections).⁷⁴⁰

(For 2017, the figures were 10 suspensions and 22 NOIs, sent to 30 individual members.)

Workload on other cases was also not high. In total, across all categories, including antisemitism, we have found that GLU staff initiated just:

- 56 suspensions
- 71 NOIs
- 5 General Secretary membership rejections

By contrast, the Party has recorded 296 suspension and 283 NOI "first outcomes" in 2019, for antisemitism cases alone.⁷⁴¹

This small number of actions was not due to a lack of complaints in the period November 2016 - February 2018. As detailed above, many extreme antisemitism cases reported to GLU were simply not acted upon.

Between 1 January 2017 and 31 December 2017, "Legal Queries" sent 1,540 emails to "Disputes", almost all of which were simply forwarding on complaints that had been received. 338 of these return a result for the term "antisemitism".⁷⁴² This cannot be taken as the number of complaints submitted - it will include non-members; it will include duplicates ("LAAS", for example, would typically submit each complaint

⁷³⁹ For the full list resulting from this manual review, see: Statistics: "200202 Investigation letters.xlsx"

⁷⁴⁰ Some members received an NOI and later a suspension, or received two NOIs.

⁷⁴¹ In 2017, there were 9 suspensions for antisemitism and 24 NOIs.

⁷⁴² Containing the terms "antisemitism", "antisemitic", "anti-semitism" or "anti-semitic".

multiple times); while many complaints were also about multiple individuals, and not all antisemitism cases would include that term in written form. It also does not include complaints sent directly from other Labour staff to staff in GLU, or to the "Disputes" inbox. But this gives some indication of the proportion of cases being ignored, given that GLU in 2017 acted against just 32 members in relation to antisemitism (and, as documented below, a number of those actions were on cases reported the previous year).

More activity took place with regard to auto-exclusions of members accused of supporting other political parties, with 209 autoexclusion letters being sent. These involved a lot less work, as the member was excluded immediately. Some of these would be flagged by CLP secretaries; in other cases, GLU staff would look through nomination papers or examine who had attended meetings of rival far left groups like TUSC.

It is difficult to see any criteria under which these autoexclusions could be considered a higher priority than acting against members denying the Holocaust and supporting genocide, other than, potentially, a narrow factional one.

In examining the minority of antisemitism cases where GLU staff did act, moreover, the Party has found that for the vast majority of actions - 27 out of the 34, or 79% - action did not follow from GLU's own internal processes and procedures, but was instead caused by individuals who were able to directly access and get in contact with - or chase - the relevant GLU staff - usually other high-ranking Labour staff.

There were three cases that received action where complainants knew Hogan and Matthews personally, and this seems to have led to fairly prompt responses (Elleanne Green, April 2017; Ben Bayley, September 2017; Andy Thomas, October 2017). More often, action only followed higher ranking Labour staff like Stolliday or McNicol requesting it; Labour's press team flagging a case for urgent attention, following press enquiries; or Regional officials very directly chasing Matthews or other GLU staff, sometimes over a period of many months.

When they were responsive, GLU staff could react and produce the required documents in as little as 38 minutes. Other times action came after months of direct chasing (and, in most cases, no action was taken at all). Half of these cases were therefore acted on in less than a month (mostly a matter of days), while the other half took an average of 147 days for a letter to be sent - five months.

There were just seven cases in this period where "normal" complaints led to action, without documentary evidence available to the Party showing that other Labour staff

were chasing GLU or the complainants had personal relationships with the GLU staff involved.

This included four cases left over from 2016:

- one case from the Oxford University Labour Club investigation a year earlier. (Finn Lees)
- three cases from the "Validation" process, received in August-September 2016 but not acted on at the time. Westerman proposed action in November 2016, and NOIs were issued in February 2017. (Kevine Walcott, Ian Millard, Iqbal Halani)

The other three included one case that had originally been submitted and chased by a Labour staff member, a local organiser, but it appears to have been a second complaint by a young Jewish member that prompted action. The content was written, explicit and classical antisemitism. It is not clear how it came to Westerman's attention, but he issued an NOI two days after the second complaint (Zaman Nazari, February 2017).

There appear to have been just two occasions, in this entire period of almost sixteen months, where normal antisemitism cases going through GLU's designed flow of complaints led to action from Matthews.

One case, Maher Hamadouch, was sent to Matthews directly in March 2017 and was likely flagged and acted on promptly because it included explicit threats of violence, including the member tweeting "I will kill you" at another member, and he had been attending Young Labour events. Matthews agreed an NOI, however, rather than a suspension, despite these threats.

The other, received on 29 March 2017, alleged antisemitism in a pro-Labour Facebook group by Labour member Ashley Small. Louise-Withers Green liased with the complainant for further information, and on 30 March 2017 forwarded the evidence to Matthews for action. Within an hour, Matthews responded:

CONGRATULATIONS ASH SMALL - he's made it into the 10 most asinine, intellectually redundant conversations I've wasted my life to read this morning.

Obvious use of Zionist as a term of derision, repeated use of antisemitic tropes.

One for ben please.

Westerman then issued an NOI the following day.

All of these actions were before April 2017. From 1 April 2017 to 19 February 2018, a period of over ten months, there was not a single antisemitism case that went through GLU's designed processes and received action (a suspension, NOI or membership rejection).

It is unclear why.

It has not been possible to determine a total number of antisemitism complaints received in this period, because it would require review of every single email sent to "Legal Queries", "Disputes" and individual GLU staff members in this period, which the Party does not have the staff resources for. However, extensive searches of these inboxes with terms like "antisemitism", or the names or email addresses of known complainants such as people from LAAS, has revealed numerous complaints that should have been acted on in this period but were not.

In total, the Party has found that there were at least 170 cases of reported antisemitism by Labour members that warranted investigation in this period but were not acted on at the time, and the true figure is likely to be higher. This includes more than 70 cases where GLU staff had themselves identified or been made aware of the membership numbers of the Labour members in question, but no action was then taken, and more than 90 cases where the Labour members in question were very easy to identify from the reports submitted.⁷⁴³ Many of these members were complained about on multiple occasions in this period, and in most cases the conduct highlighted was extreme.

GLU staff in this period therefore acted in fewer than a third of the antisemitism cases where GLU staff themselves were aware of the precise identity of the Labour members involved, almost always thanks to chasing by other high-ranking members of Labour staff.

In total, GLU staff acted on, at most, 16% of complaints about Labour members engaging in antisemitism in this period, counting only cases where both a Labour member and their conduct was clearly identifiable to GLU staff, or actually identified by GLU staff themselves. The true figure is likely to be lower. The two cases that were reported in this period where Matthews then acted in accordance with the designed processes and authorised an NOI, amount to fewer than 1% of antisemitism cases submitted in this period that should have been investigated and acted on.

⁷⁴³ Cases: 2017 Investigate - no action: "200217 Members identified or reported but not acted on, November 2016 to February 2018.docx"

Cases ignored in this period have been acted on since, being picked up in spring 2018; re-submitted in 2018 or 2019 and then picked up; or discovered in our historical audits and then acted on.

3.2.6.i. Table of antisemitism NOIs and suspensions, 1 November 2016 - 19 February 2018

Date	Name	Membership Number	Action	Origin	GLU Timeframe	Source
20-Jan-17	Finn Lees	L1267641	NOI	24/02/2016 OULC. Decision from Mike Creighton: <i>"Following on from the Royall report, can you both look at the attached and determine which, if any, should be investigated (none are to be suspended prior to investigation)."</i>	331 days	2017 Actions: "170120 FLees Labour Party Notice of Investigation.eml"; 160606 FLees Decision Royall Report.eml"
1-Feb-17	Kevine Walcott	L1444106	NOI	29/09/2016 Stolliday flagged. Walcott herself emailed loads after. In Westerman's 28 Nov 16 post-leadership wash-up of missed "Validation" cases. 15/12/2016 Ben Westerman emails Sam Matthews recommending suspension. No more evidence of how a decision was made. 01/02/2017 Ben Westerman sends an NOI - no suspension.	125 days	2017 Actions: "170201 KWalcott Labour Party Notice of Investigation.eml"
2-Feb-17	Ian Millard	N/a	NOI	30/06/2016 flagged to "Validation". Tweets included "National Socialist Germany 1933-1945. Its flaws were few, its achievements many. Don't believe Jewish-Zionist lies" In Westerman's 28 Nov 16 post-leadership wash-up of missed "Validation" cases. Response to NOI says the party has mistaken identity, sent NOI to wrong Ian Millard. The Millard the Party sent the NOI to says in his response that he managed to identify the actual Ian Robert Millard in "5 minutes".	217 days	2017 Actions: "170202 IMillard Re Labour Party Notice of Investigation.eml"
7-Feb-17	Zaman Nazari	L1216530	NOI	Screenshots were suspension worthy: <i>"Jews deceitful infiltration of UK's politics", Jews bite babies penises.</i> 09/01/2017 Complaint from a CLP Organiser (Labour staff) to Rebecca Child.	29 days	2017 Actions: "170207 ZNazari Labour Party Notice of Investigation.eml"

				10/01/2017 Child forwards to Disputes with link to membership profile. 05/02/2017 Luisa Attfield submits complaint to Legal Queries and Validation. 07/02/2017 Westerman sends NOI with evidence from Attfield's complaint.		
10-Feb-17	Gareth Price	L1441128	NOI	23/08/2016 reported to Validation. 10/02/2017 Fraser Welsh flags Price's antisemitism to Sam Matthews. The only reason Welsh saw this evidence was because he was investigating another Gareth Price and the evidence had been put in the same folder. Sam Matthews raises this with Ben Westerman who sends out a Notice of Investigation the same day.	171 days	2017 Actions: "170210 GPrice Important Labour Party Notice of Investigation.eml"; "170210 Gareth Price L1441128 - anti-Semitism.eml"
16-Feb-17	Mike Cushman	A044272	NOI	20/09/2016 to Validation (No evidence provided just link to Twitter account) 15/02/2017 Dan Simpson submits a complaint about Mike Cushman to Stolliday, Matthews and Flemming. The complaint contains a link to a CST article on Mike Cushman. Matthews opens a complaint and forwards Simpson's email to Westman. Westerman sends out a Notice of Investigation the following day.	149 days OR 1 day	2017 Actions: "170216 MCushman Notice of Investigation from the Labour Party.eml"; "170215 CN 333 - FW Mike Cushman A044272.eml"
17-Feb-17	Iqbal Halani	L1380497	NOI	26/08/2016 to Legal Queries. In Westerman's 28 Nov 16 post-leadership wash-up of missed "Validation" cases. 15/12/2016 Ben Westerman emails Sam Matthews recommending suspension. No more evidence of how a decision was made. 01/02/2017 Ben Westerman sends an NOI - no suspension.	175 days	2017 Actions: "170217 IHalani CN 323 IMPORTANT Notice of investigation 2248858.eml"; "161215 Iqbal Halani You will not enjoy reading this email.eml"
8-Mar-17	David Wangusi	L0026017	NOI	08/02/2017 Member complaint is forwarded to Sam Matthews by Finn McGoldrick (Labour staff, Regional Organiser). 07/03/2017 Finn McGoldrick chases up the complaint against Wangusi emailing Sam Matthews asking for an update. Matthews replies saying an NOI would be sent out that day. 08/03/2018 Dan Hogan sends a Notice of Investigation to David Wangusi.	28 days	2017 Actions: "170308 DWangusi Case No 341 Notice of Investigation.eml"

29-Mar-17	Maher Hamadouch	L1504882	NOI	24/03/2017 to Validation. It is most likely that this case was dealt with because it also included a threat as one of the pieces of evidence Hamadouch tweeting to someone "I will kill you". It seems likely that a staff member flagged this.	5 days	2017 Actions: "170329 MHamadouch Notice of Investigation from the Labour Party.eml"; "170324 FW Maher Hamadouch.eml"
31-Mar-17	Ashley Small	L1555257	NOI	29/03/2017 from CJ Appleby to Compliance - Legal Queries 30/03/2017 the complaint is forwarded to Sam Matthews from Disputes by Withers-Green, after she retrieved further evidence from Appleby. Sam Matthews says it is one for Ben Westerman, a notice of investigation is sent out the next day.	2 days	2017 Actions: "170331 ASmall IMPORTANT Information regarding your Labour Party Membership Status.eml"; "170330 FW Antisemitism - Facebook page - Ash Small.eml"
6-Apr-17	Elleanne Green	A519028	NOI	09/03/2017 David Collier PSC Report submitted to Hogan by Patrick Lilley, who knows him personally, flagging local member Green specifically. 22/03/2017 Labour member Patrick Lilley submits a complaint to Legal Queries about Elleanne Green linking to David Collier's report. 06/04/2017 Ben Westerman emails Louise Withers Green asking her to draft an NOI and send it, a Notice of Investigation is sent to Elleanne Green the same day.	28 days	Case: Elleanne Green
7-Apr-17	Terry Couchman	L1538997	Susp.	13/09/2016 to Validation. Tweets include: Calling Mr Corbyn a "gutless unprincipled creep" (for suspending Mr Livingstone * Calling for a "cull" of "Blairite sociopaths", who are also referred to as "ZioNazis" * Describing NEC members as "creepy little slime moulds" * Tweeting an article about Michael Foster with the comment "We have to rid ourselves of these ZioNazis" 07/04/2017 Lorna Snowball from Labour Press emails Dominic Collins, Phil Gaskin, Sam Matthews, Claire-Frances Fuller and John Stolliday saying that Jewish News have flagged Terry Couchman's antisemitism. Stolliday replies saying to suspend. Sam Matthews is CC'd and replies "Agree that we'll want to suspend and investigate immediately".	206 days	Final Summary: Terry Couchman

				A letter of suspension is sent out the same day.		
12-Apr-17	Philip Foxe	L1446906	NOI	19/01/2017 to Legal Queries 05/04/2017 Aimy Saunders (staff member) emails Rebecca Child asking <i>"has anything been done with this at your level?"</i> . Rebecca forwards the email to Louise Withers Green <i>"I forwarded this to Disputes a while ago. Do you know what's happening with it?"</i> . Regional staff told DH <i>"is currently investigating"</i> . 12 April 17 case further raised with Stolliday by Dan Simpson. On that day, a notice of investigation is sent to Philip Foxe.	83 days	2017 Actions: <i>"170412 PFoxe IMPORTANT Information regarding your Labour Party membership.eml"</i> <i>"170405 FW For action - Complaint of anti-semitic behaviour within the Enfield Southgate CLP and councillor nominations.eml"</i>
25-Apr-17	Alan Myers	L1321513	Susp.	14/09/2016 Fiona Stanton forwards Sam Matthews and John Stolliday a complaint she received about Alan Myers relating to antisemitism. 24/04/2017 Matt Watson (Regional Communications Officer) emails Fiona Stanton and Neil Flemming saying the Jewish Chronicle is asking about Alan Myers and whether he has been suspended as a candidate. The email is forwarded by Stanton to Sam Matthews asking him <i>"View's on what we do?"</i> , Matthews replies <i>"Yep Suspend. Copying in John [Stolliday] for info"</i> . Matthews then emails again with a draft suspension letter and says <i>"Feel free to confirm to the press that we have suspended. This will go out in tomorrow's post and out by email when Louise gets in this morning."</i> Flemming replies, querying Matthews' identification of the member, <i>"I think thats the wrong Alan Myers. He's the one in Crook, County Durham I think"</i> . Matthews responds <i>"Bugger. Good spot. Will fix before it goes out in the morning"</i> . 25/04/2017 A suspension letter is sent to Alan Myers.	222 days	Case: Alan Myers
3-May-17	Dinah Mulholland	L1268455	NOI	03/05/2017 LAAS complaint with link to article on antisemitism.uk, sent direct to Fraser Welsh (Deputy Gen Sec Welsh Labour). Mulholland was a Labour PPC in Wales. It was then published in CAA, and tweeted at Welsh Labour.	3 hours	2017 Actions: <i>"170503 FW Request from Labour against Antisemitism.eml"</i> ; <i>"180503 FW Request from Labour against Antisemitism URGENT .eml"</i> ;

				This was sent to Matthews flagged as "URGENT" - "We've not had press enquiries yet but we may well." Already before the letter went, Labour press had a spokesperson line explaining she had been removed and an investigation was underway.		"170503 anti semitism - Dinah Mulholland - Ceredigion.eml"; "170503 RE candidates.eml"; "170503 DMulholland IMPORTANT Information regarding your Labour Party membership status.eml"
3-May-17	Mike Sivier	L1153041	Susp.	<p>25/04/2017 complaint submitted with link to antisemitism.uk article about Mike Sivier, a local candidate.</p> <p>02/05/2017 Fraser Welsh (Deputy Gen Sec Welsh Labour) flags the antisemitism.uk article about Mike Sivier to Sam Matthews and Louise Magee (Gen Sec Welsh Labour). Magee replies "I think we need to suspend him or at least be able to say he is being investigated". Matthews replies "Had a quick look and i agree". Matthews then emails Ben Westerman asking him to draft a suspension letter for Sivier. "Could you run up a suspension letter for this individual (see below) and send it round to the people on the chain below, myself included, for signoff please?" Westerman does this and the suspension letter is sent out the following day.</p> <p>03/05/2017 a suspension letter is sent to Mike Sivier.</p>	8 days	2017 Actions: "170503 MSivier IMPORTANT Information regarding your Labour Party membership status.eml"; "170503 FW Antisemitism - Mike Sivier L1153041.eml"
31-May-17	Phillip Jones	L1199153	Susp.	<p>30/06/2016 Richard Angell complaint to Iain McNicol and Emilie Oldknow, was discussed but nothing happened.</p> <p>30/05/2017 After identifying Phillip Jones as running the Twitter account Labour Insider. John Stolliday emails Claire-Frances Fuller and Sam Matthews asking Fuller to suspend Phillip Jones the following day.</p> <p>31/05/2017 A suspension letter is sent to Phillip Jones.</p>	335 days / 1 day	2017 Actions: "170531 PJones IMPORTANT Information regarding your Labour Party membership status.eml"; "170530 Re Labour Insider.eml"
7-Jun-17	Matt Viney	L1392446	Susp.	07/06/2017 Media enquiry about the Bristol banner incident. Suspension letter is sent out the same day.	1.5 hours	2017 Actions: "170607 MViney IMPORTANT Information regarding your Labour Party

						membership status.eml"
7-Jun-17	Nima Masterson	L1486908	Susp.	07/06/2017 Media enquiry about the Bristol banner incident. Suspension letter is sent out the same day.	3 hours	2017 Actions: "170607 NMasterson IMPORTANT Information regarding your Labour Party membership status.eml"
21-Jul-17	Alan Bull	L1441104	NOI	Regional Director raised directly with Matthews, and chased. Complainant contacted Stolliday directly to chase.	18 days	Final Summary: Alan Bull
24-Jul-17	Laura Stuart	L1475960	NOI	London Regional Organiser raised directly with Westerman.	2 working days	2017 Actions: "170720 Laura Stuart.eml"
25-Jul-17	Sue Carpenter	L1715056	GS Reject	Abusive email to McNicol, forwarded to Matthews with request for action.	Same day (letter produced in 38 minutes).	2017 Actions: "170725 Sue Carpenter 1.eml", "170725 Sue Carpenter 2.eml"
18-Sep-17	Ben Bayley	L0112308	NOI	Complaint from a Labour student activist from April 2017, now picked up. That activist was a key witness in the Marc Wadsworth case, and was being interviewed for the case at the time. The case was dropped almost immediately, as there was little to nothing to it.	6 months	2017 Actions
21-Sep-17	Lynne Gillard	L1318282	NOI	Tom Watson's chief of staff raised directly with Stolliday and Matthews.	2 days	2017 Actions: "170920 Lynne Gillard.msg"
29-Sep-17	Alan James Griffiths	L0062401	Susp.	Acting Regional Director phone call direct to Stolliday.	1 day	2017 Actions: "170928 Alan Griffiths.eml"
03-Oct-17	Slawomir Wojcik	L1599443	Susp.	JLM member contacted McNicol, Oldknow and Stolliday directly, cc-ing local MP and head of JLM.	4 working days	2017 Actions: "170929 Wojcik.eml"
04-Oct-17	Katherine Coutanche	L1430139	NOI	Direct email to Matthews. Deputy Welsh GS, Fraser Welsh, then directly chased Matthews.	62 days	2017 Actions: "171004 coutanche.eml"

10-Oct-17	Andy Thomas	L1377005	NOI	Complainant who had direct contact with Matthews, emailed him cc-ing Stolliday.	1-2 working days	2017 Actions: "171010 Andy Thomas.eml"
10-Oct-17	Michael Lee	L1722101	NOI	Regional Director contacts Matthews, Hogan and Osei directly.	2 days	2017 Actions: "171010 Michael Lee.msg"
08-Nov-17	Alan Bull	L1441104	NOI	Complainant emails Stolliday directly, who asks Matthews. Complainant chases. Regional Director contacts Matthews directly.	91 days	Final Summary: Alan Bull
14-Nov-17	William Wells	L1411162	NOI	Head of JLM contacts McNicol, Stolliday and Regional Director directly. McNicol and Stolliday do not reply. Regional Director chases Matthews directly. LOTO Political Secretary Amy Jackson also emailed.	Same day	2017 Actions: "171114 Billy Wells.eml", "171114 Billy Wells 2.eml"
29-Nov-17	Laura Stuart	L1475960	Susp.	Adam Langleben from JLM publicly tweeted about lack of action. Stolliday emailed him in response, for information, and proposed suspension.	1 day	2017 Actions: "171128 Laura Stuart.eml"
07-Dec-17	Daniel Harris	L1437686	Susp.	Repeated earlier complaints were not investigated. Regional Organiser emails Matthews directly and calls him.	Same day (letter produced in 60 minutes).	2017 Actions: "171112 Daniel Harris.eml", "171112 Daniel Harris 2.eml"
06-Feb-18	Colin Bell	L1422689	NOI	Complainant emails Stolliday directly, who forwards to Matthews. Two months later, Labour staff email MM and Hogan directly.	65 days	2017 Actions: "171204 Colin Bell.eml"
13-Feb-18	Shahab Mossavat	L1375257	NOI	Dan Simpson, PLP Director, emails Stolliday directly, and then chases.		Final summary: Shahab Mossavat

3.2.7. NEC stage

In this period, slow progress was also made on taking cases to the NEC, or preparing cases for the NCC.

Between 1 July 2016 and 19 February 2018, there were 7 meetings of the NEC Disputes Committee, but GLU brought just 37 cases relating to antisemitism for their consideration - an average of less than two per month. In 2017 28 such cases were assessed by the NEC Disputes Committee. In the three NEC Disputes meetings from July 2017 to January 2018, just 11 cases of antisemitism were brought.

In each case, only a brief summary of the case was required, but GLU produced just 37 of these summaries in 20 months.

An email from January 2017 outlined the roles of the team, setting out who was responsible for this work. Matthews' responsibilities included "Line management" and "Disputes Signoff", while Westerman and Hogan's role was "conducting investigations" and writing Disputes reports for the NEC.⁷⁴⁴

The NEC Disputes Committee generally decided to refer to the NCC, and in cases where the individual was not already suspended, to impose administrative suspensions for the small number of antisemitism cases GLU brought to them. They agreed this dual course of action on two cases in March 2017, three in July 2017, and one in January 2018, while another member received a "Formal Warning" conditioned on attending antisemitism training, but when he refused he was automatically referred to the NCC and his suspension reinstated. As in 2016, GLU's proposals were usually "waved through". On 7 March 2018, for example, Disputes officer Megan McCann remarked: "disputes was very fun" - "everything passed easily".⁷⁴⁵

The Chakrabarti Report had recommended that "the NCC should be encouraged to consider greater use of a wide and creative range of sanctions", including:

- a warning;
- the requirement for apologies and/or some other form of sensitive reparation to another member or person or persons;
- A public warning or reprimand;
- suspension from the Party for up to two years;
- and expulsion.⁷⁴⁶

⁷⁴⁴ Staff: "170127 staff structure and roles.PNG"

⁷⁴⁵ 2017: "180307 Conversation with Ellie Taylor.eml"

⁷⁴⁶ Chakrabarti Report, p.19. Available online at: <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

The guidance agreed by the NEC outlined a similar range of possible sanctions that could be issued by the NCC, including punitive suspensions of varying lengths and types, and by the NEC, including Formal Warnings.

However, GLU did not implement the policy recommended by Chakrabarti and agreed by the NEC, and still tended to advise that cases that would not go to the NCC be ended with a staff warning. The “Validation” cases investigated in early 2017 were approached in this manner, for example, and the same approach was often present thereafter.

For example, on 13 April 2017 a Regional Director sent Matthews a case where someone wrote that Livingstone was “clumsy but correct”. He thought this would merit “probably a suspension pending investigation”. Matthews, however, suggested that:

*I don't think that post alone is enough for us to take action
We couldn't take an NCC on the basis of that alone*

He argued:

*making those comments on someone's facebook post is very different from saying them on every major news network
totally agree it's rancid - but need to think about whether we'd actually get an expulsion out of it and not just waste our time*

After Ryan said he would “just add him to my watch list”, Matthews added:

as soon as it's a course of conduct that we can prove, let's do the fucker⁷⁴⁷

However, at no point did either Ryan or Matthews appear to have looked at his social media profile to see if there a pattern of conduct was already apparent. As is clear, Matthews' guidance remained that if cases did not meet GLU's high bar for a “successful” NCC expulsion case, they were not worth pursuing.

Similarly, asked for advice on what information was needed in a “post interview recommendation” on 5 September 2017, Matthews advised:

Depends on the recommendation – if you're sending it to NCC, we need comprehensive interview notes and a full write-up of why it requires the strongest action.

⁷⁴⁷ 2017: “170413 SM - only pursue if can get expulsion.eml”

If it's a warning or a suspension lift etc, a couple of lines will do – just enough to enable us to write the letter & log what happened for future reference.⁷⁴⁸

The vast majority of remaining antisemitism suspensions from 2016 were not progressed at all in this period, with the members simply remaining suspended, while only a handful of individuals acted against in 2017 were then brought to the NEC.

In a stark contrast with 2017, in 2019 NEC antisemitism panels heard 274 cases - an average of 23 per month. Rather than just short summaries, GLU staff also provided reports containing all case information in each of these cases, and yet staff have managed to increase the rate at which cases are provided to the NEC more than tenfold.

In November 2017, NEC Disputes Chair Ann Black noted:

there is continuing and justified concern about delays in investigating cases and arranging hearings by the national constitutional committee. I am still rescuing individuals who were excluded or suspended over a year ago. More personpower is being assigned to this and I hope will finally clear the backlog.⁷⁴⁹

⁷⁴⁸ 2017: "170905 SM either send to NCC or staff warning.eml"

⁷⁴⁹ 2017: "171210 Ann Black NEC report.eml"

3.2.8. NCC stage

NCC cases also proceeded extremely slowly.

In 2016, none of the cases referred to the NCC were heard by the NCC, and in 2017 just four antisemitism cases were “concluded”: two by resignation; one, Ken Livingstone, was given an extended suspension in April 2017; and one, Mosabbir Ali, was expelled on 17 September 2017, the first expulsion for antisemitism in this period.

It was not until January 2018 that a further four antisemitism cases were concluded - all by expulsion - followed by three more on 19 February (expelled), 19 March (lapsed) and 20 March 2018 (expelled). That spring, Withers-Green had been assigned to work specifically on preparing cases for the NCC, and on 6 February 2018 Stolliday wrote to Shaw that there was “going to be a wave of cases coming your way with bundles Louise is now putting together”.⁷⁵⁰

The NCC’s processes were slow, and it was accustomed to operating at its own leisure. Staff reported in 2016 regarding delays that “[t]he NCC never meet during the summer”,⁷⁵¹ and as Stolliday wrote on 21 November 2016, apologising to a respondent for the delay in their case, “the NCC is a body of ordinary party members and we rely on them making themselves available for NCC hearings when they also have other commitments”.⁷⁵²

As NCC secretary and staff member Jane Shaw later reported, on 11 June 2018,

*Prior to me being NCC sec [from late 2016], it was a job that an individual did alongside their “day job”. Hardly any cases had a public profile and there was no necessity for cases to be concluded within a specific time. If circumstances caused a key player to be unavailable (e.g. once as a NEC presenter I became ill) timetables and hearings were simply postponed and rescheduled.*⁷⁵³

It is not clear that the urgency and importance of these cases was really felt in the GLU team, and this certainly did not filter through to the NCC. The NCC was slow to hear cases and arrange hearings; and hearings were regularly re-arranged or delayed due to respondents claiming they were unavailable or unwell or because their lawyers

⁷⁵⁰ NCC: 180212 NCC plan from Jane Shaw.msg

⁷⁵¹ Case: Ken Livingstone: “KL102”

⁷⁵² NCC: 161121 stolliday on NCC delay.msg

⁷⁵³ JW100

caused delays. NCC hearings would also be arranged around the availability - and unavailability - of large numbers of in-person witnesses.⁷⁵⁴

Most importantly however, GLU was very slow to prepare the documentation on cases for the NCC, without which the NCC would not begin arranging proceedings. This was specifically designated as being part of Matthews' role.⁷⁵⁵

Throughout this period, staff in LOTO and others enquired about when these cases would be dealt with, particularly high profile antisemitism cases. GLU-GSO repeatedly assured LOTO and others that cases would be dealt with soon, but these promises were rarely fulfilled.

On 9 January 2017, for example, Matthews reported that, having spoken to Shaw, they expected the Mosabbir Ali case to be heard after the Copeland by-election in February. It was not heard till September 2017.⁷⁵⁶

On 14 March 2017, GLU-GSO staff gave LOTO a briefing on NCC cases. They listed 46 cases, and reported "It is our aim to supply the Secretary of the NCC with charge bundles in all of the above cases within 1 month for hearings during June and July" 2017, with Jackie Walker among the cases they were keen to move to a hearing "as quickly as possible".⁷⁵⁷

On 15 June 2017, meanwhile, Matthews and Stolliday drafted a reply from Iain McNicol to a letter from Jeremy Newmark from JLM. Asked about the "high-profile cases" of Walker, Wadsworth and Greenstein, Matthews wrote that charges "are all in the final stages of being formulated so they can be presented to the secretary of the NCC for hearings to be arranged", and they intended "to arrange hearings for all 3 of these cases over the course of the summer."⁷⁵⁸

However, Matthews later reported internally, on 10 October 2017, that there had been "a delay which straddled the GE in working out an agreed format for cases to be supplied" - a standardised charge sheet - "which we sorted just after the General Election". After the election, Matthews noted, "we've been working on pulling together the 3 highest profile & more complex cases which have now gone to Jane (Greenstein/Wadsworth) or are with lawyers to go shortly (Walker)." They were "due to send off the 5 remaining cases which can be dealt with on correspondence this week", leaving a further "35 bundles to pull together". Matthews was confident that "at the

⁷⁵⁴ LOTO: "170410 JLM training, Livingstone.eml".

⁷⁵⁵ Staff: "170127 staff structure and roles.PNG"

⁷⁵⁶ 2017: "170126 SM update on NCC and NEC cases.msg"

⁷⁵⁷ LOTO: "170314 briefing for LOTO on NCC.msg"

⁷⁵⁸ NCC: "170615 response to Newmark on cases.msg"

rate we're referring now, my team can do them", but noted that "this is a question of clearing a 2 year backlog."⁷⁵⁹

An email from January 2017 outlining the roles of the team showed that Matthew's included "Line management" and "Case management", "Disputes Signoff", and "NCC case construction & presentation".⁷⁶⁰

In late 2017, Matthews then proposed a designated staff member take over the role of preparing NCC cases from him, and from early 2018 Withers-Green took on this work, enabling a few more cases to progress.

As can be seen, throughout this period, GLU staff presented an array of excuses as to why NCC cases were taking so long to be heard, and why so few were getting resolved. As well as issues with the NCC, failures of GLU staff to produce the required work seem to have been key, however, while there were also concerns about how staff were managing the work of the NCC itself.

On 24 January 2018 Dan Hogan expressed his concern about the work NCC secretary Jane Shaw was doing on NCC cases, including that of Marc Wadsworth, including allegedly forgetting to send a bundle and failing to ask panel members' availability.

I am now hearing from witnesses who we need for the hearing that they are growing increasingly disillusioned by this process and the time it is taking. These are also senior stakeholders in Labour's Jewish community, and in the context of recent negative and inaccurate media reports on how the Party treats cases of antisemitism, we cannot afford to be seen to dither on a case of as much symbolic importance as [Marc Wadsworth]'s. As you know, whenever there is a news story about antisemitism in the Labour Party, MW is held up as a leading example. This case is a priority.

Given the fumbles and apparent lack of urgency since this case was passed to the NCC, I am not confident that Jane understands the importance of this case, to GLU or to the wider organisation. On a less important note, it's also immensely frustrating to see a case I have invested a great deal of time and effort into being put at risk through the nonchalance of another member of the unit.

He emphasised that "Jane is senior to me... [and] I should not have to explain to her why the MW case is a priority", with his experiences raising "serious concerns about Jane's professionalism and understanding of the priorities of this unit".⁷⁶¹

⁷⁵⁹ NCC: "171010 NCC backlog discussion.msg"

⁷⁶⁰ Staff: "170127 staff structure and roles.PNG"

⁷⁶¹ NCC: 180124 Hogan concerns re NCC cases.msg

3.2.9. Other categories of complaints

The Party's investigation has focused on antisemitism cases, and an audit has not been conducted to assess how historical complaints of other types of cases were dealt with under Iain McNicol.

However, in the course of this investigation the Party has found numerous non-antisemitism complaints that were dealt with - or, rather, not dealt with - in a similar manner.

For example:

- In May 2017 a member responded to a Labour email "Dear Jeremy, Please just fuck off and die... please, just fuck off and die, you terrorist-sympathising, semi-literate tramp." This was forwarded on to "Disputes" for action, but we have no record of it being logged anywhere or of any action being taken. This person's membership lapsed in 2019.
- In August 2017 a member emailed Islamophobic and racist abuse about Labour MP Naz Shah: "Sack the Muslim MP Shah... get her out! She has no place in the country let alone the LP". This was forwarded to Sam Matthews for action, but we have no record of any further action being taken.
- In October 2017, a CLP Executive Committee reported a member for aggressive and bullying behaviour, including calling another member a "grass" and saying "I can't wait to see you soon I hope [.....] I am going to fuck you up". This was evidenced by screenshots, and submitted to Disputes. In December 2017, meanwhile, locals raised directly to John Stolliday Islamophobic posts by the individual: "What do you call a man in his 50s who has sex with a 9-year-old girl? 1.6 billion people call him the Prophet of Islam". However, no record was made or case created, in Members Centre or Complaints Centre, and we have no record of any action being taken.

In May-June 2018 other complaints led to a case being generated, but the case was then lost in staff turnover. It has now been resurrected through our historical audits and the member suspended.

- In November 2017 a member was reported for homophobic comments, including saying that Labour "look like the Gay party". The complaint was forwarded to Dan Hogan, who created a case in Members Centre. No further

action was then taken, however, until in March 2018 Megan McCann sent the member an NOI. She then prepared a report for the NEC, but the case, which was never logged in Complaints Centre, appears to have been lost after she left in mid-2018. The member has since resigned.⁷⁶²

The fact that antisemitism complaints were largely not being dealt with, and often were being mishandled or dropped, appears to have been a consequence of the fact that *all* complaints received by the party were largely not being dealt with, and often were being mishandled or dropped.

In addition, 34 out of 127 NOIs and suspensions issued in this period pertained to antisemitism - 26.8% - a slightly larger proportion than the 338 of 1,530 emails (22.1%) that contained the term "antisemitism". Other staff in the Labour Party who had direct access to GLU, such as some regional staff or staff working for Labour MPs, were keen for action and directly chased GLU on antisemitism cases. Given GLU seemed to act only when chased by senior staff, this could actually have resulted in more action being taken on antisemitism complaints than other types of complaints. However, it is difficult to say this with any certainty as GLU did not properly log complaints.

⁷⁶² Case: Allan Moore.

3.2.10. Conclusions

We have not found evidence that shows antisemitism complaints were treated differently in this period. GLU did not display any urgency when it came to dealing with complaints, regardless of whether these were about antisemitism or other types of prejudice. This is in contrast to work that appeared to be factional such as the “validation” operations during the 2015 and 2016 leadership elections, or work on cases involving factional disputes with individuals on the left, for example the Siddiqi case study.

Although GLU did not act on most antisemitism complaints received in this period, including cases of extreme prejudice against Jewish people and Holocaust denial, some staff made comments about finding the content offensive. This suggests that their lack of action could be down to incompetence, mismanagement, prioritising other work and/or lack of motivation to take disciplinary action when there were not factional gains to be made. It is also notable that the major blockage in this period appears to have been one individual, the Head of Disputes Sam Matthews, who played a key role in the disciplinary process he had designed. It also appears there was a failure by his line managers, GLU Director John Stolliday and Executive Director Emilie Oldknow, to effectively monitor or exercise oversight over his work and over disciplinary processes more generally, which contributed to the lack of action on complaints during this period.

From spring 2018, onwards, specific efforts have been made to ensure that antisemitism complaints are correctly logged and dealt with. Effort has also been made to improve the handling of complaints and to ensure that all cases involving protected characteristics are treated equally, including through increasing staff resourcing, although the focus has primarily been on antisemitism. All types of cases have been impacted by drawn out processes and a backlog of cases. This is not unique to antisemitism cases. This report will later set out the improvements that have been introduced to speed up procedures.

The next section will demonstrate that after LOTO and stakeholders raised concern about lack of action on antisemitism cases, GLU came under increasing levels of pressure and scrutiny. This led to GLU taking more action from February 2018 onwards. After Jennie Formby was appointed General Secretary in March 2018, action on antisemitism complaints increased dramatically.

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3.3.1. Summary

This section examines the relationship between LOTO, GLU and the General Secretary's Office (GSO) before February 2018, and communication about disciplinary cases and processes, including before Jeremy Corbyn was elected leader in 2015.

When Ed Miliband was Leader, staff in GSO and GLU, including Emilie Oldknow and Mike Creighton, routinely sought LOTO sign-off on decisions on disciplinary cases involving elected representatives or high profile members of the party, and changed course of action if LOTO's views were different from their own.

LOTO Political Secretary Anna Yearley, for example, said on one case "I would favour not suspending till we know the outcome. Unless media pressure too much" and on another case "I think we need urgent clarification on what he said. I don't think we should suspend him unless we have clear evidence... on what he said".

On some occasions Emilie Oldknow and Mike Creighton expressed their disagreement with the action Ed Miliband's staff had proposed. When LOTO proposed that a candidate be suspended, for example, Creighton said he was still "marginally... on the side of a warning" and "I guess i just don't like being told who my candidate are [by] MoS [the Mail on Sunday]", but the decision was taken to suspend despite this disagreement.

In another case where it had been decided that a police and crime commissioner would be asked to resign rather than be suspended, Oldknow said "have spoken to Bob [Roberts, LOTO Director of Communications] and I know this has been decided, but I don't see why we cannot suspend him now", suggesting that Oldknow understood that LOTO had ultimate decision-making power on disciplinary cases, above GSO and GLU.

When Jeremy Corbyn became leader GLU largely stopped this process of consulting LOTO in cases not involving high-profile individuals such as nationally elected representatives.

In November 2017 Corbyn's Political Secretary Amy Jackson emailed GLU and GSO about two council candidates, saying one had made comments that were "very antisemitic and pretty recent" and that "she must not be allowed to stand for selection" and on another council candidate accused of antisemitism Jackson emailed saying "this guy shouldn't be a candidate".

Even though Ed Miliband's office had taken decisions on disciplinary cases about candidates and other elected representatives and office holders, GLU's Director, John Stolliday reacted angrily to Jeremy Corbyn's office urging action on two council candidates who had engaged in antisemitism. He emailed GSO and GLU colleagues saying "we are now getting demands from the leader's office to take action on people" and that it was "not [LOTO]'s role, and never has been" to request disciplinary action against elected representatives of the party. Stolliday also explicitly noted "the implicit criticism and insinuation running through these [communications from LOTO] that we are not taking action on antisemitism".

Creighton reacted in a similar manner when John McDonnell publicly criticised GLU's handling of Vicki Kirby's case, whose suspension was lifted without further investigation by GLU in 2014. Creighton said McDonnell "need[s] to grow up", but then subsequently re-suspended Kirby.

After Corbyn said in April 2016 that antisemitism was abhorrent and that anyone who makes antisemitic remarks would be suspended while an inquiry takes place, Stolliday cited this as a reason to switch to issuing a suspension rather than a warning letter in a case he was considering. Jeremy Corbyn and John McDonnell's public comments on the Party's handling of antisemitism therefore put pressure on GLU to act.

In April 2016 LOTO and McDonnell proposed a plan of action to tackle antisemitism, and Karie Murphy emailed saying she had spoken to Tom Watson and "he is completely supportive of John/JC plan", which included the proposal of an independent inquiry.

Jeremy Corbyn himself and members of his staff team requested to GLU that particular antisemitism cases be dealt with. In 2017 LOTO staff chased for action on high-profile antisemitism cases Ken Livingstone, Tony Greenstein, Jackie Walker and Marc Wadsworth, stressing that these cases were of great concern to Jewish stakeholders and that resolving them was essential to "rebuilding trust between the Labour Party and the Jewish community". GLU often failed to quickly progress these cases, as well as on several cases of antisemitism that LOTO staff directly raised or discussed with GLU.

Whatsapp discussions among senior Labour HQ staff show that LOTO was unhappy with the NCC panel's decision to suspend Ken Livingstone for another year rather than expel him. Emilie Oldknow wrote that "Karie has been telling Shadow Cabinet members that I've orchestrated the Ken situation so... Tom got his people on the panel to make a soft decision, all in order to embarrass JC and create a crisis".

When Ken Livingstone repeated his offensive comments immediately after his NCC hearing in April 2017, Jeremy Corbyn publicly said that an investigation should be launched into those new comments, and he spoke to Jeremy Newmark, then Chair of JLM, who said:

When I spoke to Jeremy Corbyn on Wednesday afternoon he told me that new complaints based upon Mr Livingstone's comments and actions subsequent to 7.45pm on Tuesday evening when the verdict became public would be taken forward by the NEC.

Newmark sought assurances from Iain McNicol that this was in hand. McNicol said "I can assure you that your complaint about Mr Livingstone is being investigated... staff are currently working on compiling the numerous strands of evidence, including a significant number of witness statements". However, emails reveal this was not true. No investigation was launched until ten months after Ken Livingstone made the comments, despite LOTO repeatedly chasing for updates and asking why the investigation Corbyn called for hadn't been launched.

Stolliday finally confirmed in early 2018 that no investigation had been launched, saying "I anticipate [Livingstone] will be back in membership in April", even though he admitted that staff and the General Secretary had the power to launch an investigation and to suspend Ken Livingstone at any time of their choosing.

The reasons GLU cited for the delays on this case do not explain why it took ten months and chasing from LOTO to launch the investigation - which ultimately involved writing two sentences - or why JLM was misinformed about the investigation having been launched earlier. Seumas Milne asked in February 2018: "Emilie, in our discussions about the KL saga I never quite got why the second investigation was never started".

After Jackie Walker's first suspension, she was interviewed by the Acting Regional Director, who then recommended her suspension be lifted, to which McNicol replied "agree lift". Director of Audit and Risk Mike Creighton said "in my view we were a bit quick to suspend this one" and "having looked at the screengrabs most were legitimate political opinion and not anything we would suspend somebody for".

Following Jackie Walker's subsequent comments at Labour Conference 2016, the Head of Press emailed asking "Is she being suspended? LOTO briefing she's going to be...sigh...", suggesting that LOTO wanted Walker suspended and were therefore briefing the press that she would be. Following Walker's suspension, emails show LOTO and later Jennie Formby chased for updates on Walker's NCC hearing date. GLU

staff confirmed that they had intentionally delayed Walker's case to establish precedent through other high-profile cases, which led Jennie Formby to remark "I was told by Sam Matthews in relation to the deliberate decision to delay it by over a year – a delay for which Jeremy has of course had to bear the blame." Jennie Formby and GLU pushed for Walker's hearing to take place, despite continued delays by the NCC.

LOTO enquired about Moshe Machover after they received complaints from members about an Israeli Jewish man being auto-excluded for alleged support for another political party. LOTO asked about the reasons for his auto-exclusion and questioned whether this was conducted in line with the Party's rules. Following Machover's appeal against his auto-exclusion, the allegations of antisemitism were not investigated further by GLU through the proper processes for allegations of antisemitism. LOTO does not appear to have requested that this be dropped.

3.3.2. LOTO and GLU pre-Jeremy Corbyn (2010-2015)

In order to understand how these processes worked before Jeremy Corbyn became leader of the Labour Party, the Party has conducted a brief examination of the handling of some disciplinary cases whilst Ed Miliband was leader (pre-May 2015).

The Party found that for cases involving elected representatives, key staff from LOTO - most notably LOTO Political Secretary Anna Yearley, and also LOTO Director of Communications Bob Roberts and LOTO Chief-of-Staff Tim Livesey - were regularly and fully consulted, and were also clearly understood as higher-ranking decision-makers on disciplinary matters. This involved cases involving high-profile elected representatives, as well as many lower-ranking officials. LOTO staff also made decisions on how to progress cases once initiated, too.

Decision-making processes on disciplinary matters were highly informal. Other staff across Labour HQ outside of GLU (formerly referred to as "Compliance") were regularly consulted and even gave decisive input.

For example, in March 2013, an email chain was established with various Labour Party staff including Declan McHugh, Director of Strategic Planning and Constitutional Affairs, McNicol, Roberts and Yearley, concerning reports that Lord Ahmed had made

a number of antisemitic remarks. Yearley responded that she did not recommend suspension unless there was clear evidence:

I think we need urgent clarification on what he said. I don't think we should suspend him unless we have clear evidence... on what he said

An hour later, however, LOTO Director of Communications Bob Roberts followed up:

After talking with Ed and Anna, Ed is very clear we need to go further than we did last night

Therefore I am going to brief that we are "suspending pending an investigation"

I am going to act fast on this as the story is showing signs of taking off this morning so say in next 10 mins if there are serious objections.

Yearley responded: "Perfect. Jan royall telling naz now he's suspended".⁷⁶³

The decision to suspend Lord Ahmed's membership was taken by LOTO staff on behalf of Ed Miliband.

Yearley and other LOTO staff were involved in signing-off responses to complaints about Labour Lord Janner.⁷⁶⁴

LOTO staff were similarly integrated into cases regarding prospective parliamentary candidates (PPCs).

On 19 September 2014, for example, a discussion took place about whether or not to suspend Marie Rimmer PPC, prior to her court hearing for an alleged assault. Katy Dillion, Broadcasting Manager, copied Yearley into an email:

CC'ing Anna. She's talking to Emilie [Oldknow] about a plan.

On a separate email chain about the Rimmer case on 2 October 2014, Yearley then advised:

*I would favour not suspending till we know the outcome. Unless media pressure too much.*⁷⁶⁵

⁷⁶³ Pre-2015: "130314 Re Lord Ahmed Times tmro.eml"

⁷⁶⁴ Pre-2015: "141021 Janner Yearley"

⁷⁶⁵ Pre-2015: "141002 Re Marie Rimmer", "140919 RE Marie Rimmer – St Helens Reporter"

On 12 April 2014, meanwhile, a discussion took place regarding the proposed suspension of Labour Parliamentary Candidate Deborah Hopkins for a number of offensive tweets. This involved a range of senior Labour HQ and LOTO staff. Creighton suggested:

a formal written warning as to her future conduct, and requiring the removal of all the offensive tweets (or closure of the account altogether).

I think unless there are strong views - and perhaps depending on the media hit - I think I would recommend [this] course of action.

Patrick Hennessey from the media team responded "Thanks Mike - let's sleep on it." The following day "looking at it all in the cold light of day it seems pretty serious to me", and:

I also mentioned it to Bob [Roberts, Director of Communications], with EdM in the MidEast, and he took a dim view.

CC'ing Anna and Ayesha [Hazarika, an advisor to Harriet Harman]: would welcome views.

Yearley responded:

I think this stuff is pretty awful.

The question is what can we do- is there enough here Mike/Declan for an administrative suspension? Iain obviously has the power to do this without the nec.

Creighton noted "there is enough" but he was still "marginally... on the side of a warning". It was, he noted, fine either way from compliance, and "Now just a tactical decision":

I guess i just don't like being told who my candidate are [by] MoS [the Mail on Sunday].

Yearley then sought Hennessey's input:

paddy can we get away media wise with your option one [investigation and apology]? If not fear we need option two [suspend]

After it was decided to suspend Hopkins, and that Creighton would be the person to enact it, Yearley commented:

Bob [Roberts, Director of Communications] will be well jealous. He loves suspending people.⁷⁶⁶

As with GLU generally, the preference was for issues to be resolved informally. For example, on 5 August 2014 Tom Hamilton, Head of Briefing and Rebuttal, flagged that Baroness Glenys Kinnock, a member of the shadow frontbench, had retweeted a tweet on Conservative policy on the Gaza conflict that said:

It is a clear indication that government policy can be brought if you donate enough to the party

Hamilton commented:

This looks like Glenys Kinnock retweeting an antisemitic slur...⁷⁶⁷

Livesey sent this to Stewart Wood, asking:

Stew - do you think she might reconsider this tweet? Our donors will feel v queasy with this sort of baiting. She may have a point but as a front bencher it will be twisted against us v v quickly and the Jewish community will not respond well.

Wood confirmed he had already asked her to “undo the retweet”.⁷⁶⁸ Nothing further appears to have happened.

LOTO staff also appear to have been integrated into decision-making on far lower-profile cases. On 25 September 2013, for example, McHugh emailed colleagues in both GSO and LOTO, including McNicol, Oldknow and Yearley, recommending a suspension of a Police and Crime Commissioner (PCC) in Lancashire over a complaint alleging past “expenses irregularities”. Oldknow and Yearley signed off the proposal.⁷⁶⁹

Similarly, on 23 October 2012 McHugh shared a draft suspension letter for a councillor who had been arrested and bailed with Oldknow, Ian McNicol and the appropriate Regional Director. He noted:

Given this is Braford I am copying to Anna [Yearley].

⁷⁶⁶ Pre-2015: “140412 Deborah Hopkins”

⁷⁶⁷ Pre-2015: “140805 Tweet.eml”

⁷⁶⁸ Pre-2015: “140805 Re Tweet.eml”

⁷⁶⁹ Pre-2015: “130925 Re Clive Grunshaw”

Unless anyone has any objections I will email out this afternoon.

Oldknow and Yearley both then emailed to approve the letter.⁷⁷⁰

An August 2014 email chain regarding encouraging a PCC to step down, or their being potentially suspended, meanwhile, suggests that Oldknow understood ultimate decision-making power to lie with LOTO staff, not her. Oldknow expressed her concern that the decision not to suspend was inconsistent with other decisions:

Have spoken to Bob [Roberts, LOTO Director of Communications] and I know this has been decided, but I don't see why we cannot suspend him now. As you will know, we are just about to suspend Olly Martins in Bedfordshire which on the face of it looks a lesser charge.

We will get asked why aren't we suspending him.

Regional staff continued to work on asking him to step down rather than issuing a suspension a course of action of which Livesey from LOTO continued to approve.⁷⁷¹

LOTO staff were also directing how cases progressed, beyond the initial decision on whether or not to suspend and investigate. On 16 May 2013, McHugh emailed Yearley, LOTO Trade Union Liaison Manager Simon Fletcher, Iain McNicol and other senior staff for “views, and hopefully backing” on proposals of how to move forward with disciplinary matters regarding the suspension of two suspended councillors in Warrington. In this case McHugh advised that while “they” (GLU staff) had the original objective of referring the case to the NCC to secure lengthy punitive suspensions, this view had been revised because of the “practicality and political value of that course of action”. McHugh noted that to refer to the NCC would be “time consuming and costly” but justifiable if “the political reward was sufficiently large”. He suggested that, instead, the General Secretary and NEC Disputes should be asked to commission a “short inquiry into the Labour Party in Warrington”.

Yearley responded signing off the proposal:

I think this sounds like a sensible way forward. Like you say, it's not without its own problems but it seems the fairest way to proceed.

*Thanks Declan.*⁷⁷²

⁷⁷⁰ Pre-2015: “121023 Re Suspension”

⁷⁷¹ Pre-2015: “140827 Shaun Wright Statement”

⁷⁷² Pre-2015: “130516 Re Warrington Issues”

An exchange in April 2013, meanwhile, suggests that Yearley was understood as having managerial or decision-making oversight over a wide array of compliance work. McHugh sent her, Creighton and Oldknow an update and questions on an array of different topics, including disciplinary proceedings and decisions on internal governance. Yearley responded updating McHugh and giving her input on all the issues he listed.⁷⁷³

3.3.2.i. Assessment

Evidence returned from the Party's investigations shows that, prior to Jeremy Corbyn's election as leader, decision-making on disciplinary matters was very informal, with decisive input on individual cases coming from Ed Miliband's advisers in the Leader's Office and a range of staff who worked outside of GLU in Labour HQ. LOTO staff appear to have been understood - both by themselves and by staff in GLU-GSO - as the ultimate decision-makers on all cases involving elected representatives of the party, both low and high-ranking.

However, with the election of Jeremy Corbyn, the relationship between LOTO and Labour HQ underwent a fundamental change.

⁷⁷³ Pre-2015: "130408 Re Longlisting"

3.3.3. LOTO and GLU under Jeremy Corbyn, September 2015 - February 2018

As demonstrated in the first chapter, many staff in GLU, GSO and Labour HQ in general viewed Jeremy Corbyn, his team and his supporters with hostility. There was little desire for cooperation. On the contrary, key staff were working against Corbyn, his team and, at times, against the Labour Party itself.

Despite this conflict, lines of communication between LOTO and Labour HQ were initiated and formalised. For instance, there were weekly “political meetings” between LOTO Chief of Staff Karie Murphy, LOTO Political Secretary Amy Jackson and occasionally other staff from the LOTO Political Team with McNicol and Oldknow, and sometimes Stolliday or other relevant GLU staff, on the political management and internal governance of the party - for example, party reforms, parliamentary selections, and so forth. The aim of these meetings was to ensure smooth political management of internal Labour Party issues. These meetings were often cancelled by GSO.

While GLU always remained in charge of process, and retained the sole power to discipline members, LOTO staff would sometimes be consulted on high-profile cases, mostly those involving elected representatives, as the Leader is held ultimately accountable for such issues, and may also have to defend these decisions in the media. It is therefore crucial that both the Leader and his staff understand the details of such high-profile cases, and the rationale behind decisions made.

In 2015-18, communication between LOTO and GLU regarding disciplinary issues covered the following:

- Enquiries as to what GLU did and how it worked.
- Enquires about statistics of disciplinary cases and progress of ongoing cases.
- Enquiries about some specific cases, mainly due to members or stakeholders raising concerns with LOTO or because the case was in the media and LOTO were receiving press enquiries.
- Enquiries about the progress of high-profile antisemitism cases that Jewish communal representatives were raising.
- Consultation on some cases involving high-profile elected representatives or members of the party.

3.3.3.i. Consultation on cases involving elected representatives and high profile members

Despite the significant increase in hostility between LOTO and Labour HQ following the election of Jeremy Corbyn in September 2015, some consultation on disciplinary cases involving elected representatives still took place, as it had previously.

For example, on 26 April 2016 Oldknow consulted LOTO Deputy Chief of Staff Anneliese Midgley about the emerging controversy around historic social media comments by Naz Shah MP, and Oldknow reported that “Their view is no – we shouldn’t suspend”, on the basis that Shah had apologised twice, resigned and had the support of the Bradford synagogue.⁷⁷⁴ The following morning she wrote to Stolliday, Creighton and regional staff:

We’re not going to suspend Naz. I think she is going to make a statement in the House later apologising. This is the action LOTO want to take.

*They do not want her to suspend her.*⁷⁷⁵

A few hours later, however, it was relayed by the Whips Office that “Jeremy Corbyn has instructed the General Secretary to administratively suspend Naz Shah MP from the Labour Party.”⁷⁷⁶

Similarly, in the case of former London mayor and (then current) NEC member Ken Livingstone, in mid-April 2016 a meeting was organised between GSO and LOTO (Chief of Staff Simon Fletcher and Political Assistant Janet Chapman) regarding several complaints about Livingstone, after which McNicol met with Livingstone.⁷⁷⁷

On 28 April 2016 (the day of Livingstone’s comments about Hitler allegedly “supporting Zionism”), GLU-GSO staff also consulted LOTO before issuing a suspension. Kevin Slocombe, LOTO head of media, was with Corbyn when he first heard of Livingstone’s remarks, and has recalled:

*I showed Jeremy the transcript on the train... and as reported by Anushka Asthana, Jeremy [was] clearly unhappy and concerned about Ken Livingstone[s] comments.*⁷⁷⁸

⁷⁷⁴ Case: Naz Shah: NS01

⁷⁷⁵ Case: Naz Shah: NS03

⁷⁷⁶ Case: Naz Shah: NS04

⁷⁷⁷ Case: Ken Livingstone.

⁷⁷⁸ <https://twitter.com/KevinSlocombe/status/1100851684216061952>
<https://twitter.com/KevinSlocombe/status/1100843173474123776>

Guardian journalist Anushka Asthana wrote at the time:

A little later, Corbyn is jolted out of this reminiscence and back to the present day. After Livingstone's fateful appearance on BBC Radio London, the Labour leader's head of media sees something on his phone. Kevin Slocombe mutters the words that signal the start of one of Corbyn's hardest days as Labour leader; a day that would result in him suspending one of his closest friends in politics as his party was plunged into a very public row over antisemitism.

"Ken's said something on the radio," says Slocombe, a slightly panicked look spilling across his face. "I need a transcript." Soon the senior adviser slips into the seat beside his leader for a hushed conversation. As Corbyn steps off the train into Grimsby, the darkening in his mood is just perceptible.⁷⁷⁹

On this day, there were two conference calls, around 11am and 2pm, about the decision to suspend Ken Livingstone, who was an NEC member at the time. LOTO staff Simon Fletcher (Chief of Staff, LOTO) and Anneliese Midgley (Deputy Chief of Staff, LOTO) and HQ staff Iain McNicol and Emilie Oldknow were in attendance. Seumas Milne, Jeremy Corbyn and Kevin Slocombe (Head of Media, LOTO) were in attendance for part of the conversations over the phone, as Corbyn was campaigning at events in Grimsby that day.

At this time, LOTO staff were unaware of the protocol relating to suspensions of NEC members, and due to Corbyn being out campaigning, he was also unaware of exactly what Livingstone had said apart from Slocombe's brief description on the train. The calls were used to establish the facts of Livingstone's offensive comments, and establish what the normal protocol in such a situation was. All staff agreed that Livingstone ought to be suspended pending an investigation, and Mann MP ought to be dealt with by the Whip's Office. GLU then suspended Livingstone.

An example of what could be considered a "courtesy consultation" of LOTO staff regarded a celebrity member of the Party. On 8 December 2016, Guido Fawkes reported that the frontman of "Primal Scream", who had supported Corbyn, told the crowd at a gig:

*I'm no comedian but should I tell a joke? What do you call a Conservative MP that's been stabbed to death? A beautiful f**king thing.⁷⁸⁰*

On 9 December 2016, Buckingham emailed Oldknow: "We would like to suspend, but appreciate you might want to talk to LOTO first?" Oldknow then emailed Katy Clark

⁷⁷⁹ <https://www.theguardian.com/politics/2016/apr/29/jeremy-corbyn-interview-ken-livingstone-it-is-not-a-happy-day>

⁷⁸⁰ 2016: "161209 Re Primal Scream.eml"

(Political Secretary, LOTO) and Nancy Platts (NEC and Trade Union Liaison, LOTO), saying that “In usual circumstances, with a party member, we would look at warning/suspension over something like this. Can you let me know LOTO view please?” It is not clear why the suggestion changed from suspension to “warning/suspension”.⁷⁸¹

On 20 December, Platts apologised for her delay in replying, and asked if someone could “warn him privately and ask if he is prepared to apologise for his inappropriate joke and if he seems sensible and amenable to the warning, that might be enough”, though if further comments followed after the warning “formal discipline could be explored”.⁷⁸² On 4 January 2017, Oldknow asked Stolliday if this had been done, and he responded he would - “Thanks Nancy – we’ll pick this up and see where we get to.”⁷⁸³

On 30 January 2017 a case then seems to have been created in the “Validation” system GLU had been using.⁷⁸⁴ Nothing further appears to have happened after that point, however.

This indicates it was not a high priority case, and LOTO staff were consulted as a courtesy given it involved a high-profile, Labour-supporting celebrity.

It was certainly not standard practice for GLU to consult Jeremy Corbyn’s office on high profile cases (as they had with Ed Miliband’s leader’s office). For example, on 12 December 2016 Stolliday emailed Clark “[j]ust to let you know” that they had identified a member who was filmed saying “the white helmets in Aleppo were UK/USA/Rothschild’ propaganda after Jeremy’s speech on Saturday” - a public controversy at the time - and decided to suspend and investigate. Clark responded: “Thanks for letting us know. It’s appreciated”, and copied in Seumas Milne “from a media perspective”. In the exchange it was clear that GLU had taken the decision, and Stolliday was informing LOTO as a courtesy given media attention.⁷⁸⁵

Similarly, for the NCC hearing of Tony Greenstein in February 2018, Oldknow simply sent Murphy and Milne a reminder that it was happening. The discussion makes clear that LOTO was playing no role in the case:

[18/02/2018, 17:39:22] Emilie Oldknow: Reminding you both that it has been the Tony Greenstein disciplinary case this weekend

⁷⁸¹ 2016: “161209 Re Primal Scream.eml”

⁷⁸² LOTO: “161220 Nancy Platts replies for LOTO.msg”

⁷⁸³ LOTO: “170104 RE Primal Scream.eml”

⁷⁸⁴ 2016: “170202 SM Validation Plan.msg”

⁷⁸⁵ LOTO: “161212 let LOTO know of suspension.msg”

[18/02/2018, 17:39:55] Emilie Oldknow: And they are just on closing statements now
 [18/02/2018, 17:40:12] Emilie Oldknow: I anticipate at decision on him tonight
 [18/02/2018, 17:40:26] Emilie Oldknow: It is for antisemitism
 [18/02/2018, 17:41:06] Karie Murphy: Ok I'll thanks
 I'll text Seumas too
 We are about to do a conference call at 6.30
 I'll tell him then if not before
 [18/02/2018, 17:41:54] Emilie Oldknow: Ok
 [18/02/2018, 17:42:01] Emilie Oldknow: I'll let you know as soon as I know
 [18/02/2018, 17:42:19] Emilie Oldknow: But if the NCC don't expel there is likely to be an explosion
 [18/02/2018, 17:42:25] Emilie Oldknow: On twitter etc
 [18/02/2018, 18:59:25] Emilie Oldknow: Greenstein has been expelled⁷⁸⁶

In the overwhelming majority of disciplinary cases the Party has reviewed from 2015 to March 2018, decisions were taken internally in GLU-GSO, and LOTO was not consulted, even though Ed Miliband's office had been consulted routinely.

An enquiry from LOTO about the case of Peter Gates illustrates the relationship.⁷⁸⁷

In late 2015 and early 2016, there were clashes in Rushcliffe CLP between long-standing members who were CLP Officers and sat on the Regional Board and members who had recently joined the Party and been elected local branch officers, with rival complaints "around bullying, harassment, process etc... flying around". After an allegedly confrontational meeting in March 2016, Deputy Regional Director Emma Foody contacted GLU: "I feel that we need to show some support to the CLP Officers and to the Chair of the Regional Board, but would welcome your advice."⁷⁸⁸ Stolliday then suspended the 10 branch officers who made up one side of the conflict - one of whom was Peter Gates.

Gates and other members subsequently raised this with GSO and members of the NEC:

It is concerning a number of people here that the 10 suspensions have been applied only on the evidence of one side, without allowing those suspended to have any say or allowing other accounts to be heard. This seems quite unjust...

⁷⁸⁶ Whatsapp: "SKEI"

⁷⁸⁷ Short version: Gates had been suspended in spring 2016, along with a group of other local members and branch officers, over a local clash with rival CLP and Regional Board officers. Those suspensions were then lifted in July 2016, but Gates remained suspended over further allegations of bullying.

⁷⁸⁸ LOTO: Peter Gates: 160309 Rushcliffe.eml

*I think we are feeling unfairly victimised in this process and are not being allowed a voice - as a result a very distorted picture is being communicated.*⁷⁸⁹

In April 2016, Oldknow responded to Gates that:

*I do agree that trying to find a solution locally seems the best option if possible.*⁷⁹⁰

All except two then had their suspensions lifted in early July 2016. Gates, however, remained suspended, and continued to raise his case wherever he could.

On 1 December 2016, Platts asked for an update on his case,⁷⁹¹ and then specifically said "Mr Gates has said that he is having difficulty getting information - has anyone told him why he has been suspended?" Stolliday spoke to Region and responded that the allegations "were made clear to him in his investigatory interview and the region have been in constant communication with him about the case".⁷⁹² Platts responded:

Please can you send me a copy of recent communication with him that sets out the allegations and the process?

*I am booking a meeting with Jeremy to go over some of the recent correspondence he has received and the summary report Kat [Buckingham] provided.*⁷⁹³

Stolliday then responded privately to Creighton and Oldknow:

*This is an outrageous ask. I'm not sending any correspondence or case info to Nancy or anyone else.*⁷⁹⁴

He drafted a response insisting that cases must be confidential, and also that any involvement from the Leader "personally intervening on either side in an investigation" - which Platts had not suggested - would make "it impossible for the NEC or the NCC to come to an independent decision based on the evidence." Creighton added that it was "A very restrained response" - "It would be nice if just once she took the side of the staff".⁷⁹⁵ The matter was then resolved through a phone conversation.

⁷⁸⁹ LOTO: Peter Gates: "160404 Re Suspensions in Rushcliffe.eml"

⁷⁹⁰ Pre-2016: "160404 cannot temporarily lift.eml"

⁷⁹¹ LOTO: Peter Gates: "160129 RE Rushcliffe.eml" 160404 Re Suspensions in Rushcliffe.eml

⁷⁹² LOTO: "161202 Platts case enquiry.msg"

⁷⁹³ LOTO: "161202 Platts case enquiry.msg"

⁷⁹⁴ LOTO: "161202 Platts case enquiry.msg"

⁷⁹⁵ LOTO: "161202 Platts case enquiry.msg". In the end, a phone call settled the matter. LOTO: "161206 Re Suspension of Peter Gates.eml"

This response to a request for information so the Leader's Office can respond to complaints and concerns being raised by the member in question, is in stark contrast to GLU's response to Ed Miliband's Director of Communications saying "Ed is very clear we need to go further than we did last night" on a disciplinary case in 2013.

In this period, GLU periodically provided detailed information on cases on request to Ann Black, Chair of the NEC Disputes Panel, without similar resistance.

Gates' case was heard by NEC Disputes in January 2017, but continued to suffer delays thereafter. In March 2017, Black noted that "the Disputes Panel asked for this to be progressed as speedily as possible". On 20 July 2017 Black contacted Matthews again directly: "please see my other mail and reply to Peter. He hasn't heard from us for over four months." The same day, she forwarded this email to Stolliday:

*... here is another message for Sam.
I cannot justify the situation any further.⁷⁹⁶*

It was not until June 2018, after more than two years of suspension, that the NCC finally heard Gates' case, and decided to exclude him from membership for two years, taking into account the two-year suspension he'd already served.

These examples indicates that GLU did not prioritise concerns raised by LOTO during this period.

After the 2017 general election cooperation between LOTO and Labour HQ improved slightly.

When the "MeToo" movement started in October 2017, a number of very high-profile elected officials, and staff members, were accused of sexual harassment or sexual assault, including Lord Neil Kinnock, Ivan Lewis MP, Kelvin Hopkins MP, Welsh Assembly Member Minister Carl Sargeant, LOTO staff member David Prescott, and others. This resulted in a flurry of communication between GLU-GSO and LOTO on the handling of these cases.

The seriousness of appropriately and delicately handling these cases was underlined on 7 November 2017 when Carl Sargeant committed suicide. Sargeant had been suspended from the Party but was not provided with information regarding the allegations against him. The handling of his suspension by GLU, Welsh Labour and the Welsh Assembly was the subject of intense media scrutiny. On 7 November 2017, Sargeant called GLU asking to speak with Head of Disputes Sam Matthews. Matthews

⁷⁹⁶ LOTO: "170720 Peter Gates delays.msg"

responded that he was unavailable to speak and would call back later. Later that day, Sargeant took his own life.

GLU-GSO and key LOTO staff, mainly Murphy and Jackson, participated in handling these extremely sensitive cases, including contact with the high-profile individuals accused.

On 2 November 2017, Stolliday emailed McNicol and Oldknow suggesting that they needed to improve this coordination:

I don't think we can keep dealing with decision making in action against high profile people via informal methods. This is leading to confusing instructions, unclear knowledge of who knows what and illogical decision-taking trees.

I think there needs to be a small group of decision-makers and relevant additional staff who are involved in each decision. There also needs to be an audit trail of how we deal with those decisions in each case.

Can I propose that we agree with LOTO a small list of people who are copied into each and every case so we all know what's going on and each able to action our own bit.

He noted that, for example,

Eg tonight nobody told [Regional Director] Cameron Scott about [Kelvin Hopkins MP] until I called him. And we need to widen the circle on the Wales case to this group as it will need to be a suspension tomorrow [for Carl Sargeant] after [Carwyn Jones] has taken action.⁷⁹⁷

Stolliday suggested this list would be Murphy, Seumas Milne, James Schneider/Sian Jones (both press), lead GLU-GSO staff, and the PLP secretary Dan Simpson or Regional Directors as appropriate. This suggestion mirrors Sam Matthews' later suggestion in 2018 to set up a designated group of LOTO staff to email about antisemitism cases.

This does not seem to have happened, however.

In January 2018, meanwhile, Scottish General Secretary Brian Roy sought advice from GLU on allegations that a Labour Group leader had said he could not vote for Scottish Labour leader Anas Sarwar for "racist reasons". Sarwar claimed that the individual had "stated that 'he couldn't' support (Anas) because Scotland wasn't ready for a brown

⁷⁹⁷ LOTO: "171102 process for high profile cases.eml"

Muslim Paki", and the conversation was witnessed by two other people - but the respondent "has categorically denied all of the allegations and in fact indicated to Anas that he would be voting for him." Scottish Labour leader Richard Leonard, Roy reported, supported "suspension pending investigation", and Roy sought GLU's approval. On being chased, Stolliday responded:

If we even consider suspending a council leader you are going to need to speak to LOTO and the LGA [Local Government Association Labour Group] I think - it's a massive step and one we rarely do.

And I thought you emailed saying he hadn't done it??

Matthews agreed on the need "to engage the various stakeholders properly on this". Roy then spoke to Amy Jackson who emailed "Sorry for the delay. Karie and I agree that he should be suspended. Please go ahead with the suspension".⁷⁹⁸

In December 2017, Head of Complaints Sophie Goodyear copied Karie Murphy, Seumas Milne and Amy Jackson into a complaint of sexual harassment, regarding a former staff member (employed prior to Jeremy Corbyn's leadership). Murphy responded:

*Thank you for copying me in. I think LOTO have less of a role to play in this as this person is not an elected representative and no longer employed by the Party (as far as I know). There is little doubt, if true, that this is an abuse of position.*⁷⁹⁹

As this made clear, Murphy saw LOTO's role as pertaining only to elected representatives and LOTO staff members.

In November 2017, as detailed later, Jackson had intervened to ensure action regarding two potential council candidates accused of antisemitism. Stolliday reacted angrily, and insisted internally to GLU-GSO that it was "not [LOTO]'s role, and never has been" to request disciplinary action against elected representatives of the party.⁸⁰⁰

However, as we have seen, under Ed Miliband LOTO staff had played that role and had been fully integrated into decision-making in that respect. The pre-existing level of consultation with, and authority given to, LOTO was simply not there after Jeremy Corbyn became Leader.

⁷⁹⁸ LOTO: "180130 stolliday on consulting LOTO.eml". "180130 suspension of council leader.eml."

⁷⁹⁹ LOTO: 180102 Murphy LOTO not role as not elected or staff.eml"

⁸⁰⁰ LOTO: 171114 Stolliday on LOTO.msg

Instead, GLU independently took all kinds of decisions relating to council candidates and other elected representatives. For example, between July 2017 and January 2018, GLU issued three NOIs to Alan Bull regarding antisemitism. Despite him becoming a council candidate and having shared Holocaust denial, GLU never considered a suspension and never informed LOTO about his case. The first LOTO found out about it was from media reports on 21-22 March 2018.⁸⁰¹

In December 2017, meanwhile, Matthews and Hogan suspended the council candidate and CLP Chair Syed Siddiqi without any consultation with LOTO, and maintained the suspension in spite of serious concerns raised by NEC Disputes Panel Chairs Ann Black and then Christine Shawcroft.

As under Ed Miliband's leadership, some consultation and coordination between GLU-GSO and LOTO continued to take place on disciplinary matters regarding elected representatives of the party. However, this was mainly on very high-profile cases, and Corbyn's office was considerably less integrated into this process than Miliband's office had been. Even when LOTO urged action against council candidates accused of antisemitism, GLU was extremely reluctant to fulfil requests for action from Jeremy Corbyn's office.

⁸⁰¹ Final Summary: Alan Bull

3.3.3.ii. Scrutiny of GLU's work

Throughout this period, there were periodic enquiries from LOTO staff as to what GLU was doing. Concern was expressed about GLU's factional activities, as referred to earlier in this report, as well as general problems, such as delays in the progress of disciplinary cases.

There are many examples of LOTO staff expressing concern about what seemed to be a lack of action on cases from GLU.

On 7 March 2016, for example, following some controversial cases appearing in the media, on request of then LOTO Political Secretary Katy Clark, Oldknow provided "an explanation of what the Compliance Unit does for Jeremy and the PLP this evening should it be raised", attaching a six page document focused mainly on electoral regulations, along with managing "around 30 Subject Access requests year which take a considerable amount of staff time". About complaints, it simply said:

"The Compliance Unit is responsible for the conduct of major investigations, particularly in respect of membership abuse or selection abuse.

*We are currently carrying out a major review of the Labour Party's complaints, harassment, and safeguarding policies."*⁸⁰²

Later, in June 2016, Oldknow provided Clark with a list of all suspended members with the dates of their suspensions.⁸⁰³

In March 2017, LOTO Chief of Staff Karie Murphy asked Oldknow "for a note on how the NCC works and how they make decisions". Oldknow then had prepared and sent back a briefing on what the NCC did, and a list of ongoing cases.⁸⁰⁴

In 2015, there had been serious concern within the Jeremy Corbyn leadership campaign about what appeared to be factionally motivated suspensions and exclusions of Corbyn-supporters (the "Trot hunt", as Labour HQ staff referred to it).

In 2016, there was far more widespread concern in the Labour Party about the factional role played by the GLU team, including:

- The attempt to exclude Jeremy Corbyn from the ballot;
- The decision to disenfranchise new members;

⁸⁰² Pre-2016: "160307 Compliance Unit.eml"

⁸⁰³ Ken Livingstone: KL084

⁸⁰⁴ LOTO: "170314 briefing for LOTO on NCC.msg"

- And the “Validation process”, accurately believed to be targeted specifically at the Labour left.

In late August 2016, for example, Shadow Chancellor John McDonnell expressed concerns about a “rigged purge” of Corbyn supporters, noting that the apparent reasons for the suspensions were becoming “bizarre”.⁸⁰⁵

LOTO staff and NEC members were not aware that the list of MPs which GLU used had focused on MPs from the Labour right, and ignored MPs from the Labour left. But the suspicion was widespread - and, as has been shown, well-founded - that this “purge” had been targeted at members on Labour’s left. LOTO staff and NEC members had also seen the rest of the list of “banned phrases”, when it was shared with the NEC in August 2016, and NEC Disputes Panel later reported their concerns about some of the words used.⁸⁰⁶

GLU staff rejected the criticisms made, including by NEC members such as Ann Black, and outwardly insisted that they had taken the right course of action aside from individual instances of human error.⁸⁰⁷

For example, on 11 October 2016 a CLP secretary emailed GLU with a motion on Labour’s disciplinary processes calling for “the use of expulsions and suspensions as a factional weapon to come to an end”, and for GLU “to have its responsibility for membership disputes/disciplinary matters transferred to a genuinely accountable body”. Iain McNicol’s secretary commented that “This is so irritating”, and Stolliday remarked “This makes me so angry”, claiming the decisions were taken by NEC panels not party staff.⁸⁰⁸

After the leadership election, NEC members continued to express concerns about the large numbers of members suspended or excluded on apparently flimsy grounds, who were contacting them regarding their cases.⁸⁰⁹ Some NEC members raised individual cases on behalf of people who contacted them. For example, on 28 October 2016 Black emailed regarding a number of cases where there was “flimsy evidence for excluding some of the individuals who have written to me”,⁸¹⁰ while on 24 November NEC member Claudia Webbe emailed concerning the suspension of Steve Cooke from Stockton North, following his “representations” to her. (Iain McNicol responded that the case was proceeding, but “As you know we cant get into the details or individual

⁸⁰⁵ <https://www.politicshome.com/news/uk/political-parties/labour-party/news/78566/we-voted-corbyn-reason-keep-traitorous>

⁸⁰⁶ Guidance and standards: 170108 Note on suspensions for Disputes Panel.eml

⁸⁰⁷ 2016: “160830 Ann Black concerns.msg”

⁸⁰⁸ 2016: “161011 stolliday responds to CLP motion.msg”

⁸⁰⁹ 2016: “161013 CW letter.msg”

⁸¹⁰ 2016: “161107 Ann Black raises many cases.msg”

cases with third parties.”)⁸¹¹ NEC members such as Black and Webbe were elected in the CLP division of the NEC and therefore were members’ representatives, making enquiries on their behalf.

At a meeting of the NEC Disputes Panel on 18 October 2016, many of these concerns were raised, and subsequently formalised in a letter from the NEC Disputes Panel (comprising the whole NEC) to GLU-GSO. Stolliday’s notes from the meeting show a range of concerns raised, concerns not limited to the party’s “left”. Christine Shawcroft expressed her concern that current members, as well as new supporters, were looked at (a concern echoed by Darren Williams), and:

I’m very concerned that [people’s] social media has been trawled through to find things they said years ago... I’ve had countless communications from people who are really worried and [upset by] all this. One person didn’t know she had been suspended. She’s still got no idea why.”

Regarding exclusions, Shawcroft argued:

We need a proper definition of what counts as supporting another Party, whether it’s nominating another candidate or clicking on Facebook because you like the energy policy of the Greens - that is not supporting another party. And people who supported green policies before the general election and now support Jeremy. Why can’t people change their minds 2 years later?

Alice Perry noted the need for “a series of levels to separate out the worst cases from the rest”, and “clear guidelines”:

There is a perception, rightly or wrongly, that there have been frivolous suspensions and this undermines the very many serious cases I saw on the Panel.

Darren Williams noted that:

There is a suspicion that some local MPs and members have been using this system to settle old scores and get people suspended... Also at the last leadership election people were not stopped from voting when they were suspended. When was that changed? Where did this power come from?

Martin Mayer suggested “clearer guidelines” were needed and most cases had not been serious, while Jeremy Corbyn argued:

⁸¹¹ 2016: “161125 Claudia raises Steve Cooke case.msg”

On support for another political party, it is very unclear what that constitutes. There's a whole range of policies you might support without actually supporting another party, and the timeframe of previous support is unclear", while "We need to deal with the serious cases of abuse.

Jennie Formby pointed out:

One of the problems was there were computers looking for keywords. It means there were computer generated complaints that shouldn't have come before us. I also made two complaints about people for awful abuse towards Jeremy and no action was taken against these people.⁸¹²

The document the NEC Disputes Panel agreed and sent to GLU in January 2017 raised similar concerns.⁸¹³

After the 2016 election, LOTO received many complaints from members about their suspensions and the lack of information they received, and in turn made some enquiries of GLU-GSO.

For example, in September 2016, a member emailed various NEC members raising her suspension for alleged "foul language", insisting that as a "retired teacher", "mother and a grandmother", she had "never used 'racist, abusive or foul language' in my life and I find it insulting to be accused of it." John McDonnell forwarded this to LOTO chief of staff Karie Murphy, who then sent it to Oldknow asking "Can you check this one please?"

The reason for the suspension - not provided to the member - was a single comment in which the member had asked "is the Labour Party becoming a neo-Nazi party?", in relation to "undemocratic measures" taken against new members and "This is not the Labour Party that I grew up knowing." Her suspension remained in force until after the leadership election, prohibiting her from voting in that election.⁸¹⁴

On 21 September 2016, Murphy also sent Oldknow a list of 56 individuals who had complained to LOTO about not having received a ballot:

We need to respond to these individually as the[y] have written to LOTO. Can you ask compliance to look at each one and provide an explanation - ie the particular circumstances for each being excluded.⁸¹⁵

⁸¹² Guidance and standards: "161020 Stolliday notes on discussion.msg"

⁸¹³ Guidance and standards: "170108 Note on suspensions for Disputes Panel.eml"

⁸¹⁴ LOTO: "160921 LOTO raise suspension.eml"

⁸¹⁵ LOTO: "160921 Murphy reasons excluded.eml"

On 21 October 2016, Nancy Platts from LOTO contacted Oldknow:

Jeremy has asked me to get him a report on all suspensions of individuals and CLPs - who is the best person for me to get this from?

I think he is looking for more detail on each of those that went to the Disputes Committee plus any others in the pipeline.⁸¹⁶

Platts asked for this again on 18 November.⁸¹⁷ Again on 24 November she asked “please can we have a date by when the report that Jeremy asked for will be available?” Oldknow then promised to send the “Disputes list” by the end of the week, and it was later provided.⁸¹⁸

On 15 December 2017, Shadow Chancellor John McDonnell emailed Iain McNicol to enquire about a suspended member who had not received information on what he was accused of and wanted to know if he could appeal - “I would be most grateful if you could update me and advise on the progress of the investigation.” On 21 December McNicol responded, promising to keep him updated and assuring him:

All cases are handled as speedily as possible but as you’ll know we do have a backlog currently being worked through by the NCC and the NEC disputes panel.⁸¹⁹

As there was political controversy surrounding suspensions and exclusions during the 2016 leadership election, and this was the subject of media interest, it was to be expected that LOTO would make some enquiries about GLU’s work and would request information that they could relay to individual members writing to LOTO to complain.

The relationship between LOTO and GLU-GSO prior to Corbyn’s leadership shows that such sharing of information was previously considered normal conduct and that it was only under Jeremy Corbyn’s leadership that GLU-GSO did not generally share information with LOTO and often ignored requests for information or for disciplinary action to be taken.

⁸¹⁶ 2016: “161024 report on CLPs and suspensions.msg”

⁸¹⁷ 2016: “161118 JC requests suspensions report.msg”

⁸¹⁸ 2016: “161124 Platts.msg”

⁸¹⁹ LOTO: “171221 McDonnell McNicol.eml”

3.3.3.iii. LOTO enquiries about GLU and antisemitism

As both antisemitism in Labour, and the Party's disciplinary processes more generally, became the subject of public interest, LOTO made contact with GLU on these issues. These contacts included:

- Raising antisemitism cases with GLU.
- Communications to and from the LOTO and Labour HQ media teams relating to cases that were gaining media attention.
- Questions about the implementation of the reforms to the disciplinary process proposed in the Chakrabarti Report, and general progress on dealing with antisemitism.
- Discussions concerning elected representatives accused of antisemitism.
- Enquiries as to the status of high-profile antisemitism cases of concern to Jewish stakeholders: Ken Livingstone, Tony Greenstein, Jackie Walker and Marc Wadsworth.

Evidence shows that, throughout 2016-18, although LOTO was concerned about the factional activities of GLU, LOTO also expected action to be taken on allegations of antisemitism. During the second half of 2017 and early 2018 in particular, LOTO staff expressed increasing concern about the failure of GLU to take effective action on antisemitism.

These two positions were not, after all, contradictory: it was GLU's role to act on complaints of antisemitism, not to engage in factional politics. The expectations LOTO placed upon GLU were in line with the Unit's responsibilities to the organisation and the Party's membership.

GLU-GSO, in response to both LOTO and other internal and external stakeholders, would insist that they always acted promptly and that work was progressing on all antisemitism cases. As Creighton said in April 2016, "we act immediately [if] we have evidence".⁸²⁰

At 7pm on 7 April 2016, Jeremy Corbyn received an email from Gideon Falter, Chairman of Campaign Against Antisemitism, regarding "pro-Hitler antisemitic tweets by Choudhry Shahzad, a Labour Party activist", including a link. At 9pm, Corbyn forwarded the email to Iain McNicol:

*Dear Iain,
I received this this evening.
Could you pass it on to whoever deals with this.*

⁸²⁰ Case: Choudhury Shahzad: "180408 Re Fw Antisemitic Labour Activist.eml"

*I am acknowledging receipt to the sender.
All best,
Jeremy
Sent from my iPad*

On 8 April 2016, he was suspended.⁸²¹ (In August 2016, regional staff interviewed Choudhury, and in light of his responses recommended referral to the NCC, which the NEC agreed in October 2016. No further work was done on the case since, and it was not logged anywhere. Choudhury remains suspended.)

Public comments by Corbyn and McDonnell prompted some action by GLU. In March 2016, for example, McDonnell, along with others in the PLP, publicly criticised GLU's handling of the case of Vicki Kirby, whose suspension was lifted without further investigation in 2014. Although Creighton commented that McDonnell "need[s] to grow up", GLU-GSO subsequently decided to re-suspend Kirby.⁸²²

The following month, McDonnell said he favoured life-time bans over antisemitism - "Out, out, out. If people express these views, full stop they're out" - rejecting the suggestion that antisemitism issues were being used as a "convenient stick" to beat the leadership:

*If people have raised this, we've got to deal with it - full stop.*⁸²³

In April 2016, meanwhile, Jeremy Corbyn publicly said:

Anti-Semitism is absolutely abhorrent and wrong. Anyone that commits any act of anti-Semitism, that makes anti-Semitic remarks, is auto excluded from the party and an inquiry follows immediately. We have suspended, we will suspend, any member that behaves in that way.

Stolliday cited this statement as reason to switch to issuing a suspension rather than warning letter in a case he was considering.⁸²⁴

In April 2016 there was also discussion in LOTO of the need for "urgent action" on antisemitism. On 29 April 2016, the day after Ken Livingstone's suspension, McDonnell wrote:

⁸²¹ LOTO: "160407 Re Antisemitic Labour Activist.eml"

⁸²² Case: Vicki Kirby.

⁸²³ <https://www.independent.co.uk/news/uk/politics/labour-party-members-anti-semitic-banned-for-life-john-mcdonnell-a6951371.html>

⁸²⁴ Case: David Brede: "160427 Antisemitic tweets david brede.msg"

Urgent action needs to be taken this morning to follow up yesterday, I can't emphasize the importance of this – and I want it to be implemented this morning as a matter of urgency.

McDonnell set out the proposals that had been under discussion with LOTO:

- *Statement of principles and purpose towards tackling antisemitism*
- *Drafting of detailed guidance notes for consultation on antisemitism for all party members and representatives*
- *A training programme for party members and party representative at all levels of the party including MPs, councillors, party office holders and members*
- *Setting up an advisory group to advise on combating anti-Semitism – comprising representatives of representative bodies drawn from Jewish communities and Jewish members of the party*
- *The establishment of a clear and efficient procedure for dealing with any allegations of anti-Semitism*
- *Setting up an independent enquiry into anti-Semitism in labour to report in two months to leadership and NEC – (to potentially be led by "Shami" Chakrabarti)*
- *In the interim – create a special officer in the compliance unit, who deal specifically with allegations of anti-Semitism*

LOTO Chief of Staff Simon Fletcher then assigned relevant tasks to different team members, while LOTO Office Manager Karie Murphy added she had spoken to Tom Watson, and “He is completely supportive of John/JC plan”. The discussions led to Shami Chakrabarti being appointed to lead an inquiry into antisemitism and other forms of racism in Labour.⁸²⁵

On 28 March 2017, meanwhile, after a third email in two weeks from Ellie Hobhouse, Political Advisor to Shami Chakrabarti, who had been “asked to put together a list of measures taken by the Party to respond to accusations of antisemitism”, Stolliday responded to her query. He reported:

In terms of action on anti-Semitism, as you know a huge amount of work has gone into tackling anti-Semitism across all levels of the Party. That does not mean there isn't more to do, but we have responded effectively and seriously to this issue.

Individual disciplinary cases continue apace and many have already been sent by the NEC to hearings of the NCC, or are awaiting an NEC decision in coming weeks and months.

⁸²⁵ LOTO: “160429 Re Urgent Action email from John McDonnell.eml”

...

Since last year the Party's focus has been to both improve our disciplinary procedures for those accused of anti-Semitic behaviour, and to proactively offer training and development to our members in issues surrounding anti-Semitism.

Finally the Governance Unit has undergone a fundamental restructuring over the past year, and is now enlarged and better set-up to handle cases. This includes the appointment for the first time of a full-time Complaints and Safeguarding team, who are currently delivering a professional complaints and safeguarding policy and procedures. This team will be a single point of contact for complaints received by the Labour Party, and will act as an arbiter to ensure complaints are dealt with seriously and in a timely manner.⁸²⁶

In early October 2017, there were numerous press reports about Tapash Abu Shaim attending Labour Party conference, and his reported history of “antisemitic comments”. This included enquiries from LOTO Head of Strategic Communications James Schneider and Labour HQ Press Officer Georgina Robertson. Over a ten day period, the case was raised repeatedly, and:

- It was reported in the Jewish Chronicle and elsewhere.
- John Stolliday and Sam Matthews said it would be investigated.
- The response was given, in consultation with GLU, that Shaim was under investigation.
- Claire-Frances Fuller, Head of Internal Governance, criticised Robertson for allegedly not sharing the media enquiries with GLU immediately, as “we all have a responsibility to protect the reputation of the Labour Party and so if this type of information about individual members is brought to the attention of [any] member of staff, the Governance and Legal Unit should be made aware as soon as possible so an investigation can be started asap”, even though Stolliday had in fact been the first to be informed about the emerging case.⁸²⁷

However, no case was logged by GLU, and no action was taken.⁸²⁸ This was despite the fact - which Matthews failed to mention - that GLU had actually already investigated Shaim and documented his antisemitism in March 2017, and also processed a case about him for antisemitism in late 2016.

⁸²⁶ LOTO: “170328 Stolliday antisemitism update.msg”

⁸²⁷ Cases: Tapash Abu Shaim: “171005 CFF re Tabash Abu Shaim.eml”

⁸²⁸ Cases: Tapash Abu Shaim.

This case was re-raised by a complainant in 2019, and, combined with the information current GLU staff uncovered in historical audits and systematic social media searches, this led to Shaim's suspension from the Party.

On 17 October 2017 Laura Murray, LOTO Stakeholder Manager responsible for relations with the Jewish community, emailed Stolliday, with other senior LOTO and GSO management in cc, with requests for information including:

could we have an update on the current status of the cases of Ken Livingstone, Jacqui [sic] Walker, Tony Greenstein and Marc Wadsworth and a clear timetable of when they will all be heard by the NCC and when a final decision will be made on them. The Jewish Labour Movement expressed frustration that these cases have taken such a long time to be heard, as they feel that it is difficult to begin the process of rebuilding trust between the Labour Party and the Jewish community whilst we have still not dealt with these cases.

She noted that Corbyn and Jeremy Newmark from the JLM were meeting next week "and both are really keen that we deal with all these outstanding issues as soon as possible".

Stolliday responded:

I share the frustration of JLM and others in the time it takes for hearings to be progressed, but we are getting through them. Of the 'big name' cases you highlight, Greenstein and Wadsworth have NCC hearings in December in January. Walker will be shortly sent to her with proposed dates early in the new year. Any further Livingstone investigation has not yet gone to the NEC Disputes panel for a decision. I anticipate this will come to the January Disputes.

I totally agree with your desire to progress positive relations, and I hope you understand that we are doing what we can within our rules to deal with these complaints when they are sent in to us.⁸²⁹

In November 2017, meanwhile, LOTO Political Secretary Amy Jackson requested action over several public reports on antisemitism from local council candidates.

In early November 2017 complaints were received about Nasreen Khan, reported to be a council candidate in Bradford, for allegations including antisemitism. The screenshots included her writing in 2012 that schools were "brainwashing us and our children into thinking the bad guy was Hitler. What have the Jews done good in this

⁸²⁹ LOTO: "171024 Murray enquiries.msg"

world??", and that "Jews have repeated the rewards of playing victims, enough is enough!".⁸³⁰

GLU staff considered a suspension but then Claire-Frances Fuller, with Stolliday and Matthews in cc, noted that her comments predated her membership and she had apologised, assumed the Local Campaigns Forum were aware of that on selecting her, and so decided to take no action.⁸³¹

On 11 November 2017 Jackson then emailed GLU-GSO staff regarding Khan:

Just spoken to Iain about this and following up with an email. The story about Nasreen Khan has just been brought to my attention. Clearly the comments she made were very antisemitic and pretty recent. ...

As mentioned, Iain [McNicol] and I have spoken and agreed she must not be allowed to stand for selection. I'm not sure of the process of stopping her from standing but it needs to be done immediately and Nasreen needs to be informed so we can answer the large amount of press queries we are getting.

*Please confirm when this has been done.*⁸³²

On 13 November 2017 Oldknow then picked up the case. On checking, it became clear that the local LCF had not actually been aware of the posts when shortlisting Khan, so it arranged to re-interview her.⁸³³ On 13 November Ann Black also enquired with GLU-GSO about the case,⁸³⁴ and on 15 November the regional board re-interviewed Khan - in fact only ever on a short-list - and removed her from the short-list.⁸³⁵

On 14 November 2017, Liz Martin, LOTO Local Government Liaison, raised with Amy Jackson the case of Billy Wells, a council candidate in Norfolk, noting that "On the advice of Shami [Chakrabarti], Billy Wells needs to be investigated". She reported Shami's reaction to Well's reported remarks that "This is antisemitism and not antizionism."

This followed public reports about Wells from the Campaign Against Antisemitism. Jackson forwarded this to Oldknow, Stolliday and Matthews:

⁸³⁰ Nasreen Khan: "171102 RE Nasreen Khan - Anti-Semitism Evidence Local Labour Candidate.eml"

⁸³¹ Nasreen Khan: "171106 FW Bradford local election query.msg. 171110 RE Bradford local election query.eml"

⁸³² Nasreen Khan: "171113 Re Nasreen Khan.eml"

⁸³³ Nasreen Khan: "171113 Re Nasreen Khan.eml"

⁸³⁴ Nasreen Khan: "171113 (Fwd) Nasreen Khan's Disclosure.eml"

⁸³⁵ Nasreen Khan: "171114 RE Nasreen Khan latest.eml"; "17115 Re Nasreen Khan.eml"; "17115 Nasreen Khan.eml"

Could you please advise on what to do as if these comments are true, this guy shouldn't be a candidate.

Stolliday then emailed Oldknow, Matthews and McNicol privately:

"We are in a position where, having been criticised regularly and continuously for the decisions we take on these sorts of cases, we are now getting demands from the leader's office to take action on people.

Notwithstanding that I absolutely agree that we should be taking action in this instance and some of the others, I think we are getting into dangerous territory where LOTO are demanding disciplinary action against individuals, including the overturning of democratic decisions made by local members in terms of selections. That is not their role, and never has been.

There is also the implicit criticism and insinuation running through these that we are not taking action on antisemitism [sic], which coming from LOTO is painfully ironic. But I'm not going there for my own sanity...

It is unclear why Stolliday thinks it "painfully ironic" that LOTO staff wanted action on antisemitism. This comment is not evidenced by LOTO having argued against action on antisemitism, or expressed a desire for less action. Stolliday's objections also contradict GLU's previous standard practice of seeking the approval of the Leader's Office under Ed Miliband for decisions on cases involving candidates.

Stolliday's acknowledgement that "the implicit criticism and insinuation running through these" enquiries from LOTO was "that we are not taking action on antisemitism"⁸³⁶ demonstrates that GLU knew that LOTO wanted action to be taken on antisemitism.

On 30 October 2017, meanwhile, Jackson emailed Oldknow and McNicol, with Murphy and Laura Murray in cc:

Is it possible to add an additional item to the Org agenda for tomorrow titled disciplinary procedures?

In light of all the issues that have arisen over the past couple of weeks, we need to have clear guidance on the disciplinary processes as well as the complaints procedures/codes of conduct.

⁸³⁶ LOTO: "171114 Stolliday on LOTO.msg"

We could add it to the Org agenda underneath the complaints and harassments procedures. If we put these two issues next to each other, we can be clear on not only how to make a complaint, but also the process for someone who is having a complaint made against them, and the appropriate role for all concerned in managing these complaints. A few members of the NEC have raised with me that the disciplinary procedures are still unclear so we need to use this opportunity to get some clarity.

...

We also need guidance on the Chakrabarti motion – again, something to be put on the agenda to agree the process of how this will happen which I suggest should be the same as above, although with Shami's office having input, and again with a view to putting a recommended paper to the NEC Away Day. We have had a huge amount of lobbying on this with many CLPs and organisations expressing concern that it is too open ended so it's important we deal with this quickly to give members the reassurance they're seeking.

Oldknow asked Stolliday and Matthews to “pull together a one-sided page on what is the process for our disciplinary matters”. She noted:

I think this is because some people feel we are not implementing this properly.

I have not been provided with any evidence to substantiate this.

But, it is always helpful to reconfirm what previously was agreed by Org.

Matthews and Stolliday then produced the briefing.⁸³⁷

On 12 December 2017, meanwhile, a LOTO internal briefing on Labour and the Jewish community noted that:

The cases of Ken Livingstone, Jacqui Walker, Tony Greenstein and Marc Wadsworth have still not been dealt with by the party which is a cause of great concern to Jewish stakeholders.

It also expressed concern that the Chakrabarti Report “has not been fully implemented”, noting that JLM was concerned about this, and that LOTO wanted “outstanding anti-Semitism cases to be dealt with by the NEC swiftly and decisively”.⁸³⁸

⁸³⁷ LOTO: “171030 LOTO queries and response.eml”

⁸³⁸ LOTO: “171212 Jewish events docs.msg”

On 24 January 2018, meanwhile, Dan Hogan emailed Jennifer Gerber of "Labour Friends of Israel", regarding delays to an NCC case she was due to be a witness in:

*Please be assured that the Party and the Governance and Legal Unit have always taken, and will always take, cases of alleged antisemitism extremely seriously. I can't comment on specific cases, but it is fair to say that there were a number of serious inaccuracies in the media reports of last week's meeting of the NEC Disputes Panel. I can assure you that no past decisions have been reversed, and it is certainly not the inclination of the Governance and Legal Unit, or of the Disputes Panel, to be lenient in cases of alleged antisemitism as has been suggested in some parts of the media.*⁸³⁹

On 24 March, Amy Jackson emailed Stolliday and Matthews regarding a case of antisemitism:

Have had some media interest around this person who has tweeted this obviously disgusting and antisemitic abuse. Are they a labour member and if so are they suspended? If you could let me know any information that would be greatly appreciated.

Stolliday responded informing Jackson that the person in question, Mossabir Ali, had been "was expelled by the NCC last year."⁸⁴⁰

On 27 March 2018, Laura Murray enquired about statistics on antisemitism cases now being publicised, including active investigations, suspensions, complaints, cases awaiting NCC hearing and the number of NCC cases dealt with last year:

They weren't anything I had heard before, but maybe he had got them from a Disputes Panel paper that I didn't get or something. I wondered if you, or somebody in your team, could verify these for us?

Matthews then provided some of these figures in response.⁸⁴¹

⁸³⁹ LOTO: "180125 DH on how treat AS.eml"

⁸⁴⁰ LOTO: "180324 Checking on AS complaint.pdf"

⁸⁴¹ March 18 change: "180328 LM enquires numbers - SM response.msg"

3.3.4. Ken Livingstone

As discussed earlier (Section 3.3.3.i), Ken Livingstone had been suspended in spring 2016. Almost a year later, in April 2017, his NCC hearing took place.

On 28 March 2017, Oldknow discussed arranging the panel for his hearing:

28/03/2017, 10:43 - Emilie Oldknow: FYI. Lee Vaizey (expelled Galloway) has dropped out of Ken panel because her daughter is in hospital. We are trying to replace now. Likely Maggie Cosin⁸⁴²

LOTO staff were unhappy about delays to the NCC hearing, moved to the same day as the official launch of Labour's local election campaign:

*[31/03/2017, 18:42:11] Emilie Oldknow: Ken adjourned until Tuesday
 [31/03/2017, 18:42:19] Emilie Oldknow: Elections launch date....
 [31/03/2017, 18:42:56] Emilie Oldknow: We do not decide this date btw and I haven't been in the hearing today
 [31/03/2017, 19:02:40] Karie Murphy: Bloody hell !!
 [31/03/2017, 21:31:04] Seumas: Is there any way to move it to Wednesday?
 [31/03/2017, 21:37:39] Emilie Oldknow: It's not decided by us. It's decided by the panel
 [31/03/2017, 21:45:25] Emilie Oldknow: John confirms that it doesn't start until 3 and verdict not expected until 7/8pm⁸⁴³*

Late on Wednesday, 4 April 2018, Ken Livingstone received a sanction of a two-year suspension (with the NCC ruling that he had already served one year of this sentence during his administrative suspension) from the NCC rather than an expulsion. He immediately repeated his defence of the comments which had led to his suspension.

Decisions of the NCC are final. However, both public statements at the time and WhatsApp messages make clear that LOTO staff had expected Livingstone to be expelled, and were both shocked and unhappy about this decision. Labour HQ staff were also unhappy about the verdict, but appear to have been slower than LOTO to move to a place of supporting a new case against Livingstone.

Stolliday's initial update on the evening of 4 April 2018 did not criticise the verdict, arguing "the fact that all three charges were found proven demonstrates the rigour and validity of the case we brought".⁸⁴⁴ He also approved a Labour HQ press line

⁸⁴² WhatsApp: "SMT Group"

⁸⁴³ WhatsApp: "SKEI"

⁸⁴⁴ 2017: "170404 RE KL .eml"

saying that “The Labour Party will make no further comment on this matter.”⁸⁴⁵ In the “LP Forward Planning Group” he called the sanction a “slap in the face”, however.⁸⁴⁶ On the morning of 5 April 2018, Stolliday sent a draft report to McNicol and Oldknow on the hearing. He wrote that it was “impossible for me to understand” how they had reached the correct verdict, but then only issued a two-year suspension - but also that:

*I obviously accept the decision of the NCC, but I wonder whether in future there may need to be some level of sentencing guidelines for NCC members so that when a breach of this crucial rule designed to protect our reputation is found proven, it must follow that an expulsion - even for a short period - is the appropriate sanction. However such a move would put pressure on NCC members when considering verdicts, and would be politically difficult to achieve in the current environment.*⁸⁴⁷

That morning, senior Labour HQ staff drafted lines for Labour spokespeople to take on the verdict. The lines said there had been a “clear case” for Livingstone’s expulsion, which GLU had pursued, but noted that “it’s a matter for the NCC”. On the question of further charges against Livingstone, they said “That’s a matter for others but if there’s further wrongdoing it should be dealt with properly.” They also said that this was an issue of individuals on the NCC rather than Labour rules, and the NCC members “need to account for their decisions.” On Stolliday’s advice, this final line was taken out before being shared with LOTO:

The line which says the NCC must account for its own actions - while technically correct - sounds like we're putting pressure on them to do that. I'm uncomfortable putting them (especially the chair) in that position - even if we all disagree with their sanction.

Both Stolliday and Head of Policy Jackson agreed “that’s where it’s going”, but Stolliday did not want to put the NCC “in an awkward position”.⁸⁴⁸

Late on 4 April 2018, Shadow Attorney Shami Chakrabarti had issued an initial statement saying that the party had demonstrated an “ability to look at itself fairly and carefully in the mirror in more difficult times, however painful this might be”:

⁸⁴⁵ 2017: “170404 LABOUR Charges brought against Ken Livingstone found proven by Labour’s National C.eml”

⁸⁴⁶ WhatsApp: “LP Forward Planning Group”

⁸⁴⁷ 2017: “170405 Private and confidential Report on the NCC hearing.eml”

⁸⁴⁸ 2017: “170405 Re Ken script.eml”

I hope people might now revisit my report and remind themselves of better ways to argue about difficult issues without compromising our values of solidarity, tolerance and respect.⁸⁴⁹

The following day, however, Chakrabarti expanded on these remarks by noting that many felt “the punishment of suspension” was “inadequate”. Livingstone’s repeated remarks, Chakrabarti said, “could be potential grounds for further investigation by the party”:

Ken Livingstone was fairly and rightly found guilty of bringing the Labour Party into disrepute. The punishment of suspension was thought inadequate by some members of both the Labour Party and the Jewish community that Livingstone has so offended.

However, his remarks since yesterday's decision have overtaken those arguments. I am horrified by Ken Livingstone's lack of contrition and repeated offence which could be potential grounds for further investigation by the party.

In the meantime I can only implore Mr Livingstone to maintain a silence and to please stop further damaging community relations, the party to which he has given so much of his life and himself.⁸⁵⁰

A year later, in 2018, Chakrabarti emphasised that she found it “very difficult to see that any rational decision-maker in the light of what has happened in the last two years could find a place for Mr Livingstone in our party at this moment”.⁸⁵¹

Oldknow internally described “Shami’s line” (referring to Chakrabarti’s second quote) as “unbelievable”, and Head of Press Neil Fleming noted that “She’s not come through us”. The reasons for this criticism are not clear, but it may have been because Chakrabarti called for further investigation, rather than seeing the NCC’s decision as the final outcome, or because Labour HQ staff were still consulting LOTO and anticipating a line from Corbyn. Oldknow asked about it on what she called “the whatsapp group of death” - the “SKEI” group - but Milne replied saying that was “her own thing”:

[05/04/2017, 13:51:44] Emilie Oldknow: This Shami quote on Ken?? Is that the line Seumas?

[05/04/2017, 14:30:04] Seumas: No her own thing⁸⁵²

849

<https://www.theguardian.com/politics/2017/apr/04/labour-suspends-ken-livingstone-for-a-year-over-hitler-comments>

850 <https://www.theguardian.com/politics/2017/apr/05/ken-livingstone-faces-fresh-enquiry-hitler-zionism-remarks>

851 <https://www.theguardian.com/uk-news/2018/may/13/shami-chakrabarti-ken-livingstone-labour-party>

852 2017: “170405 RE Shami line .eml”. WhatsApp: “SKEI”

By the time Seumas Milne replied, Jeremy Corbyn had already publicly responded by saying that Livingstone's "subsequent comments" should now be subject to further disciplinary action, which was therefore LOTO's "line". Corbyn said:

Ken Livingstone's comments have been grossly insensitive, and he has caused deep offence and hurt to the Jewish community.

Labour's independently elected National Constitutional Committee has found Ken guilty of bringing the party into disrepute and suspended him for two years.

It is deeply disappointing that, despite his long record of standing up to racism, Ken has failed to acknowledge or apologise for the hurt he has caused. Many people are understandably upset that he has continued to make offensive remarks which could open him to further disciplinary action.

Since initiating the disciplinary process, I have not interfered with it and respect the independence of the party's disciplinary bodies. But Ken's subsequent comments and actions will now be considered by the National Executive Committee after representations from party members.⁸⁵³

Discussion in the "SMT Group" made clear LOTO's negative view of the NCC's "soft decision", with key staff in LOTO, such as LOTO Chief of Staff Karie Murphy, suspecting it had been orchestrated "to embarrass JC and create a crisis":

06/04/2017, 21:11 - Emilie Oldknow: Got a crazy tale for you... Apparently Karie has been telling Shadow Cabinet members that I have orchestrated the Ken situation so that KL made provocative comments and then Tom got his people on the panel to make a soft decision, all in order to embarrass JC and create a crisis.

06/04/2017, 21:11 - Emilie Oldknow: TW has heard this too

06/04/2017, 21:22 - Patrick Heneghan: That's from Simon f I guess

06/04/2017, 21:22 - Patrick Heneghan: Based on what I heard⁸⁵⁴

Oldknow also reported that on the morning of 5 April 2018, Steve Howell had been "pushing" the idea that the "right wing Labour machine" had "co-ordinated the hearings to coincide with the local elections to damage Corbyn".⁸⁵⁵

⁸⁵³ 2017: "170405 JC statement on KL suspension to go out asap.eml". <https://www.bbc.co.uk/news/uk-politics-39499640>

⁸⁵⁴ WhatsApp: "SMT Group".

⁸⁵⁵ WhatsApp: "LP Forward Planning Group".

However, discussion in Labour HQ's WhatsApp group "SMT Group" on 6 April 2017 indicated some reluctance towards launching a second investigation into Livingstone, despite Corbyn's comments:

06/04/2017, 09:29 - Emilie Oldknow: Iain - John McD wants a statement from you now regarding the process for anything else with Ken

06/04/2017, 09:29 - Patrick Heneghan: We said no

06/04/2017, 09:29 - Emilie Oldknow: Standard reactive lines

06/04/2017, 09:29 - Patrick Heneghan: But he's desperate to put your name into this

06/04/2017, 09:29 - Emilie Oldknow: Be we are heading for an new investigation

06/04/2017, 09:30 - Emilie Oldknow: Yes. We was desperate for your name to be attached to it

06/04/2017, 09:30 - Emilie Oldknow: "The guardian of our constitution"

06/04/2017, 09:32 - Julie Lawrence: Sorry I missed the call. Did Katy say anything about it? Is she coming in this morning - I've not heard.

06/04/2017, 09:36 - Tracey Allen: No news from me

06/04/2017, 09:47 - Iain McNicol: Am just tried you. Let me know when you are free for a call.

06/04/2017, 09:47 - Iain McNicol: Em

06/04/2017, 09:49 - Iain McNicol: Surely JC needs to be the driver of Get Ken

06/04/2017, 09:51 - Patrick Heneghan: They want to pivot from

06/04/2017, 09:51 - Patrick Heneghan: JC has been clear in his view

06/04/2017, 09:51 - Patrick Heneghan: To

06/04/2017, 09:51 - Patrick Heneghan: It's now a matter for the party

06/04/2017, 09:51 - Patrick Heneghan: But replacing party with gen sec

It is not clear why GSO and senior management in Labour did not want to take responsibility for this course of action, following clear statements from LOTO, including Jeremy Corbyn, that they expected this to happen. It was the responsibility of GLU to launch and conduct disciplinary investigations, not Jeremy Corbyn.

Later on 6 April 2017, McNicol wrote to members of the Labour NEC, saying that he had instructed staff to open a new investigation:

The Labour Party has received many complaints following the end of the recent hearing of the NCC and I have instructed my staff to follow the procedures and begin an investigation into whether the Party's rules may have been broken again. If they have then I am determined they are investigated fully and properly.

As the General Secretary of this Party my responsibility is to make sure our organisational response matches the challenges we face.

I will come to the next meeting of the NEC to inform you of the progress we are making on these issues. I would welcome any input you have as NEC members ahead of that meeting.

McNicol also “asked NEC members to offer their input before their next meeting, when he will give an update on the investigation.”⁸⁵⁶ This statement was drafted by Stolliday.⁸⁵⁷

The same day, Stolliday and others helped to draft a speech by McNicol which would call on Livingstone to resign. However, the speech was not delivered.⁸⁵⁸

On 7 April 2017, Emilie Oldknow reported that they had discussed a “second Ken case” with lawyers, were on “strong ground” and would launch a “new investigation... after May elections”:

07/04/2017, 16:35 - Emilie Oldknow: Just been on call with lawyers re: second Ken case

07/04/2017, 16:35 - Emilie Oldknow: Actually - still on it....

07/04/2017, 16:35 - Emilie Oldknow: We are on strong ground with it

07/04/2017, 16:36 - Emilie Oldknow: So that's where we will be headed

07/04/2017, 16:36 - Emilie Oldknow: To a new investigation. Likely to be after May elections is my judgement

*07/04/2017, 16:43 - Iain McNicol: Agree. Anything before May will be seen as a campaign by us to lose seats in the Elections.*⁸⁵⁹

However, Oldknow anticipated “court proceedings by Ken” in response, and Tracey Allen therefore suggest that McNicol “should [speak] to [Corbyn] about asking Ken to resign”, as it was “going to cost the Party a fortune”:

07/04/2017, 16:48 - Emilie Oldknow: We won't send out the Nol until after elections

07/04/2017, 16:49 - Emilie Oldknow: Also this is likely to lead to court proceedings by Ken so.... it may go on some time yet

*07/04/2017, 18:43 - Tracey Allen: Iain maybe you should spk to JC about asking Ken to resign. This is going to cost the Party a fortune. Even he must realise he has a duty to do this???*⁸⁶⁰

⁸⁵⁶ 2017: “170406 FW Ken Livingstone.eml”.

⁸⁵⁷ 2017: “170406 RE Draft statement.eml”

⁸⁵⁸ Guidance and standards: “170406 Draft for Iain.eml”

⁸⁵⁹ Whatsapp: “SMT Group”

⁸⁶⁰ Whatsapp: “SMT Group”

John Stolliday reported that the Labour Party had spent “in the region of £100,000” on legal fees for the Ken Livingstone case, not including its own staff costs.⁸⁶¹

On 7 April 2017, Iain McNicol emailed Jeremy Newmark (Director, JLM) to assure him that the further investigation would take place:

*Jeremy Corbyn’s statement made clear that it is deeply disappointing that Ken Livingstone has failed to acknowledge or apologise for the hurt he has caused. Jeremy further set out that Ken’s subsequent comments and actions will now be considered by the National Executive Committee. I have asked my Governance and Legal team to start the work of a new investigation into comments made after the verdict on Tuesday.*⁸⁶²

Newmark responded with his thanks and noted:

*When I spoke to Jeremy Corbyn on Wednesday afternoon he told me that new complaints based upon Mr Livingstone’s comments and actions subsequent to 7.45pm on Tuesday evening when the verdict became public would be taken forward by the NEC. I was very clear that this needed to be a personal commitment that we could rely upon. I took Jeremy’s commitment as a personal assurance from him that the NEC will act upon all of this - not just consider it. I was also clear that we do not have the luxury of another year to wait for all of this to move forward. We understand that there are provisions for interim action given the lull in NEC meeting time due to the local election campaign. I know that you understand the position and will do all that you can to ensure this moves forward in a swift and appropriate manner.*⁸⁶³

However, this did not happen.

On 28 June 2017, meanwhile, Stolliday responded to a query from Baroness Jan Royall. On Livingstone, he claimed that:

The election has delayed us a little but we are looking at his comments post the NEC meeting and building evidence of impact & witness statements so that we can ask the NEC to decide whether to refer him to the NCC again. This would have happened at the NEC meeting on Tuesday next week, but the election means we won;t be in a position to do that quite so quickly - will have to be the next meeting of Disputes after July. Once we have completed evidence gathering when we do formally investigate him we will place him under a formal notice of investigation, and I

⁸⁶¹ LOTO: “170614 RE Details of any legal cases in exsistence at the year end. .eml”

⁸⁶² LOTO: “170410 JLM training, Livingstone.eml”.

⁸⁶³ LOTO: “170410 JLM training, Livingstone.eml”.

anticipate that will trigger a legal challenge against the NCC's previous ruling, so I'd prefer to keep details of this under our hat at the moment please.

On other high profile cases referred to the NCC, Stolliday said:

I hope these are going to be able to come through quickly now that the election is out of the way - certainly in the next few months.

Moreover, Stolliday felt that:

I think despite the cases we are starting to get there in terms of awareness, training and rules. It is now crucial to get some of these cases through the NCC and get sentences which visibly demonstrate we are getting a grip on this.⁸⁶⁴

Contrary to Stolliday's assurances and despite Corbyn's public statements of a re-investigation into Livingstone, GLU did not commence a new investigation into Ken Livingstone, and it was LOTO staff who repeatedly chased them to do so.

Following Livingstone's repeated offensive comments on Hitler and Zionism, a very large number of complaints were submitted to the Party. In April 2017, Oldknow, McNicol and Sam Matthews discussed the process for initiating a new investigation. However, no further investigation was opened into Livingstone's comments, despite stakeholders and LOTO staff repeatedly requesting action.

On 14 June 2017, Jeremy Newmark emailed McNicol on a number of matters of concern to the JLM, including:

Please could I have your assurance that our complaint related to Ken Livingstone's behaviour following the NCC hearing and verdict is being investigated and that a speedy recommendation will be made to the NEC when it next meets? I am happy to accept your assurance on a confidential basis given the legal scenario, however you will appreciate that I need to reassure our members and the wider Jewish community that the Party is not ignoring our concerns. I have pointed out that the local and then the General Election caused some delay but people have responded that other disciplinary incidents were indeed dealt with during the campaign.⁸⁶⁵

Stolliday asked Matthews to draft a response on behalf of McNicol, adding:

⁸⁶⁴ 2017: "170628 Re Jan Royall Antisemitism .eml"

⁸⁶⁵ Ken Livingstone; Outstanding Cases & JLM Anti-semitism training

I spoke to Jeremy (Newmark) yesterday and tried to downplay his expectations a little bit for immediate action and said to him I didn't want him going around saying there is an investigation.⁸⁶⁶

It is not clear why Stolliday was downplaying expectations for action. Matthews drafted a response to go from McNicol to Newmark including:

1) I can assure you that your complaint about Mr Livingstone is being investigated. However, it will not be possible for an investigation, conducted to the extraordinarily high standards necessary, to be concluded before the disputes panel next meets on the 4th July. Staff are currently working on compiling the numerous strands of evidence, including a significant number of witness statements.⁸⁶⁷

On 30 June 2017 McNicol sent this in an email to Newmark.⁸⁶⁸

However, contrary to Matthews and McNicol's assurances to Newmark, it is not clear that any investigation was ongoing, nor that any witnesses statements were being compiled. Given that Livingstone's comments were made on TV, it is also unclear what witness statements would be needed to bring this case to the NEC or open an investigation.

On 17 October 2017, Laura Murray (LOTO Stakeholder Manager) requested an update on Livingstone's case from Stolliday, saying:

Finally, could we have an update on the current status of the cases of Ken Livingstone, Jacqui Walker, Tony Greenstein and Marc Wadsworth and a clear timetable of when they will all be heard by the NCC and when a final decision will be made on them. The Jewish Labour Movement expressed frustration that these cases have taken such a long time to be heard, as they feel that it is difficult to begin the process of rebuilding trust between the Labour Party and the Jewish community whilst we have still not dealt with these cases.⁸⁶⁹

Stolliday responded on 24 October 2017, saying that:

Any further Livingstone investigation has not yet gone to the NEC Disputes panel for a decision. I anticipate this will come to the January Disputes.⁸⁷⁰

⁸⁶⁶ FW: Ken Livingstone; Outstanding Cases & JLM Anti-semitism training

⁸⁶⁷ RE: Ken Livingstone; Outstanding Cases & JLM Anti-semitism training

⁸⁶⁸ LOTO: "170630 JLM Correspondence 11th May 14th June 2017.eml"

⁸⁶⁹ Rulebook etc.

⁸⁷⁰ Re Rulebook etc.

However, this would require additional investigation to be done, such as putting the allegations to Livingstone and receiving his response, which had not happened and did not happen.

On 17 January 2018, Georgina Robertson (Press Officer) enquired about the status of Livingstone's case with Stolliday, following an enquiry from a *Daily Mail* journalist. Stolliday responded:

Ken Livingstone was suspended from membership by the NCC following a hearing last year. The NCC decided that he should be suspended until April 2018, at which point his membership will recommence.

Robertson responded "Will there be another hearing before April to consider this case again?" and Stolliday replied:

There is currently no other hearing planned. That doesn't mean one might not happen – the NEC could refer him to the NEC again – but I anticipate he will be back in membership in April.⁸⁷¹

Despite the large volume of new complaints received about Livingstone nine months earlier, Stolliday expected Mr Livingstone to be back in full membership from April 2018, and had not undertaken any steps to re-investigate his comments.

On 17 January 2018, Murray emailed Stolliday to convey the concerns expressed to her by the JLM that Mr Livingstone would be reinstated in April:

JLM raised with me their concern about Ken Livingstone's 2-year suspension ending on 24th April – two weeks before the local elections.

From memory, a second suspension was given to Ken after he continued to repeat his comments on TV following his last NCC hearing. Does this mean that, after his first suspension ends, he will continue to be suspended under the second suspension?

Thanks in advance for any light you can shed on this!⁸⁷²

Stolliday responded that:

A second suspension was not applied, so he will come back into membership in April.

⁸⁷¹ RE: query

⁸⁷² Fw Ken Livingstone

The Party received a small number of complaints about his comments after the NCC hearing. We haven't formally opened a new investigation yet, and that is a conversation we will have over here.

I think that would probably be a notice of investigation and then the NEC Disputes panel would decide whether to refer to the NCC (and indeed also whether at that point to suspend him).

Happy to chat. I recognise it's not ideal in terms of campaigning etc that he is unsuspected shortly before the elections. That was the decision of the NCC and not one we had any influence over.⁸⁷³

This email made clear that, despite Corbyn's statements in April 2017 that a new investigation would be opened into Livingstone's additional comments, GLU had not opened any investigation and that any decisions would be based on "a conversation we will have over here" ie. not with LOTO. Stolliday expressed his view that there should be a notice of investigation, not a suspension, and that only the NEC should decide whether or not to suspend him, even though staff had the power to impose an administrative suspension pending that process.

LOTO staff had believed that a new investigation had already begun – in keeping with the press statement released by Corbyn – while Stolliday and the GLU team had decided not to open a new investigation. Nine months on, GLU had not taken any action.

This demonstrates that the email Sam Matthews drafted from Iain McNicol to Jeremy Newmark saying that the investigation was already underway and that they were gathering witness statements was untrue.

Murray expressed her concern about it being "potentially disastrous" for Livingstone "to be reinstated as a member just two weeks before the local elections":

Thanks very much for the update – that's really helpful. I've flagged the issue with Karie & Amy so they are aware.

I think the JLM are right – it would be potentially disastrous for him to be reinstated as a member just two weeks before the local elections. You mentioned before that his case may come before Disputes in March – is that what happens towards the end of a members suspension, their case is reconsidered by Disputes? Could he potentially have his suspension lengthened there?

⁸⁷³ Fw Ken Livingstone

Please do let me or Amy know what you all decide in terms of how to proceed – good luck with it and thanks for all your help!

Stolliday, however, again admitted that this was a decision for GLU staff and Iain McNicol, who had the power to open an investigation and suspend him but were choosing not to at that time:

It does;t come automatically again to Disputes. Once the suspension ends he's automatically back in.

It would come again to Disputes if we opened a new investigation into him and took a new recommendation to Disputes on the basis of what he said post the hearing. They could decide to refer him to the NCC again (or not), and also to suspend him membership if he was;t already suspended administratively.

At any time during an investigation the General Secretary can decide to apply a further administrative suspension if evidence came to light that the GS considered merited his membership being suspended while we continue that investigation.⁸⁷⁴

On 26 January 2018, asked by Jon Trickett MP's team for a briefing on actions on antisemitism ahead of a TV appearance, Stolliday responded that, on the "Number of anti-semitic allegations and the process/how long the cases are taking":

*We don't have numbers available – many allegations sent to us refer to people who are anonymous on the internet or not actually party members. There are a number of cases currently working their way through our procedures. Many of these have been sent by the NEC for a hearing at the NCC – although some of these have gone to court to delay those hearings being held. We are working on getting those hearings held as soon as possible. We can't comment on individual cases.*⁸⁷⁵

On Livingstone, meanwhile, Stolliday said he couldn't "really comment on individual cases", but:

*It would be a matter for the NEC whether they consider any further action against him based on any alleged breaches of the Party's, rules which occurred after that NCC hearing.*⁸⁷⁶

⁸⁷⁴ LOTO: "180117 LM Stolliday Livingstone.eml"

⁸⁷⁵ LOTO: "180126 Stolliday on NCC cases, Livingstone.msg"

⁸⁷⁶ LOTO: "180126 Stolliday on NCC cases, Livingstone.msg"

Stolliday's deferral to the NEC to consider further action against Livingstone was unusual, as the standard practice was for staff to take the initial administrative decision regarding investigation (with or without administrative suspension) in advance of NEC Disputes Panel considering the case. This also contradicted Stolliday's admission to Laura Murray that staff and the General Secretary had the power to investigate and suspend Livingstone.

As discussed in the following section, in late 2017 and early 2018 GLU-GSO came under increasing pressure from LOTO, and other stakeholders such as the PLP, over its failures to act on antisemitism. In response, Oldknow began to take more of a role in managing Disputes.

It was around this point that Oldknow appears to have finally picked up the Livingstone case on behalf of GLU-GSO. On Monday 22 January 2018 Oldknow emailed Milne, Murphy and Jackson an update on the progress of antisemitism cases "where the Disputes team are with them". On Livingstone, Oldknow wrote:

It is our intention to bring a report to the March meeting of the Disputes Panel. Amy - can you confirm action as we discussed on Thursday ahead of the suspension being lifted in April?⁸⁷⁷

Minutes of a 30 January 2018 meeting between John McDonnell, Ian Lavery, McNicol and Lawrence recorded regarding Livingstone:

noted LOTO/GLU across Ken L recent interview. Noted JMc has agreed with Amy to talk to KL if that is helpful⁸⁷⁸

Minutes of a 31 January 2018 Labour Senior Management Team meeting record Oldknow as reporting that there would be a "Meeting tomorrow with LOTO to decide on some outstanding disciplinary matters (Livingstone/Coyle/Field)".⁸⁷⁹ This was a reference to a regular political meeting between LOTO and GSO, which took place on Thursday 1 February 2018. On 6 February 2018, Oldknow emailed Jackson:

Can you let me know what action you would like us to take in relation to NC and KL? I probably need to follow up KL with Seumas and Karie direct actually.

Jackson responded:

Re KL yes please do follow up with Seumas and Karie directly.

⁸⁷⁷ LOTO: "180124 Fwd AS cases.eml"

⁸⁷⁸ LOTO: "180131 JMc and IL action note.eml"

⁸⁷⁹ LOTO: "180131 SMT Thurs 1st Feb.eml"

Given the repeated enquiries from LOTO staff about a second investigation into Livingstone being opened, and requests that this happen, and the high profile nature of the case, it was not surprising that such consultation should happen.⁸⁸⁰

At 13:54 on 14 February 2018, Matthews reported that the “Ken Letter” was “ready to go” - “Hi John, As discussed, need to get this out as soon as possible. Please find attached for using to chase LOTO.” The draft letter attached was a standard, template NOI, which contained two sentences on the new allegations against Livingstone:

Specifically, [the allegations] include your conduct immediately following the conclusion of hearing of the National Constitutional Committee (NCC) regarding your conduct on 4 April 2017. They also include more recent conduct such as your participation in a Press TV broadcast “The Big Conversation” on 26 January 2018 the topic of which was “has the Holocaust been exploited to oppress others?”⁸⁸¹

Matthews’ email also contained a transcript of Livingstone’s April 2017 remarks, which had been produced by the Media Monitoring Unit in April 2017. Therefore Ken Livingstone being sent a letter about a new investigation did not rely upon any investigation already having taken place, despite the claims in McNicol’s email to JLM saying they needed to investigate and gather witness statements before the new process could be launched.

At 13:55 on 14 February 2018, Stolliday noted to Jackson, Allen, Oldknow and Matthews:

For KL the Nol is ready to go out today asking for an interview in the next few weeks so we can get this to Disputes in March as discussed.

Emilie is waiting to hear back from Seumas but we will need this to go out in the next 24 hours or so if it’s got any chance of coming to Disputes in March.

Oldknow raised this with Milne in the “SKEI” chat:

[14/02/2018, 13:51:08] Emilie Oldknow: The NOI is about to go to Ken as agreed with Amy

[14/02/2018, 13:51:46] Emilie Oldknow: Seumas, you mentioned before wanting to speak about this and we tried but never finished

[14/02/2018, 13:51:53] Emilie Oldknow: Or really started actually

[14/02/2018, 13:52:06] Emilie Oldknow: Can you let me know please

⁸⁸⁰ LOTO: “180214 Re Governance matters outstanding.eml”

⁸⁸¹ LOTO: “180214 Ken Letter & Bundle ready to go.eml”; “180214 RE Ken Letter & Bundle ready to go.eml”

[14/02/2018, 14:27:26] Seumas: Can you call?

At this point, Milne discussed with Oldknow trying to arrange that Ken Livingstone resign from the party rather than go through another disciplinary case. The risk of another disciplinary case was that there would be further controversy and media circus; the NCC might again decide not to expel Livingstone; and Livingstone might take the party to court, costing the party a considerable amount of money. In April 2017 Tracey Allen had herself noted these concerns to the "SMT Group", suggesting that people speak to Livingstone to ask him to resign.

On 20 February 2018, Matthews noted that "Conversations about [the KL case] are taking place at the moment."⁸⁸² In a briefing note prepared for McNicol for discussions with Corbyn that day, it was noted regarding Livingstone that "It is our intention to bring a report to the March meeting of the Disputes Panel. In discussions with LOTO about his suspension being lifted in April." This is a reference to the fact his suspension was due to be lifted in April, and GSO and LOTO were now discussing how to prevent this.⁸⁸³

On 24 February 2018, Labour Deputy Head of Press Stephanie Driver apparently informed *The Observer*, on the basis of information from John Stolliday, that no further investigation into Livingstone was being opened, and indicated he would be readmitted to the party in April. LOTO staff recall that Seumas Milne was furious and believed this may have been briefed in order to create a bad news story for the leadership.

LOTO staff, including Milne, then intervened, briefing on background that "it is highly unlikely that Ken Livingstone would be reinstated unless and until those issues were investigated and resolved. And It would be wrong to suggest reinstatement is inevitable".⁸⁸⁴ This resulted in the following clarification:

After a day of confusion in the high command, Labour officials said that an NEC inquiry first announced ten months ago by Jeremy Corbyn, but never begun, would probably be opened next month – just weeks before the former London mayor's two-year suspension is due to end on 27 April. The about-turn by Labour came after the Observer contacted party sources on Friday and was told in repeated exchanges that no further action was in the pipeline and that the former London mayor was likely be allowed back in as a full member. When this was reported on Guardian.co.uk there was a furious reaction from Labour MPs and members.

⁸⁸² LOTO: "180220 RE KL.eml"

⁸⁸³ LOTO: "180220 JC briefing note - latest version.eml"

⁸⁸⁴ 'Whatsapp KL press line 1.jpg' and 'Whatsapp KL press line 2.jpg'

Five hours later, the party changed its line and said it would be inaccurate to suggest either that no further investigation was planned or that Livingstone was on course to be readmitted. It said the NEC would probably begin looking at uninvestigated claims against him next month.⁸⁸⁵

This was discussed the "SKEI" group chat:

[24/02/2018, 14:29:05] Emilie Oldknow:

<https://www.theguardian.com/politics/2018/feb/24/ken-livingstone-hitler-suspension-end-no-further-action>

[24/02/2018, 14:44:58] Karie Murphy: Ben just sent me it.

Catch up soon as on this one? No change this end to our suggested solution.

[24/02/2018, 17:58:15] Seumas: Unfortunately Steph [Driver, Deputy Head of Press] briefed observer after talking to John Stolliday without discussing it further.. we now pouring cold water on background

[24/02/2018, 19:10:26] Emilie Oldknow: ????

[24/02/2018, 22:30:05] Seumas: Mean briefing led observer to say ken coming back because post hearing allegations not investigated blah blah

The following day, Milne noted that he had never understood why the Party had delayed so long in investigating Livingstone's further comments:

[25/02/2018, 15:16:22] Seumas: Emilie, in our discussions about the KL saga I never quite got why the second investigation was never started, which observer has today made into a thing?

[25/02/2018, 16:06:15] Emilie Oldknow: Hello

[25/02/2018, 16:06:25] Karie Murphy: Hello

[25/02/2018, 16:09:57] Emilie Oldknow: Couple of things with KL

[25/02/2018, 16:10:47] Emilie Oldknow: Straight after the hearing we were worried about the straight forward double jeopardy thing

[25/02/2018, 16:11:18] Emilie Oldknow: And what he said on the steps was not as continuous. That is, in the first case he kept repeating and touring the studios

[25/02/2018, 16:11:33] Emilie Oldknow: Then we were straight in to the GE

[25/02/2018, 16:11:49] Emilie Oldknow: Our plan was always to take a case to Disputes in Jan

[25/02/2018, 16:12:05] Emilie Oldknow: But then 10 weeks of 2017 were taken up with SH

[25/02/2018, 16:12:43] Emilie Oldknow: But biggest issue of why now was the Press TV thing

[25/02/2018, 16:13:01] Emilie Oldknow: And then the time it took for us to come to a conclusion

⁸⁸⁵ <https://www.theguardian.com/politics/2018/feb/24/ken-livingstone-hitler-suspension-end-no-further-action>

[25/02/2018, 16:13:11] Emilie Oldknow: Which I discussed with Iain last week

[25/02/2018, 16:13:28] Emilie Oldknow: We had previously agreed with Laura and Amy that we would go to Disputes

[25/02/2018, 16:13:51] Emilie Oldknow: Esstentially, it was always going to be either Jan or March this year

[25/02/2018, 16:17:20] Karie Murphy: We should talk this through.

Amy has said she did not agree it was going to disputes she said options were discussed but no agreement.

But we do need a decision. What did Iain say about our proposal?

[25/02/2018, 16:17:41] Emilie Oldknow: Ok...

[25/02/2018, 16:18:03] Emilie Oldknow: Iain will need to answer that

[25/02/2018, 16:18:08] Emilie Oldknow: I made my recommendation

[25/02/2018, 16:18:23] Emilie Oldknow: Which was Iain to administratively suspended again

[25/02/2018, 16:18:42] Emilie Oldknow: And for Disputes to remove in either July or Sept, when they have meetings

[25/02/2018, 16:22:36] Emilie Oldknow: On Amy. We had a discussion about it

[25/02/2018, 16:23:07] Emilie Oldknow: We discussed the logistics of taking it to disputes with Amy at length... She said that getting him referred to NCC "won't be a problem" and promised that she would make sure Christine would allow it to be tabled

[25/02/2018, 16:23:43] Emilie Oldknow: Anyway. What matters is what we do now and Iain will have to advise

[25/02/2018, 16:24:12] Karie Murphy: Yes agreed.

Shall we pick up tomorrow if Iain doesn't join here?

[25/02/2018, 16:24:25] Emilie Oldknow: Yes. Sure

The discussion continued later that day:

[25/02/2018, 16:26:59] Iain McNicol: I think the 4 of us should pick up discussion on KL.

[25/02/2018, 16:27:08] Emilie Oldknow: Cool

[25/02/2018, 16:27:30] Iain McNicol: He has said enough

To suspend so I have no problem with that if needs be.

[25/02/2018, 16:27:48] Iain McNicol: We also need to sort timetable for election of gs

[25/02/2018, 16:28:05] Iain McNicol: Karie do you have a draft as I have the one from my election

[25/02/2018, 16:28:32] Iain McNicol: This will need to be discussed before goid g to officers at 2.30 tomorrow

[25/02/2018, 16:29:11] *Iain McNicol: Once we are sorted it may-may not affect what we decide to do.*

[25/02/2018, 16:29:40] *Iain McNicol: With handover I am not sure I can commit to it being lifted later in year.*

[25/02/2018, 16:30:01] *Iain McNicol: That will be a decision for disputes and new gs.*

[25/02/2018, 16:31:26] *Emilie Oldknow: Current suspension runs out on 18 April I think*

[25/02/2018, 16:31:32] *Emilie Oldknow: Or just before*

[25/02/2018, 16:33:50] *Karie Murphy: I sent JC a timetable last night Iain but haven't heard back*

I'll chase and call

Andy to get views. Can call you tomorrow too

I've text you also.

Discussion continued on 27 February 2018, too:

[27/02/2018, 14:09:03] *Emilie Oldknow: On Ken*

[27/02/2018, 14:09:18] *Emilie Oldknow: What are we doing? The papers are going out Thursday*

[27/02/2018, 14:09:26] *Emilie Oldknow: Everyone will ask what is happening?*

[27/02/2018, 14:09:32] *Emilie Oldknow: Why isn't he on the agenda etc*

[27/02/2018, 14:09:40] *Emilie Oldknow: Is he going to be suspended etc?*

[27/02/2018, 14:09:46] *Karie Murphy: We need to talk this through again and settle it*

Can phone in 15

Iain is here we will call you from LOTO

[27/02/2018, 14:10:18] *Emilie Oldknow: JLM have, apparently been saying, it is going to March*

[27/02/2018, 14:10:41] *Emilie Oldknow: Yes. Please let me know*

[27/02/2018, 14:14:34] *Iain McNicol: I'm heading back to HQ*

[27/02/2018, 14:14:45] *Iain McNicol: If we need a call we can sort up*

That afternoon, the "SKEI" group had agreed that "KL will be suspended towards [the] end of the week", and go to NEC Disputes the following week:

[27/02/2018, 16:38:00] *Iain McNicol: Discussed with Em plan good. Suggestion is to do at the end of this week and get it out the way.*

[27/02/2018, 16:38:51] *Iain McNicol: That will be the news side of it and then it can be reported to disputes as an ongoing investigation*

[27/02/2018, 16:39:02] *Iain McNicol: Next week*

[27/02/2018, 16:45:56] *Karie Murphy: End of this week is good*

[27/02/2018, 17:29:43] *Emilie Oldknow: Can I confirm. KL will be suspended towards end of the week*

[27/02/2018, 17:29:51] *Emilie Oldknow: It will go in the Dispute papers*

[27/02/2018, 17:30:50] *Emilie Oldknow: Which will go to Disputes at the end of the week for the meeting next week*

[27/02/2018, 17:30:56] *Emilie Oldknow: This will be a story*

[27/02/2018, 17:31:05] *Emilie Oldknow: But I think it is better to be proactive*

[27/02/2018, 17:31:20] *Emilie Oldknow: Rather than reactive to everyone saying do it. Blah blah*

[27/02/2018, 18:49:17] *Emilie Oldknow: On Ken. Why don't we NOI him on Thursday*

[27/02/2018, 18:49:31] *Emilie Oldknow: Say, we are investigating you*

[27/02/2018, 18:50:00] *Emilie Oldknow: And we will be continuing your suspension whilst this happens*

[27/02/2018, 18:50:26] *Karie Murphy: I'm with Seumas Will call shortly*

[27/02/2018, 18:50:27] *Emilie Oldknow: And then it doesn't go on the papers for Disputes*

On 28 February 2018, the JLM wrote to the NEC Disputes Panel regarding Livingstone, cc'd to Iain McNicol, Laura Murray and Finn McGoldrick.⁸⁸⁶

The "SKEI" group further discussed the situation. It is clear from the conversation that Milne did not understand the reasons for extensive delays in launching an investigation, for which Oldknow then provided a variety of reasons. It was also clear that, despite the recent consultation, ultimate decision-making remained with GLU-GSO, as in response to Milne's suggestion that to announce to the press an investigation that day "would look too reactive", Oldknow made clear she would "leave [any announcement] to you", "But we will be writing to him today":

[28/02/2018, 12:39:36] *Seumas: Emilie can you WhatsApp kl lines as signal no good in chamber? Ta*

[28/02/2018, 12:40:28] *Emilie Oldknow: I've emailed to your private email*

[28/02/2018, 12:40:35] *Emilie Oldknow: But yes. Hang on*

[28/02/2018, 12:41:27] *Emilie Oldknow: Investigation in to KL has been underway since complaints were received about his conduct immediately after the NCC hearing in April 2017*

[28/02/2018, 12:41:37] *Emilie Oldknow: The investigation was delayed due to GE*

[28/02/2018, 12:42:33] *Seumas: No signal for email*

[28/02/2018, 12:42:44] *Emilie Oldknow: Which was announced almost immediately after his hearing. It was our intention to to bring the report to Jan Disputes with his interview being in Dec 2018*

⁸⁸⁶ JLM Letter to NEC Disputes

[28/02/2018, 12:43:01] Seumas: Are we saying investigation already begun but then put on hold?

[28/02/2018, 12:43:07] Emilie Oldknow: But due to SH, this was not possible (you may not want to say this)

[28/02/2018, 12:43:20] Seumas: You mean 2017?

[28/02/2018, 12:43:29] Emilie Oldknow: Ha appearance on Press TV led to a new set of complaints

[28/02/2018, 12:44:03] Emilie Oldknow: We are almost complete with investigation now and just need to see him

[28/02/2018, 12:44:20] Emilie Oldknow: I'm saying we had complaints and we're looking in to them

[28/02/2018, 12:44:31] Seumas: So original investigation started and then put on hold due to other priorities and then new recent complaints?

[28/02/2018, 12:44:35] Emilie Oldknow: In 2017 but due to GE and SH it was impossible to progress

[28/02/2018, 12:44:41] Emilie Oldknow: Yes

[28/02/2018, 12:44:55] Emilie Oldknow: Now we have some new ones to investigate!

[28/02/2018, 12:45:12] Seumas: So ongoing investigation but not prioritised due to ongoing suspension m?

[28/02/2018, 12:45:15] Emilie Oldknow: And he will be put under NOI with continued suspension today

[28/02/2018, 12:45:43] Emilie Oldknow: No. Not prioritised because of GE and Sexual Harassment

[28/02/2018, 12:46:04] Seumas: Maybe to announce that today would look too reactive

[28/02/2018, 12:46:19] Emilie Oldknow: Sure. I will leave that to you

[28/02/2018, 12:46:25] Emilie Oldknow: But we will be writing to him today

[28/02/2018, 12:46:46] Emilie Oldknow: Otherwise questions will be asked going in and coming out of Disputes in Tuesday

[28/02/2018, 12:47:08] Emilie Oldknow: And I don't think it should look like we say we have suspended him again following pressure which will come out of that

[28/02/2018, 12:47:19] Emilie Oldknow: I think it looks better to say, it is already in place

[28/02/2018, 12:47:26] Emilie Oldknow: He does not know this yet though!!

[28/02/2018, 13:16:59] Karie Murphy: I've told Ken.
He won't speak to media on any issues relating to antisemitism.
As agreed.
He should be suspended now.

[28/02/2018, 13:24:08] Emilie Oldknow: Thanks

Matthews had provided Oldknow with the reasons for the delays she cited to “SKEI”, earlier that day.⁸⁸⁷

At 2.31pm Matthews shared a draft of Livingstone’s suspension letter with Stolliday and Oldknow, which they approved. It contained the same two sentences on the allegations against him prepared earlier that month.⁸⁸⁸

That day, a new investigation was finally opened into Livingstone, and he was sent a suspension letter. Livingstone resigned from the Party in May 2018.

⁸⁸⁷ LOTO: “180228 RE KL Lines.eml”

⁸⁸⁸ LOTO: 180228 KL Suspension.eml

3.3.4.i. Assessment

GLU opening a new investigation into Livingstone involved writing just two sentences. However, for ten months after Livingstone's April 2017 NCC hearing, no investigatory work appears to have been undertaken, no questions were put to Livingstone and no witnesses were interviewed. This was despite Matthews, Stolliday and McNicol informing JLM in June 2017 that an investigation was underway.

In this time period, both Jeremy Corbyn and LOTO staff repeatedly made clear their desire for Mr Livingstone's re-investigation for his repeated offensive conduct, as evidenced by Jeremy Corbyn's press statement and Murray's emails to Stolliday. Jewish communal organisations including Labour's Jewish affiliate, the JLM, also made clear how important this was to them. Despite Jeremy Corbyn's public comments, and requests from both LOTO and JLM, however, Stolliday took no action, and appears to have had no intention of taking any.

It was only in early 2018 that GLU-GSO, now being more directly managed by Oldknow, finally began to discuss further action on Livingstone. Oldknow clearly understood, and Stolliday explicitly stated, that GLU-GSO retained the power to decide how to act on this case. However, given it was a high profile case, and LOTO had been requesting action, Oldknow consulted with senior LOTO staff on what actions to take, with the options of an NOI, a suspension or arranging for Livingstone to resign being considered.

LOTO Director of Communications Milne now favoured talking to Livingstone and securing his resignation from the party, as the manager of McNicol's office, Tracy Allen had suggested in April 2017. This would have had the benefit of avoiding further media controversy; ensuring that another "soft decision" from the NCC was avoided and saving the Party from potentially expensive legal action. On 27 February, however, a suspension was discussed. On 28 February 2018, following a misleading briefing to *The Observer* apparently originating with Stolliday that said that Livingstone was going to be allowed back into the party, Livingstone was then suspended. On 21 May 2018 he resigned from the Party.⁸⁸⁹

As this makes clear, at no point did LOTO "interfere" in this case to protect Ken Livingstone. On the contrary, LOTO felt that the NCC's decision in April 2017 not to expel Livingstone was a "soft decision", and insisted that Ken Livingstone's repeated remarks needed to be investigated. GLU, however, failed to take any action for ten months, despite queries and requests from LOTO and the Jewish community. LOTO

⁸⁸⁹ <https://www.theguardian.com/politics/2018/may/21/ken-livingstone-quits-labour-after-antisemitism-claims>

and GLU-GSO then explored securing Livingstone's resignation from the party in February 2018, before GLU ultimately issued a second suspension.

3.3.5. Jackie Walker⁸⁹⁰

Allegations of antisemitism against Jackie Walker first came to the attention of the national Party on 4 May 2016, when journalist Marcus Dysch raised Walker's social media comments with Claire-Frances Lennon (then a Press Officer) who in turn raised them with John Stolliday.

The "Israel Advocacy Movement" had uncovered comments by Walker which included stating that "millions more Africans were killed in the African holocaust and their oppression continues today on a global scale in a way it doesn't for Jews," and "Many Jews (my ancestors too) were the chief financiers of the sugar and slave trade which is of course why there were so many early synagogues in the Caribbean. So who are victims and what does it mean? We are victims and perpetrators to some extent through choice".

Walker was placed under administrative suspension the same day. Stolliday explained his rationale for the suspensions as:

Having looked at the screengrabs most were legitimate political opinion and not anything we would suspend somebody for. The 'African holocaust' language could be seen as extremely offensive, but it might also count as a clumsy but legitimately held opinion or belief.

However, one of the screengrabs contained the phrase "But all this does not detract from my correction of Jewish particularism which counts their suffering above all others". To claim there is a "Jewish particularism which counts their suffering above all others" is a common anti-Semitic trope. There is of course no hierarchy to racism, and to allege that one race or religion believes there is, is in itself to cast an aspersion on that race. This was not language or criticism aimed at the State of Israel or Zionism, but at a race. Together with the other offensive language this required an administrative suspension.

Mass lobbying and protest against Walker's suspension via emails and petitions followed. At the time, Walker was Vice-Chair of Momentum. Jon Lansman, a founder of Momentum and a senior Jewish figure in the Party, went to some lengths to remedy the situation with Walker and at the time accepted the apology and explanation she offered, which was that her social media comments were in reference to her individual ancestry, as a person with both Jewish heritage and with ancestors who were slaves, and were not intended to have a wider meaning. Later events, however, caused many to doubt the sincerity of Walker's explanation.

⁸⁹⁰ Final Summary: Jackie Walker.

Harry Gregson - then Acting Regional Director in the South East - attempted to arrange an interview with Walker, as per the investigation procedure at that time. Upon receiving a robust letter from Walker's lawyer, however, which Gregson shared with Mike Creighton, Stolliday and Oldknow, the merits of the case were reconsidered. On 19 May 2016, Mike Creighton stated:

I think we may need to have another look at this one. It is the weakest of the recent suspensions I think.

On 27 May 2016, following Gregson's interview with Walker - which Stolliday assisted in drafting the questions for - Gregson emailed his assessment to Stolliday and Creighton:

Yesterday I conducted an interview with Jacqueline Walker. Whilst Ms Walker admitted making the comments in the Facebook posts and continues to endorse her statements, she clarified what the intention of the statements were and placed them into a wider context. Perhaps one of the most controversial views expressed in the posts was that she believed there was a 'Jewish particularism' and they counted their suffering above others. Ms Walker argued that she was only referring to some Jewish people and that she believes that in every culture or race there are some people who will believe their suffering has been worse than all others.

Ms Walker maintains that her comments were legitimate political discourse and that she is no way anti-Semitic. Ms Walker was also very clear that she has been an anti racism campaigner for many years and that she was deeply offended at these allegations.

Whilst I can understand that some people would be offended by her views, I do not believe that these views are a breach of Labour Party rules.

Following on from the interview and the investigation I recommend that Ms Walker has her suspension lifted and is readmitted to the Party.

This typifies the handling of antisemitism disciplinary cases in this period. The investigations were left to regional staff to conduct via interview, with no guidance on antisemitic discourse given to staff conducting the interview, and the outcome of almost all interviews was a recommendation to lift suspension and close the investigation. No explanation was given as to why Walker's comments would not breach Labour's rules.

Crucially, on 19 May 2016, Dave Rich from the Community Security Trust (CST) had emailed Iain McNicol with his expert opinion on Walker's comments, and McNicol in turn had shared them with John Stolliday. Rich wrote:

This relates to an untrue and antisemitic theory that Jews were the major figures behind the slave trade. It is a theory that was first published in coherent form by Louis Farrakhan of the Nation of Islam in a 1991 book called The Secret Relationship Between Blacks and Jews. According to the Nation of Islam, the book "conclusively proved that Jews were in fact at the very center of the trans-Atlantic slave trade as merchants, financiers, shippers, and insurers and among the leading international marketers of the products of African slave labor."

In fact the book has been debunked by all reputable historians of the slave trade. For example Professor Henry Louis Gates Jr., chairman of the the Afro-American Studies Department at Harvard University, called it "the bible of the new anti-Semitism" and "one of the most sophisticated instances of hate literature yet compiled." There is much more detail about its historical inaccuracies here.

As you probably know Farrakhan is banned from entering the UK, partly due to his antisemitism.

The theory that Jews were behind the slave trade is an antisemitic conspiracy theory specifically constructed to appeal to the black community and to divide them from the Jewish community. Farrakhan wrote and published his book in order to stir up antisemitism amongst African-Americans, as this article explains. The book has wider appeal, though, as antisemites of all types like it: for example David Duke; German Holocaust Deniers (this is from Germar Rudolf's website); Islamist extremists at Radio Islam.

Walker also seems to be implying that Jews today are somehow responsible or answerable for the 'fact' that Jews in past centuries were involved in the slave trade. This is very troubling: what does she think the consequences of this should be for how people should treat Jews who are alive today?

Regarding the point that Walker says she has Jewish heritage: in the same Facebook post, Walker writes: "what debt to we owe the Jews?" This indicates that she does not identify as Jewish herself, because she contrasts "we" with "the Jews". So unless she believes that immunity from antisemitism can be passed down genetically through several generations, the fact that she has Jewish ancestors is irrelevant.

Also, even if Walker was trying to speak on behalf of her distant Jewish ancestors, her words have a meaning of their own once they are in the public domain. She endorsed an antisemitic conspiracy theory to anyone who was reading her post, many of whom presumably are not Jewish and do not have any Jewish ancestry. As has been shown above, this conspiracy theory appeals to antisemites. So she is responsible for that impact on other people and for contributing to the set of antisemitic ideas in circulation, as well as for her own intentions.

Despite McNicol sharing this with Stolliday, it appears not to have been shared with Gregson, either before or after his interview with Walker, and seemingly did not inform the questioning put to Walker. It also appears it did not inform the thinking of the GSO and GLU teams when they discussed Gregson's recommendation following the interview.

When Creighton forwarded Gregson's recommendation to lift Walker's suspension to McNicol and Oldknow, McNicol only contributed "Agree lift" while Oldknow stated that the press team should be made aware.

On 27 May 2016 Walker's suspension was lifted, and Oldknow asked a number of questions of Creighton and Gregson in preparation for media stories:

1. *What was the suspension for?*
2. *Why wasn't a warning considered?*
3. *How will this lifting have a bearing on all the other cases we have outstanding?*
4. *Harry - why did you make the judgement that her comments were offensive and not 'bringing the party in to disrepute'?*
5. *Does this mean this is the bar for which we are letting people back in? (if that's the case, we are going to have a very big problem)*

Creighton responded:

1. We were approached by the Jewish Chronicle on 4 May with a series of screengrabs which they were intending to publish about Labour member Jacqueline Walker, alleging they amounted to anti-Semitism. Having looked at the screengrabs most were legitimate political opinion and not anything we would suspend somebody for. The 'African holocaust' language could be seen as extremely offensive, but it might also count as a clumsy but legitimately held opinion or belief. One of the screengrabs contained the phrase "But all this does not detract from my correction of Jewish particularism which counts their suffering above all others". This is not necessarily antisemitic depending on context. In my view we were a bit quick to suspend this one.

2. *No need.*
3. *None*
4. *Harry can say but one doesn't always lead to the other.*
5. *The bar is antisemitic yes or no. In our judgement and the judgement of the investigating officer.*

This reinforces my opinion that we shouldn't be driven by the Jewish Chronicle.

Gregson added:

I don't believe that if a member offends people then they should automatically be seen as bringing the party into disrepute. Of course if their comments are unacceptable to the Party (i.e clearly racist) then they should be expelled, but i think when you take into account Ms Walker's explanations you could make a reasonable case that her views aren't anti-Semitic.

This mishandling of Walker's first disciplinary case exemplifies many of the flaws in the Party's handling of antisemitism disciplinary cases in this time:

- No guidance about antisemitism existed to inform staff investigating cases;
- Staff displayed a low level of knowledge about contemporary antisemitic discourse;
- There was poor communication between staff, eg. an expert opinion is sourced from Dave Rich but then not shared with those investigating the case;
- There was a lack of managerial oversight, demonstrated by very little input from Stolliday and Creighton, and no input from McNicol or Oldknow until the investigation was complete;
- Regional staff asked to conduct in-person interviews rather than written questions;
- No substantive notes were taken from interview with Walker;
- Creighton displayed defensiveness regarding both the decision and the process, rather than reflection or a critical analysis;
- There was a lack of accountability regarding decision-making.

Following her re-admittance to the Party, Walker attended Annual Conference where she spoke from the floor at a Jewish Labour Movement training session on tackling antisemitism and engaging Jewish voters. She made comments questioning the need for security at Jewish schools, Holocaust Memorial Day and definitions of antisemitism, which caused offence to many Jewish and non-Jewish members of the Party.

Her comments were recorded and published in Huffington Post on 28 September 2016, and a number of complaints were submitted, including from prominent members of JLM. At 15:26 Neil Fleming (Head of Press) emailed Stolliday, Oldknow and Katherine Buckingham (Head of Disputes) to ask:

Is she being suspended? LOTO briefing she's going to be...sigh...

This indicates that LOTO wanted Walker to be suspended and had briefed the media to that effect.

Walker's case was also discussed in the Labour HQ WhatsApp Chat "LP Forward Planning Group":

29/09/2016, 20:24 - Emilie Oldknow: If it's for us, which it should be, she's a goner

29/09/2016, 20:42 - John Stolliday: But pointless if we do it and they demand we reverse again - although I think she's beyond the pale now, even for LOTO

29/09/2016, 20:43 - Iain McNicol: Agree. Have just sent Manuel quote to Seumas asking him to sign off suspension. Karie next.

29/09/2016, 20:56 - Emilie Oldknow: No. She has to go to NCC and we didn't reverse it last time because of LOTO. It was because of what Harry G said. That's my recollection anyway!

29/09/2016, 20:59 - Mike Creighton: Harry knew what result LOTO wanted.

29/09/2016, 21:05 - Mike Creighton: A letter of administrative suspension is ready for emailing.

29/09/2016, 21:15 - Claire-Frances Lennon: Would it not be best to go ahead and suspend and then if LOTO want to reverse.....make that obvious?

29/09/2016, 21:16 - Iain McNicol: No wait to see what they say.

29/09/2016, 21:16 - Mike Creighton: Spirit of unity, spirit of unity...

29/09/2016, 21:18 - Claire-Frances Lennon: ☐

29/09/2016, 21:24 - Tracey Allen: I can't believe Momentum and its supporters are throwing her to the wolves because of outrage over anti-Semitism. Smacks of left splits. Well I can hope...

In this conversation, Stolliday asserted that suspension from earlier in 2016 was reversed due to a demand from LOTO. Oldknow corrected him with the recollection that "we didn't reverse it last time because of LOTO. It was because of what Harry G said". Creighton then surmised "Harry knew what result LOTO wanted". This assertion has no basis and contradicts the documentary evidence, which shows that Creighton expressed the opinion that Walker's comments fell within the remit of "clumsiness" or "legitimate political discourse" and judged that they did not breach Party rules. The Party has seen no evidence that LOTO influenced Creighton's opinion on Walker.

Messages in the Labour HQ WhatsApp group “LP Forward Planning Group” that day show that Iain McNicol was chasing Katy Clarke, LOTO Political Secretary, Karie Murphy, LOTO manager, and Seumas Milne, LOTO Director of Comms, for sign-off on the suspension.

This conversation implies that although Oldknow thought it should be within the remit of GLU and Labour HQ to decide on Walker’s suspension - “If it's for us, which it should be” - McNicol insisted on consulting LOTO staff. There is no evidence that LOTO asked for sign-off on this disciplinary case. Walker was not an elected representative, but her case was high-profile because of the media attention it received.

Walker was suspended on 30 September 2016 and there appears to have been no further investigatory work undertaken until the end of the year, although additional complaints about Walker were received in this period. In January 2017, Ben Westerman (Investigations Officer) picked up the case and contacted Walker to arrange an interview, which took place in February 2017. A report was presented to the March 2017 NEC Disputes Panel which decided to refer the case to the NCC.

In July 2017, Sam Matthews, Head of Disputes, sent a bundle of evidence for Walker’s NCC case to John Sharpe, external lawyer, Stolliday and Westerman. However, no further progress was made on the case for the rest of 2017.

On 17 October 2017, Laura Murray, LOTO Stakeholder Manager, asked for an update on Walker’s case. Matthews responded to Stolliday: “Jackie Walker’s charges and bundle are currently being reviewed by the Party’s lawyers. We are also still awaiting final signed statements from a number of witnesses in the case – including Mike Katz and Ella Rose from JLM”. Stolliday responded to Murray that “Walker[’s dates] will be shortly sent to [Walker] with proposed dates early in the new year.”

On 4 November 2017, Karie Murphy, LOTO Chief of Staff LOTO, enquired in the WhatsApp chat “SKEI” about the status of disciplinary cases:

“[04/11/2017, 05:49:19] Karie Murphy: I am being asked about timeline for investigations - basically more info on the actual process.

Who investigates?

How long it takes?

Decision makers?

That kind of thing.

Do we have a plan?

.....

[04/11/2017, 07:11:56] Emilie Oldknow: Sam will do specific timeframe - as I say - I asked for this yesterday. It really does depend on the complexity, witnesses, statements. Anything which goes to the NCC has the usual timeframe attached

[04/11/2017, 07:12:49] Emilie Oldknow: Six week minimum exchange of bundles and then waiting for a date from the panel - which is already a nightmare with the other cases - Wandsworth, Walker, Greenstein etc

However, the NCC bundle for Walker had not been served to the NCC Secretary yet, and therefore the six-week minimum timeframe had not even begun.

On 11 December 2017, Laura Murray emailed Stolliday again asking for an update on the progress of the case. Stolliday responded “Walker – no date arranged yet – will likely be February or March”. January, February and March 2018 all passed with no progress on the case, however.

On 7 February 2018, Matthews sent a list of NCC cases and dates to Stolliday and Oldknow, and notes on Walker’s case

Bundle being finalised - long and very complicated. Awaiting outcomes of other key AS cases so as to rely on precedent.

In April 2018, Matthews explained to Tom Gillie, external lawyer, that “we’re waiting on the conclusion of another slightly related hearing which is scheduled to take place next Wednesday and Thursday before we finalise the bundle.”

This corresponds with claims Matthews made to Jennie Formby in a meeting shortly after Formby assumed the post of General Secretary, that GLU staff were deliberately delaying the Jackie Walker NCC hearing, to ensure that Tony Greenstein and Marc Wadsworth’s NCC hearing occurred first, despite Wadsworth’s case being more recent. The aim of this delaying tactic was to attempt to use the same NCC panel if those panels had expelled Greenstein and Wadsworth. Jennie Formby recalled this discussion in an email sent on 5 May 2018:

I was told by Sam Matthews in relation to the deliberate decision to delay it by over a year – a delay for which Jeremy has of course had to bear the blame.⁸⁹¹

The Commission has asked questions, and received evidence, regarding this matter. Formby did not feel it was appropriate that there were intentional delays to Walker’s NCC hearing, causing significant reputational damage to the Party, nor that there

⁸⁹¹ https://pbs.twimg.com/media/D_2Me6UWkAAsfFh?format=jpg&name=large

were attempts to interfere with the NCC panel and process, which are intended to be independent from GLU.

Jennie Formby was appointed as General Secretary on 20 March 2018, and explicitly and publicly made the resolution of antisemitism disciplinary cases her priority upon starting in the role on 3 April 2018.

On 3 April 2018 Sam Matthews had sent Jennie Formby a spreadsheet called 'NCC Cases Grid' which included planned dates by which final charges for outstanding NCC cases would be submitted and a proposed date for the hearing. Out of all the 52 outstanding NCC cases, Jackie Walker was the only case for which these columns about timescales were left blank by Matthews.⁸⁹²

On 24 April 2018, Jeremy Corbyn and Jennie Formby met with the Board of Deputies, Jewish Leadership Council and the Community and Security Trust, which stated that the Party should expedite Ken Livingstone and Jackie Walker's cases.⁸⁹³ LOTO and Jennie Formby agreed Ken Livingstone and Jackie Walker's cases should be resolved by the end of July.

That day, Formby emailed Thomas Gardiner and Kate Purcell requesting an update on Walker's case, which Gardiner chased with Jane Shaw, NCC Secretary.

On 10 May 2018, Laura Murray enquired with Sam Matthews, Acting Director of GLU, Nareser Osei, Acting Head of Disputes, and Sophie Goodyear, Head of Complaints, about the status of the Walker case. Matthews stated it was with Cloisters, with no further reason given for the delay.

On 4 June 2018, Murray chased Matthews and Gardiner again for an update on the Walker case, stressing the need for it to be heard by the NCC by July (as agreed with Jewish communal organisations). On 11 June 2018, the NCC bundle was finally served to the NCC Secretary and then served to Walker.

Throughout June, July and August, Walker via her lawyers requested multiple extensions. Formby and Gardiner attempted to expedite the process, but the NCC routinely agreed with Walker's requests.

- Walker initially asked for an extension to respond to the charges and was allowed until 13 July to do so.

⁸⁹² 180403 NCC Cases Grid Jackie Walker

⁸⁹³ Statement following Board of Deputies and Jewish Leadership Council meeting with Jeremy Corbyn <https://www.bod.org.uk/statement-following-board-of-deputies-and-jewish-leadership-council-meeting-with-jeremy-corbyn/>

- The NCC hearing was initially arranged for 12-13 September and throughout July and August Gardiner repeatedly made clear on behalf of the General Secretary their objections to the NCC granting Walker further delays to the hearing, following requests for delays from Walker on medical grounds.
- In August, the NCC granted Walker a three-month extension. Further extensions were requested in September, which Gardiner and Formby strongly opposed.
- The NCC hearing was rearranged for 26 and 27 November 2018. In November, Walker's lawyers requested a further extension, which Gardiner objected to.
- On 19 November, a lawyer acting on behalf of the NEC wrote to the NCC and Walker to object to any further delays to the hearing. Walker's lawyers refused to engage with the process further.
- Throughout November, lawyers acting for the NEC presented the NCC with evidence of Walker's continued travelling and campaigning, posted about on social media, to prove her fitness to attend the hearing, given she had appealed for delays on medical grounds.
- In January 2019, the NCC agreed to extend Walker's NCC hearing again until 26 March 2019.
- In mid-March 2019, Walker's lawyers sought a further delay to the case which the NCC refused.
- The NCC hearing was held on 26 March 2019 and Walker was expelled from the Labour Party.

As well as demonstrating the inefficiency of the NCC process and enormous amount of time and resource which it has cost the Party, Walker's case demonstrates a continual drive from LOTO staff, and then from Jennie Formby once General Secretary, to seek a speedy and decisive resolution to the case. However, the case was deliberately delayed by GLU staff until Jennie Formby became General Secretary, and then again by the NCC.

3.3.6. Moshe Machover

Moshe Machover was a rare example of LOTO directly raising concerns about a specific case in this period, as opposed to the cases which Oldknow and Matthews later proactively raised with LOTO.

On 3 October 2017, GLU auto-excluded four members, including Machover, over allegations of supporting a political organisation that was a rival to the party (the “Communist Party of Great Britain Marxist-Leninist”).

Machover, however, categorically denied being a member or supporter of CPGB, and his auto-exclusion immediately provoked considerable controversy within parts of the Party membership, focused on Machover being summarily excluded without process and without evidence that he was a member or supporter of the CPGB.

LOTO staff and NEC members found themselves inundated with emails about the case, including from Jewish socialist groups. As detailed in the “case summary” which the Party submitted to the Commission shows, concerns were then passed on from NEC Disputes Chair Ann Black, LOTO Stakeholder Manager Laura Murray, and Shami Chakrabarti’s advisor Ellie Hobhouse.

On 4 October 2017 Murray emailed Stolliday, Oldknow and McNicol to ask the reasons for Machover’s suspension.

On 6 October 2017, Matthews shared with Oldknow and Stolliday the evidence supporting the alleged rule breach by Machover. This included evidence from the Labour Party Marxists website of Machover speaking at an event called Communist University 2016, selected articles Machover wrote for the Weekly Worker, and an article from 10 March 2016 where Machover is described as a “friend of the CPGB”.⁸⁹⁴ Oldknow informed him that she would be speaking about the case to “Andrew M” (Andrew Murray) and “Will let you know if the big guns need deploying.” She emailed again later that day asking for clarification on why Machover was informed of his alleged antisemitism accusation in a letter about a separate rule breach.⁸⁹⁵

As the controversy unfolded, Matthews acknowledged to Oldknow that:

*This, unfortunately, isn't one of those cases where there is a single bit of evidence that closes the deal – it's more an argument based on the full weight of evidence demonstrating that support.*⁸⁹⁶

⁸⁹⁴ Case: Moshe Machover: MM018

⁸⁹⁵ Case: Moshe Machover: MM019 and MM020

⁸⁹⁶ Case: Moshe Machover: MM022

Following a conversation with Stolliday and Matthews, Oldknow wrote to Machover to clarify that he would be able to appeal questioning the validity of the evidence used against him (contrary to Matthews' initial assertion that no such appeal was possible).

On 16 October 2017, Machover sent his response appealing the grounds on which he was auto-excluded - a 7-page document contesting both allegations against him and specifically stating "I have never joined the CPGB" and "I am not, and have never been, a member of the organisation known as Labour Party Marxists".⁸⁹⁷ His letter makes clear that if writing for a newspaper or speaking at an event linked to another political organisation is evidence of support for that organisation, this rule breach could be extended to a great number of Labour Party politicians who may have written for the *Morning Star* or spoken at events on the Conservative Party conference fringe.

The letters informing Machover and another member of their auto-exclusion on the basis of alleged membership or support for the CPGB, included a reference to antisemitism allegations against them. However, GLU did not auto-exclude either of them for antisemitism. They auto-excluded them for an alleged breach of Rule 2.1.4b:

A member of the Party who joins and/ or supports a political organisation other than an official Labour group or other unit of the Party, or supports any candidate who stands against an official Labour candidate, or publicly declares their intent to stand against a Labour candidate, shall automatically be ineligible to be or remain a Party member, subject to the provisions of Chapter 6.1.2 below of the disciplinary rules.

Labour Party rules do not allow for auto-exclusions on the basis of alleged racism or other misconduct, which are considered as alleged breaches of Rule 2.1.8. At that time, the National Constitutional Committee was the only body which could expel members for alleged breaches of this rule.

In cases which are alleged breaches of Rule 2.1.4b, the Party has the power to impose an "auto-exclusion" whereby an individual's membership is automatically rescinded on the basis of evidence of support for another political organisation. In cases which are alleged breaches of Rule 2.1.8, a disciplinary investigation must take place whereby the evidence is considered and the allegations are put to the member for a response, which is considered by the NEC alongside the evidence.

Moshe Machover is an Israeli Jew and a Marxist, long active on first the Israeli and then the British left. He had recently authored an article - a lengthy defence of anti-Zionism - titled "Anti-Zionism does not equal anti-Semitism", which was published on

⁸⁹⁷ Case: Moshe Machover: MM028

the cover of a newspaper of “Labour Party Marxists” (LPM) and included a passage about the remarks made by Livingstone about “Zionist-Nazi” collaboration.⁸⁹⁸ This article caused offence. Among other things, the use of the quotation by Reinhard Heydrich, and the distribution of the article at Labour conference, offended many Jewish Labour members.

The Party’s disciplinary process recognises that individuals from protected characteristic groups can also be perpetrators of prejudice against said group, and has therefore suspended and investigated Jewish members for allegations of antisemitism - indeed, an investigatory search term GLU currently uses is “Atzmon”, an Israeli Jew widely considered antisemitic (indeed a Labour Party spokesperson has publicly called Atzmon antisemitic). However, the fact that an individual is Jewish is important context in the disciplinary process in considering allegations of antisemitism. In any case where a Party member is accused of making prejudicial comments, the rules afford them the opportunity to respond to the allegation. Members expressed concerns that taking Moshe Machover through the auto-exclusion route was not only a breach of the Party’s rules, as there was not insufficient evidence that he supported a rival party, it was also denying an Israeli Jew a right of reply to an accusation of antisemitism.

Oldknow had noted to Stolliday and Matthews that “the anti-Semitism stuff just clouds it in my view”, as it raised the question of why they didn’t process the antisemitism allegation “through the usual channels”, and they should instead focus on involvement in another organisation.

Oldknow ultimately advocated accepting Machover’s explanation and removing the autoexclusion if possible. Matthews and Stolliday had been resistant and Stolliday noted that the autoexclusion removal “makes me feel sick” before he approved it.⁸⁹⁹

On 17 October 2017, Laura Murray emailed GLU-GSO noting that both Jeremy Corbyn and Shami Chakrabarti were concerned about complaints from Jewish members that the processes not having been followed in relation to an Israeli Jewish member, and wished to prevent such a situation happening again by amending and clarifying procedures. Murray made a number of requests primarily aimed at making the disciplinary process more transparent and clear, both for LOTO and for Party members, and implementing the reforms recommended in the Chakrabarti Report.⁹⁰⁰

No one from LOTO argued that there were not merits to bringing a case about alleged antisemitism against Machover, but this would have to be done under Rule 2.1.8.

⁸⁹⁸ <http://labourpartymarxists.org.uk/wp-content/uploads/LPM17-web.pdf>

⁸⁹⁹ Case: Moshe Machover.

⁹⁰⁰ Case: Moshe Machover: MM029

Automatically excluding Machover for supporting or being a member of another political party when there was not sufficient evidence to support this, was not in line with the rules. LOTO's enquiries followed public controversy and appeals from Labour members about this breach of the Party's rules. Oldknow ultimately decided to reverse the auto-exclusion following Machover's appeal.

The auto-exclusions of three other members, one of whom was also implicitly accused of antisemitism (but was not Jewish, and was not well known), were not raised, and stayed in place. It was GSO which made the decision to drop Machover's auto-exclusion, and then did not proceed with any further case relating to antisemitism or any other matter under Rule 2.1.8.

On 4 October 2017, Dan Hogan had contacted Dave Rich from the CST for his opinion on the article. On 6 October 2017 Rich provided this - but his expert opinion was never shared with LOTO or anyone on the NEC, and after dropping the auto-exclusion no further disciplinary case regarding the antisemitism allegations was pursued.⁹⁰¹

It is unclear why the complaints of antisemitism - which were the initial trigger for disciplinary action - were not progressed through normal disciplinary procedures, which would have been in line with the rules, but it is likely that the level of controversy surrounding the case deterred Matthews, Stolliday and Oldknow from further investigating the allegations of antisemitism. The mishandling of this case as an auto-exclusion for breach of Rule 2.1.4b, rather than a disciplinary investigation for alleged breach of Rule 2.1.8, ultimately resulted in a lack of resolution to GLU's original allegation of antisemitism. (In March 2018 an antisemitism complaint was submitted and logged about Machover, but the case was closed by Investigations Officers soon afterwards, on the grounds that it had already been dealt with the previous October.)⁹⁰²

A month after this case, in November 2017, Stolliday explicitly acknowledged that "the implicit criticism and insinuation running through" enquiries from LOTO was "that we are not taking action on antisemitism",⁹⁰³ while on 24 January 2018 Hogan insisted that "it is certainly not the inclination of the Governance and Legal Unit, or of the Disputes Panel, to be lenient in cases of alleged antisemitism".⁹⁰⁴ This and numerous other pieces of evidence run contrary to the idea that LOTO's raising of Machover's case was somehow perceived as an example of ongoing pressure to not take action on antisemitism, which it categorically was not.

⁹⁰¹ Case: Moshe Machover: "MM021"

⁹⁰² LOTO: "180420 AS complaint - Moshe Machover - L1627330.eml"

⁹⁰³ LOTO: "171114 Stolliday on LOTO.msg"

⁹⁰⁴ LOTO: "180125 DH on how treat AS.eml"

3.3.7. Conclusions

Staff in Jeremy Corbyn's office have been accused of "interference" for responding to emails from GLU staff asking for their views on a small number of cases in the period where there was no general secretary in 2018 (see Section 4.3). However, this section has shown that before Jeremy Corbyn became leader, staff in Ed Miliband's Leader's Office were included in disciplinary decisions involving candidates and elected representatives at any level of the Party's structures, as a matter of course.

GLU-GSO staff routinely asked staff in Ed Miliband's office for their views on disciplinary cases, and carried out their decisions even when they disagreed with them. The same staff had a different approach to Jeremy Corbyn's office, which did not have an equivalent say in disciplinary cases.

When staff in Corbyn's office urged that GLU take disciplinary action against individuals who had made antisemitic comments, GLU staff reacted negatively, saying LOTO should not demand disciplinary action against individuals, or, in the case of Ken Livingstone, they ignored repeated requests from LOTO staff altogether until two months before Livingstone would have been readmitted.

This section has demonstrated that Jeremy Corbyn, John McDonnell and Leader's Office staff urged that candidates accused of antisemitism be removed and disciplinary action taken, and that Ken Livingstone, Tony Greenstein, Jackie Walker and Marc Wadsworth's cases be concluded swiftly, as called for by Jewish stakeholders.

LOTO staff were unhappy with the NCC decision on Ken Livingstone's case, and suspected that the NCC panel had given Livingstone a light sanction in order to damage Corbyn. LOTO staff repeatedly chased for an update on the new investigation into Livingstone's comments, which Corbyn had publicly called for, but GLU waited ten months before finally launching the investigation and extending the suspension, just two months before Livingstone was due to be readmitted. Iain McNicol had inaccurately told the JLM in June 2017 that the investigation was underway and that witnesses were being interviewed.

In the case of Jackie Walker, Mike Creighton and Iain McNicol decided to lift her first suspension following her interview with Region. After her comments at Labour Conference 2016, LOTO appear to have briefed the press that she would be suspended, indicating that they thought Walker should be suspended. It would be another two and a half years before Walker's case was finally heard by the NCC, however.

LOTO repeatedly chased for progress on Walker's hearing in this period, and were told that her case "bundle" was being prepared. However, GLU privately admitted they had deliberately delayed the case, saying they did so to establish precedent through other cases. From April 2018 onwards Jennie Formby and Thomas Gardiner urged that her case be heard as a matter of urgency by the NCC, but despite Formby and Gardiner's objections, the NCC agreed to Walker's repeated requests for delays on alleged medical grounds. Finally, Walker's case was heard in March 2019 and she was expelled from the Party.

LOTO did enquire about Moshe Machover's case after they received complaints from members about an Israeli Jew being automatically expelled without due process in which he could be afforded a right of reply. This was not an auto-exclusion over antisemitism - which is not allowed under Labour's rules currently - but an auto-exclusion for alleged membership or support for a rival political party, which Machover denied. It was a breach of the Party's rules to auto-exclude Machover without sufficient evidence that he was a member of or made comments supporting another political party. LOTO enquired about the reasons for his auto-exclusion, but did not argue that he should not be subject to further disciplinary action for antisemitism through the proper processes. It was Emilie Oldknow's decision to lift the auto-exclusion on the basis of Machover's appeal letter. GLU could have subsequently brought disciplinary proceedings on the basis of antisemitism allegations but chose not to.

4. The transitional period between General Secretaries, February 2018 – April 2018

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4.1.1. Summary

From November 2016 to February 2018, GLU ignored the vast majority of antisemitism complaints, with key inboxes left unmanaged for months, with Matthews in particular failing to progress cases.

Although new positions were created in GLU at the end of 2017 following an increase in sexual harassment complaints, this increase in resourcing was mostly focused on sexual harassment and did not lead to a significant rise in antisemitism investigations.

However, pressure was mounting from LOTO - including Jeremy Corbyn directly - regarding GLU's apparent lack of action on antisemitism and the delays to high profile cases, and in spring 2018 media reports on GLU's lack of action combined with scrutiny from LOTO, MPs and NEC members led to some progress.

This is demonstrated by, for example, an email from John Stolliday to a colleague saying "I need to show to Emilie and LOTO that we have a thorough plan for progressing cases through at each stage".

Jeremy Corbyn wrote to Iain McNicol in February 2018 saying "it is clear that the current processes are far too slow to meet the volume of disciplinary cases the party has to deal with", yet "no procedural changes to the Party's disciplinary processes have been brought forward by Party staff for consideration by the NEC". Corbyn also expressed concerns that the Chakrabarti recommendations had not all been implemented and he relayed concerns raised with him and his office from the JLM Luciana Berger MP and other MPs and from Jewish members. Corbyn wrote "it is a cause for real concern that Jewish voices from across the political spectrum of the Labour Party still feel that we do not take antisemitism seriously enough".

In February 2018 NEC members Andy Kerr and Jennie Formby also wrote to McNicol requesting information on the numbers of cases, the length of time it was taking to deal with cases and the cause of delays.

In 2017 a group calling itself "Labour Against Antisemitism" (LAAS) had started sending the Party documents with screenshots, running from tens to hundreds of pages, often without specifying which individuals they were complaining about or providing any information that could help the Party identify them as members.

GLU staff did nevertheless identify some members from these complaints, and following feedback from GLU in September 2017, LAAS improved their format for

submitting complaints, specifying the individuals they were complaining about and providing some further identifying information. However, Matthews failed to act on the LAAS cases sent to him directly, or forwarded to him by GLU staff for action, and, as covered earlier, failed to ensure that the “Disputes” inbox was being managed at all.

In February 2018 LAAS claimed to the media that they had submitted 6,000 examples of antisemitic content from 700 individuals to Labour. John Stolliday responded saying:

*The 6,000 cases they claim to have sent us. Is that right? How are we working through those? Should we sit down with all these cases or is it all in hand?*⁹⁰⁵

This demonstrates the lack of managerial oversight of GLU’s work from GLU’s Director.

Matthews and John Stolliday described LAAS as “serial complainants”, who were “spamming” the Party, and said LAAS’ claims were wildly inaccurate. GLU did finally then take action on a number of LAAS complaints. But the reports Matthews produced on the number of complaints being dealt with, and his and GLU-GSO’s repeated assurances to LOTO that all these cases had now been dealt with, were highly misleading. The majority of LAAS complaints, in fact, remained without action, as did most other antisemitism complaints.

Meanwhile, Complaints staff also responded to LAAS incorrectly reporting that a number of individuals they had reported to the Party were not members, even for individuals whose names produced a single match on Members’ Centre and a sitting member of the Labour NEC. This was a consequence of an apparent lack of any guidance or training on how to search for members in Members Centre and match members’ profiles to social media accounts.

Where action was taken on LAAS complaints during this period, these were all simply investigations without suspension, although they included extreme cases of Holocaust denial and explicit hatred of Jewish people. The majority of LAAS’ complaints were not investigated at all, even though many were cases involving extreme and explicit antisemitism, and some involved Labour councillors. GLU-GSO reports to LOTO that all LAAS complaints were being dealt with and receiving a “Notice of Investigation/suspension as appropriate” were not accurate.

It was only later, after Jennie Formby had become General Secretary and after staffing changes in the GLU team, that these individuals were suspended and investigated,

⁹⁰⁵ March 18 change: LAAS: “180214 Emilie on LAAS.msg”

either following new complaints being made about them or after GLU staff discovered these cases during their audits in 2019 into historical complaints of antisemitism.

4.1.2. Staffing

In October 2017, in light of the controversy over cases involving sexual harassment and assault, and the increased scrutiny by LOTO and the public at large, it was agreed to further expand the Complaints and Disputes teams.

On 26 October 2017, Oldknow emailed Matthews:

Just in light of all the stuff and investigations which are coming down the track, let me know whether you want to discuss again the staffing levels in the Investigations team?

I am happy to ask Iain for more staff – these can be on a year contracts to start with – but you need to ask.

The following day, Matthews responded proposing three additional officers in Disputes - two Investigations officers and a Disputes Officer who would work on NCC bundles. “These could be started on 1 year contracts and we could take a view before that year is up on whether the additional resource is still needed at the time.”

Matthew’s proposal explained the rationale for an expanded team:

With the new complaints system & process about to launch, it will be easier than ever before for complaints to be raised with the Labour Party. This, combined with sporadic but increasingly regular news stories which concern the Labour Party’s disciplinary processes, there is a clear need for more resource to be provided to investigate these matters swiftly and effectively as our workload continues to increase. With current staffing levels in the Disputes Team, it is increasingly difficult for us to fulfil the team’s core duties.

It explained that “The most pressing issue for the team is the lack of resource available to assist the arduous task of assembling NCC charge bundles”, proposing a specially designated person to work on this - “a critical role if the team is to shift the current backlog of NCC cases and stay on top of new cases coming forward without significantly impacting other key functions of the team”.

Regarding the number of Investigations Officers, Matthews argued that:

Some of the most effective investigations which the Disputes Team has completed have been where space has been available to engage properly with local stakeholders, regional staff and the regional director. Investigations like those into

Gorton and Liverpool Riverside CLPs required a lot of time and resource but ended leaving the constituencies on a stable footing going forward. The same is true with particular individuals where it has been possible to dedicate enough time and resource to engage with the particular dispute as a whole.

With only two investigations officers covering the whole nation, that is often not possible.

Matthews therefore proposed a further two Investigations Officers:

This should allow the disputes team to take a more strategic approach when dealing with "problem" constituencies and tackling the kinds of endemic breaches of rule which the team are seeing more often. This change would make it far more straightforward to identify who the investigating officer was in any particular case. As well as being able to provide an overview of the wider picture across their regions to ensure that all investigations are happening in a timely and appropriate manner, regionally focussed IOs could be a valuable resource for regions. They could fulfil a training capacity for regional staff on disputes and other GLU related issues and be a point of contact to provide advice or support when the regions are conducting investigations themselves.

A number of complaints which we need to deal with are related to sexual harassment. Additional investigations officers will ensure that we have sufficient staff to investigate this allegations appropriately without putting undue pressure on a single member of the team.⁹⁰⁶

Oldknow then forwarded the proposal to McNicol:

We have been managing as best we can but I have been concerned for some time that cases are taking too long to come to a conclusion and also we are struggling to keep up with demand. It is also worth noting that these are at times, miserable jobs where staff face a multitude of abuse.

I have spoken to John and Sam about this and we would all like you to consider the attached staffing request for the Disputes team. These would be 1 year contracts to help us shift some of the backlog and on-going cases.⁹⁰⁷

On 2 November 2017, meanwhile, Sophie Goodyear also submitted a proposal for additional staffing for the Complaints team:

⁹⁰⁶ Staff: "171027 SM proposal more staff.eml"

⁹⁰⁷ Staff: "171027 EO to IN, disputes staffing request.eml"

It has become clear over the last couple of weeks that the burden of work that will come from the new complaint structure is too much for the just the Head of Complaints.

The renewed focus on the issue of sexual harassment alone has increased the number of serious incoming complaints that need to be dealt with urgently. When this is examined as part of the wider structure that requires all complaints across the organisation to come to the Head of Complaints in the first instance, it is clear that the resources are not in place to effectively handle the volume.

In order to ensure the party is effectively dealing with incoming complaints, is able to offer appropriate advice to complainants, keep a robust audit trail and take swift action to protect our members, I believe an additional two staff members will be required.

With a new focus on the internal procedures of political parties and how they deal with complaints, it is a matter of reputational urgency that these staff members are put in place.

Goodyear suggested a Complaints Officer to help “deal with incoming complaints” and “provide support for the sexual harassment reporting hotline”, and a Complaints Administrator “responsible for oversight of the complaints inbox and team general phone number” and updating the “complaints centre database”.⁹⁰⁸

These positions were then agreed.

On 2 November 2017, Stolliday updated the team that plans had been agreed, copying and pasting parts of Matthews’ previous explanation:

The SMT have agreed to expand our team to help meet the challenge of the extraordinary amount of work we are facing. With the new complaints system & process about to launch, it will be easier than ever before for complaints to be raised with the Labour Party. This, combined with sporadic but increasingly regular news stories which concern the Labour Party’s disciplinary processes, there is a clear need for more resource to be provided to investigate these matters swiftly and effectively as our workload continues to increase.

He also noted that:

Sophie will also be getting additional staff resource in the Complaints Unit. Later this week Ellie Buck will be joining us on a temporary basis from the SW region to help

⁹⁰⁸ Staff: “171102 SG proposal for staff.msg”

*Sophie with complaints workload and staffing the hotline. I know you will all make her very welcome.*⁹⁰⁹

On 22 November 2017, Stolliday outlined GLU's new structure to Oldknow:⁹¹⁰

E	HR & S/GUARD (5) HOT DESK (1)	Lucy Macklin	Olivia Shaw	Fiona Stanton (Wed/Thu)			
		Holly Snyman	Rosie Maffia	Ben Jameson			
D	INT.GOV(2); GLU(1);ED(1); EXT.GOV.(2)	Emilie Oldknow	John Stolliday	Claire-Frances Fuller / HoIG	Rebecca Child	Replace 6 x wooden 1400 desks with 8 x wooden 1200 desks	
		Monique Shockness	Jordan Hall	Andrew Whyte	External Governance Officer (start date new year)		
C	DISPUTES (7); COMP. (3)	Complaints Officer NEW	Sophie Goodyear	Sam Matthews	Louise Withers- Green	Investigations Officer NEW (start date new year)	Replace 8 x wooden 1400 desks with 10 x wooden 1200 desks
		Complaints Admin. NEW	Disputes Officer NEW (start date new year)	Nareser Osei	Dan Hogan	Investigations Officer NEW (start date new year)	

Safeguarding Manager Ben Jameson was now seated with "HR". This move followed his complaints of "bullying" by Goodyear.⁹¹¹

Sophie Goodyear, Head of Complaints, remained with Disputes. Goodyear would gain two Complaints staff, and Matthews an additional three staff - totalling five Investigations Officers and one Disputes officer focused on NCC bundles. External Governance would also be expanded from two to three.

In total, it was now planned for Complaints and Disputes to have ten staff (though, only nine of these were ever filled), in addition to the two NCC staff in Newcastle.⁹¹²

In the meantime, Oldknow attempted to secure staff secondments from other parts of the organisation, such as Ellie Buck from South West Region (Regional Organise), and Kimberley Workman from Diary and Support Administrator, both assisting in Complaints.⁹¹³ From 31 January 2018 to 2 March 2018, a regional organiser Ellie Taylor was also seconded to Complaints.

In January 2018, Megan McCann started in a role as Disputes Investigations Officer, together with Hogan and Osei, and at the start of February 2018 Withers-Green also returned into Disputes from her Complaints secondment, to now work on compiling bundles for cases for the NCC.

⁹⁰⁹ Staff: "171102 Stolliday on new staff.eml"

⁹¹⁰ Staff: "171122 Stolliday new draft GLU structure.eml"

⁹¹¹ Staff: "180813 FW Concern re bullying by Sophie Goodyear.eml"

⁹¹² Staff: "171122 Stolliday new draft GLU structure.eml"

⁹¹³ Staff: "171206 complaints inbox, hiring.msg"

On 6 February 2018, meanwhile, Stolliday informed the team that three administrator positions had now been filled:

- Grace Gdobe as GLU administrator, starting on 9 February.
- Martha Robinson as Complaints administrator, starting on 5 March.
- Lioko Mabika as Disputes administrator, starting on 5 March.⁹¹⁴

In March 2018, meanwhile, Tim Dexter also started as a Complaints Officer.

The Complaints and Disputes teams therefore underwent a considerable expansion in this period, from five to nine staff, with seconded staff contributing while the new roles were filled.

However, as the emails and documents exchanged between Matthews, Goodyear, Stolliday and Oldknow made clear, the rationale for this expansion was focused on the recent flurry of cases of sexual harassment and assault, along with the announcement of a national Complaints portal and the need to progress cases that had been referred to the NCC. It was not to address the growing backlog of antisemitism cases, which Matthews and the Disputes team continued to ignore.

GLU would continue to fail to address these complaints of antisemitism until mid-February 2018.

⁹¹⁴ Staff: "180206 new starts.eml"

4.1.3. Pressure for action

In January 2018 elections for three additional members' representatives on the NEC concluded, with Labour left supporters of Jeremy Corbyn, including Jon Lansman of Momentum, winning all three seats. For the first time, supporters of Corbyn had a majority on Labour's NEC, the body that appoints Labour's general secretary.

It was now expected that Iain McNicol, who had served far longer than general secretaries usually did, would resign.

In January 2018 Christine Shawcroft was then elected Chair of NEC Disputes in place of Ann Black. Following that January 2018 NEC Disputes meeting, misleading leaks to the media claimed that the NEC was now downgrading GLU proposals and "letting off" people accused of antisemitism.

Stolliday, Matthews and Hogan were keen to correct these misrepresentations. They noted that the NEC had actually upgraded one recommendation, from "Warning if completes training" to "Refer to NCC". One recommendation was "downgraded", from "Refer to NCC" to "Warning if completes training" - but that member then refused training, so was referred to the NCC and re-suspended regardless.⁹¹⁵

On 20 January 2018, Jackson emailed McNicol and Oldknow:

As you've probably seen these accusations of not dealing with antisemitism are getting worse and are based on a misunderstanding/complete fabrication of what happened at disputes on Tuesday. We urgently need to correct the misinformation that is going around Westminster. I realise we can't share details of individual cases but I think we need a letter from you Iain to go to John Cryer and Angela Smith, before the PLP on Monday and Peers meeting on Weds, laying out what happened as far as is possible.⁹¹⁶

Oldknow agreed:

Copying John S. Yes, this is something we can do or Iain should respond to at the PLP.

Jon C was at Disputes and therefore will know the cases.

John - can you have a go at drafting?⁹¹⁷

⁹¹⁵ See, for example: March 18 change: "180122 Stolliday on Disputes meeting.msg". LOTO: "180125 DH on how treat AS.eml"

⁹¹⁶ LOTO: "180121 Political note for Monday.msg"

⁹¹⁷ LOTO: "180121 Political note for Monday.msg"

Jackson expanded:

I think the main accusation is that we were not strong enough on cases of antisemitism - so I would say something about how the case in the press they are all talking about, where the word 'yid' was used, was actually referred to the NCC. I think it should also talk about the positive and constructive nature of the discussion, and make the point that as a party we do believe in the possibility of rehabilitation/education making a difference and where someone shows willingness to undertake such training we in general think they should be given that opportunity - but then outcome of it will be assessed and the cases referred for training will come back to disputes to see if it has been effective.⁹¹⁸

On 22 January 2018, Iain McNicol then wrote to the PLP:

I cannot comment on individual cases which were considered by the Disputes Panel. However I think it is important to let you know that of the three cases involving allegations of antisemitism which were considered last week, recommendations of an NEC warning and training were made in two cases.

In those two cases, the NEC agreed with that recommendation in one case and overturned another recommendation by sending that case to a full hearing of the NCC - strengthening the Party's response. In the final case a recommendation of sending the case to the NCC was rejected in favour of an NEC warning and training.

As a Party we do believe in the possibility of rehabilitation and education making a difference, and where someone shows a willingness to undertake such training we think they should be given that opportunity. However, the NEC Disputes Panel were clear that a failure to successfully complete that training, to show any contrition or to repeat this behaviour will see that member referred immediately by the NEC to the NCC for a full hearing.

Despite rumour and inaccurate speculation in the press, the case in which the word 'Yid' was mentioned was referred by the NEC to a full hearing of the NCC for a breach of the Party's rules. The NEC is clear that it will not tolerate abuse or antisemitism among Labour's membership, demonstrated by the rule change passed at Conference last year.

I am deeply disappointed that leaks and speculation continue to undermine the work of the NEC. All of us at the Labour Party are determined to root out

⁹¹⁸ LOTO: "180121 Political note for Monday.msg"

*antisemitism, transphobia and abuse of all kinds, and we have made genuine strides forward in improving our procedures and rules in order to better do that.*⁹¹⁹

Rumours - which we now know to have been partly accurate - were also growing that antisemitism complaints submitted to the party were not being dealt with. As McNicol's adviser noted on 5 February 2018, for example, McNicol was "keen to quash rumours of over 1000 outstanding anti-semitism cases tho but without giving specifics".⁹²⁰

On 22 January 2018, Oldknow emailed Matthews, with Stolliday in cc, for an update on the progress of antisemitism cases:

Can I get a list of all the AS cases - where they are in the process, why they are delayed (if they are), which ones have we got through? etc.

Can I get something by the end of the day?

A few hours later, Matthews responded with an update. He noted that, aside from cases already referred to the NCC:

Prior to the Disputes stage, there are 60 members under investigation for allegations related to antisemitism. 31 of these members are administratively suspended. Their investigations are underway and at varying stages.

He attached a spreadsheet, but for "investigations" this included only members currently suspended, a consequence no doubt of GLU's failure to use a system of logging and tracking cases. He also provided various reasons for delays in high profile NCC cases, including:

- *Walker – The case is complex and the bundle is very large. We have been working with the Party's lawyers to get this bundle up to scratch. There is more work to do on it. It remains a top-priority case.*
- *Livingstone – It is our intention to bring a report to the March meeting of the Disputes Panel.*

In addition, going forward:

For those who haven't been to Disputes yet, Investigating Officers will be reviewing where all investigations are up to within their regions which will give a better overview of resolution dates.

⁹¹⁹ March 18 change: "180122 Re Urgent - PLP and peers meeting.eml"

⁹²⁰ March 18 change: "180205 McNicol quash rumours 1000 cases.eml"

For those who are awaiting hearing, Lou will be focussing on pulling bundles together when she ends her secondment this week which will speed up the time between Disputes and NCC.⁹²¹

At a meeting of the Senior Management Team of Labour HQ on 22 January, Oldknow was recorded as reporting:

Anti-semitism cases have been raised in the press as a result of JLM briefing over the weekend and concern that the press team have not raised this with GLU or Policy teams and 'no comment' line not helpful. Current list of all these cases and status in process is being produced. Noted there are/have been some legal cases which have also caused delays in the process. Email chain to be started with Head of Press.⁹²²

(Oldknow's concern was, apparently, that the press team had not provided comment rebutting stories about GLU failing to deal with antisemitism cases.)

That afternoon, Oldknow then sent the update (written by Matthews) to LOTO (Murphy, Jackson and Milne):

As discussed this morning, attached is a list of the AS cases and where the Disputes team are with them.⁹²³

On 22 January 2018, Kevin Schofield from *PoliticsHome* also contacted Labour press:

I've been told that there are several hundred outstanding allegations of anti-semitism against Labour party members, and that the number could be as high as 1600.

The Jewish Labour Movement say the party should be doing more to process these quickly.

Georgie Robertson from Labour press spoke with Stolliday and Matthews, who agreed that the party should "strongly rebut" the claimed numbers. Stolliday suggested the line:

The Labour Party takes all allegations of anti-Semitism extremely seriously and is committed to challenging it in all its forms, but it is simply not true that there are

⁹²¹ March 18 change: "180122 SM on AS cases.msg"

⁹²² March 18 change: "180122 SMT note, delays by legal action.msg"

⁹²³ March 18 change: "180122 AS cases.eml"

this many cases currently outstanding. All complaints are investigated and acted upon as quickly as possible.

On subsequent discussion, however, LOTO spokesperson James Schneider responded:

That sounds like we're admitting there are a few hundred but not near 1600. Is that the case? What is the reality?

This question did not receive a response.⁹²⁴

In 2017, Matthews seems to have been largely left to himself to manage Disputes, apparently with little managerial oversight, let alone performance management, from GLU Director John Stolliday. In spring 2018, Stolliday's line manager, Executive Director Emilie Oldknow, appears to have taken a more interventionist role in GLU affairs in an attempt to ensure that work was happening, in the wake of increasing scrutiny from LOTO and other stakeholders over the lack of action over antisemitism and concerns about GLU's general level of competence.

On 29 January 2018, Emilie Oldknow drafted "objectives" for the year for Stolliday, in advance of meeting him. These included, as one of eight items:

*Work with the Disputes team to ensure investigations and subsequent NCC hearings are heard in good time and where possible have a maximum of 12 months from complaint to decision.*⁹²⁵

On 3 February 2018, Stolliday drafted objectives for all members of his team. For Matthews, tasks included:

- *Work with the Director of GLU and Secretary of NCC to ensure investigations and subsequent NCC hearings are heard in good time and where possible have a maximum of 12 months from complaint to decision.*
- *Implement a plan of regular team meetings at intervals which are appropriate. support existing staff in employee development and training*
- *Recruit final investigations officer and fully implement proposed new investigations team staffing plan*
- *work through those cases languishing the longest and try to clear long-running issues*

For Jane Shaw, meanwhile, tasks included:

⁹²⁴ March 18 change: "180122 AS case numbers reports.msg"

⁹²⁵ March 18 change: "180129 EO appraisal JS.msg"

- *Work with the Director of GLU and Head of Disputes to ensure investigations and subsequent NCC hearings are heard in good time and where possible have a maximum of 12 months from complaint to decision.*
- *to draw up workable procedures for NCC hearings on sexual harassment cases and get cases heard by the NCC as soon as possible*
- *to get as many nec cases heard by the NCC as possible without unforced delay*

(Grace Gdobe's tasks included managing "Legal Queries", and Stolliday's own emails on his behalf.)⁹²⁶

On 6 February 2018, Stolliday emailed NCC secretary Jane Shaw:

We're going to need a more intuitive plan of action for getting [NCC] cases heard within a reasonable timescale – probably 2 or 3 a week coming your way.

Can you pull together for me by lunchtime on Monday next week a proposed plan for dealing with these hearings and work out how we can cope with volume? We may need to be a bit creative with multiple hearings, regional hearing days etc. We are going to need more NCC hearings than we have ever held before in a short timescale.

This was, he noted, because:

*I need to show to Emilie and LOTO that we have a thorough plan for progressing cases through at each stage – at complaint/investigation stage, at bundle preparation stage post disputes and then at NCC stage.*⁹²⁷

On 10 February 2018, Shaw in turn noted that she had been:

*asked by John [Stolliday] to produce a plan that he can show to senior managers and the Leaders Office to show that the NCC has a strategy and are taking steps to enable it to rise to the challenge of hearing the huge number of cases that will be presented this year.*⁹²⁸

She attached a draft plan, noting:

I've also tried to show that the NCC have reflected on the last 12 months and have agreed changes to our processes that will prevent so many hearings being cancelled

⁹²⁶ March 18 change: "180203 Stolliday team objectives.eml"

⁹²⁷ March 18 Change: "180207 stolliday on plan.msg"

⁹²⁸ LOTO: 180210 Shaw NCC plan.eml

*and rearranged and that will also enable us to react with speed and decisiveness when we receive new cases and things don't go smoothly.*⁹²⁹

Her plan involved clearer timetables and expectations from both the accused, and NCC members, regarding responses and availability. In addition, "Whenever possible a NCC panel will hear multiple cases consecutively on the same day or over several days in the same venue".⁹³⁰

On 6 February 2018, Oldknow met with Matthews, and later that day he sent her and Stolliday an updated plan for action, which now included:

NCC Bundles going forward

As of the beginning of February, we now have a dedicated staff member responsible for finalising and sending on NCC Charge Bundles – that has made the attached plan possible. One of the Disputes Officer's 2018 objectives is to ensure that the backlog is cleared over the next 6 months so that we can be in a position to report to the July Disputes Panel that there is no longer a significant backlog – and moving forward to ensure that the period from Nol to NCC judgement is no longer than 12 months.

Ongoing Investigations/Suspensions

*In the last 2 weeks, I've met with the Investigations Officers and set their objectives for the next year. They all now have a regional focus. One of their objectives is to do a thorough review of all the outstanding suspensions and investigations in each of the allocated regions to work out where each investigation is at and what needs to be done to resolve each one quickly. I have asked them to complete this work by the next Disputes Panel in March. This should see the suspensions list fall from the 163 it sits at currently by the March meeting of the Disputes Panel.*⁹³¹

This included planned dates by which final charges would be submitted, and a hearing could be heard, for all 52 outstanding NCC cases (with the exception of Jackie Walker, for whom both those columns were left blank).⁹³²

On 12 March 2018, meanwhile, after a press enquiry about a case which, it turned out, had been assigned to regional staff and then stalled, Oldknow asked Goodyear, with Stolliday and Matthews in cc:

⁹²⁹ LOTO: 180210 Shaw NCC plan.eml

⁹³⁰ LOTO: 180210 Shaw NCC plan.eml

⁹³¹ March 18 change: "180206 SM plans for NCC, investigations.eml"

⁹³² March 18 change: "180206 SM plans for NCC, investigations.eml"

*Can you let me know what we are doing with chasing complaints which are allocated to the regional offices? How are they actioned and how are they brought to a resolution?*⁹³³

Criticisms continued to mount, however, from members of the NEC, LOTO and the PLP.

At the January 2018 meeting of NEC Disputes, members expressed concern about the lack of information, and extensive delays in disciplinary cases. On 13 February 2018, Labour NEC members Andy Kerr and Jennie Formby then wrote to McNicol requesting information on:

- *the number of outstanding complaints;*
- *the nature of the complaints (by broad category) including how many are related to antisemitism;*
- *the length of time it is taking to deal with complaints; and a breakdown of the time-delay on current cases, for example the number of complaints outstanding after 3 months, 6 months, 1 year etc.*
- *a brief analysis of the cause of time delays*

Matthews and Stolliday helped draft McNicol's response. Regarding 50 NCC cases awaiting hearing, they noted:

*It is the Party's intention that charges on all of these 50 cases will have been presented to the NCC by the July meeting of the Disputes Panel so as to enable hearings to take place on these 50 prior to conference this year.*⁹³⁴

(Matthews also privately noted that it would be "difficult for us to give a definitive figure on the total number of outstanding complaints or the nature of complaints by broad category".)⁹³⁵

On 20 February 2018, staff then prepared a briefing for McNicol for a meeting that day with Jeremy Corbyn. On antisemitism, it acknowledged that:

The figures provided do not include potential cases which are at the "complaint" stage of the process. They are currently being worked through by the Complaints team to ascertain who is and is not a Labour Party member before allocating for review by the region/head office complaints team to decide whether an investigation needs to be opened into a breach of rule.

⁹³³ March 18 change: "180312 EO to SG on regional complaints.eml"

⁹³⁴ March 18 changes: "180213 GLU on case numbers.msg"

⁹³⁵ March 18 changes: "180213 GLU on case numbers.msg"

Regarding the Walker case, it repeated GLU's line that "The case is complex and the bundle is very large. We have been working with the Party's lawyers to get this bundle up to scratch. There is more work to do on it. It remains a top-priority case."⁹³⁶

On Friday 23 February 2018, meanwhile, Oldknow emailed Murphy, and McNicol, to depress concern that:

During Tuesday's meeting with Seumas, Andrew and Iain, you made a very serious claim that John Stolliday had made mistakes.

Oldknow insisted that this was not "an appropriate way or environment to be raising your concerns", and "if there are concerns then I need to see the evidence for those claims".

She further updated on disciplinary cases:

On to disciplinary cases – we currently have 252 complaints which have been logged on to complaints centre – This number changes almost daily as we have more complaints come in and complaints being closed and dealt with. This is a new system and therefore regions are currently learning how to log everything, so this probably under-estimates the true figures. There are currently 162 people under suspension (at various stages in the disciplinary process) and another 50 people who are under NOI. The difference between the two is usually down to mediation/informal resolution/cases not being able to be taken forward etc.

Murphy responded the following day:

I don't consider a private meeting in the Leader's office between the Executive Directors of the Labour Party to be an inappropriate way to raise any concerns - we do similar on a weekly basis.

And:

I can confirm that I stated I was aware of concerns being raised regarding two matters managed by John Stolliday. I will now consult further and formalise these concerns as necessary.⁹³⁷

⁹³⁶ March 18 changes: "180220 McNicol briefing JC.msg"

⁹³⁷ March 18 change: "180223 EO and KM on JS.eml"

On 21 February 2018, Jeremy Corbyn sent Iain McNicol a letter regarding disciplinary procedures and the implementation of the Chakrabarti Report.⁹³⁸ Corbyn wrote that:

As a result of a series of leaks from the NEC Disputes Panel of 16 January, I have been approached by a number of MPs, Party members and members of the public expressing concerns regarding the Party's processes for dealing with complaints of antisemitism.

I have met with Luciana Berger MP, received letters from Wes Streeting MP, Anna Turley MP and John Mann MP, as well as being approached directly whilst out at events. In addition, my office has received complaints from a range of stakeholders, including the Jewish Labour Movement and other groups representing the Jewish community.

The key concern which has been consistently raised by every one of these individuals and groups is the fact that the Chakrabarti Report has still not been fully implemented.

Corbyn noted that “more than eighteen months on from the NEC agreeing to adopt the full recommendations of the Report... thirteen recommendations, which related to compliance and complaints procedures, remain un-actioned.” For example: “it is clear that the current processes are far too slow to meet the volume of disciplinary cases the party has to deal with”, but “No procedural changes to the Party’s disciplinary processes have been brought forward by Party staff for consideration by the NEC”. Similarly, there had been “no progress on the hiring of a General Counsel or staff lawyer to the Party, or the appointment of a legal panel of volunteer lawyers”, although it was “of particular importance that we urgently appoint these legal professionals, to advise the Party, the NEC Disputes Panel and the NCC on disciplinary matters.”

Corbyn finished by saying:

I firmly believe that the full implementation of the Chakrabarti Report will lead to a quicker, more consistent, efficient and legally coherent approach to disciplinary cases.

It is a cause for real concern that Jewish voices from across the political spectrum of the Labour Party still feel that we do not take antisemitism seriously enough.

⁹³⁸ March 18 change: “180221 Letter RE Implementation of the Chakrabarti Report.eml”

I urge you to take the necessary steps to see the full and immediate implementation of the Report and I look forward to a full report on the progress towards making this happen."

On 28 February 2018, Stolliday helped draft McNicol's reply to Corbyn, beginning:

I understand the pressure you have been coming under from some Labour MPs regarding the implementation of the Chakrabarti report.

It maintained that charges on 50 outstanding cases would be presented to the NCC by July, "so as to enable hearings to take place on these 50 this year". Regarding "Labour Against Antisemitism" "and other related organisations", it enclosed "the breakdown compiled by the team" - figures compiled earlier that month (discussed later):

As you can see above over half of the complaints made relate to non-members and therefore are not a matter for the complaints team. Of the 73 that are actionable a significant number are already under investigation. Those people who are not already under investigation will get a Notice of Investigation/suspension as appropriate and go into the process. As you can see this is far below the number reported in the media and I am confident that the complaints we have received are being dealt with effectively.

I know you appreciate the important work that our Governance and Legal team undertake every day ensuring not just that [antisemitism], but all forms of racism are stamped out daily. I know too how difficult their job can be at times and that you will want to remind colleagues in the Shadow Cabinet and the PLP that misguided comments attacking the unit undermine the work they do and serve only those in the right wing press.⁹³⁹

On Friday 23 February 2018, Ian McNicol resigned as general secretary.⁹⁴⁰

⁹³⁹ March 18 changes: "180228 Stolliday draft response to JC.msg"

⁹⁴⁰ <https://www.bbc.com/news/uk-politics-43172388>

4.1.4. “Labour Against Antisemitism” (LAAS)

4.1.4.i. Ignoring complaints

“Labour Against Antisemitism” was formed as a small group of individuals, some members of the Labour Party and others not, in late 2016 or early 2017. Connected to the “GnasherJew” account on Twitter, they would document cases of alleged antisemitism among Labour members, which increasingly generated publicity on Twitter. “LAAS” members such as Euan Philipps, Emma Picken and others submitted numerous complaints to the Labour Party from spring 2017 onwards.

The approach of individuals from “LAAS” has shifted over time. From spring 2017 onwards, LAAS individuals regularly submitted substantial dossiers, many of which contained streams of screenshots of Facebook comment threads. These dossiers would often run to hundreds of pages each, and it was often unclear who was being complained about and over what. Other times, some individuals were clearly identifiable as Labour members engaging in antisemitism. In August and September 2017, for example, Louise Withers-Green and Monique Shockness went through some of these reports and identified a number of members to take action against. Other complaints that involved large numbers of unorganised screenshots were also sometimes investigated.

However, some evidence suggests that Matthews may have regarded these complaints as vexatious, or “spam”, and decided to ignore them. This may partly be due to the way that various “LAAS” individuals would coordinate together in all submitting the same complaints, presumably in an attempt to get GLU’s attention. (This may also be one source of LAAS’s inflated figures about the number of “reports” they have submitted.)

On 15 February 2017, for example, Withers-Green forwarded Matthews a 13-page document of screenshots sent by Jessica Naish of LAAS on 19 December 2016, writing “Antisemitism – perpetrator not clear.” (Several individuals were in fact clearly identifiable, such as Zaman Nazari, who GLU had sent an NOI to earlier that month.)⁹⁴¹ A few hours later, Matthews then emailed Withers-Green with an example of “how we dealt with a serial complainer about nothing at all” - a letter which said that “The screenshots you have supplied, particularly in the latter of your two letters,

⁹⁴¹ Case: Investigate - no action: “170215 FW Abuse.msg”

fall firmly within the boundaries of legitimate political discourse.”⁹⁴² In March 2017, Withers-Green noted to Matthews that Naish “sends in lots [of complaints]”.⁹⁴³

In September 2017, GLU then emailed “LAAS” regarding formats for complaints. As Matthews recalled in February 2018, “LAAS” were “serial complainants”:

*Months ago, when they were spamming legal queries with unhelpfully formatted word documents which ran to tens of pages about tens of different members, Lou sent them a description of what a complaint might look like which would be easier for the Party to process (one email per respondent, evidence in a word document etc).*⁹⁴⁴

On 7 September 2017, “Legal Queries” emailed Philipps regarding nine emails of “Screenshot documents” he had sent in the preceding two months:

We are unable to accept documents of this sort as a complaint, it appears to be about a number of people but it is unclear exactly who. Complaints need to be broken down to relate to specific individuals.

The list below is an example of an effective complaint structure:

- *Name of the individual you are complaining about*
- *Allegation*
- *Identifying location / social media account / any other identifying information*
- *Evidence upon which the allegation is based*⁹⁴⁵

Philipps responded that the names of the individuals were “all those who are making antisemitic comments or supporting George Galloway” and the evidence was “the screenshots themselves”.⁹⁴⁶ In February 2018, Matthews recalled this as a “deliberately obtuse response.”⁹⁴⁷

The same advice was also given to other “LAAS” members,⁹⁴⁸ as well as other complainants such as Jewish member Colin Appleby:

As explained below we are unable to accept documents of this sort as complaints.

⁹⁴² 2017: “170215 SM advice on serial complainers - Dismiss complaint.eml”

⁹⁴³ 2017: “170327 SM LWG Naish sends in lots.eml”

⁹⁴⁴ March 18 change: LAAS: “180214 Sam Matthews on LAAS.msg”

⁹⁴⁵ March 18 change: LAAS: “180214 EP reply.eml”

⁹⁴⁶ March 18 change: LAAS: “180214 EP reply.eml”

⁹⁴⁷ March 18 change: LAAS: “180214 Sam Matthews on LAAS.msg”

⁹⁴⁸ March 18 change: LAAS: “170908 Naish complaint formatted.eml”

*This is something that we have communicated to all individuals who have submitted documents similar to yours.*⁹⁴⁹

In February 2018 Stolliday did not know whether or not Disputes were talking to LAAS.⁹⁵⁰ In March 2018, however, based on Matthews' information, Stolliday reported:

*The one time we did contact [LAAS] was to tell them it was unhelpful to send random social media posts in the middle of the night and they ought to compile information about individuals into one document rather than effectively spam us.*⁹⁵¹

Individuals such as Euan Philipps, LAAS "spokesperson", were rude in their tone, and had submitted a number of spurious complaints. The Labour Party received a number of complaints from 2017 onwards about their abusive conduct online, including allegations of "dogpiling" of individuals on Twitter.

On 30 August 2016, for example, Euan Philipps had replied to a Labour Party email, sent on behalf of the Jeremy Corbyn campaign, by saying "Fuck off Jeremy". On 3 September 2016 this was flagged by staff to "Validation" as a case of abuse to act on.⁹⁵² However, no action was taken. In 2018-19 the Labour Party has received a number of complaints alleging abusive behaviour by Philipps, including racism, Islamophobia, homophobia and antisemitism, both online and in-person. This case is ongoing.

Philipps was a CLP Secretary in Tonbridge and in April 2017 applied to be their Labour parliamentary candidate. Surprisingly, he was marked by GLU as "Suitable with advisement".⁹⁵³ Based on candidate CVs and the information GLU provided, LOTO even recommended he be selected as the candidate, though this did not happen.⁹⁵⁴

His first complaints clearly underlined his political motivation as a complainant. On 20 September 2016 Philipps submitted a complaint asking for an investigation into Momentum over data use.⁹⁵⁵ On 8 March 2017 he submitted a complaint about the cover image of a Facebook group which said, with a picture of Corbyn, "Labours Leader Deal With It / Blairites Deal With It / Tory Wannabes Deal With It / Torys We Are Coming for You". The title of Philipps' email was "reported antisemitism", but he did

⁹⁴⁹ March 18 change: LAAS: "170912 cannot accept dossiers.msg"

⁹⁵⁰ March 18 change: LAAS: "180214 Stolliday asks about LAAS.msg"

⁹⁵¹ March 18 change: LAAS: "180312 Stolliday on LAAS.msg"

⁹⁵² 2017: "160903 Abuse in response to candidate emails.msg"; "160830 Re Help us win the election after this one (13.5 KB).msg"

⁹⁵³ 2017: "170429 Re South East seat selections - Sun 30 April.msg"

⁹⁵⁴ 2017: "170429 Re LOTO recommendations.eml"

⁹⁵⁵ 2017: "160920 Momentum and the Dispatches programme.eml"

not specify who he was complaining about or why, or provide any evidence of antisemitism.⁹⁵⁶ On 14 March 2017, Philipps submitted a complaint for antisemitism over a single tweet in which someone wrote “I just despise apartheid bullies. Like Israel”,⁹⁵⁷ and on 23 March 2017 he submitted a complaint about someone being involved in Momentum - “Should members be colluding with non-affiliated organisations to influence CLPs?”⁹⁵⁸

On 22 March 2017, meanwhile, Euan Philipps submitted a complaint with a document containing a series of screenshots from a member’s Twitter account. As well as a few allegations of antisemitism-related retweets, he complained about the member:

- Retweeting “the word Blairite”.
- Retweeting a cartoon of Theresa May, Philip Hammond and Boris Johnson, in which the latter two are children, based on a viral incident where the children of an expert being interviewed by the BBC wandered into shot during the interview. Philipps maintained this was “very crass”.
- Retweeting Michael Moore saying “Arrest Trump” regarding “Russiagate” - “Calling for the arrest of the President of the USA...”
- “Calling for the impeachment of the POTUS” (Donald Trump).
- Writing “what planet is this President on” in reference to Donald Trump - “Not words I would expect from an potential elected official of Labour”.
- Criticising Melania Trump as “Money-mad” - “Again inappropriate”.
- “Calling the White House Amateurs”.
- Retweeting an article on Bernie Sanders calling on Donald Trump to fire Steve Bannon.⁹⁵⁹

The antisemitic, Islamophobic and racist views of both Donald Trump and Steve Bannon are widely known and extensively documented. Most Labour members and elected representatives would consider criticising Donald Trump to be very normal conduct, and opposing such criticism, in fact, to be contrary to the aims and values of the Labour Party. Complaints such as this may have influenced GLU’s treatment of LAAS complaints.

From late March 2017 onwards Philipps appears to have settled on antisemitism as the issue he was complaining about. Importantly, the Labour Party does not believe that abusive conduct or spurious complaints should mean that valid complaints can be ignored. The Party’s main complainant on antisemitism in 2019 is highly abusive

⁹⁵⁶ 2017: “170308 FW Reported Antisemitism 08 03 17.eml”

⁹⁵⁷ 2017: “170314 FW Antisemitism .eml”

⁹⁵⁸ 2017: “170324 FW FYI.eml”

⁹⁵⁹ 2017: “170322 FW Rowan Shaw.msg”

towards staff, and sends many complaints that contain little or no evidence - but all his complaints are nevertheless logged and investigated.

Other LAAS members were also Jewish and had consistently raised antisemitism, and the "LAAS" reports were varied and improved over time. Most of the reports they submitted in the summer and autumn of 2017 had the screenshots organised by individual, they contained many valid complaints, and, as noted, Withers-Green and Shockness had successfully identified a number of Labour members from them.

Furthermore, following GLU's instructions "LAAS" then reformatted some of their reports into a more accessible format, submitting them again to the party - but, after being forwarded from "Legal Queries" to "Disputes", these appear to have never been examined.

For example, "*report17 - new style*" was the first to be resubmitted, on 19 September 2017.⁹⁶⁰ Each individual was now clearly identified, with a summary of the evidence against them and a link to their social media profile provided. However, nothing appears to have happened with it beyond being forwarded from "Legal Queries" to "Disputes".

After uncovering this email in our historical audits in autumn 2019, we investigated the 14 individuals within and found 5 Labour members against whom action should have been taken. One of these had since lapsed, two had been suspended from subsequent complaints in 2018-19, and two we have now taken action against on the basis of this report (one member being suspended, one under NOI).⁹⁶¹ These individuals were all easy to identify from the report.

On 21 September 2017 Philipps sent "*report8 re issue*". This was still a sprawling document of screenshots, but had some added text to identify the members being accused and what the allegations were.⁹⁶² Starting on 4 November 2017, "LAAS" then switched entirely to the style GLU had requested, submitting separate documents on single named individuals, generally with links to their social media profiles, evidence of their Labour membership, and information on their location or CLP.

Between 4 November 2017 and 14 February 2018, LAAS submitted individual complaints about 86 individuals, about two thirds of whom were members of the Labour Party. Their earlier complaints had also contained dozens of easily identifiable individuals who should have been investigated, and now have been after these emails were discovered in our historical audits.

⁹⁶⁰ March 18 change: LAAS: "170919 Report 17 New Style.msg"

⁹⁶¹ Pamela Moore (suspension) and Tali Chilson (NOI).

⁹⁶² March 18 change: LAAS: "170921 Report 8 Reissue.msg"

Most of these complaints were extreme in nature, and some involved elected representatives of the party such as Labour councillors. All of these cases were forwarded from “Legal Queries” to “Disputes”. Matthews was also regularly copied in and emailed directly by the “LAAS” complainants.

However, as with most other antisemitism complaints submitted between November 2016 and February 2018, including the members identified by Withers-Green and sent to Matthews for action, no action was then taken.

4.1.4.ii. Action on “LAAS”

In February 2018, GLU’s failure to deal with antisemitism complaints became a media story.

On 8 February 2018, “LAAS” emailed Alex Sobel MP, a Jewish Labour MP, claiming:

We were concerned that you had heard that there were only 200 cases of antisemitism by Labour Party members pending, as this massively understates the scale of the problem.

“LAAS” claimed that they had “collated over 6,000 examples of antisemitic content from Labour members in the last 12 months” and sent GLU “over 700 individual reports” in a format agreed “in liaison with the compliance unit who have specified what they require from us”. They also claimed that GLU “was not adequately resourced for the number of reports LAAS have submitted and have recently recruited more staff to cope”.⁹⁶³

On 13 February 2018, Sobel forwarded the email to McNicol saying “this is why I need the figures”. At 10.32 on 14 February Tracy Allen, McNicol’s adviser, sent this to Stolliday and Oldknow seeking their “guidance”. Six minutes later, Stolliday emailed Matthews:

Are we talking to LAAS? Have we really told them the best format to send in complaints etc?

I’m worried they are going to MPs and speaking with some authority as if they are somehow linked to our processes and getting their facts totally wrong and getting the PLP all worked up – eg this nonsense about Christine delaying NCC hearings and us recruiting staff to deal with LAAS complaints.

⁹⁶³ March 18 change: LAAS: “180214 Stolliday asks about LAAS.msg”

*Then there's a wider issue of the 6,000 cases they claim to have sent us. Is that right? How are we working through those? Should we sit down with all these cases or is it all in hand.*⁹⁶⁴

Stolliday's question about the "6,000 cases ["LAAS"] claim to have sent us" and whether they should "sit down with all these cases or is it all in hand" gives an indication of the level of oversight and understanding that Stolliday maintained into the work of the Disputes team.

An hour later, Oldknow replied to Allen's email:

John - who has LAAS sent this information to?

*I cannot believe if all this was passed on, it wouldn't have been logged.*⁹⁶⁵

Matthews, however, responded to Stolliday:

This "organisation" (2 individuals) is problematic.

We are not working with them under any sort of formal agreement. They are however serial complainants – mainly via Euan Philipps. Months ago, when they were spamming legal queries with unhelpfully formatted word documents which ran to tens of pages about tens of different members, Lou sent them a description of what a complaint might look like which would be easier for the Party to process (one email per respondent, evidence in a word document etc). A copy of what Lou sent Euan Philipps along with his response is attached to this email – along with his deliberately obtuse response.

He says he has sent us 6000 individual antisemitic incidents (screenshots) across 700 cases. While the 6000 figure is likely an exaggeration in and of itself, it's possible he's sent us 6000 screenshots, he certainly has not sent us 700 individual reports – this figure is a fabrication.

There are 2 individuals who run Labour Against Antisemitism. Euan Philipps and Emma Picken. A search of my inbox, legal queries and Disputes for Euan Philipps or Emma Picken returns 157 results in total. The complaints fall into one of the following categories which outlines why the real number of complaints which it is possible for the Labour Party to do anything with is not even 157, let alone 700:

⁹⁶⁴ March 18 change: LAAS: "180214 Stolliday asks about LAAS.msg"

⁹⁶⁵ March 18 change: LAAS : "180214 Emilie on LAAS.msg"

1. *Valid complaints showing a prima facie breach of 2.1.8 on the basis of the IHRA definition against current Labour Party Members, not currently subject to disciplinary action.*
2. *Valid complaints showing a prima facie breach of 2.1.8 on the basis of the IHRA definition against current Labour Party Members who are already subject to disciplinary action.*
A cursory glance down the names of those reported shows Maher Hamadouch & Cyril Chilson both awaiting NCC hearing from before LAAS report)
3. *Valid complaints showing a prima facie breach of 2.1.8 on the basis of the IHRA definition against people who are no longer or have never been members of the Labour Party.*
4. *Complaints which do not show a prima facie breach of 2.1.8 on the basis of the IHRA definition against current Labour Party members and people who are no longer or have never been members of the Labour Party.*
5. *Duplicate reports.*

We obviously can't disclose the membership status, let alone particulars of disciplinary action, to any third party – particularly when that third party has demonstrated that they have absolutely no consideration for their responsibilities under the DPA. Aside from any issues with information they could disclose in breach of the DPA, there are also clear issues with LAAS's pattern of propagating (deliberately or otherwise) obvious misinformation to members of the PLP and other stakeholders alike.

One of Lioko's first jobs with Martha will be working through complaints which have been received over the last 2-3 months and feed them into Complaint Centre so it can go via the proper process to take appropriate action on.

Hope this is helpful. As discussed, I think some standard lines to rebut this organisation's propagation of misinformation to use internally and with key stakeholders might be helpful to give Iain. I don't want to address any of the substantive issues of an individual complaint with them, but some lines which point out that:

- *LAAS do not have a definitive idea of who is a member of the Labour Party as they do not (and should not) have access to our membership lists.*
- *LAAS do not know who is currently subject to disciplinary action by the Labour Party (save for those who have made it public knowledge), and nor should they.*
- *All complaints are dealt with within our rules and procedures (standard lines on new complaints team etc etc) – the Party absolutely does not recognise the 6000 or 700 figure.*

*Let me know if you want that worked up.*⁹⁶⁶

Stolliday did not question any of Matthews' information. Instead, he replied:

This is very useful – thanks.

*Emilie just contacted me about this so I've passed on your summation.*⁹⁶⁷

Stolliday emailed Oldknow and Allen, pasting the information Matthews had written into his email. Allen responded "Thanks John - this is really clear", and Stolliday agreed with her proposal to respond to Sobel along those lines.⁹⁶⁸ Matthews helped draft this email from McNicol to Sobel, sent on 15 February, which assured him that:

The Party absolutely does not recognise the 6000 or 700 figure, nor the 200 anti-semitism cases pending figure.

....

*I want to reassure you that we keep stringent records and deal with cases as quickly as is possible.*⁹⁶⁹

On 19 February 2018, Oldknow then wrote to Sophie Goodyear:

Apparently, there are a load of complaints in over the weekend about AS.

Sam says loads of these are not Labour Party members.

Oldknow asked if complainants were told they were not members, and Goodyear responded they would respond that:

we have been unable to identify the individual as a member of the Labour Party, we will therefore not be able to progress your complaint. If you have any further information that may help us identify the individual then please do get in touch.

This email did not differentiate between cases where Labour was concluding they clearly were not members, and cases where Labour sought additional information to confirm who they were, however.

⁹⁶⁶ March 18 change: LAAS: "180214 Sam Matthews on LAAS.msg"

⁹⁶⁷ March 18 change: LAAS: "180214 Sam Matthews on LAAS.msg"

⁹⁶⁸ March 18 change: LAAS: "180214 RE Alex Sobel Introduction to Labour Against Antisemitism.eml"

⁹⁶⁹ March 18 change: LAAS: "180215 RE Introduction to Labour Against Antisemitism.eml"; "180205 Alex Sobel re Labour Against Antisemitism.eml"

Oldknow approved - "Yes, that's perfect."⁹⁷⁰

Following this, the Complaints team began going through some "LAAS" complaints. Between 16 February 2018 and 21 February 2018, a five day period, Eleanor Taylor in "Complaints" logged 34 cases in "Complaints Centre" with the category of "Antisemitism", all from "LAAS". (This compared to just 14 complaints relating to antisemitism logged in "Complaints Centre" in the previous three months, most of which appear to have received no action after being logged.) The team also responded to complaints regarding people they could not identify as members.

At 11.31am on Wednesday 21 February 2018, Matthews then emailed the Disputes team - Hogan, Withers-Green, Osei and Megan McCann - regarding acting on these cases. He noted that Complaints were "currently working through the backlog of complaints submitted by the 3 individuals who run LAAS" and "these are being allocated to you based on which regions you cover by the Complaints Team":

Around two thirds of the complaints relate to individuals who are not currently labour party members, and a further proportion of the remaining third we have already either picked up from the LAAS complaint when it came in or they are about individuals we are already taking disciplinary action against. They have submitted around 250 complaints in total. The upshot therefore is that there will be anywhere up to 100 additional complaints relating to antisemitism based on documentary evidence which we will need to process and deal with.

Some of these will not represent a prima facie breach of 2.1.8 and, as always, you will need to use your judgement in applying the IHRA (NEC adopted) definition of antisemitism and the rule itself in deciding which ones require further action.

Senior stakeholders in the Labour Party are starting to get agitated because LAAS are propagating the claim that they have submitted anywhere between 700 and 6000 complaints to the Labour Party. This is obviously untrue but in order to rebut this false information we will need to set up a process in order to deal with these identikit-complaints.

Matthews suggested that the "only way we can deal with these swiftly is to deal with the majority over correspondence", attaching "a new NoI template which contains some model questions to go out with the evidence attached specifically for using with LAAS complaints (and any which are similar)".⁹⁷¹

⁹⁷⁰ March 18 change: LAAS: "180219 suggested response not members.eml"

⁹⁷¹ March 18 change: LAAS: "180221 LAAS Complaints.eml"

Previously, the approach of GLU had been for Regional and central staff to arrange individual interviews with every respondent. As discussed earlier, it would have made sense to make this transition to centralised handling of complaints, and seeking written responses rather than arranging interviews, much earlier. For example, this would have helped when the party had to deal with 230 cases based entirely on screenshots of social media conduct after the 2016 “Validation” process.

Matthews emphasised “this needs to be a priority for the whole team”. However, to Hogan’s response “While I understand this is a priority, can this wait until Monday?”, Matthews replied “Yes.”⁹⁷² (Hogan did not, in the end, send any investigatory letters on the cases assigned to him by Taylor until Monday 5 March, almost two weeks after Matthews’ email.)

Later that day, Matthews followed up:

*Good news - it's only 73 and that number includes some who we are already taking action against. They should all have been allocated to you on Complaint Centre.*⁹⁷³

At 4.07pm, Matthews sent Stolliday a full update:

Just on this, and obviously feel free to pass on as appropriate.

CT have now sifted through all the LAAS complaints. What it shows is only one in five (22% to be exact) of the emails LAAS sends is actually a complaint the labour party may be able to do something about. Within that 22%, some of them will already be under investigation.

Breakdown is as follows:

TOTAL EMAILS: 323

DUPLICATES: 63 (20%)

TOTAL NON-MEMBERS: 187 (58%)

TOTAL ACTIONABLE COMPLAINTS: 73 (22%)

Of that 73 remaining, a number of people we’re already taking action about are included – we’ll only know who they are once my team have reviewed what has been allocated to them today on Complaint Centre. Hardly the 700 they profess to have sent in.

⁹⁷² March 18 change: LAAS: “180221 LAAS Complaints.eml”

⁹⁷³ March 18 change: LAAS: “180305 RE LAAS Complaints DH NOIs.eml”

*The 73 have been allocated to the appropriate IO on Complaint Centre. As per the email sent round below, the team will be using the attached template to clear these out the way as quickly as we can.*⁹⁷⁴

The following day, on 22 February, Stolliday responded:

*This is very useful - thanks*⁹⁷⁵

He then sent an update to Oldknow, pasting Matthew's report with some slight editing, including adding that:

*The 73 have been allocated to the appropriate investigating officer on Complaint Centre. Those people who are not already under investigation will get a Notice of Investigation/suspension as appropriate in the next week or so and go into the process.*⁹⁷⁶

Oldknow thanked Stolliday, and sent the information on to McNicol.⁹⁷⁷

It was also at this time that GLU-GSO seem to have realised their months-long confusion over inboxes. On 21 February 2018 Jackie Stacey from GSO met with Complaints staff on issues including "co-ordinating incoming comms (Complaints, Disputes and Legal Queries inboxes)". Goodyear agreed to "discuss with colleagues from the other units", and the agreed aim was "to use Complaints as the main inbox for incoming comms, with Complaints Team staff filtering items and passing appropriate emails on to Disputes or Legal Queries", with "Disputes" then becoming a purely internal email.⁹⁷⁸

From this point on, "Legal Queries" would forward complaints to "Complaints", not directly to "Disputes", and on 22 February 2018 the complaints team for the first time created an "antisemitism" folder in their "Complaints" inbox.⁹⁷⁹

The issue did not go away, however, and on 3 March 2018 *The Independent* contacted Labour's press team for "a Labour response to LAAS' claims (below) that the Compliance Unit is failing to deal with allegations of antisemitism effectively":

⁹⁷⁴ March 18 change: LAAS: "180222 RE LAAS Complaints.eml"

⁹⁷⁵ March 18 change: LAAS: "180222 RE LAAS Complaints.eml"

⁹⁷⁶ March 18 change: LAAS: "180222 AS cases update.eml"

⁹⁷⁷ March 18 change: LAAS: "180222 EO AS cases update.eml". "180222 Fwd AS cases update.eml"

⁹⁷⁸ Systems and tracking: "180222 meeting to resolve inboxes.eml"

⁹⁷⁹ Systems and tracking: "180222 antisemitism inbox created.msg"

Labour Against Antisemitism, who have Identified and reported thousands of party members for antisemitism and abusive behaviour over the last 12 months, have claimed that following the announced departure of General Secretary Iain McNicol, communications from Labour's compliance unit have become disjointed, confused and chaotic.

"LAAS" pointed to Labour's complaints team having recently responded to them that several prominent Labour activists they had reported, including a sitting councillor, were not Labour members.⁹⁸⁰ These claims were then published by *The Independent*.

Stolliday, however, responded to the email chain, which included Labour and LOTO press as well as GLU-GSO:

This is clearly just wrong.

The Complaints team have sifted through all the LAAS complaints. What it shows is only one in five (22% to be exact) of the emails LAAS sends is actually a complaint the Labour Party may be able to do something about. Within that 22%, some of them will already be under investigation.

Stolliday's email continued with the statistical breakdown provided by Matthews, and ended by saying:

The 73 have been allocated to the appropriate investigating officer on Complaint Centre. Those people who are not already under investigation will get a Notice of Investigation/suspension as appropriate in the next week or so and go into the process. hae been getting a Notice of Investigation/suspension as appropriate.⁹⁸¹

Oldknow then forwarded this to McNicol, Murphy, Andrew Murray and Milne:

See below for stats which are just wrong.

No comment from us in story as the duty press officer didn't have access to the correct email box.

If you want any more information, let me know.

Iain McNicol personally asked "Seumas can you get someone from the press team to go back and correct this story", while Andrew Murray commented:

⁹⁸⁰ March 18 change: LAAS: "180304 Re PRESS RELEASE Labour Compliance Unit 'in Disarray'.eml"

⁹⁸¹ March 18 change: LAAS: "180304 response to LAAS.msg"

*I think that LAAS risk discrediting the serious work that needs to be done in combatting anti-semitism in our movement through wild attacks on all and sundry*⁹⁸²

Meanwhile, Stolliday also approved a Labour press line in response saying:

It is categorically wrong to suggest anti-Semitism is institutionalised within the Labour Party. The Labour Party takes all complaints of anti-Semitism extremely seriously and is committed to challenging it in all its forms. Any complaints of anti-Semitism are fully investigated in line with our rules and procedures and action taken.

Stolliday said "That's fine for me (although the last sentence of the background may be a bit stating the obvious)". As we have seen, far from being a statement of "the obvious", this line was actually inaccurate, as most antisemitism cases received by GLU in the previous sixteen months had not been investigated at all.⁹⁸³

Press Officer Georgie Robertson, meanwhile, commented "What an absurd story." On the basis of the information provided by GLU, Robertson drafted "On background" information:

More than half of the complaints sent into the Labour Party involve people who are not members of the Party. The Labour Party can only investigate and take action in regard to members. Our remit does not extend beyond our membership.

All complaints made by Labour Against Antisemitism have been looked into and those which relate to Party members, have or are being investigated.

Iain McNicol remains the General Secretary until his successor is elected in a few weeks, and so continues to oversee compliance issues and other issues in the Party. Nothing has changed since the announcement last week.

The compliance unit is made up of dedicated staff who've worked in the Party for many years, who fully investigate all complaints that are made to them.

Both Stolliday and Matthews signed-off this background information.⁹⁸⁴

On Monday 5 March, Matthews then emailed the Disputes team:

⁹⁸² March 18 change: LAAS: "180304 response to LAAS.msg"

⁹⁸³ March 18 change: LAAS: "180304 Re PRESS RELEASE JS.eml"

⁹⁸⁴ March 18 change: LAAS: "180304 Re PRESS RELEASE JS background.eml"; "180304 Re PRESS RELEASE SM.eml"

You may have seen some of the news articles over the weekend following outrageously inaccurate briefing from LAAS to the Independent. As a result, this needs to move up the priority list. I'm putting together a paper on how we are dealing with investigations like these for AOB at Disputes tomorrow. By mid-afternoon, could you let me know the following statistics:

- 1) *How many Nols you have sent out from the LAAS complaints. MOST IMPORTANT STAT*
- 2) *How many resignation responses you have had*
- 3) *How many substantive responses you have had*
- 4) *How many non-responses you have had*

*Sorry to spring this on you first thing on a Monday – if your stats don't look quite as good as you would like them to, could you make sending out Nols your sole priority this morning so that by 2pm(ish) we've made significant progress on this.*⁹⁸⁵

Matthews added that “that you shouldn't take anything I say as being accusatory” - “I know everyone has had a massive amount of work on” and “You are all absolutely excellent”.⁹⁸⁶ It is not clear why Matthews said this, considering that, as far as we can tell, it was he who had failed to ensure the “Disputes” inbox was managed and had failed to respond to numerous antisemitism complaints forwarded to him for action by Withers-Green the previous year.

On 5 March 2018, Matthews then sent a “LAAS Complaints Reports” to Oldknow and Stolliday.

In relation to the inaccurate responses that certain members were not members of the party, Matthews noted that “Sophie [Goodyear] is off this week and I don't know what checklist her team go through when searching for a member to try and identify them on the system when a complaint comes in prior to allocating it for an investigation”.⁹⁸⁷ He acknowledged that LAAS had incorrectly received responses that Greg Hadfield, a well-known suspended member already referred to the NCC, and even Darren Williams, an elected member of the Labour NEC, were not members. He noted that:

Looking through the sent-box for complaints, there does appear to be a systematic issue with how attempts are being made to identify members which is highlighted by high-profile admin errors. I can see the stock “can't identify membership” email has gone out in response to a complaint from LAAS about Darren Williams. I think what

⁹⁸⁵ March 18 change: LAAS: “180305 RE LAAS Complaints DH NOIs.eml”

⁹⁸⁶ March 18 change: LAAS: “180305 RE LAAS Complaints DH NOIs.eml”

⁹⁸⁷ Systems and Tracking: “180305 LAAS Complaints Report.msg”

may be happening is that, where individuals have a common name and multiple search results have been returned on the system, they have got the standard “can’t identify the member, please feel free to send us anything further which may help identify them” response.

I think a set process for searching for members when complaints are received, which involves multiple searches on a few parameters, would be useful in helping avoid the above where possible. There are some tips and tricks to member-centre which aren’t immediately obvious when trying to membership match. I’m happy to ask Dan or Lou, who have done a lot of trying to membership match, to put together a checklist/guide for Sophie’s new starters when they start next week if you think that would be helpful. I just don’t want to step on Sophie’s toes.

The lack of training and guidance for staff was evident. Having worked in Disputes since June 2016, Matthews and his team had never “put together a checklist/guide” for identifying members, and the new Complaints team staff were now committing a litany of basic errors, including failing to identify members of Labour’s NEC as members of the Labour Party.

Matthews' attached report said:

In recent weeks, the organisation “Labour Against Antisemitism” (LAAS) has attracted some media attention in relation to their claims that the Party is not dealing with antisemitism through its disciplinary processes. The following report lays out the ongoing work by Officers to address this issue.

*There are currently XX (**I need to ask Kimberley to give me this number as I don’t have complaint centre admin access**) members under investigation for allegations relating to antisemitism. This figure does not include those who have already been referred to the NCC by the Disputes Panel.*

The Party has created the Complaints Team to receive, process and monitor the progress of all complaints sent to the Party. The Party has also expanded the Governance and Legal Unit so that it is equipped to conduct swift and robust investigations into alleged breaches of the Party’s rules.

Every complaint the Labour Party receives is treated extremely seriously and a number of checks are performed upon its receipt. Firstly, the Complaints Team check that the person referred to in the complaint (the respondent) is a member of the Labour Party. The Labour Party cannot investigate or take any action against individuals who are not members of the Labour Party. The complaint is then

allocated by the complaints team to the most appropriate body to investigate the complaint.

LAAS' claims vary from 700 to 6000 on how many complaints they have made to the Labour Party. Both of these figures are a gross exaggerations. The total number of complaints the Party has received from LAAS in a usable format is just under 350. Of those, some 20% are duplicates and a further 58% relate to individuals who are not current members of the Labour Party. Just over one in five (22%) of the complaints which LAAS make relate to a current member of the Labour Party. Many of the complaints in that usable 22% relate to members who are already subject to disciplinary action.

Again, it is interesting to note that Matthews did not have "complaint centre admin access", which would enable him to export complaints and filter and count them by category. Matthew's explanation for the failures to identify members would also not explain how they had been unable to identify, for example, Greg Hadfield, the only person with that name on the Labour database.

Oldknow thanked Matthews and, regarding reporting to the NEC, said "I will talk to Christine today about saying something under AOB."⁹⁸⁸

She then forwarded Matthew's email and report to Jackie Stacey from GSO and Goodyear from Complaints:

There is a problem when some members of the complaints team are identifying members or not. This has led to the compliance unit being described as 'chaotic' in the Independent.

In my view, no one should be replying on AS issues unless they are Sophie as we need to be absolutely sure we have it right as it seems like in some cases below - we have not.

Please can you action?⁹⁸⁹

Stacey arranged to meet Matthews to try to resolve the issue. As discussed later, however, major issues with identification techniques persisted for some time.⁹⁹⁰

⁹⁸⁸ March 18 change: LAAS: "180306 EO Re LAAS Complaints Report.eml"

⁹⁸⁹ March 18 change: LAAS: "180306 Stacey RE LAAS Complaints Report.eml"

⁹⁹⁰ March 18 change: LAAS: "180306 Stacey RE LAAS Complaints Report.eml"

4.1.4.iii. Action on “LAAS” Cases - Assessment

LAAS’s claims were wildly inaccurate - the number of Labour members they had reported were about one hundred, rather than the hundreds or thousands they claimed. However, Matthews’ report also appears to have been inaccurate, and the Party does not recognise any of the figures he produced or understand how he produced them.

For example:

- 34 “LAAS” antisemitism cases were created on Complaints Centre and assigned to IOs, less than half of the 73 that Matthews reported.
- We are not aware of any “LAAS” reports being saved at the time and added to any existing investigations.
- The majority of LAAS complaints do not in fact appear to have been investigated or even touched. The Party has found reports of dozens of clearly identifiable Labour members submitted by LAAS in the preceding year, that were not picked up in this “sifting”. Many of these were individual reports that had also been emailed to Matthews directly by LAAS, while Withers-Green had personally identified and sent to Matthews for investigation numerous members reported by LAAS. Contrary to Matthews’ reports, these cases were not included in this “sifting” and continued to face no action.

For example, on 24 January 2018 “LAAS” had reported Ayesha Mangera, an admin of a large, unofficial pro-Labour Facebook group. Evidence was provided of her sharing Rothschilds conspiracies and posts saying “Zionist lobbies” protected Nazis after the Second World War, calling Jon Lansman a “pro-Israeli muppet” and writing that “Zionist[s] have brought many people to heel, they are very powerful.”

This case was forwarded from “Legal Queries” to “Disputes”, and then ignored. There is no clear explanation as to why it was not picked up in this “sifting”. In autumn 2019 the case was uncovered in our historical audits, and Mangera was suspended pending referral to the NEC for expulsion.⁹⁹¹

Similarly, in early January 2018 “LAAS” had submitted a report on John Wiltshire. His location and age was identified, and he was easily identifiable on Members Centre. The enclosed screenshots revealed an array of “Rothschild Zionist” conspiracies, including posts about “Zionists behind all wars since 1890”, “9/11, London, Paris and Brussels attacks, the Illuminati, Zionism, Rothschilds Usury Banking”, a “Holocaust” by “Zionist Israel”, Israel controlling the BBC and ISIS, and more.

⁹⁹¹ Case: Ayesha Mangera.

On 9 January 2018, these reports were forwarded from “Legal Queries” to “Disputes”. However, no further action appears to have been taken, and this case was not included in this “LAAS” round-up. Since being discovered in our historical audits, Wiltshire has been suspended pending referral to the NEC for expulsion.⁹⁹²

Another individual “LAAS” reported in early January 2018 was Barry Jones. His name and CLP were included and he was easily identifiable on Members Centre. Screenshots showed repeated posts about “Rothschild Zionists”, the “pro-Zionist lobby”, the “Rothschilds mafia” running Israel, “Rothschilds and the occult agenda of Zion”. Like Wiltshire, reports on Jones were forwarded from “Legal Queries” to “Disputes” and then no further action was taken. Since being discovered in our historical audits, Jones has likewise been suspended pending referral to the NEC for expulsion.⁹⁹³

O'Neill Meredith, meanwhile, had been reported by “LAAS” in an individual report in December 2017. Evidence included Meredith:

- attacking Joan Rivers - “Joan the jew... fucking slag”
- sharing as “the facts” Ken O’Keefe on “Jewish Supremacist Satanic Pedo Banks”
- writing that she has joined Labour
- writing that “jews are torys money money money fuck everyone money”
- writing some apparent Holocaust revisionism.

The complaint was forwarded from “Legal Queries” to “Disputes” and then no further action was taken. After being discovered in our historical audits, in September 2019 Meredith was suspended pending referral to the NEC for expulsion.⁹⁹⁴

Numerous other complaints about antisemitism, many of them submitted by Jewish Labour members, were also ignored - the “sifting” had focused on “LAAS” complaints alone. This included, for example, the complaints about Chris Crookes, Robert Cullen and Andrew Paul Thompson detailed previously, and a December 2017 complaint from Jack Lubner, a young Jewish Labour member, about antisemitic comments from six people he believed to be Labour members.

Lubner’s complaint had detailed Mohson Rasool referring to Jews as having “bent-noses” and calling Jews a “breed” of “manipulative liars”; Brian Sadler saying Zionism was becoming the “4th reich”; and Pete Moyes, already known to GLU but not acted on, saying “zioscum” Jews “cause 99% of wars on the planet”.

⁹⁹² Case: John Wiltshire.

⁹⁹³ Case: Barry Jones.

⁹⁹⁴ Case: O'Neill Meredith

Lubner's email was promptly forwarded from "Legal Queries" to "Disputes", and no further action was taken until April 2018, when Lubner emailed to chase the complaint. Checking Rasool's Facebook, Disputes officer Megan McCann found Rasool advocating genocide against Jews and supporting terrorism. GLU and GSO staff (then including Thomas Gardiner) agreed to both immediately suspend Rasool and report him to counter-terrorism police.⁹⁹⁵ In February 2020, following a police investigation, the CPS issued charges against Rasool.⁹⁹⁶

The failure to address Lubner's complaint for almost four months put Jewish members of the party at risk. As detailed elsewhere, it was Sam Matthews' responsibility to ensure that emails in the "Disputes" inbox were addressed. The party is, as with much of what has been uncovered in this investigation, deeply troubled by this finding.

Pete Moyes, meanwhile, had been known to GLU since April 2017, and had been identified to Matthews in June 2017 for a litany of antisemitic comments about "zioshits". However, in April 2018 new Complaints Officer Tim Dexter incorrectly identified Moyes as not being a member. Pete Moyes was an active member at the time, having joined in 2016, and there is only one "Pete Moyes" on the database. Moyes also had a case against his Members Centre record, for antisemitism, at the time. The error was, we suspect, due to the fact that there is, additionally, a "Peter Moyes" on the database who was not a member, and searching "Peter" would not return a result of "Pete". (Withers-Green had, however, managed to identify Moyes previously.)⁹⁹⁷

As already partly highlighted, GLU staff made many basic failures in identifying members reported in this period, including in this "LAAS" round-up.

For example, in November 2017, "LAAS" reported Labour councillor Dipu Ahad for social media posts including "liking" comments about Rothschild conspiracies. On 28 February 2018, however, Complaints Officer Ellie Taylor responded that they were unable to identify Ahad as a member, despite him being a sitting Labour councillor.⁹⁹⁸

On 30 December 2017 "LAAS" had submitted a report on Paul Hinshelwood. This included a link to his Facebook profile (which included the term "National Socialist"), and showed him writing that "Zionist Ashkenazi Jews" invented the Nazis and control Western governments; that a "Zionist false Jew... wants to wipe out the white race";

⁹⁹⁵ Case: Brian Sadler, Mohson Rasool

⁹⁹⁶ <https://www.theguardian.com/uk-news/2020/feb/26/labour-activist-charged-in-police-antisemitism-investigation>

⁹⁹⁷ Case: Peter Moyes.

⁹⁹⁸ Reported here: <https://www.buzzfeed.com/hannahalothman/at-least-10-of-labours-sitting-councillors-or-local>

and supporting Adolf Hitler, who had seen “the zionist false jews infiltrating governments across Europe”.

On 8 January 2018 this report was forwarded by “Legal Queries” to “Disputes”. However, on 26 February 2018 Ellie Taylor responded to the complainants that “we have been unable to identify the individual as a member of the Labour Party”, and will “not be able to progress your complaint”.

There was only one Paul Hinshelwood on Labour’s database, and a search of the Facebook profile identified shows him repeatedly talking about living in the same place as that member. (On 18 May 2018, after JLM member Stephane Savary raised the case with *Buzzfeed News*, and GLU was alerted to the case again, Hinshelwood was suspended. His membership subsequently lapsed while under suspension.)⁹⁹⁹

Although some of these errors were highlighted in the media and Matthews, Goodyear, Stolliday and Oldknow were aware of them, no effort appears to have been made to then go back and rectify their own mistakes.

It is not clear from the available evidence how this “sifting” of “LAAS” complaints was done, why the majority of them were missed and remained ignored, and where Matthews’ numbers came from, particularly his claims of “around 250 complaints”, then “323 emails” - or “just under 350” complaints “in a usable format” - of which “187” were complaints about non-members.

A final sheet tracking the “LAAS” cases being logged, saved on 20 February 2018, recorded 107 complaints, 99 of which had “Outcomes” recorded. These pertained to 44 unique respondents, of which 22 had an “Outcome” of “can’t prove membership”, 17 “Passed to Disputes” and 1 “Already with disputes” (4 were blank). 34 cases were then logged in “Complaints Centre”, rather than the 73 Matthews claimed had been logged.

The Party believes that Matthews may have invented the numbers he reported.

As well as falsely reporting that GLU had now “sifted through all the “LAAS” complaints”,¹⁰⁰⁰ Matthews gave the false impression that the issue with “LAAS” pertained to some complaints submitted recently, in the preceding few months. As we have seen, however, “LAAS” and other complaints had been mostly ignored throughout the preceding sixteen months.

⁹⁹⁹ Case: Paul Hinshelwood.

¹⁰⁰⁰ March 18 change: LAAS: “180222 RE LAAS Complaints.eml”

Indeed, many of those GLU have now acted on had themselves been reported repeatedly over the previous year.

John Carey, for example, had been reported by "LAAS" already in May 2017. This was a large and quite sprawling document, but Carey was the first individual in it, and his location, CLP and even address were clearly identified. On 21 August 2017, Withers-Green forwarded this to Sam Matthews, enclosing Carey's membership number and suggesting an "investigation". Matthews did not reply and we have no record of any action being taken.

"LAAS" then submitted Carey again on 9 December 2017, as an individual report. Their emails were forwarded from "Legal Queries", and on 11 December 2017 Euan Philipps also sent the report to Matthews directly.

These reports had shown Carey talking about the "Zionist Holohaux" and the "Zionist controlled media", saying Jews were behind the Holocaust and "Rothschild Zionists" started the Second World War, not Hitler. It was not until 22 February 2018, as part of the "LAAS" sweep-up, that GLU acted against Carey, however, more than nine months after he was first reported to the party.¹⁰⁰¹

Similarly, Graham Wilmot had been submitted by LAAS on 19 September 2017, in the document "Report 17 - new style", with clear identifying information including links to his Facebook profile provided. The Labour database contains just one person named Graham Wilmot, so it would have been an easy match.

Posts from Wilmot included: warning that "Gentles will be the slaves of Jews"; Holocaust revisionism; claiming that "Jews are leading the legal fight against Brexit", a post saying "Sixty-Six Million Christians Murdered By Jewish Bolsheviks"; saying Sadiq Khan is part of a "Zionist plot"; and saying that the "Rothschilds Zionist mafia" run America. He had also posted a range of Islamophobic and anti-immigrant content.

On 16 February 2018 "LAAS" submitted Wilmot again as an individual report, and the same day, as part of the "LAAS" round-up, it was logged and sent to Dan Hogan. Two weeks later, on 5 March 2018, Hogan acted.¹⁰⁰²

This was one of a number of "LAAS" cases GLU did now act on. On 21 February 2018 five individual members were sent NOIs concerning antisemitism, and on 22 February another six. In total, between Wednesday 21 February 2018 and Monday 5 March 2018 - just under two weeks - GLU issued 26 NOIs for antisemitism (and one suspension for Ken Livingstone).

¹⁰⁰¹ Case: John Carey

¹⁰⁰² Case: Graham Wilmot.

This contrasts with 26 NOIs for antisemitism (and 9 suspensions) issued in the whole of 2017 - a twenty five to thirty fold increase in the rate of action on antisemitism.

It also contrasts with 72 NOIs and 55 suspensions across all categories, issued in 2017. In just 13 days, GLU did the equivalent of 80 days of work at its 2017 rate of progress, a more than sixfold increase in the overall rate of action on all complaints.

At this time, Matthews' Disputes team had the same number of employees as it had had throughout 2017 - himself and three Disputes Officers - Hogan, Westerman and now McCann (Withers-Green now working on NCC bundles).

This illustrates that the failure to deal with antisemitism and other complaints by GLU in 2017 was not due to the team being under-staffed or over-worked. It was due to GLU having a different set of organisational priorities, the most notable of which was factional work.

Moreover, Wilmot, Carey and indeed all the "LAAS" cases were only issued NOIs - not suspensions. Stolliday had reported to Oldknow and LOTO press, and Oldknow had then forwarded to McNicol and senior LOTO management Murphy, Murray and Milne, that all these cases would receive, and then had received

*a Notice of Investigation/suspension as appropriate.*¹⁰⁰³

Iain McNicol sent this same information directly to Jeremy Corbyn.¹⁰⁰⁴

This was not accurate. As Matthews' email to Disputes on 5 March appears to confirm, Matthews instructed all Disputes staff to issue NOIs. We have no evidence that suspensions were even considered or discussed for any of these cases.¹⁰⁰⁵

Of these 26 "LAAS" cases, at least 22 should definitely have merited immediate suspension in expectation of later expulsion from the party. We have summarised a selection of the evidence against each of these 22 individuals below:

Mark Golding - 21 Feb 2018 - NOI - "I am a holocaust denier". "Israel is a shameful little prostitute of The Big American Bank Robbery". "Zionist owned western media".

Nigel Sidebottom - 21 Feb 2018 NOI - "rothschild zionists bankers own the governments with their infiltrations, it's all by rothschild multinational banks". "Put there by #israellobby to further aims of #zionism and #jews while deliberately promoting #Antisemitism to shut down #DissentIsPatriotic". "Israeli zionists are worse than Hitler".

¹⁰⁰³ March 18 change: LAAS: "180304 response to LAAS.msg"

¹⁰⁰⁴ March 18 changes: "180228 Stolliday draft response to JC.msg"

¹⁰⁰⁵ March 18 change: LAAS: "180305 RE LAAS Complaints DH NOIs.eml"

Jean Porter - 21 Feb 2018 - NOI - "the goyim are in danger". "Zionist controlled UK media". "Zionists collaborated with the Nazis".
John Carey - 22 Feb 2018 - NOI - "Labour is being run by Rothschild [Sic] Zionists". "people make the mistake of thinking the banking cartels had any consideration for sacrifice of their own people to fulfil an agenda and it's given the Jews a free pass for the last 70 years as a result".
Ian Lowery - 22 Feb 2018 - NOI - "methinks you will find that the zionist controlled UK parliament are not sitting on the fence, just on their hands". "Nick Clegg guarantees funds for lessons on the Holocaust can we have some funds to educate people about the Nakba?"
Carolyn Marsden - 22 Feb 2018 - NOI - "Israel is the cause of all the dirt in the media about jc", "Obviously there is bigger evil people behind the Rothchilds front they are marly [sic] puppets".
Saeed Ahmed - 22 Feb 2018 - NOI - "all one needs to know, if one wants the truth", whilst sharing "David Irving - On Holocaust", "People out there in this big bad world accepting of Zionist ideology cancer that spreads its 'wealth' by buying people and governments forcing historical monuments erected for the so called '6 million'. Shares an article called "The Holocaust™ and the Phony Six Million", writing "For those that cling on to their false truth... read, educate & share the heck out of this as it breaks down one of those false foundations of pillars built by liars".
Keirin Offlands - 22 Feb 2018 - NOI - Shares post with phrase "#ZioNazi storm-troopers".
Saeed Ahmed (Different individual from above) - 1 Mar 2018 - NOI - Involved in organisation that shared antisemitic image of a Jewish man rubbing his hands together as the world burns with the caption "Zionism Cancer of the Earth". Compared Israel to Hitler.
Mehdi Husaini - 1 Mar 2018 - NOI - Involved in organisation that shared antisemitic image of a Jewish man rubbing his hands together as the world burns with the caption "Zionism Cancer of the Earth". Shared antisemitic documentary.
Sheila Scoular - 5 Mar 2018 - NOI - "Media does what Israel tells them to". Shared David Icke meme suggesting David Cameron does everything Netanyahu says. "Israelis learned their evil ways from experts in the Nazi establishment".
Thomas Keith Ferguson - 5 Mar 2018 - NOI - "Real Jews burn the flag of zionist israel", Shares video "Aaron Russo exposes The Zionist New World Order", Shared link "Shadowy Israeli App Turns Jewish Americans into Foot soldiers in ...", "Compares Hitler to Netanyahu", Shares "Hungary Orders the Rothschild banks to leave the country",
Ilona Csatlós-Graudins - 5 Mar 2018 - NOI - Shares video titled "Zionist - How to kill Goyim children and...". Shares video titled "Rabbi Dovid Weiss explain Zion or Fake Jew in Depth". Shares link titled "Illuminati ritual & Occult worship on display at a rothschild f..." Shares link "Rothschild and the illuminati", Shares image of numerous Jews in a meme with the caption "know your enemy these men rule the world".
David Roger - 5 Mar 2018 - NOI - Compares Israel to Nazi Germany,
Mark Conway - 5 Mar 2018 - NOI - "speaking for myself i despise Jews i think they are vermin and the scum of the earth but only those Evil Jews who think its acceptable to steal palestinian land and persecute them and so to those jews i would say fuck you you

murdering nazi bastards", "Exactly why isn't ROT.hschild! [sic] in Jail where IT! Belongs????????!!!"
Gordon Wilson - 5 Mar 2018 - NOI - "Both presidents died trying to defy the Rothschilds. Yes, both Lincoln and John F Kennedy were assassinated by command of the BANKSTERS Rothschilds". "Sadly all we have today is a bunch of worthless politicians controlled like puppets by Jewish lobbyist and Rothschilds working for their personal benefits \$\$\$\$."
Abdul Al Ayoby - 5 Mar 2018 - NOI - Shared post about Mossad being behind ISIS. Shared post of a documentary called "The Zionist Matrix of Power", which says "Zionists are ruling the world directly and indirectly (proxy)". The documentary was produced by David Duke, former Grand Wizard of the KKK. Shared a post about Chuka Umunna saying "He was a blairite, who wants to serve his Zionist masters and still is!!"
Abdul Monsur - 5 Mar 2018 - NOI - "Zionist Extremist MP Luciana Berger who hates civilised people about get [sic] a good kicking!!". Shared a Holocaust denial post reading "Do you still think six million Jews died? think for yourself". "Rothschild protects the Zionist Evil Propaganda!!". Shared video "Zionist Jew Agenda Exposed - Shocking". "It is not he normal peace loving Jewish people who controls usa, but the zionists"
Graham Wilmot - 5 Mar 2018 - NOI - Shared clearly antisemitic article "Jews are leading the legal fight against brexit". Shared video "Gentiles will be the slaves of Jews", writing "This is coming like it or not". Shared post "Rothschilds zionist mafia is repeating the same british financial and war domination and greed. #1 Rothschilds jewish mafia uses american tax money against americans..."
Frederick Tyler - 5 Mar 2018 - NOI - Shared blog on "Jewish human organ trade in turkey stealing syrian children.". Shared post with image of Aushwitz with the gate sign reading "Muh Holocaust". and title "International Red Cross Report Confirms the Holocaust of Six Million Jews is a Hoax". Shared Britain First post about halal meat. Supported article about Abbas' book on "The Nazi-Zionist" plot of the Holocaust.
Dammi Holbourne - 5 Mar 2018 - NOI - "Why are the jews allowed to kill palestinians as if its a game?". "At least one politician is not being a sheep like the ones who religiously follow the greedy colleagues simply to impress the rich jewish diaspora". "Undoubtedly this is a rothschild fed mandate once again aiming at bringing down Jeremy led Labour Party establishment".
Thomas Edwardson - 21 Feb 2018 - NOI - Posts saying: Jews did 9/11, Rothschilds were behind WW2, Israelis control America.

These were some of the most horrendous, gross and explicit cases of antisemitism that the party has seen throughout the past five years, with comments and posts including overt hatred of and hostility towards Jews, repeated and explicit Holocaust denial, and claims that "Goyim" were "in danger" from Jews.

As discussed in Sections 3.1.4.i and 4.4.3, in June 2016 both Shami Chakrabarti and Jeremy Corbyn had offered detailed guidance on a range of conduct that should be considered antisemitic and had no place in the Labour Party, and Chakrabarti had explicitly advised that the "gravity" of the conduct being reported should be considered when deciding whether to issue an administrative suspension.

However, not a single one of these individuals was suspended, and all simply received NOIs.

Finally, GLU then immediately mishandled a number of these cases. For example, Nigel Sidebottom had been sent an NOI for numerous antisemitic posts and retweets, including writing about “Zionist... control” as the cause of antisemitism, making repeated Israel-Nazi comparisons, and retweeting tweets about “Zionist LFI banksters” and “rothschild zionist bankers own the governments with their infiltrations”.

However, Sidebottom immediately responded confirming he ran the social media accounts, but insisting “it is NOT the Jews I dislike, it is the Israeli Govt” - “If there is any instance of me posting ANTHING against a Jew based on their religion, I would be shocked and happily delete that!”

No further investigation was conducted, and, instead, on 23 February 2018 Megan McCann lifted his suspension with a staff-issued “warning”. Sidebottom’s explanation was apparently accepted, even though he had not, for example, offered any explanation for his comparisons of Israel with Nazi Germany or his retweets on “Rothschild Zionist banksters”.

In May 2018 a new case was opened against Sidebottom after public reports about offensive comments on a separate matter, and in August 2018 he was sent a further NOI on evidence relating to antisemitism, leading to his resignation from the party. A search of his social media accounts at any point would have revealed a litany of further evidence of gross antisemitism.¹⁰⁰⁶

Saeed Ahmed, meanwhile, had been reported by “LAAS” on 1 January 2018, with evidence of antisemitism including Holocaust denial. On 21-22 February the case was logged and an NOI was issued by McCann, followed by a chaser email on 7 March 2018. In late March 2018, McCann then processed another complaint concerning a Twitter account that she suspected belonged to Ahmed. Ultimately unable to verify if Ahmed ran that account, on 11 April 2018 McCann then closed Ahmed’s case on “Complaints Centre”, clearly having confused these two ongoing issues, ending both investigations. (In June 2019, following a separate complaint of antisemitism, Ahmed was suspended.)¹⁰⁰⁷

Again, these decisions reflected a lack of staff training and guidance on how to handle cases of antisemitism, as well as a lack of rigorous systems and processes to help to avoid errors.

¹⁰⁰⁶ Case: Nigel Sidebottom.

¹⁰⁰⁷ Case: Saeed Ahmed

Finally, it is not clear why Matthews continually referred to “LAAS” as consisting of two, and then three people. Six or seven “LAAS” people would typically submit complaints, usually together in a coordinated fashion (each submitting the same complaint).¹⁰⁰⁸ His reports appear to reflect a lack of familiarity with the complaints being submitted.

¹⁰⁰⁸ Kupfermann, Feltham, Semple, Naish, Power, Philipps, Cattell, Taylor.

4.1.5. Conclusions

By early 2018, GLU and GSO were coming under increasing scrutiny from a range of stakeholders, including LOTO, the PLP and the media, regarding their handling of disciplinary cases. The rise in sexual harassment complaints from October 2017 onwards increased scrutiny on the team, and led to Oldknow proposing and arranging significantly increased staffing. Following pressure from LOTO and others, Oldknow also requested plans of action for progressing the backlogs of disciplinary cases, at each stage of the process, from various staff in GLU.

However, most antisemitism complaints in this period continued to be ignored, and the “Disputes” inbox, to which other staff in GLU were forwarding them, was still being left untended.

It was only in mid-February 2018 and early March 2018, in response to pressure from LOTO and the NEC, and “LAAS” raising concerns with a Labour MP and the media that their complaints were not being addressed, that GLU finally acted on some of their antisemitism complaints. However, they only acted on “LAAS” complaints, and only on a minority of them. Most antisemitism complaints remained ignored. Furthermore, staff issued NOIs only, for a range of grotesque and extreme cases of antisemitism - none of the members were suspended. They also failed to identify many of the reported people as Labour members, and then failed to rectify those basic errors.

Matthews then misinformed Stolliday and Oldknow, and they in turn Iain McNicol and LOTO (Murphy, Murray, Milne and Jeremy Corbyn himself), about the action GLU had taken. LOTO was informed that:

- All LAAS complaints had now been dealt with - more than 300 of them.
- The vast majority of their complaints were not about members of the party - only 22%, 73, were complaints the party could actually “do something with”.
- All those 73 cases were now receiving an NOI or suspension as appropriate.
- All complaints of antisemitism were being dealt with promptly and appropriately.

None of this information was accurate.

Just weeks later, however, GLU’s approach to antisemitism disciplinary cases, and its relationship with LOTO, underwent a radical change, that finally led to some real action on antisemitism.

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4.2.1. Summary

On Friday 23 February 2018, Iain McNicol resigned as general secretary, which took almost immediate effect.¹⁰⁰⁹ A number of candidates put themselves forward to replace McNicol and on 20 March 2018, the NEC elected Jennie Formby, a Unite representative on the NEC, as Labour's new general secretary, who would start in the role on 3 April 2018.¹⁰¹⁰ There was therefore a gap in March and at the beginning of April when there was no general secretary in post during this transitional period.

As this report has shown, in spring 2018 the public exposure of GLU's lack of action, combined with scrutiny and pressure from LOTO and other stakeholders led to stronger action on antisemitism. In March 2018 a report was published on antisemitic comments in a Facebook group called 'Palestine Live'. The report detailed Holocaust denial and extreme antisemitic content, including from individuals who appeared to be Labour members.

GLU did not treat investigating antisemitism in the report as a priority. Matthews said GLU was busy conducting due diligence on council candidates but no evidence of this can be found, and an examination of the GLU team's activity that day shows they were working on non-urgent tasks that could have been postponed while the Palestine Live report was investigated as a matter of priority. Contrary to Matthews' claims in the media, all documentary evidence shows that it was only because James Schneider, Jeremy Corbyn's spokesperson, urged Matthews to take action, that the report was examined at all.

Of all the examples of extreme antisemitism in the report, GLU picked Glyn Secker, even though the report did not contain allegations of antisemitic comments by Secker and the report stated "Glyn Secker has had minimal interaction on the site". GLU listed Secker as "not in breach" of the rules, when they examined the individuals in the report.

GLU found posts on Secker's social media and used these to justify his suspension, but the posts did not include any antisemitic comments by Secker and would not normally result an investigation, let alone suspension, especially by the GLU team at the time which rarely acted on antisemitism complaints at all.

LOTO requested information about Secker's suspension because Jeremy and their office had received complaints about a Jewish member being suspended who had not appeared to have made any antisemitic comments. Although LOTO staff raised their concerns and expressed their personal views that the suspension was not justified, it

¹⁰⁰⁹ <https://www.bbc.com/news/uk-politics-43172388>

¹⁰¹⁰ <https://www.bbc.co.uk/news/uk-politics-43476336>

was ultimately GLU's decision to ask that his suspension be lifted, after Oldknow had asked LOTO staff for their "view" on the case. Matthews admitted "I don't think it's a particularly strong case" against Secker, suggesting agreement with LOTO's view, which correlated with GLU's previous decision that Secker was "not in breach" of the rules.

Schneider had asked Matthews "Why Glyn Secker? Barely appears. What about David Birkett? Holocaust denial on p 124 of part two". Although GLU agreed to suspend Birkett and other individuals who made extremely antisemitic comments in Palestine Live, most of these suspensions were not implemented until the current GLU team realised this in 2019 and took action. Other individuals, like Elleanne Green were identified as engaging in extreme antisemitism in both the Palestine Live and PSC reports, but no action was taken against them until staffing changes in GLU took place under Jennie Formby.

4.2.2. The case of Glyn Secker

On the morning of Wednesday 7 March 2018, LOTO spokesperson James Schneider was contacted by Gordon Rayner of *The Telegraph*, alerting him to a report by blogger David Collier on the Facebook group "Palestine Live", asking if the information in it was genuine.

The report documented antisemitism from pro-Palestine activists in a Facebook group "Palestine Live", and claimed that a number of the people involved were Labour members. It also pointed out that Jeremy Corbyn had technically been a member of the Facebook group. He, and others in the group, had been added to the group by an administrator without their permission as was possible at the time with open Facebook groups.

Schneider printed the report and went through it. Colleagues recall that Schneider was visibly distressed by the contents of the report, and the levels of antisemitism from apparent Labour members documented within. He then called Sam Matthews and asked him to investigate the Labour members engaging in antisemitism. Matthews said to Schneider, who was Jeremy Corbyn's spokesperson and is Jewish, that his team were busy doing "due diligence" on council candidates. Schneider, however, insisted that this was a priority. At lunchtime he and Seumas Milne would face a regular session of questions from journalists after PMQs, and wanted to be able to say that the Party was taking the action it should be.

At 12:02pm, Matthews then texted Schneider:

Hi James. I've got 2 members of staff on this now. At least 1 member identified is already under investigation (ellleanne green) for claims of antisemitism. Report coming to July meeting of Disputes. We're membership checking others now

Matthews has publicly claimed that "my team were in the process of doing a really thorough job" on "Palestine Live", but "halfway through the process" was interrupted by Schneider who, shortly before PMQs at midday, asked Matthews to "randomly pick out three names to suspend". He said "they wanted me to take just 20 minutes on a process that needed to be done thoroughly and methodically."¹⁰¹¹

Matthews' claims are contradicted by all of the available documentary evidence.

¹⁰¹¹ <https://www.thejc.com/news/uk-news/jeremy-corbyn-has-done-more-to-inflate-antisemitism-than-any-political-figure-since-second-world-war-1.486310>

That morning, Stolliday was arranging appointments for “Integrative Humanistic Counsellor and an Eye Movement Desensitization Reprocessing”,¹⁰¹² and at 10:53am, Stolliday emailed Matthews and others his plans for “the next few days”:

Just to let you know I am at meetings all afternoon in South London this afternoon, and then I am going to try to take annual leave tomorrow and Friday¹⁰¹³

Matthews was helping to induct new Disputes administrator Lioko Mabika, who was starting that day,¹⁰¹⁴ and had McCann, Osei, Withers-Green and Hogan drafting letters on cases that had received decisions at the previous day’s NEC Disputes panel.¹⁰¹⁵ Notably, Hogan was working on drafting a letter to send to Syed Siddiqi, informing him that he had been referred to the NCC. He had begun this immediately after the NEC meeting the day before, and on 7 March was consulting with both lawyers and Sam Matthews on this letter.¹⁰¹⁶

Matthews, meanwhile, was writing up minutes of this NEC Disputes committee. Metadata of the minutes show the document was created at 11:10am on 7 March 2018, and at 16:21pm Matthews sent his draft minutes, running to 2,190 words, to Stolliday for checking.¹⁰¹⁷

Although it was certainly good practice to act promptly on decisions of the NEC Disputes committee, it was not an urgent priority above acting on new evidence of antisemitism. The minutes of the meeting that Matthews was writing, for example, were only needed for the next meeting of the panel in three months’ time.

“Due diligence” on council candidates, of which there are thousands, is the responsibility of regions, not GLU, with GLU only conducting due diligence on candidates for parliamentary seats. Searches in GLU staff’s inboxes do not reveal any “diligence” work being conducted in this period at all.

It was only after Schneider’s call that work on “Palestine Live” began.

The first action from anyone in the Disputes team in relation to “Palestine Live” was at 11:52am, when Matthews emailed Megan McCann a link to “Part 2” of the report,

¹⁰¹² March 18 change: “180307 RE RE HA Confirmation Therapy.eml”

¹⁰¹³ March 18 change: “180307 Me in the next few days.eml”

¹⁰¹⁴ March 18 change: “180307 Disputes Administrator.eml”

¹⁰¹⁵ March 18 change: “180307 NCC template.eml”; “180307 Jean Porter- letter.eml”. “180307 FW NCC.eml”. “180307 RE Anas case.eml”

¹⁰¹⁶ March 18 change: “180307 RE Syed Siddiqi NCC referral and selection meeting.eml”; “180307 RE Syed Siddiqi NCC referral.eml”. “180306 Syed Siddiqi NCC referral.eml”.

¹⁰¹⁷ March 18 change: “180307 Draft Disputes Minutes.eml”

asking “Can you go through this one”.¹⁰¹⁸ Megan McCann was the most junior Investigations Officer in “Disputes”, having started on 21 January 2018, and we are not aware of her having received any formal training or guidance on how to identify members or how to approach cases of antisemitism.

At 12.01pm, Matthews then texted Schneider that “I’ve got 2 members of staff on this now” and “We’re membership checking others now”. He also informed Schneider about Green, and at 12.03pm Schneider asked:

Is Green suspended pending investigation and aware of her investigation?

At 12.04pm, Matthews responded:

She’s currently under Nol and aware of that.

Matthews was also continuing with other work, sending an email about another case at 12:29pm, for example.¹⁰¹⁹

At 12:20pm, McCann replied to Matthews with notes identifying “people named in the document who are members” - three of them - as well as four former members:¹⁰²⁰

Elleanne Green- shares posts in the group about ‘Jewishness and Eugenics’- She has a previous NEC warning

Glyn Secker- part of the FB Group- tagged in a post asking for help in organising a holocaust denier’s speaking event-

Kate Buffery- organised holocaust denier event- see ME

She also pasted a longer excerpt from the report on Secker:

Glynn Secker ‘heckled a leading figure in the Jewish Labour Movement (JLM) during his speech to the party conference’ the year before²⁷. Both are members of the new group ‘Jewish Voice for Labour’(JVL). A group set up to defend Corbyn against accusations that antisemitism has infested the party. Glynn is Secretary of the JVL. Whilst they are busy telling everyone there is no antisemitism in the Labour Party, both are also still members of Palestine Live, and tagged alongside those who share Holocaust Denial material and take their ‘news’ from antisemitic conspiracy websites

Nine minutes later, at 12:29pm, McCann sent Matthews a draft suspension letter for Secker. It stated that “These allegations relate to comments made on social media

¹⁰¹⁸ March 18 change: “180307 Can you go through this one.eml”

¹⁰¹⁹ March 18 change: “180307 RE Jen Izaakson case .eml”

¹⁰²⁰ March 18 change: “180307 RE Can you go through this one.eml”

that may be in anti Semitic and therefore in breach of Labour Party rules". Matthews replied: "Antisemitic as one word – otherwise good to go".¹⁰²¹ He also informed Schneider:

We're about to suspend 3 members from those documents. Tony Gratrex, Greta Berlin & Glyn Secker. Names obviously not for briefing.

Schneider replied "Thanks".

Anthony Gratrex was no longer a member of the Labour Party, having resigned under suspension in December 2016.

At 12:34pm, just six minutes after Matthews' text saying they were going to suspend Gratrex, McCann then sent a draft suspension letter for Andy Hopkins, and at 12:40pm for Greta Berlin. Matthews approved both,¹⁰²² and texted Schneider:

*Tony Gratrex is no longer a member. Suspending Andy Hopkins.*¹⁰²³

Anthony Gratrex and Greta Berlin both had major, named sections on them in "Part One" of the report and Andy Hopkins was highlighted as a Holocaust denier on p.12 of "Part One" of the report. The context, and evidence of email activities of other members of staff, suggests that it was Matthews who picked these members from "Part One" of the report while McCann looked at "Part Two".

The Berlin and Hopkins documented in the report were not, in fact, members of the Labour Party. The Greta Berlin Collier documented is an American pro-Palestinian activist who even has her own Wikipedia page.¹⁰²⁴ Collier had not suggested in his report that Berlin or Hopkins were members of the Labour Party, and we have no evidence of checks being done to verify their identity, beyond the two Labour members GLU suspended sharing their names. Neither Berlin nor Hopkins were in the spreadsheets from the report produced on 8 March, suggesting that the error had been realised. It was not until 7 November 2018 and 7 May 2018 respectively that their suspensions were lifted, following communications between them and GLU.

At 12.54pm, McCann notified Matthews that "All three are now suspended on the system and have been emailed their NOIs."¹⁰²⁵ All three were sent suspension letters, without any evidence attached.

¹⁰²¹ March 18 change: "180307 SECKER - suspension.eml"; "180307 RE SECKER.eml"

¹⁰²² March 18 change: "180307 RE Greta Berlin .eml"; "180307 RE Hopkins.eml"; "180307 Greta Berlin .eml"; "180307 Hopkins.eml"

¹⁰²³ March 18 change: "180307 JS SM text 2.jfif"

¹⁰²⁴ https://en.wikipedia.org/wiki/Greta_Berlin

¹⁰²⁵ March 18 change: "180307 UPDATE.eml"

Both Matthews and McCann then appear to have continued with other work, while Hogan continued with his Siddiqi letter.¹⁰²⁶ The only other activity relating to “Palestine Live” was an email from Hogan to Matthews and Osei at 4.35pm, on Elleanne Green. News then rapidly spread about the suspension of Glyn Secker, however, with many questioning why he had been suspended. The Palestine Live document did not include any posts from Glyn Secker in the Palestine Live group or allegations that Glyn Secker had made any antisemitic comments. Collier himself wrote in Palestine Live that:

Glyn Secker has had minimal interaction on the site. He posted rarely but was aware of his affiliation with the group.

He had some issues there related to Aaron Dover and the JFJFP brand, that may have led to him ceasing to post.

*In any event, beside the fact he interacted on the site, and with Elleanne Green, there was nothing more of interest to the research.*¹⁰²⁷

At 5:12pm, Schneider texted Matthews back:

*Why Glyn Secker? Barely appears. What about David Birkett? Holocaust denial on p 124 of part two*¹⁰²⁸

Matthews replied:

There is enough on Glyn to justify disciplinary action.

Officers are working methodically through the rest of the document to identify others and take appropriate action.

Matthews was maintaining, in response to the point that Secker “barely appears” in the report, that “there is enough on Glyn to justify disciplinary action.” He did not refer to evidence on Secker not taken from the report.

At 17:55pm, Seumas Milne then messaged in the “SKEI” Whatsapp group:

¹⁰²⁶ For example: March 18 change: “180307 RE Current complaints.eml”. “180307 Marsden, Ahmed and Lowrey.eml”. “180307 RE Sexism complaint.eml”. “180307 RE Branch meeting- suspension.eml”. “180307 Draft Warning Franklin .eml”

¹⁰²⁷ http://david-collier.com/wp-content/uploads/2018/03/180305_livereport_part2_FINAL.pdf, p.112

¹⁰²⁸ March 18 change: “180307 JS SM text 3.jfif”

[07/03/2018, 17:55:03] Seumas: A Jewish activist called Glyn Secker has been suspended for anti Semitism on the basis of the fb palestine live story. Seems to be a mistake as there's nothing on him in the dossier. Can you check if there's something else? Otherwise needs urgent rethink.

Matthews now appears to have begun searching for additional evidence that could be used against Secker. At 18:11pm, Matthews emailed himself a link to a "JVL Watch" Twitter thread about Secker.¹⁰²⁹ At 18:45pm, McCann then emailed Matthews and Hogan on "Secker", with screenshots of four tweets by Secker in 2016.¹⁰³⁰ At 18:26pm she followed up with "additional bits- Secker", a further four tweets by Secker. These included tweets where Secker supports Jewish organisation "Jewdas" calling out the "JNF", and him saying he authored a report "saying no evidence of wave of AS in LP".¹⁰³¹

Between 18:22pm and 18:49pm, 10 screenshots were saved from Secker's Twitter and Facebook. The screenshots indicate that the search terms "Nazi" and "Jew" were used on Glyn Secker's Facebook.

At 18:35pm, Oldknow replied in the "SKEI" group, sharing some of this evidence:

[07/03/2018, 18:35:31] Emilie Oldknow: Got it. Will check. I haven't signed these off

[07/03/2018, 19:35:33] Emilie Oldknow: Seumas - there are other things on this Secker bloke which are not in the dossier

[07/03/2018, 19:35:42] Emilie Oldknow: Which are problems

[07/03/2018, 19:36:02] Emilie Oldknow: <attached: 00003315-PHOTO-2018-03-07-19-36-02.jpg>

¹⁰²⁹ March 18 change: "180307 secker.eml"

¹⁰³⁰ March 18 change: "180307 Secker - McCann.eml"

¹⁰³¹ March 18 change: "180307 additional bits- Secker.eml"

 **Glyn Secker**
3 May 2016 · 🌐

FINKELSTEIN, AN EXPERT ON THE POLITICAL LEGACY OF THE NAZI HOLOCAUST AND HIMSELF THE SON OF HOLOCAUST SURVIVORS, WEIGHS IN ON THE SUSPENSIONS OF NAZ SHAH MP AND KEN LIVINGSTONE, AND ON THE ABUSE OF THE MORAL LEGACY OF THE NAZI HOLOCAUST FOR PETTY POLITICAL JOSTLING:

"It's doubtful these Holocaust-mongers have a clue what the deportations were, or of the horrors that attended them. I remember my late mother describing her deportation. She was in the Warsaw Ghetto. The survivors of the Ghetto Uprising, about 30,000 Jews, were deported to Majdanek concentration camp. They were herded into railroad cars. My mother was sitting in the railroad car next to a woman who had her child. And the woman – I know it will shock you – the woman suffocated her infant child to death in front of my mother. She suffocated her child, rather than take her to where they were going. That's what it meant to be deported. To compare that to someone posting a light-hearted, innocuous cartoon making a little joke about how Israel is in thrall to the U.S., or vice versa...it's sick. What are they doing? Don't they have any respect for the dead? All these desiccated Labour apparatchiks, dragging the Nazi holocaust through the mud for the sake of their petty jostling for power and position. Have they no shame?"

👍👎 12 7 Shares

👍 Like 💬 Comment ➦ Share

[07/03/2018, 19:36:16] Emilie Oldknow: <attached: 00003316-PHOTO-2018-03-07-19-36-16.jpg>

 **Glyn Secker**
21 July 2016 · 🌐

THE CIRCULARITY
Jew=Zionism=Israel=Jew
One Ring to rule them all,
One Ring to find them,
One Ring to bring them all
And in the darkness bind them.



Israeli Justice Minister: It's Anti-Semitic To Ever Criticize Israel
THINKPROGRESS.ORG

👍👎 5 1 Comment

👍 Like 💬 Comment ➦ Share

[07/03/2018, 19:36:38] Emilie Oldknow: <attached: 00003317-PHOTO-2018-03-07-19-36-38.jpg>



[07/03/2018, 19:37:32] Emilie Oldknow: *This stuff is a problem*

[07/03/2018, 19:37:53] Emilie Oldknow: *The dossier has him heckling JLM at conference for trying to enact "thought control" and sharing an article about Israeli abuse of palestinian children and an article on "why we should stop calling for restraint between israel and palestine."*

[07/03/2018, 19:38:10] Emilie Oldknow: *This is not bad on its own, but with the other stuff is*

Of these three posts, only the first, in which Jewish-American academic Norman Finkelstein is quoted referring to "Holocaust mongers", could be cause for disciplinary action. However, this was just a quote from someone else, not something authored by Secker himself. Both Secker and Finkelstein are Jewish. It was not something that, by itself, the party would have then considered warranted any disciplinary action. The second was a criticism of an Israeli minister arguing that her words equated Jews and Zionism, and the third a criticism of the Board of Deputies, in relation to antisemitism from Donald Trump, neither of which warranted disciplinary action.

Oldknow, meanwhile, confirmed that the evidence on Secker in the Collier Report was "not bad on its own, but with the other stuff is".

Matthews had suspended Secker solely on the basis of the earlier paragraph mentioning that Secker was a member of the group on Facebook, was a supporter of

Jeremy Corbyn, and had “heckled” JLM at conference. After Milne’s enquiry Matthews and others then searched Secker’s Twitter and Facebook, as well as other online sources, for evidence to justify their action, and found very little that would do so.

Secker had also previously been reported to GLU, through Iain McNicol, about an incident at a CLP the previous month. At the time, Matthews had decided to act against another member first, then speak to the complainant to “see if there is anything further we need to do”.¹⁰³² This wasn’t referred to at all in relation to Secker’s suspension and doesn’t appear to have been considered.

GLU then also resumed other work relating to “Palestine Live”. The following day, at 10.35am on 8 March 2018, McCann emailed Matthews again, with other Disputes staff in cc, with her “notes from ‘section three’” of the report, identifying two members within:

*All other people are former members, did not post anything worth noting, or is it not possible to identify them as members on the system.*¹⁰³³

Matthews responded “This is useful” and:

*I’m inevitably going to be asked lots of questions on this (I am already), and I basically need to provide an answer on every name in the report. I have attached a spreadsheet template. Could you fill out your own one for each of the sections you are working on and email it back to me.*¹⁰³⁴

He attached a spreadsheet, “Collier_Report_Summary”, which was completely blank except for column titles. The metadata for this spreadsheet shows it was created at 10.41am on 8 March 2018.¹⁰³⁵

At 2:37pm on 8 March, McCann sent her notes on “Part 1- up to page 60”, in an attached spreadsheet, covering 31 individuals.¹⁰³⁶ Matthews then forwarded this to Mabika, who had started work the previous day, “Have a look at megan’s by way of an example”.¹⁰³⁷ At 5.46pm on 8 March, Hogan then sent Matthews his “Collier_Report_Summary” spreadsheet, with information on 86 individuals, at least 40 of which had been documented by McCann. The metadata of this spreadsheet shows

¹⁰³² March 18 change: “180207 RE Complaint re Dulwich and West Norwood.eml”

¹⁰³³ March 18 change: “180308 Collier Report.eml”

¹⁰³⁴ March 18 change: “180308 RE Collier Report.eml”

¹⁰³⁵ March 18 change: “180308 RE Collier Report.eml”

¹⁰³⁶ March 18 change: “180308 Part 1- up to page 60.eml”

¹⁰³⁷ March 18 change: “180308 Collier report metadata 2.PNG”; “180308 FW Part 1- up to page 60.eml”

that it was the spreadsheet created at 10.41am on 8 March 2018.¹⁰³⁸ At 6pm Osei also sent Matthews a copy of the spreadsheet with 32 individuals identified.¹⁰³⁹ At 18:24pm, Matthews then sent himself a “spreadsheet of all names in collier report and approximate membership status”.¹⁰⁴⁰ This included 274 names with information. (These were names not unique individuals - Elleanne Green, for example, appeared 40 times.)

Hogan’s spreadsheet, shared at 5.46pm that day, recorded Secker as “Not in breach” - that he had not breached any Labour rules - in relation to pages 87, 88 and 112.¹⁰⁴¹ Matthews’ final spreadsheet said the same, while a second record for Secker regarding page 16 was blank.¹⁰⁴²

At 1pm on 8 March, meanwhile, NEC member Darren Williams emailed Matthews asking why he had suspended Secker,¹⁰⁴³ and at 6pm Laura Murray, LOTO stakeholder manager, who dealt with relations with Jewish groups, also emailed Matthews:

*Hope you’re well. Can we please get the details of Glyn Secker’s suspension? Will keep totally confidential of course.*¹⁰⁴⁴

Matthews immediately forwarded this email to Oldknow and Stolliday, writing “Any news from proper L”. It is not clear what this meant.¹⁰⁴⁵

Later that evening, NEC member and former Disputes chair Ann Black also emailed McNicol and Matthews:

*What did Glyn Secker do? I am getting swamped with emails.*¹⁰⁴⁶

At 9.45am on 9 March, Matthews then replied to Laura Murray:

Hi Laura,

¹⁰³⁸ March 18 change: “180308 Collier report metadata 2.PNG”. “180308 Collier_Report_Summary.xlsx.eml”

¹⁰³⁹ March 18 change: “180308 Spreadsheet Collier Report .eml”

¹⁰⁴⁰ March 18 change: “180308 Collier Report - ALL NAMES.eml”

¹⁰⁴¹ March 18 change: “180308 Collier_Report_Summary.xlsx.eml”

¹⁰⁴² March 18 change: “180308 Collier Report - ALL NAMES.eml”

¹⁰⁴³ March 18 change: “180308 Glyn Secker.eml”

¹⁰⁴⁴ March 18 change: “180308 Glyn Secker LM.eml”

¹⁰⁴⁵ March 18 change: “180308 FW Glyn Secker.eml”

¹⁰⁴⁶ March 18 change: “180308 Glyn Secker AB.eml”

We've sent details of Mr Secker's suspension to Karie & Seamus – we're currently awaiting a response from them.

The evidence includes social media activity outside of the Palestine Live group and therefore not included in the 'dossier' which is doing the rounds.

Here Matthews justified the suspension with reference to evidence that had only been gathered after Milne had suggested the suspension may be “a mistake as there's nothing on him in the dossier”.

At 10.29am, McCann then drafted a letter of questions to Secker about five Facebook posts of his. Nothing that Secker had written was antisemitic. Nothing that Secker had written was antisemitic. Only one post, the quote from Finkelstein, himself a Jewish academic, was problematic, and this would not have warranted disciplinary action alone. One of the pieces of evidence GLU used on Secker was him sharing an article from a mainstream progressive Jewish American journal, “Forward”, demonstrating GLU's complete lack of understanding about what constitutes antisemitism.¹⁰⁴⁷ The information that allegedly led to Secker's suspension and investigation was not even included in this first draft. A second draft of the letter sent half an hour later had an added “Part B” with six questions about Secker's heckling of JLM.¹⁰⁴⁸

At 11.15am, meanwhile, Andrew Murray emailed Murphy and Milne asking:

*Is it OK for me to view the allegations against Glyn Secker? Jeremy has asked me to look into it urgently.*¹⁰⁴⁹

Milne responded:

*I already raised with Emilie on the first day he was suspended, as there was almost nothing in the Palestine Live Facebook group from him and certainly nothing to justify disciplinary action. Emilie said there was other material, which I haven't seen, so we do need to follow up*¹⁰⁵⁰

At 11.32am, meanwhile, Matthews sent Oldknow and Stolliday the draft questions:

I'll be sending over a full report on the Palestine Live dossier in the next hour to raise with LOTO.

¹⁰⁴⁷ March 18 change: “180309 Draft letter to Mr Secker.eml”

¹⁰⁴⁸ March 18 change: “180309 Draft two- Secker.eml”

¹⁰⁴⁹ March 18 change: “180309 Re FW Glyn Secker.eml”

¹⁰⁵⁰ March 18 change: “180309 Re FW Glyn Secker.eml”

*In the meantime, we're ready to send the attached letter with screenshots and questions to Mr Secker. Just need the go-ahead from LOTO on this one in particular.*¹⁰⁵¹

Oldknow then forwarded this to Milne and Murphy, with McNicol cc-ed:

See attached.

We would normally suspend with this.

View?

*Em*¹⁰⁵²

GLU did not “normally suspend” with that level of evidence. The evidence was, in fact, well below the level which GLU would consider any disciplinary action. Just days earlier, GLU had sent “Notices of Investigation” without suspension to numerous Holocaust deniers, and two weeks earlier had lifted the suspension of a member who had made explicit Israel-Nazi comparisons and retweeted tweets on “Rothschild Zionist banksters”.

The Party suspects that Oldknow may have been misinformed by Matthews. This email also suggests that she may not have been aware that GLU had not been suspending people for antisemitic social media conduct, instead issuing NOIs or not taking action at all.

Murphy forwarded Oldknow’s email to Laura Murray.¹⁰⁵³ She then responded to Matthews:

Thanks Sam. Karie sent me the evidence – has it been sent off to Mr Secker now?

I hadn't seen any dossier online.

*Thanks*¹⁰⁵⁴

Oldknow informed Matthews she had “sent on” the Secker evidence “to Karie and Seumas”.¹⁰⁵⁵

¹⁰⁵¹ March 18 change: “180309 Secker Questions .eml”

¹⁰⁵² March 18 change: “180309 Fwd Secker Questions.eml”

¹⁰⁵³ March 18 change: “180309 Fw Secker Questions.eml”

¹⁰⁵⁴ March 18 change: “180309 RE Glyn Secker.eml”

¹⁰⁵⁵ March 18 change: “180309 Re Secker Questions.eml”

At 17:43pm, Andrew Murray, who had received messages from people concerned about the suspension, texted Oldknow:

AM: Glyn Secker suspension is going to be a car crash I'm afraid.

EO: I sent all the stuff to Karie and Seumas on Wednesday and haven't heard anything from them. I followed it up with all the evidence - which isn't just the dossier today. Do you want me to forward? I'm waiting on them to say once they've looked at it.

At 17:46pm, Oldknow then emailed Andrew Murray:

This was the follow up after I whatsapped the other evidence to them on Wednesday.

What's the issue with this one? I don't know him.

Em¹⁰⁵⁶

Murray responded:

Texted you back Em. I don't know him either but to accuse someone of anti-semitism on these grounds really doesn't stand up. I don't know if this came from 'Labour Against Anti-Semitism' but they are well dodgy. This doesn't help the fight against actual anti-semitism at all.

JC interested in this one¹⁰⁵⁷

Murray's text exchange read:

AM: I've looked at it and really there is no way it stands up a remote case of anti-Semitism. He should probably apologise for heckling JLM speaker which isn't very comradely but the rest is very thin. It is so offensive for Jewish socialists to be accused of anti-Semitism. If it all needs to be looked at further so be it, but can't the administrative suspension be lifted?

EO: Yes of Course. That's what I was asking for.

AM: Thanks!

¹⁰⁵⁶ March 18 change: "180309 Fwd Secker Questions EM.eml"

¹⁰⁵⁷ March 18 change: "180309 re Secker Questions.eml"

Oldknow forwarded Murray's email to Matthews and Stolliday:

Can you remove the suspension on this one please?

I've still had no response from Karie or Seumas.

In your view, is what Glyn has said antisemitic?

*Em*¹⁰⁵⁸

At 18:33pm, Matthews responded:

I don't think it's a particularly strong case - but I think there are legitimate questions to be asked about someone who has contributed to the Palestine Live group, heckled JLM at conference and has posted content saying "Jew=Zionist=Israel=Jew" around whether that meets the IHRA definition.

How do we want to explain lifting the suspension? Are we dropping it entirely and blaming an admin error for the suspension or are we following through with the questions and unsuspending when he gives a reasonable defence of the posts?

I think it creates more problems than it solves to lift the suspension but try to continue with the investigation.

Matthews acknowledged that it wasn't "a particularly strong case" against Secker. He cited Secker having "contributed to the Palestine Live group" - though Collier noted he barely participated - and his post saying "Jew=Zionist=Israel=Jew", which was clearly a criticism of that logic and a claim that the Israeli Justice Minister espoused it, not Secker. The heckling of JLM, meanwhile, did not even appear in McCann's first draft questions.

He was, however, willing to lift the suspension, potentially "blaming an admin error".

A little later, Oldknow messaged "SKEI" again:

[09/03/2018, 19:39:10] Emilie Oldknow: Seumas/Karie - I know things are really busy but can you let me know on Glyn Secker suspension questions I sent to you earlier? Ordinarily we would ask him these questions but Andrew is keen that we just lift the suspension. Can you confirm for me please?

[09/03/2018, 21:03:46] Karie Murphy: I'll look now

¹⁰⁵⁸ March 18 change: "180309 Fwd Secker Questions EO SM.eml"

[09/03/2018, 21:05:40] Emilie Oldknow: Thank you x

[09/03/2018, 22:01:45] Seumas: Looks problematic to me, will email in morning

[09/03/2018, 22:02:24] Karie Murphy: I'm just home Seumas I'll call tomorrow

[09/03/2018, 22:12:34] Emilie Oldknow: Okie dokie.

The following afternoon, on 10 March 2018, Milne emailed Oldknow his response:

I think to suspend this guy for anti-Semitism is really problematic. None of the posts can be identified as anti-Semitic in the terms of the definition we have adopted as a party or the guidance in the Chakrabarti report.

Several of them quite clearly relate to political arguments within the Jewish community, between Jewish Labour activists and between Jewish Zionists and Jewish anti-Zionists. That includes the heckling of the JLM speaker (obviously the issue of heckling is another matter, but separate from anti-semitism).

Add to that that this member is a Jewish activist, the son of a Holocaust survivor, a leading member of Jewish Voices for Labour and long-term Middle East rights activist - and it's pretty clear that we're misidentifying political arguments for anti-Semitism. Of course there are a very small number of Jewish people who can adopt anti-semitic attitudes/language - just as there are a very small number of black people who use anti-black racist tropes - and that should be called out.

But if we're more than very occasionally using disciplinary action against Jewish members for anti-Semitism, something's going wrong, and we're muddling up political disputes with racism.

Quite apart from this specific case, I think going forward we need to review where and how we're drawing the line if we're going to have clear and defensible processes,

Seumas¹⁰⁵⁹

Oldknow responded that "I think James S agreed to these suspensions on Wednesday."¹⁰⁶⁰

On Milne's final point on the need to "review where and how we're drawing the line if we're going to have clear and defensible processes", Oldknow said:

¹⁰⁵⁹ March 18 change: "180310 Re Secker Questions.eml"

¹⁰⁶⁰ March 18 change: "180310 Re Secker Questions 2.eml"

*Agreed. We agreed at the Disputes panel Tuesday to convene a working group. This was my suggestion.*¹⁰⁶¹

Oldknow forwarded Milne's email to Matthews:

See below.

Just lift the suspension.

*Em*¹⁰⁶²

At 15:54pm Matthews replied:

Ok, will do first thing Monday.

In terms of how we lift it, can I tell him that swift administrative action needed to be taken to protect the party's reputation in relation to those members apparently implicated in the Palestine Live report, having fully reviewed the information contained in the report, there is no further action to take.

Any other suggestions welcome.

*Sam*¹⁰⁶³

Oldknow agreed: "I think that is right."¹⁰⁶⁴

GLU-GSO was now being inundated by emails from members - many of them identifying as Jewish - concerned at the suspension of Secker.¹⁰⁶⁵ LOTO had also raised the issue. However, Matthews left it until Monday to lift his suspension, and no-one informed LOTO of the decision.

At 14:34pm on Saturday 11 March, Milne responded to Oldknow:

Thanks Emilie,

We were asking (via James Schneider) on Wednesday for investigations to be opened/action to be taken re any LP members in the FB group who were supporting

¹⁰⁶¹ March 18 change: "180310 Re Secker Questions 2.eml"

¹⁰⁶² March 18 change: "180310 Fwd Secker Questions.eml"

¹⁰⁶³ March 18 change: "180310 Fwd Secker Questions.eml"

¹⁰⁶⁴ March 18 change: "180310 Fwd Secker Questions.eml"

¹⁰⁶⁵ One example: March 18 change: "180311 Glyn Secker case.eml"

Holocaust denial etc - ie open and shut anti-Semites - such as the guy who signs up to something called "Holofoax" (not sure whether he was LP member).

But no one agreed to Secker's suspension that I'm aware of.

When we heard Glyn Secker had been suspended, James asked Sam Matthews by text: "Why Glyn Secker? Barely appears. What about David Birkett? Holocaust denial on p 124 of part two" (i.e. of FB group thread).

Sam replied: "There is enough on Glyn to justify disciplinary action. Officers are working methodically through the rest...".

Which underlines the need to get clearer guidelines for the team in what is obviously a complex and contested area... But in the meantime, what can be done re Secker?

Thanks,

Seumas¹⁰⁶⁶

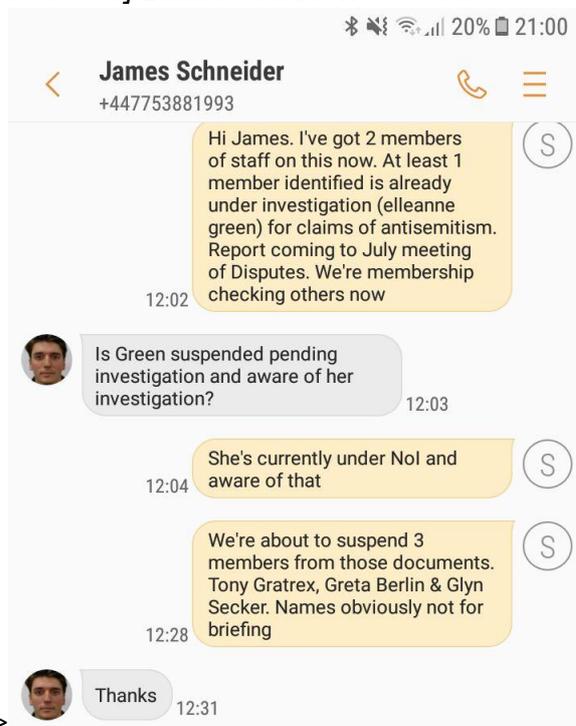
Oldknow responded:

See SKEI group on who agreed to the suspension of Secker.

I asked Sam on Friday to lift the suspension¹⁰⁶⁷

In the "SKEI" group, Oldknow sent a screenshot, from Matthews, of the first part of his conversation with Schneider:

[11/03/2018, 15:11:34] Emilie Oldknow: <attached: 00003327-PHOTO-2018-03-11-



15-11-34.jpg>

¹⁰⁶⁶ March 18 change: "180311 Re Secker Questions.eml"

¹⁰⁶⁷ March 18 change: "180311 Re Secker Questions.eml"

[11/03/2018, 15:12:29] Emilie Oldknow: Seumas. This is response to your email. As you can see, Secker was on the original list which Sam sent through at 1228 on Wednesday

[11/03/2018, 15:12:43] Emilie Oldknow: I'm sure this clears it up

From the whole exchange, it is clear that this could not be considered any kind of "sign-off". Matthews simply informed Schneider who they were suspending, and just a few hours later Schneider then questioned why Secker had been chosen.

On Monday 12 March, Matthews asked Hogan or McCann to draw up a letter lifting Secker's suspension:

I'm in Safeguarding training today, but first job when you're in, could one of you run the below up into an actual letter for me to send later today. You can see the direction that I'm told we're going on this but I'm happy to take suggestions on amends to the below:

Dear Mr Secker,

Following the publication of the reports on the 'Palestine Live' Facebook group, it was necessary for the Party to take swift administrative action in relation to those members who may have been implicated in breaches of the Party's rules. Having fully reviewed the evidence available to the Party, it would not be in the Party's interests to pursue further disciplinary action in relation to this matter. Your administrative suspension has therefore been lifted.

*Yours Sincerely,
Sam Matthews etce tc¹⁰⁶⁸*

McCann offered to do this, and drafted a letter. After being signed off by Oldknow, this was then sent to Secker.¹⁰⁶⁹

¹⁰⁶⁸ March 18 change: "180312 RE Secker.eml"

¹⁰⁶⁹ March 18 change: "180312 Secker.eml"; "180312 RE Secker 2.eml"; "180312 Secker- letter for sign off.eml"; "180312 Re Fwd Secker Questions.eml"; "180312 Re Fwd Secker Questions 3.eml"; "180312 Correspondance on behalf of the Labour Party.eml"

4.2.3. “Palestine Live” - other cases compared

GLU’s approach to Secker contrasted strongly with its approach to other Labour members documented by Collier as promoting antisemitism.

4.2.3.i. Elleanne Green¹⁰⁷⁰

GLU first received complaints about Green in March 2017 for sharing articles on Facebook promoting conspiracy theories alleging Israel or Mossad’s involvement in 9/11, in the Paris attacks and ISIS, and sharing a post claiming that “the belief that Jews were responsible for the Holocaust is common to orthodox Jews”. Green was placed under NOI in April 2017, and not suspended.¹⁰⁷¹ GLU received further complaints about Green in 2017, including allegations that she heckled and spat at councillors in Haringey, that were not acted on.

In March 2018 GLU received complaints about Green following the publication of the “Palestine Live” report. Elleanne Green was featured prominently throughout the report, as the founder of the group and one of its three admins. There is a ten page section on her in “Part One”, and her name appears 62 times in “Part Two”. From 7 March onwards, complainants raised what had been highlighted on Green in the report.

After Matthews told Schneider that Elleanne Green was already under investigation, Schneider also asked: “Is Green suspended pending investigation and aware of her investigation?”. However, Matthews responded simply that “She’s currently under Nol and aware of that.”

In her first report back, McCann had identified Green in the report:

Elleanne Green- shares posts in the group about 'Jewishness and Eugenics'- She has a previous NEC warning.¹⁰⁷²

At 4.35pm on 7 March, Hogan then emailed Matthews and Osei about Green’s conduct highlighted in the “Palestine Live” report:

Most damning material is on pages 16- 24. Includes her promoting articles about typical antisemitic conspiracy theories:

¹⁰⁷⁰ Case: Elleanne Green

¹⁰⁷¹ Case: Elleanne Green: “EAG0005”

¹⁰⁷² March 18 change: “180307 RE Can you go through this one.eml”

- *That 9-11, the rise of ISIS, and the Paris terrorist attacks were all false flags coordinated by Mossad,*
- *that the Rothschilds control all banking and media,*
- *arguing that Holocaust denial is acceptable discourse*

*Most of this is since she joined the party, and all of it is new as far as our investigation.*¹⁰⁷³

However, at no point did Matthews or Hogan propose to suspend Green.

Green was the most obvious candidate for immediate suspension - a current Labour member who had actually founded the group in question, and repeatedly posted extremely antisemitic content. But she was instead left under investigation. A possible reason for the failure to suspend her following "Palestine Live" could be that Matthews did not want to highlight the fact that GLU had not suspended her previously.

There were repeated media enquiries about Green and LAAS criticised the Party for not suspending her. On 12 March John Stolliday responded to the press team, including LOTO spokesperson James Schneider, that:

*LAAS have no idea who we have acted on or not. It is totally wrong to say we have been 'turning a blind eye'. We act on every complaint sent to us.*¹⁰⁷⁴

Matthews added that "she has been under investigation since complaints were received about her before the publication of the Palestine Love dossiers". Schneider then commented that

*In the Palestine Live dossier, she refers to herself as under investigation as far back as April 2017.*¹⁰⁷⁵

Matthews drafted a reply - "Yep, that's correct" - but did not send it.¹⁰⁷⁶

The same day, Stolliday also reassured the original complainant about Green, who had emailed about the "Palestine Live" report, that the case was being dealt with:

I cannot comment on ongoing cases for obvious reasons but please be reassured that this allegations is being dealt with.

¹⁰⁷³ March 18 change: "180307 Elleanne Green.eml"

¹⁰⁷⁴ Case: Elleanne Green: "EAG0042"

¹⁰⁷⁵ March 18 change: LAAS: "180312 Re LAAS.eml"

¹⁰⁷⁶ March 18 change: LAAS: "180312 Re LAAS Green.eml"

*We do treat all allegations of this kind with the seriousness they deserve.*¹⁰⁷⁷

It was only when Green's case was brought to the NEC Disputes Committee in July 2018 that she was suspended from the Party and referred to the NCC.¹⁰⁷⁸ The NEC took the decisive action that GLU had failed to take.

In 2019, the new GLU team took Green's case back to the NEC now it had the fast-track expulsion procedures, by gathering new evidence not already used in the NEC decision to refer her to the NCC. Green's case was heard by an NEC panel in January 2020, and it decided to expel her from the Party.

4.2.3.ii. David Birkett and Ron Brand

David Birkett was documented in "Part 2" of the report writing lengthy Holocaust denial comments, twice.¹⁰⁷⁹ Ron Brand was documented sharing posts about "joining Labour" and antisemitic conspiracy theories.¹⁰⁸⁰

As the report has shown, at 5:12pm on 7 March 2018, Schneider had texted Matthews back:

*Why Glyn Secker? Barely appears. What about David Birkett? Holocaust denial on p 124 of part two*¹⁰⁸¹

Matthews replied:

There is enough on Glyn to justify disciplinary action.

Officers are working methodically through the rest of the document to identify others and take appropriate action.

On 11 March 2018, Milne also cited this message to Oldknow, and confirmed that:

¹⁰⁷⁷ March 18 change: "180312 query elleanne green.msg"

¹⁰⁷⁸ Case: Elleanne Green: "EAG0054"

¹⁰⁷⁹ "Palestine Live" Part 2, pp.159-60.. http://david-collier.com/wp-content/uploads/2018/03/180305_livereport_part2_FINAL.pdf

¹⁰⁸⁰ "Palestine Live" Part 2, pp.140-41. http://david-collier.com/wp-content/uploads/2018/03/180305_livereport_part2_FINAL.pdf

¹⁰⁸¹ March 18 change: "180307 JS SM text 3.jfif"

We were asking (via James Schneider) on Wednesday for investigations to be opened/action to be taken re any LP members in the FB group who were supporting Holocaust denial etc - ie open and shut anti-Semites - such as the guy who signs up to something called "Holohoax".

This further demonstrates that LOTO wanted swift and robust action on antisemitism cases.

However, Matthews did not suspend Birkett, Brand or other individuals. He wrote to Oldknow on 9 March 2018 that "we should suspend these individuals". Twenty five minutes later, Oldknow then forwarded that email to Seumas Milne and Karie Murphy asking if they agreed. As discussed later, GLU did not act at all on these other cases until the end of March 2018, after receiving input from LOTO.¹⁰⁸²

On 26 March 2018, Matthews received a response agreeing with the proposal to "Immediately suspend and investigate" Birkett, Brand and another member, Rosemary Henke.¹⁰⁸³

Matthews forwarded these three to Hogan for action, under the subject "Palestine Live suspensions - Urgent":

With everyone else in the team on leave/in training/court today – could you run up the below suspensions at the request of leader's office?

Suspensions with questions to be returned to the relevant investigating officer¹⁰⁸⁴

Hogan then suspended Henke.¹⁰⁸⁵

However, he took no action against Birkett or Brand. Cases were not created for Birkett and Brand in either Members Centre or Complaints Centre, and no suspension letters were sent out. They both remained full Labour members for another year, until in March 2019 the new GLU team discovered that their agreed suspensions had never actually been implemented, and then suspended them. Because neither the cases nor the decision to suspend had been logged anywhere, the case was simply lost until they were rediscovered by the new team.

¹⁰⁸² March 18 change: "180309 Palestine Live Report - Numbers & Next Steps.eml"

¹⁰⁸³ March 18 change: "180326 PL, Birkett Brand Henke decisions.eml"

¹⁰⁸⁴ March 18 change: "180326 Palestine Live suspensions - Urgent - Brikett, Brand, Henke.eml"

¹⁰⁸⁵ March 18 change: "180326 FW Important information regarding your Labour Party membership.eml"

4.2.3.iii. Christine Martin

The report documented Christine Martin writing:

*What a disgusting treacherous choc ice. You carry on worshiping Zionists in the pursuit of money. You carry on voting for genocide and land grabbing, and admit that Palestine was stolen by your pathetic adherence to the creed of your master Rothschild. Acting as Rothschild's bum boy, shows your amoral and despicable character.*¹⁰⁸⁶

As well as antisemitism, Martin used racist and homophobic terms of abuse. Collier documented other individuals simply for having liked Martin's comment, and GLU's final report logged three individuals for having liked this comment. For one, Susan Carpenter, the written proposal in the final GLU spreadsheet was to "Suspend and investigate" solely for having "liked" this comment. GLU had identified the wrong Susan Carpenter, however - the person in question had already received a membership rejection for antisemitism in 2017.

For Christine Martin herself, however, the spreadsheet simply noted that there were seven potential matches among Labour members. There being seven potential matches for a name is not a legitimate reason to end an investigation with no action. It should be the start of an investigation to determine which member is the person highlighted. Given the extreme nature of the comments highlighted, this should have been a priority.

However, no further effort appears to have been made to identify Martin, no case was logged, and no further action was taken.

Christine Martin had actually already been the subject of a complaint to Labour in February 2017, for calling Chuka Umuna a "choc ice" and describing this as meaning "Beautiful black on the outside. Right wing white on the inside". From a screenshot of this Facebook comment, Withers-Green successfully identified Martin, and forwarded the evidence to Matthews suggesting action. Matthews agreed and a case was created in the GLU "SharePoint", assigned to Dan Hogan. No further action appears to have been taken by Hogan, however, and in July 2017 no equivalent case was created in the Members Centre "GLU Tab."

The fact that Withers-Green had successfully identified Martin previously, and Matthews and Hogan had already logged a case about Martin, with this remaining

¹⁰⁸⁶ Part 2, p.116: http://david-collier.com/wp-content/uploads/2018/03/180305_livereport_part2_FINAL.pdf

accessible in their "SharePoint", underlines how poorly this case was handled in March 2018.

In July 2018, LAAS submitted a separate complaint about Christine Martin. Martin was identified and in September 2018 she was suspended. In February 2019 she resigned from the party after being referred to the NCC.

4.2.4. The PSC Report

At 6pm on 8 March 2018, no doubt because of the discussion about Collier's "Palestine Live" report, Hogan sent Matthews GLU's spreadsheet from a year previously on Labour members in Collier's previous "PSC" report.

This spreadsheet identified 27 Labour members for investigation regarding antisemitism,¹⁰⁸⁷ including the Holocaust deniers Norma Fyre and Sarah Wilkinson, and members such as Tapash Abu Saim and Cookie McBride who had shared a range of antisemitic conspiracy theories.

However, no action was initiated against any of these members, and evidence from Collier's "PSC" report was not used in any cases going forward.

It was not until the Party's historical audits in autumn 2019 that the Party understood that GLU had undertaken this investigation, and then failed to act, following which action was taken against offending individuals who were still members of the party.

¹⁰⁸⁷ PSC 2017: 180308 original PSC investigation re-forwarded, with page numbers.msg

4.2.5. Conclusions

Matthews appears to have had no plan to investigate the “Palestine Live” report, and instead he and his team were doing non-urgent work. Schneider’s recollection of the call suggests that Matthews misinformed him about them doing other, urgent work.

Matthews initially refused a request from James Schneider, a senior LOTO staff member who is Jewish and was visibly distressed by the contents of the report, to investigate it. It was only on Schneider’s insistence that Matthews acted.

Matthews then assigned the team’s most junior Investigations Officer to look at the main part of the report, “Part Two”. From “Part One”, two prominently featured individuals were picked, presumably by Matthews, but neither of these individuals were actually Labour members. Two Labour members who shared their names were then suspended.

Matthews, McCann and Hogan all noted the extensive new evidence against Elleanne Green, the founder of “Palestine Live”, whose extensive antisemitism was documented throughout the report, and who had received an NOI from GLU in April 2017. Schneider even asked Matthews if Green was suspended, but Matthews did not take this opportunity to suspend Green, and left her under NOI.

Matthews also did not act against the other propagators of extreme antisemitism documented in the report such as Holocaust denier David Birkett, even after Schneider asked why such action had not been taken. When Matthews did authorise suspensions of Birkett and Ron Brand, Disputes Officer Dan Hogan then failed to carry these out, while another individual, Christine Martin, was simply left with no action. The numerous cases documented from Collier’s “PSC” report a year earlier, though again shared by Hogan and Matthews, were also not acted on.

Instead, Matthews picked Glyn Secker, a Jewish supporter of Jeremy Corbyn, despite the fact that the report itself did not include any allegations of antisemitic comments by Secker and the noted that Secker barely participated in the group. Nevertheless, he was suspended citing “comments made on social media that may be antisemitic and therefore in breach of Labour Party rules”.

When Schneider asked Matthews why he had suspended Secker but not the Holocaust denier Birkett, Matthews insisted there was enough on Secker to justify action. However, GLU’s own report records Secker as “Not in breach”, and Matthews admitted to Oldknow that “I don’t think it’s a particularly strong case” against Secker.

All the available evidence suggests that it was only after Seumas Milne raised the suspension with Oldknow that Matthews and his team searched for additional evidence on Secker, from his social media accounts, to try to justify the suspension.

Oldknow, who may have been misinformed by Matthews, then informed Milne that the suspension was justified by this additional evidence, not the evidence in the report, and that GLU would “normally suspend” for this, which was not the case - GLU rarely even considered suspensions for social media conduct, even in cases of Holocaust denial and extreme antisemitic content.

Matthews, likewise, now claimed to Laura Murray that the suspension was based on additional evidence, not the “Palestine Live” report. However, none of the “additional evidence” was sufficient to justify such disciplinary action.

LOTO requested information about why Secker had been suspended because they were receiving complaints from members about a Jewish socialist being suspended. Jeremy Corbyn was being asked about the case and so wanted to know what had happened. LOTO staff including Seumas Milne and Andrew Murray raised concerns about Secker’s suspension and Milne, but it was clear they did not have the power to tell GLU what to do (Schneider, for example, had suggested that Birkett be suspended but this was not implemented).

Oldknow then decided to lift the suspension, which Matthews carried out a few days later.

GLU’s response to the “Palestine Live” report demonstrates their lack of proactivity in dealing with antisemitism among members of the Labour Party. There also continued to be a clear factional dimension to their work, as it is difficult otherwise to understand why Matthews chose to suspend an individual, known as being from the “Labour left”, who was not accused of antisemitic comments in the report, whilst failing to suspend Holocaust deniers and extreme antisemites clearly identified in the report. It also reveals another example of Matthews misinforming both LOTO and his managers in GLU-GSO about the work he and his team were doing on antisemitism cases.

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4.3.1. Summary

Iain McNicol resigned as general secretary at the end of February 2018. In March the NEC elected Jennie Formby, who would start in the role on 3 April 2018. In this transitional period in between there was no general secretary in post.

On 9 March 2018 Sam Matthews proposed suspending six individuals identified in the "Palestine Live" report, including David Birkett after James Schneider and Seumas Milne had urged his suspension for Holocaust denial. Emilie Oldknow responded to Matthews saying "I've sent it on to Karie and Seumas. Let's see what the response is". She then repeatedly chased Milne and Murphy for a response by email.

It was highly unusual for GLU or GSO to involve LOTO staff in disciplinary cases about members who were not elected representatives, or cases about high-profile individuals that were likely to involve reputational damage to the Party. Matthews emailed later Oldknow saying "I think we should give them an ultimatum that we're doing it at say, noon tomorrow, and then I agree we should get on with it". It is not clear why GLU-GSO were suddenly involving LOTO, but Matthews' email shows that GLU knew they did not need LOTO's sign off to suspend members of the Party, and that they could just "get on with it" themselves.

At this time, the Leader's Office was dealing with a number of difficult issues and controversies, which would have been occupying Milne and Murphy's time. The fact that they did not reply to Oldknow's emails suggests that they did not desire to be involved in disciplinary cases. However, previous communication from James Schneider and Seumas Milne urging action on "Palestine Live" cases and suggesting that David Birkett be suspended, demonstrated that LOTO supported, and indeed was eager for, robust action on antisemitism cases in Palestine Live.

On 22 March 2018 LOTO staff urged GLU to suspend Alan Bull, a council candidate who had shared an extremely antisemitic article alleging the Holocaust was a "hoax". GLU had received complaints about Bull seven months earlier, including about the Holocaust denial post, but despite repeated complaints continually chose to give him NOIs rather than suspend him. The region failed to raise the fact that Bull was standing for selection to become a council candidate and Matthews failed to suspend even though this would have automatically removed Bull as a candidate. Matthews delayed bringing the case to NEC Disputes, which would also have given them the opportunity to suspend, and initially Matthews drafted a recommendation for the NEC of "warning with mandatory training with JLM". This case clearly warranted suspension and referral to the NCC for expulsion. When LOTO became aware of Bull's case in late

March, they immediately urged that he be suspended. After seven months of inaction by GLU, Bull was suspended within two hours of LOTO's involvement.

After LOTO's emails urging that Alan Bull be suspended, Oldknow emailed LOTO again, this time copying in more LOTO staff, for views on the six individuals in "Palestine Live". LOTO staff complied with this request.

On 26 March 2018 Matthews emailed Laura Murray and Amy Jackson saying "thank you for your help" and "it's been really helpful to have your input" and proposing that he "raise[s] each case with [them] before we take further action on it". Oldknow responded privately to Matthews saying "very good". This underlined that it was Matthews, seemingly with Oldknow's approval, who initiated this process of consulting LOTO on disciplinary cases. It was not requested by LOTO.

LOTO stakeholder manager Laura Murray replied indicating that she was happy to help and she hoped they could help with "speeding the process along", indicating that LOTO staff were responding in good faith to a request for help, believing that they were assisting GLU with clearing the backlog and ensuring swift action on complaints.

Over a period of 9 days, Matthews then sent a total of 24 cases to LOTO for their views. In 21 of these 24 cases - 87.5% - LOTO staff agreed with GLU's recommendation, 18 of which were suspensions. These 18 suspensions in a 9 day period compared to just 10 suspensions for antisemitism initiated by GLU throughout the whole of 2017. Therefore, there was a 70-fold increase in suspensions for antisemitism, a 7,200% increase in the rate of action, as a direct result of GLU involving LOTO.

LOTO chief of staff Karie Murphy was unclear why GLU were suddenly emailing LOTO staff about every case. She emailed other staff in LOTO on 29 March 2018 saying "I note that we have had a constant stream of complaints sent via email over the last few days... complaints do not usually come to LOTO like this... I would question why this is happening and who has given authority for the changes". Murphy noted that there is a "full structure in Southside managing" complaints and says she thought "something is amiss" with these sudden emails consulting LOTO. This demonstrates that not only did LOTO staff not request involvement, they did not want to be consulted and were unsure about why this was happening.

In April 2018 LOTO staff started requesting to be removed from these email chains, and Jennie Formby recalls asking GLU staff to stop consulting LOTO on such cases after she started as General Secretary. Meanwhile, Thomas Gardiner moved from working for Ian Lavery MP, Labour Party Chair, to working for Jennie Formby in GSO

and providing support to GLU. When Gardiner started in Labour HQ on 4 April 2018, Sam Matthews sent an email to Oldknow and Stolliday proposing that Thomas Gardiner lead on "liaison on antisemitism cases", with which they agreed. Gardiner does not appear to have requested this task.

Although Gardiner wanted to succeed either Stolliday or Oldknow, both of whom were leaving, Jennie Formby approved Sam Matthews' promotion to Acting Director of GLU and decided to replace Oldknow's position by hiring an independent barrister as in-house legal counsel. Whatsapp messages make clear that there was no desire from Jennie Formby or LOTO to install Gardiner as Director GLU. It was only later when Matthews left following a formal grievance against him by another employee, that Gardiner applied for Director of GLU and was hired.

4.3.2. Alan Bull

The case of Alan Bull is crucial context to GLU suddenly consulting LOTO on antisemitism disciplinary cases in March 2018.

On 3 July 2017 a complaint had been submitted to Labour Eastern Regional Director, Cameron Scott, about Facebook posts by Bull, recently elected Chair of Peterborough CLP, which alleged links between ISIS and Israel and included offensive comments about “Zionists”.¹⁰⁸⁸

Scott sent the complaint to Matthews, who responded saying:

I think we send him a notice of investigation with some questions on the content included – I suspect this is close enough to the line that it may just result in a warning but let's see where we get to.

Scott responded:

*I agree, don't think this is going anywhere but think notice of investigation is right.*¹⁰⁸⁹

GLU drafted an NOI to send to Bull, which Scott approved. The distinction between staff investigating centrally and regionally was unclear, however, and it was only a few weeks later, after the complainant chased Stolliday directly, that the NOI was sent out.¹⁰⁹⁰

On 1 August 2017, meanwhile, the complainant sent further evidence on Bull, including extreme antisemitic content claiming the Holocaust was a hoax and promoting Rothschild conspiracy theories. No one in GLU responded to the complainant or forwarded the additional evidence to the regional staff conducting the investigation.¹⁰⁹¹ A week later, Stolliday chased Matthews for an update on the case but Matthews did not respond.¹⁰⁹²

¹⁰⁸⁸ It has been claimed on Twitter that a complaint was submitted about Bull to the Party before this. The Party has not been able to find evidence of such a complaint, but given that complaints were not consistently logged before Jennie Formby became General Secretary, an earlier complaint may have been submitted.

¹⁰⁸⁹ Case: Alan Bull: “004 RE CONFIDENTIAL- LETTER REGARDING NW CAMBRIDGESHIRE MEMBER MR ALAN BULL”

¹⁰⁹⁰ Case: Alan Bull: “007 RE Mr Alan Bull North West Cambridgeshire CLP; 008 Re Mr Alan Bull North West Cambridgeshire CLP.”

¹⁰⁹¹ Case: Alan Bull: “017 Re Mr Alan Bull North West Cambridgeshire CLP”

¹⁰⁹² Case: Alan Bull: “018 FW Mr Alan Bull North West Cambridgeshire CLP”

In September 2017, a month after the Holocaust denial evidence was received, the Holocaust denial evidence was forwarded to Scott, who appears to have not taken any further action in relation to this extremely serious evidence.¹⁰⁹³

Bull applied to stand for selection as a local councillor and his application was sent directly to Scott but Scott did act, allowing Bull to stand for selection. After Bull was selected as a council candidate, a new complainant complained about Bull, highlighting his Holocaust denial post, and raising concerns that Bull was a candidate.

Scott notified Sam Matthews about the new complaint and they finally discussed the Holocaust denial material, months after this was first reported to the Party.¹⁰⁹⁴ Matthews asked if the Local Campaign Forum (LCF) panel which interviewed Bull had seen the posts, to which Scott incorrectly answered:

*We weren't aware he had applied or we would clearly have made the LCF aware of the investigation.*¹⁰⁹⁵

On the Holocaust denial posts, Matthews copied Dan Hogan, Investigations Officer, in to the email chain and asked:

Could we send him a further letter... a sort of "notice of even more investigation" to inform him we will now be investigating this as well.

Matthews proposed an NOI rather than a suspension for an individual who had engaged in extreme antisemitism, denying the Holocaust by claiming it was a "hoax", and who was now a council candidate. Suspending Bull pending an investigation would have automatically removed him as a candidate.¹⁰⁹⁶

Hogan proceeded to draft a "further NOI" for Bull, initially without including any evidence of Bull's antisemitic social media posts until Scott asked him to include them.

In November 2017 the complainant informed the Regional Office that the LCF was meeting again. Scott provided the LCF (which included Bull's partner Heather Skibsted) with the latest evidence of Bull's antisemitic posts, but the LCF endorsed Bull.¹⁰⁹⁷

¹⁰⁹³ Case: Alan Bull: "022 FW Mr Alan Bull North West Cambridgeshire CLP"

¹⁰⁹⁴ Case: Alan Bull: "023 Antisemitism in Peterborough Labour Party; 024 Re Antisemitism in Peterborough Labour Party"

¹⁰⁹⁵ Case: Alan Bull: "019 application form"

¹⁰⁹⁶ Case: Alan Bull: "026 Re Antisemitism in Peterborough Labour Party"

¹⁰⁹⁷ Case: Alan Bull: "031 Re Antisemitism in Peterborough Labour Party"; "032 Alan Bull"; "033 Alan Bull".

Scott and Matthews discussed this regrettable decision but still did not opt to suspend Bull, which would have immediately removed him as a candidate.¹⁰⁹⁸

Following an enquiry from the Peterborough Telegraph, there was discussion with Matthews about Bull being under investigation but not suspended, but Matthews still does not appear to consider suspending Bull.¹⁰⁹⁹

Ann Black, Chair of NEC Disputes Panel, emailed Scott, Regional Director, Matthews, Head of Disputes, Stolliday, Director of GLU, and McNicol to advise:

it would have been better for the decision about whether Alan Bull was fit to be a candidate to have been made higher up, rather than leave it to members at the LCF."

No one replied to Black's email.¹¹⁰⁰

Two additional complaints were made against Bull to the Region in November, about antisemitic comments allegedly made by Bull at a birthday party held after a Momentum meeting in April 2017, and antisemitic comments, including a defence of Hitler's actions, allegedly made by Bull at a pub in June 2017.¹¹⁰¹¹¹⁰² Regional staff do not appear to have responded to the complaints.¹¹⁰³

On 17 November 2017, Bull responded to the charges against him, claiming that he had copied and pasted other people's comments "for discussion" only.¹¹⁰⁴ However, no further investigatory work was done on Bull's case, or on the two new complaints alleging antisemitic in-person conduct at social events.

Region sent a draft report on Bull to Matthews, following Region's investigation. The report was short, lacking in documentary evidence, and did not include the new allegations of in-person conduct.¹¹⁰⁵ Matthews forwarded the report to Withers-Green and asked her to turn it into a shorter report on Bull with the recommendation of:

"Warning with mandatory training with JLM".¹¹⁰⁶

¹⁰⁹⁸ Case: Alan Bull: "034 Re Antisemitism in Peterborough Labour Party"

¹⁰⁹⁹ Case: Alan Bull: "037 FW Alan Bull Peterborough"

¹¹⁰⁰ Case: Alan Bull: "040 (Fwd) Formal complaint LCF Merting 9th November 2017"; "041 Re Formal complaint LCF Merting 9th November 2017"

¹¹⁰¹ Case: Alan Bull: "051 Fw Re - Alan Bull"

¹¹⁰² Case: Alan Bull: "052 Fw Alan Bull"

¹¹⁰³ Case: Alan Bull: "038 Re Antisemitism in Peterborough Labour Party"

¹¹⁰⁴ Case: Alan Bull: "046 RE Investigation"

¹¹⁰⁵ Case: Alan Bull: "082 Alan Bull report docx; 086 Fw DCN-0090 Notice of investigation"

¹¹⁰⁶ Case: Alan Bull: "088 Job for this morning East of England Reports"

Matthews did not explain why he would only recommending a warning and training for someone who posted Holocaust denial material on social media and was accused of making antisemitic comments in person. This case clearly warranted immediate suspension and a recommendation that the NEC refer Bull to the NCC for expulsion.

Scott only forwarded the two newer complaints about in-person conduct by Bull to Matthews, two months after they were received. The NEC Disputes Committee took place on 16 January 2018 - almost seven months since the original complaint about Bull. However, Bull's case was not heard. The Regional Office and GLU were aware that in order to remove Bull as a candidate for the May local elections, his case should be heard by this Disputes panel, but it appears that Matthews decided not to table the report for the meeting.

In late January, Megan McCann, a new Investigations Officer, starts and is asked to pick up Eastern region cases, including the Bull case, with an intention to bring it to the NEC Disputes Committee in March.¹¹⁰⁷

Throughout late January and early February, both Bull and two of the original complainants chased Scott for updates on the investigation and Bull's continuing position as a council candidate. In mid-February, the case was reported in the Peterborough Telegraph.

In late February, Scott chased McCann for an update on the case, but received no substantive response. The next NEC Disputes Committee on 6 March 2018 came and went. Bull's case was not brought to the meeting, as promised. This was the last opportunity for the NEC to review the case before the local elections.

An email exchange between the Region and McCann in early March 2018 demonstrates how dysfunctional the investigations processes were and the confusion and miscommunication between GLU and the region. Scott asked McCann for a list of current suspensions, which McCann sent with the note that "Alan Bull is going to NCC and is awaiting a hearing". Scott responds asking "Is Alan Bull suspended then? If so that has implications for him standing as a council candidate in Pboro". McCann then emails:

I have finally got to the bottom of this! Hes had three NOI's for different things... I have now put him down as my problem to investigate, this means that he is back at the beginning of the process but ISNT suspended. I thought that he had gone to NCC but have dug out his file and found that hes just had loads of NOI's. Please can you send me anything that he has done recently (after we last sent him an NOI in

¹¹⁰⁷ Case: Alan Bull: "091 Re Investigations Officer coving the Eastern region"

*September....Sam mentioned something said at a meeting????) Cheers and sorry for the confusion on this one.*¹¹⁰⁸

At this point, Bull had been sent three NOIs resulting from five separate complaints over nine months - three times Matthews had determined not to suspend him, despite sharing Holocaust denial, his alleged in-person antisemitic conduct, and the fact that he was a council candidate in upcoming elections.

Moreover, for the first three months of 2018, the case was untouched because McCann was not aware she was supposed to be investigating the case. Poor line management, lack of guidance and training, and ill-defined division of work between regional offices and GLU, resulted in a candidate who shared Holocaust denial not being investigated.

On 21 March 2018, Labour Against Antisemitism (LAAS) publicly highlighted Alan Bull's case.¹¹⁰⁹ Other Twitter users highlighted Facebook posts by Bull such as photos of him protesting outside the Holocaust Memorial Museum in Washington DC, in March 2017.¹¹¹⁰ The failure of the investigating officers to do additional social media searches meant that this additional, and crucial, information was not picked up. This further evidence was therefore not included in any of the NOIs sent to Bull in July 2017, November 2017, or March 2018; nor was it included in further questioning sent to Mr Bull in summer 2018.

The tweets by LAAS brought this case to the attention of staff in the press team and in LOTO. Georgie Robertson from Press emailed Matthews flagging the tweets, asking "I thought people couldn't stand as candidates if they're being investigated?". Matthews responded that:

*The NEC last year agreed that suspensions should be used exceptionally sparingly*¹¹¹¹

The 2017 NEC paper "Disciplinary Procedures", prepared principally by Mike Creighton, did not mention using administrative suspension sparingly. It said that where a case meets the threshold for expelling the member, administrative suspension should be considered, and also noted that:

administrative suspension... may be imposed where necessary to protect the immediate interests of the Labour Party

¹¹⁰⁸ Case: Alan Bull: "104 FW Request for clarification on administrative suspension"; "105 complaints about alan bul"; "106 Fw DCN-0090 Notice of investigation"

¹¹⁰⁹ <https://twitter.com/LabourAgainstAS/status/976509554820337664>

¹¹¹⁰ <https://twitter.com/hughster/status/976451932255608833>

¹¹¹¹ Case: Alan Bull: "111 Re Councillor in Peterborough"

The allegations against Bull met both of these tests, and yet Matthews had repeatedly decided to not suspend him.

Following emails from the Press Team, Matthews emailed Karie Murphy (Chief of Staff, LOTO); Amy Jackson (Political Secretary, LOTO); Seumas Milne (Executive Director, Strategy and Communications); Jennie Formby (incoming General Secretary of the Labour Party); Iain McNicol (outgoing General Secretary of the Labour Party); Liz Martin (Local Government Officer, LOTO) - to flag the Alan Bull case and ask for “sign-off” on suspension of Bull.

Matthews decided to email this list of individuals entirely of his own accord and without any person employed in LOTO asking him to do so. This was not a practice which had happened before at this point and it is not clear what compelled Matthews to email this group of individuals to ask for approval on a suspension, rather than seek clearance through his direct line-management channels which would have been the ordinary sign off route.

In these emails Sam Matthews wrote a partial summary timeline of the Alan Bull case, omitting various dates and details, and proposing that Bull be suspended, noting that:

I think that given the attention this is likely to continue getting it meets the NEC criteria (of being in the immediate interests of the Labour Party) to apply an administrative suspension in this case.¹¹¹²

It is unclear why Matthews only decided at this late stage that Bull’s case met the criteria for suspension, when the option of suspending Bull does not appear to have been considered by Matthews or his team over the preceding nine months.

At midday, Laura Murray (Stakeholder Manager, LOTO) emailed Matthews to ask about Bull and he copied her into the wider email chain he had started with LOTO staff. LOTO and Press staff immediately pushed for Bull’s suspension. Georgie Robertson, Press Officer, said

In light of how bad his social media comments are, and in light of other complaints about comments by him received by the region, should he not be suspended pending investigation?

James Schneider, Jeremy Corbyn’s spokesperson, said:

That is very extreme antisemitism

¹¹¹² Case: Alan Bull: “113 Alan Bull - Further action to take”

Laura Murray, LOTO Stakeholder Manager, said:

LOTO are in discussion with Sam about this. Our view is that he should be suspended and another candidate be selected. We'll let you know when a decision has been taken.

Shortly after midday, Murray said:

Me and Amy have discussed and think he should be suspended immediately.

Soon after, John Stolliday commented: "Just discussed with Karie and she told me decision is to suspend."¹¹¹³

Just after 1pm, Murray stated on the email thread with press staff:

*LOTO would like immediate suspension of Alan Bull and a robust press line to that effect.*¹¹¹⁴

Alan Bull was then suspended.¹¹¹⁵ These emails show that, after nine months of GLU failing to suspend Bull or to bring his case to NEC Disputes, and Regional staff failing to properly investigate or to intervene before he was selected as a candidate, within two hours of the involvement of LOTO staff, Bull was suspended and automatically removed as a candidate. This case proves that the claim LOTO staff interfered to prevent action on antisemitism is entirely untrue. On the contrary, when LOTO was involved swift suspensions were finally imposed.

Robertson, Schneider and Murray's emails demonstrate their shock at the extreme nature of Bull's social media posts and the fact that he was a council candidate. This contrasted with GLU's instinctive responses to Bull's comments, including sharing an article claiming the Holocaust was a "hoax", that he should be placed under investigation rather than suspended and that the NEC should give him a warning and training, rather than refer him to the NCC for expulsion.

Bull's case was brought to the NEC which referred him to the NCC, the only body which could expel members at that time.¹¹¹⁶ Then, following the rule change at Conference 2019 allowing for the NEC to impose rapid expulsions, GLU staff gathered

¹¹¹³ Case: Alan Bull: "116 RE Alan Bull - Further action to take"

¹¹¹⁴ Case: Alan Bull: "115 RE Councillor in Peterborough"

¹¹¹⁵ Case: Alan Bull: E-mails 117 and 118.

¹¹¹⁶ Case: Alan Bull: "E-mail: 152 DP Minutes 04.09.18 TABLED"

new evidence on Bull in order to bring him to an NEC panel in December 2019, which decided to expel him.

In March 2018 Bull's case also led to renewed action on cases from "Palestine Live", and GLU initiating a process of consulting LOTO for recommendations on antisemitism cases.

4.3.3. "Palestine Live" - remaining cases

On 9 March 2018, Matthews reported to Oldknow and Stolliday on "Palestine Live Report - Numbers & Next Steps", and proposed action against six further Labour members:

*Various senior figures were on broadcast this morning stating that action will be taken against any Party members in that group who are antisemitic will be subject to disciplinary action and that the Party has a zero tolerance approach to these issues – to keep the narrative focussed on "Labour takes action against antisemites" rather than "labour fails to suspend members etc etc", we should suspend these individuals while they are investigated. We'll then send them some questions to respond to over correspondence so that the investigations can happen quickly. Once we have their responses (which we'll give a 14 day deadline on), we can make a decision on whether they need to remain suspended and go to Disputes in July.*¹¹¹⁷

Matthews proposed suspensions of six individuals:

Name	Evidence cited by Matthews ¹¹¹⁸
David Birkett (L1625159)	Nazi-Jewish collaboration, Holocaust denial.
Ron Brand (L1442182)	ISIS as Israeli conspiracy; Rothschilds behind 9/11.
Mike Cushman (A044272)	<i>"Accused of giving antisemites "lessons in how to deflect accusations of antisemitism", and finding a 'token jew'; "We are asking for help in attacking the rampant Zionists".</i> <i>He also shares posts articles inform anti-Zionist Jews provide them with lessons in how to deflect accusations of antisemitism.</i> <i>His Timeline constantly discusses Jews, Jewishness and Israel."</i>
Stephanie De-Sykes (A897178)	<i>"Stephanie has made comments that contain over tones of antisemitism and appear to repeat common tropes. Such as: "why did so many pro-Zionist Jews remain in the USA" and "for the Zionists to have a foot in each camp"."</i>
Rosemary	"Rothschild Zionism" and Holocaust denial.

¹¹¹⁷ March 18 change: "180309 Palestine Live Report - Numbers & Next Steps.eml"

¹¹¹⁸ March 18 change: "180309 Palestine Live Report - Numbers & Next Steps.eml"

Henke (L1620533)	
Patricia Sheerin (A465114)	<i>"Patricia has made various comments that have overtones of antisemitism. She has also shared material and made comments that appear to reflect antisemitic views such as: "Seems like the whole world is under Zionist Control" She also believes that Israel is linked to ISIS."</i>

As already discussed, however:

- Matthews did not propose a suspension of Elleanne Green, who founded "Palestine Live" and made antisemitic comments in the group.
- He continued to ignore all the cases from 2017's "PSC" report, which Hogan had shared with him again the previous day
- He did not undertake further investigation into Christine Martin.

Matthews wrote that "we should suspend these individuals".¹¹¹⁹ He did not attach any evidence on them, beyond the written summaries. Twenty five minutes later, Oldknow then forwarded Matthews' email to Seumas Milne, Executive Director of Strategy and Communications, and Karie Murphy, LOTO Chief of Staff, asking if they agreed:

*Another load of information attached from the dossier.
We want to suspend the people below.
Agreed?¹¹²⁰*

She told Matthews:

*I've sent it on to Karie and Seumas.
Let's see what the response is¹¹²¹*

Three days later, on 12 March 2018, Matthews noted to Oldknow and Stolliday that

James Schneider is chasing on a press statement LAAS have put out about "Labour not taking action on members in Palestine Live".

Have LOTO responded on the individuals below?¹¹²²

¹¹¹⁹ March 18 change: "180309 Palestine Live Report - Numbers & Next Steps.eml"

¹¹²⁰ Patricia Sheerin: PS 17

¹¹²¹ March 18 change: "180312 Re Palestine Live Report - Numbers & Next Steps.eml"

¹¹²² March 18 change: "180312 Re Palestine Live Report - Numbers & Next Steps.eml"

Oldknow responded:

Nothing. They only seemed concerned with Glyn Secker.

*Let me chase again.*¹¹²³

She then chased Murphy and Milne, now with Matthews and Stolliday in cc, on 12 and 13 March. On 14 March Oldknow then said "I know Seumas and I talked about this yesterday", but requested "agreement for these suspensions".¹¹²⁴

On Monday 19 March, Oldknow then emailed Matthews and Stolliday:

Hiya

I am not getting anywhere with Seumas and Karie so I think we just suspend those in Palestinian Live which we reckon have crossed the line.

Do you agree?

Em

Matthews responded:

*I think we should give them an ultimatum that we're doing it at say, noon tomorrow, and then I agree we should get on with it.*¹¹²⁵

This did not happen, however. It is unclear why.

Seumas Milne and Karie Murphy were the two of the most senior staff in the Leader of the Opposition's Office (LOTO). Their roles focussed on political management, particularly the Parliamentary Labour Party (PLP), communications and media strategy, political strategy and management of the 30-40 staff in LOTO. Major political controversies also took place in this period:

- On 4 March 2018 the Salisbury poisoning took place, and on 12 March 2018 the British government accused Russia of attempted murder. There was controversy about Labour's response to this, which a number of Labour MPs criticised on Wednesday 14 March.¹¹²⁶

¹¹²³ March 18 change: "180312 Re Palestine Live Report - Numbers & Next Steps.eml"

¹¹²⁴ Patricia Sheerin: "PS 17"

¹¹²⁵ March 18 change: "180319 Emilie and SM on Palestine Live.msg"

¹¹²⁶ <https://www.independent.co.uk/news/uk/politics/jeremy-corbyn-russia-spy-poisoning-response-mps-furious-salisbury-sergei-skripal-a8255731.html>. <https://www.independent.co.uk/voices/jeremy-corbyn-sergei-skripal-theresa-may-novichok-russia-spy-poisoning-moscow-a8288826.html>

- On 23 March 2018 Owen Smith was removed from the shadow cabinet for breaking collectively-agreed policy.¹¹²⁷
- In early March 2018, there was a public conflict on the Labour left about who should be the next General Secretary, with Jennie Formby and Jon Lansman both announcing their intention to stand. On 11 March 2018 Lansman withdrew from the race, and on 20 March 2018, the NEC appointed Formby as the new general secretary.¹¹²⁸
- In the transition period between Iain McNicol standing down and Formby starting as General Secretary on 3 April 2018, a number of senior staff members submitted their resignations.¹¹²⁹

It was highly unusual for GLU to request that the Executive Director of Strategy and Communications and LOTO Chief of Staff review and sign-off individual disciplinary cases against Labour members who weren't elected representatives, either in Parliament or the NEC, or high-profile cases likely to cause reputational damage to the Party. Milne, Murphy and Oldknow continued to be in contact over other important matters, including unrelated allegations about Labour MPs and the transition between Iain McNicol and Jennie Formby, but neither Milne nor Murphy responded to this request for their views on individual disciplinary cases.

It is unclear why Oldknow decided to email Milne and Murphy to seek written sign-off for these suspensions. This was not part of an agreed protocol. It had not been requested by Milne, Murphy or any other staff in LOTO. At no point had it been suggested, or even implied, as a desirable process for handling antisemitism disciplinary cases. Indeed, the fact that they did not respond to Oldknow's emails suggests that they did not desire to be involved in disciplinary cases.

Oldknow may have instigated this email chain because of the high-profile nature of the "Palestine Live" dossier and media interest. The later release of these emails to the media, framed as "inappropriate interference", raised the question of whether the instigation of this process could have been intended to frame Milne and Murphy for either inaction on or inappropriate interference in antisemitism disciplinary cases, depending upon their response.

Matthews and Oldknow's discussion on 19 March 2018 made clear that both understood that GLU had the power to suspend members and initiate investigations and that they did not require sign-off from Milne or Murphy, saying that if LOTO didn't reply they would suspend anyway ("we should get on with it"). Messages from

¹¹²⁷ <https://www.theguardian.com/politics/2018/mar/23/owen-smith-sacked-from-labour-party-frontbench>

¹¹²⁸ <https://www.bbc.co.uk/news/uk-politics-43476336>

¹¹²⁹ https://www.huffingtonpost.co.uk/entry/senior-labour-hq-staff-resign-on-eve-of-jennie-formbys-expected-appointment-as-general-secretary-john-stolliday-head-of-compliance-nec-meeting-iain-mcnicol_uk_5aaf9a7ee4b05b221800828f

Schneider and Milne had also made clear that they expected serious cases of antisemitism highlighted in the report to be dealt with immediately, as a priority task and they had proposed that David Birkett in particular, a Holocaust denier, be suspended.

Given LOTO had made clear their desire for robust action on these extreme cases, it is additionally unclear why GLU-GSO decided to consult LOTO further. GLU also continued with other work on antisemitism cases in the meantime - for example, on 19 March 2018 Catherine Love-Madden was issued with an NOI.

On 21-22 March 2018, LOTO's focus then returned to antisemitism, when they urged GLU to suspend Alan Bull.

4.3.4. LOTO consultation

At 12:54pm on 22 March 2018, just as LOTO was explicitly communicating their desire for Bull to be suspended, Oldknow emailed Milne and Murphy again, now along with Amy Jackson, Laura Murray and Jennie Formby:

Seeing as though we are on to suspending some people – these are the rest of the problems in the Palestine Live Facebook group.

*Please can we get a decision on these too? – information below and Sam can send through any documentary evidence if people want to see that.*¹¹³⁰

Laura Murray responded half an hour later:

Thanks very much for looping me in Emilie.

*Me and Amy [Jackson] will look at the information today and let you know what we think as soon as possible.*¹¹³¹

Jennie Formby replied to Murray, Milne, Jackson and Laura Murphy, noting she was not replying “as it’s not my role yet”, but asking:

How does LOTO normally deal with these queries? Clearly it needs to be responded to quickly.

Laura Murray responded:

*I don't think we have as yet got a clear system of decision making on these suspensions, which is why I am trying to add a bit of support as Seumas, Karie & Amy understandably don't have time to look through every antisemitism case.*¹¹³²

Formby responded:

Thanks Laura

This is definitely something where we need to have a better, fit-for-purpose process that speeds things up and deals with them fairly and efficiently, so I'd like to get things moving on the disciplinary and A-S working groups as soon as possible, and also add Shami to the A-S working group, which will need to be agreed by

¹¹³⁰ Patricia Sheerin: PS 17

¹¹³¹ March 18 change: “180322 LM thanks.msg”

¹¹³² Patricia Sheerin: PS 16

*Officers.*¹¹³³

The following day (Friday 23 March), Laura Murray replied to the LOTO part of the chain:

Me and Thomas [Gardiner] had a look at the people that Sam Matthews wants to suspend below and their cases. We recommend that you say to Emilie & Sam. I think it would be good if we could ask them to suspend and investigate the 3 people mentioned below today, particularly as more is emerging today re: anti-Semitic material in Facebook groups Jeremy was in. Thanks very much

The recommendation was to “immediately suspend” Birkett, Brand and Henke; to ask to see the evidence for De-Sykes and Sheerin; and to take no action against Mike Cushman:

Don't do anything. Mike Cushman is Jewish so I don't think we can use against him the fact that he discusses Jews, Jewishness and Israel on his social media. He is a member of Jewish Voice for Labour and Free Speech on Israel so if he has spoken about “deflecting accusations of antisemitism”, this is because him and his organisations believe the accusations of antisemitism to be wrong. Similarly, posting articles from “anti-Zionist Jews” does not make him anti-Semitic – he is an anti-Zionist Jew.

Andrew Murray then emailed Oldknow, with Laura Murray in cc:

Hi Emilie

*Please see below the recommendations from LOTO re the cases referred. These recommendations have been endorsed by Jennie Formby.*¹¹³⁴

Mathews then responded:

Thank you for the recommendations below - We'll progress with the suspensions.

Please see attached documents containing full evidence into the other two individuals as requested.

I'll await your final recommendation on these two.

He attached PDFs on Sykes and Richman - excerpts of the relevant pages from

¹¹³³ Patricia Sheerin: PS 16

¹¹³⁴ Patricia Sheerin: PS 17

"Palestine Live".¹¹³⁵

On Monday 26 March, Laura Murray asked Thomas Gardiner for his recommendations on these cases,¹¹³⁶ which he sent that day. For De-Sykes, he said "on balance I would recommend suspension". For Sheerin, however, Gardiner wrote:

The posts seem to be mainly aimed at Israel and Zionists, with little, on the face of it, pointing towards Jewish people more widely.

- *The first post talks about the whole world "becoming under Zionist control" as a comment on a youtube video of a Ukrainian military officer talking about "Zionist occupation" of Ukraine.*

- *The second raises the question of whether Mossad was secretly responsible for a Russian plane crash, and therefore whether a condolence statement from the Israeli government was "gloating".*

- *The third links to an article supposedly about an undercover Mossad officer being uncovered as the leader of an ISIS group.*

These raise worrying use of conspiracy theories, which warrant investigation, but they seem to merit investigation without suspension, as none of these is directed against Jewish people generally, but rather against Israel.¹¹³⁷

The *Sunday Times* incorrectly reported that this suggestion was from Laura Murray. At 3pm, Murray then passed on Gardiner's recommendations to Matthews:

LOTO recommendations are that:

- *Stephanie De-Sykes – we would suggest that she is suspended and investigated, as tweets are targeting Jews rather than Zionism/ Israel.*
- *Patricia Sheerin-Richmond – we suggest you investigate but without suspension, as although her tweets are drawing upon conspiracy theories, they are just about Israel and no mention of Jews or Jewishness etc.*

Matthews said "Thanks Laura – we'll action this today."¹¹³⁸

On 26 March 2018 Matthews sent an email to Laura Murray and Amy Jackson, with Oldknow and Stolliday in cc:

Hi Laura & Amy,

¹¹³⁵ Patricia Sheerin: PS 18

¹¹³⁶ Patricia Sheerin: PS 19

¹¹³⁷ Patricia Sheerin: PS 20

¹¹³⁸ Patricia Sheerin: PS 20a

Thank you for your help with agreeing recommendations for further disciplinary action with the cases in recent weeks – it's really helpful to have your input. With that in mind (and until the NEC working group on antisemitism concludes its report), I think it is worth me raising each case with you before we take further action on it.

I'll therefore send an email to both of you, copying in Emilie, John and the relevant RD with the evidence we have received and letting you know what we think the most appropriate and proportionate next step would be with each matter in turn. Unless stated otherwise, we'll wait for your input before taking any further action.

Please let me know if any of the above is problematic or if there is anyone else you think should be copied into these emails. The first one will follow shortly.

Thanks
Sam¹¹³⁹

Oldknow privately said "Very good" to Matthews, indicating that Matthews started this process of consulting LOTO with Oldknow's approval.¹¹⁴⁰

The same day, Laura Murray agreed to Matthews' proposal:

Hi Sam,

I think that sounds like a really good way forward for the time being until the Working Group is in force. Given the unfolding urgency of getting this problem under control, it is helpful to have more people speeding the process along, which I hope I can help with.

I'm copying in the rest of the SMT in LOTO so they are all aware that this is happening.¹¹⁴¹

On 27 March 2018, meanwhile, Sophie Goodyear sent Murray and Jackson, with Matthews in cc, about a complaint from a LOTO staff member about an incident in a CLP. Murray responded:

Me and Amy have been working with Sam to give a steer on anti-Semitism complaints until the anti-Semitism working group is up and running, and can make its own recommendations.

¹¹³⁹ March 18 change: "180326 SM proposes to LM, input - EO approves.msg"

¹¹⁴⁰ March 18 change: "180326 SM proposes to LM, input - EO approves.msg"

¹¹⁴¹ March 18 change: "180326 LM response to SM.msg"

However, we don't want to be involved in making a judgement on other sorts of complaints which come in, and I'd not want to get involved in something regarding someone from our office, because of potential for conflict of interest etc.

Please treat this as you would any other complaint, and use your judgement and internal processes to make the decision.¹¹⁴²

These exchanges make clear that it was Matthews who initiated this consultation with Murray and Jackson, saying it was “really helpful to have your input” - not LOTO asking to be involved in disciplinary cases. Murray agreed that “given the unfolding urgency of getting this problem under control, it is helpful to have more people speeding the process along, which I hope I can help with”, and subsequently described this as “working with Sam to give a steer” on cases. This demonstrates that LOTO staff were responding in good faith to a request for their help in order to speed up the processes, rather than there being any desire to interfere.

From 26 March 2018, Matthews then sent a series of antisemitism cases to LOTO staff, with recommendations for action, requesting their input. Between 26 March 2018 and 4 April 2018, Matthews sent 24 cases through this process, to which Laura Murray and Andrew Murray responded with recommendations from LOTO staff.

Laura Murray and Andrew Murray responded promptly: on the same day for 20 cases; the following day for 2 cases; and within a week for 2 cases.

In 21 of these cases - 87.5% - Laura Murray and Andrew Murray agreed with GLU's recommendation.

In this 9 day period, Laura Murray and Andrew Murray agreed with recommendations to suspend 18 members over allegations of antisemitism. This compared to just 10 suspensions in relation to antisemitism initiated by GLU in 2017. This was a more than 70-fold, or 7,200%, increase in suspensions for antisemitism as a direct result of LOTO staff responding to these emails.

Responses from Laura Murray and Andrew Murray included:

“Looks like an open and shut case”

“I agree absolutely”

“Yes, that final comment is extremely anti-Semitic and agree with you on suspension & investigation”

¹¹⁴² March 18 change: “180329 LM helping SM.msg”

"I think on balance we should suspend straight away. Some of the allegations do not seem to amount to anti-semitism, but some of the Greenstein material is clearly grossly offensive and the generally abusive language is hard to defend."

"Yes I would suspend her straight away"

In addition to these 18 cases, there were 3 cases where GLU suggested an NOI and Laura Murray or Andrew Murray agreed. There were just three cases, detailed below, where Laura Murray or Andrew Murray did not agree with a proposal from GLU to suspend immediately pending investigation: Su Budge, Frances Naggs and Max Tasker.

4.3.4.i. Su Budge

Matthews suggested a suspension for Su Budge, for a single post in which she expressed support for the Mear One mural that was in the headlines.

This was entirely inconsistent with GLU's existing practices regarding what types of cases would merit disciplinary action, let alone suspension. Matthews himself acknowledged it was just one item, but nevertheless recommended suspension.

Laura Murray responded that the comment "definitely belies ignorance and a lack of understanding/ education of anti-Semitic tropes, representations and imagery", but asked:

Has this woman made any other comments which are perceived to be anti-Semitic? Eg. specifically mentioning Jews, Jewishness, anti-Semitic tropes, conspiracy theories etc. If she hasn't, then we recommend this be dealt with without suspending her as she hasn't displayed any specific anti-Semitic attitudes herself, more just general ignorance and lack of education.¹¹⁴³

Murray suggested that Matthews send Budge an NOI, and then depending on her responses "decide how best to proceed re: a suspension from there onwards". Murray did not rule out a suspension, she simply suggested that Budge be written to first, before a decision was taken on suspension.

Matthews responded accepting Murray's suggestion:

¹¹⁴³ March 18 change: LOTO Cases: "180328 LOTO Sue Budge, SM response.msg"

Thanks for this - we've not received any further complaints about posts from this member so we'll proceed as you've outlined below - with an NOI attaching the post and some questions to be reviewed again with her responses.¹¹⁴⁴

Matthews' proposal of a suspension for Su Budge contrasts with the approach GLU normally took on antisemitism cases. For example just a few weeks earlier, on 5 March 2018, on Matthews' instruction Dan Hogan had sent an NOI to Graham Wilmot. Wilmot had shared posts warning that "Gentiles will be the slaves of Jews" and about the "Rothschilds zionist mafia", but had not been suspended.

4.3.4.ii. Frances Naggs

On 28 March 2018, Sophie Goodyear forwarded a complaint about Frances Naggs to the email list of LOTO staff which Matthews had set-up. Naggs had authored an open letter to Jeremy Corbyn, which said:

Dear Jeremy

I cannot begin to imagine how you must be feeling this morning. I feel battered, bruised and damn near hopeless and helpless, (insert your own diety or non here) knows how you feel.

Yesterday we witnessed the full onslaught of a very powerful special interest group mobilising its apparent, immense strength against you. It is clear this group can employ the full might of the BBC to make sure its voice is heard very loudly and clearly. It is a shame not every special interest group can get the same coverage.

But and it is a very big BUT, we live in a democracy, a one member one vote democracy and no special interest group, regardless of their history or influence, can be allowed to dictate who the rest of us can vote for or how we vote.

Everyone can use their vote as they wish and if people feel you do not represent them they have every right not to vote for you.

I'm am writing this letter to say that I support you and I trust you, more than I would trust any politician, to do the right thing in terms of racism, anti-semitism, and any hate mongering from anyone against anyone. I hope that you can stay strong and carry on representing all of us (the many) as you have been doing.

¹¹⁴⁴ March 18 change: LOTO Cases: "180328 LOTO Sue Budge, SM response.msg"

We know that any politician who stands for the many and not the few will have very many powerful enemies and it is expecting an awful lot of a person to put up with the pressures that are put on you. But thank-you, thank-you for your inspiration and steadfastness and be sure you still have my support.

The letter was picked up by *The Independent* after over 2,000 people signed it on Facebook.¹¹⁴⁵

When Goodyear did not receive a response to her email, Matthews followed it up with a further email the next day, highlighting that one of the complainants was the Jewish Leadership Council. Matthews wrote:

I think that the phrases around "a very powerful special interest group" is problematic and given how this letter specifically is being covered in the press, there is an argument to say that it is in the immediate interests of the Party to apply an administrative suspension while this is investigated.

How would you like us to proceed?

The tone of Matthews' chaser email suggested that he and Goodyear were waiting on input from LOTO staff before taking action, despite this never having been requested. This increased the concern that if LOTO did not respond, they would be accused of delaying the progress of antisemitism investigations.

That same day, on 29 March, Frances Naggs posted an apology on Facebook:

I recently wrote an open letter in support of Corbyn re the anti-semitism row. Thanks to everyone and their comments but in view of the way my letter has been interpreted by some as being anti-semitic itself I can only apologize. I'm very sorry if I and other people are going to be labelled anti-semitic for asking to sign my letter. I was going to collate all the names today and send it to the Guardian but I had not realised it could be interpreted in the way that the Independent journalist has interpreted it. Please put it down to my political naivety. I'm very sad about it because I thought I was being very careful NOT to make it about the Jewish religion because I don't think for a minute the 'special interest group' I was referring to is the Jewish people. Religion is always used by the rich and powerful to divide and rule people and anti-semitism is being very successfully weaponised by the Tories and their rich and powerful friends as the last and most invidious stick to hit Corbyn with. I know am not anti-semitic but it seems there is no way of proving it and I have made myself a target. John Mann MP has asked for me to be expelled from the party

¹¹⁴⁵ <https://www.independent.co.uk/news/uk/politics/jeremy-corbyn-labour-antisemitism-protest-powerful-special-interest-group-jewish-a8278761.html>

immediately and I don't want others to be expelled for endorsing my letter. And I won't be asking for anyone else to sign it. Thank you.

The next day, on 30 March, John McDonnell publicly condemned the letter, tweeting that:

Describing Jewish people as a 'very powerful special interest group' is an antisemitic stereotype that undermines not supports Jeremy and his determination to unite our communities. Let's all come together now, not divide.¹¹⁴⁶

Five days later, on the afternoon of 4 April 2018, Laura Murray replied apologising that she hadn't come back sooner to all the cases they had been sending through, and explaining that going forward they could send such cases to Thomas Gardiner, advisor to the Party Chair, who was seconded to the General Secretary's Office to support Jennie Formby's transition into the role. On the issue of Naggs, Murray said:

Did anyone get back to you about this case?...

Back to this case, if you have already suspended Frances that's fine – I know there has been a lot of negative media coverage about the letter. This weekend I saw a conversation happening on Facebook about this case – in response to the Independent article on it. Somebody posted the screengrab of a second post Frances Nagg had made (which I've attached)

In light of Frances apology/ retraction in this Facebook post, we would recommend an investigation with a list of questions, but not a suspension.

However, if you've already acted on this, then that's fine, and presumably Frances will explain about his (or her?) mistake during the course of the investigation.

Matthews agreed with this, and Goodyear forwarded the email to McCann to action an NOI.

It is clear that Murray did not understand her input to be either decisive nor necessary for action, as she expected that they may well have already taken action without a response from LOTO - "if you've already [suspended], then that's fine".¹¹⁴⁷

Murray's advice, which was to consider Ms Naggs' public apology when making the first-stage decision, was not out of step with existing processes in GLU at the time. Indeed, a month earlier Megan McCann had lifted the suspension of Nigel Sidebottom

¹¹⁴⁶ <https://twitter.com/johnmcdonnellmp/status/979680801699790854?lang=en>

¹¹⁴⁷ March 18 change: LOTO Cases: "180409 FW AS Complaint - Frances Nagg L1283598.eml"

after he insisted he was not antisemitic, despite failing to explain a variety of highly antisemitic posts.

On 5 March 2018, meanwhile, Matthews and Hogan had issued an NOI for Ilona Csatlos-Graudins, who had shared videos titled "Zionist - How to kill Goyim children and...", and "Rabbi Dovid Weiss explain Zion or Fake Jew in Depth", and "Rothschild and the illuminati" conspiracy theories. This extreme and horrific antisemitic content clearly warranted suspension but Matthews had decided to issue an NOI.

4.3.4.iii. Max Tasker

On 29 March 2018, Matthews submitted the case of Tasker to the Leader's Office with a recommendation to suspend him. The posts attached related to two posts made by Tasker while he was a member. One of these denied that the MearOne mural was antisemitic - "Only two out of the six portrayed were actually portrayed as Jewish... how can this be anti semitic?" - and the other implied a link between ISIS and Israel - "ISIS declares it will kill Palestinians one by one, yet remains quiet on Israel".

There were three further posts which Tasker had shared before becoming a Labour Party member. One these (erroneously) quoted from Hitler's Mein Kampf, "The best way to take control over a people and control them..."; another was of a video from the Islamophobic far right activist Tommy Robinson; and another which appeared to promote the Houses of Parliament being destroyed by bombing, as Guido Fawkes had attempted.

Andrew Murray responded:

I am not sure about this one Sam. His more offensive comments seem to predate his [Labour Party] membership, and if people disagree about the mural in a way that is not in itself anti-semitic, I would think that investigation without suspension at this stage may be sufficient?

As this report explains later, John Stolliday had said that the Party had repeatedly received legal advice stating that it could not undertake disciplinary action where a member's comments pre-dated membership.¹¹⁴⁸

Matthews agreed with Murray that this case was "more complicated":

¹¹⁴⁸ Case: Nasreen Khan: "171117 RE Nasreen Khan.eml"

I agree it is more complicated due to the dates of the posts and when he joined the Party. Will proceed on the basis of the below and review again when we have his responses.

On 4 April, Laura Murray then responded:

I think the sharing of the Hitler meme and the sharing of the Tommy Robinson video on Muslims & immigration are very worrying.

If he doesn't show regret for those posts in his response, then I think a suspension would definitely be warranted.

Again, it was clear from this exchange that there was agreement on the need to investigate Tasker, and that administrative suspension very much remained an option on the table. Laura Murray and Andrew Murray gave slightly differing opinions in a conversational manner which was intended to be constructive and helpful to Matthews. Andrew Murray's response was clearly advisory and posed as a question inviting Matthews to give a different view if he disagreed. But Matthews replied saying "I agree", indicating his endorsement of Andrew Murray's proposal.

Sophie Goodyear proceeded with an "NOI with questions and suspension if responses are not satisfactory", and Laura Murray emphasised that "If he doesn't show regret for those posts in his response, then I think a suspension would definitely be warranted."

The question of administrative suspension was ultimately a decision for Matthews to take in line with any guidance he was operating under at the time, as GLU had the power to impose suspensions and did not require LOTO sign off.

On 23 April 2018, Tasker resigned. A note was left on his file to prevent him ever re-joining the Party.

Tasker had actually been reported to the party almost two years earlier, in July and August 2016, for "a string of abusive comments". These included tweeting to Labour Party Deputy Leader Tom Watson that he was a "C*nt", and "sharing quotes from Hitler and Tommy Robinson of the EDL as well as wanting to set fire to parliament etc." His membership was then rejected by Welsh Labour, but Tasker appealed the decision, claiming it was a case of mistaken identity. Sam Matthews instructed a member of his team to send Tasker an apology, after which Welsh Labour sent Matthews convincing evidence, already provided to them, that Tasker was indeed responsible for the social media posts.

However, in October 2016 Matthews appears to have decided to investigate without suspension. No NOI was sent or investigation launched, however. Over the course of 18 months Matthews was chased repeatedly to take action by Welsh Labour, and further complaints were submitted to GLU. This included screenshots of Tasker admitting to having authored the social media posts; repeated reports from LAAS showing Tasker sharing grossly antisemitic materials saying “Zionist Antichrist will rule the NWO”, Ukraine’s politics are part of “a Zionist Masterplan” and “The Whole Story of Zionist Conspiracy [The Filthy History of Pedophilia, Murder & Bigotry]”; and evidence Tasker had been a member and supporter of the far right group the English Defence League (EDL).

As a result of GLU’s continued inaction, Tasker was able to successfully stand for selection to become a town councillor. Matthews only responded on 29 March 2018 to a renewed complaint, from the original complainant, about Tasker’s comments in “Palestine Live”. Although the original complainant referred to the “significant material” GLU already had received on Tasker, none of this was sent to LOTO, and LOTO was therefore not aware of this.¹¹⁴⁹

Four minutes before Murray’s reply on 29 March 2018, meanwhile, Martha Robinson from Complaints had also responded to a complaint about a member arguing the mural is “not anti Semitic, but is actually about class”:

I have concluded that we are unable to take any further action in this matter.

*This is because these comments do not constitute direct anti-Semitism, rather, misinformation about the nature of the mural.*¹¹⁵⁰

Murray’s suggestion about interpretations of the mural was thus the same as GLU’s approach to that very issue, and the same as Matthews’ reported decision in October 2016 to investigate Tasker without suspension. This email was later leaked to suggest that Murray was urging inaction on antisemitism - but the history of the case shows, on the contrary, a litany of errors by Matthews, including a failure to log, report or act on in any way evidence of Tasker’s gross antisemitism and affiliations with the far right EDL.

Just a few weeks earlier, on 5 March 2018, Hogan and Matthews had issued an NOI without suspension to Frederick Tyler, who had shared posts saying “International Red Cross Report Confirms the Holocaust of Six Million Jews is a Hoax” and “Jewish human organ trade in turkey stealing syrian children”.

¹¹⁴⁹ Case: Max Tasker

¹¹⁵⁰ Case: Max Tasker: “180329 RE AS Complaint - Max Tasker L1523419.eml”

4.3.4.iv. Assessment

The assessment of the Party in March 2019 was that before leaving GLU in June 2018, Sam Matthews had saved copies of these emails, and in March 2019 it was then Matthews who leaked them to the press, presenting them as evidence of LOTO seeking to interfere with cases. However, Matthews was the person who initiated this process, and said “it’s really helpful to have your input”. LOTO did not request to be involved and emails from LOTO’s Chief of Staff Karie Murphy indicate they did not wish to be involved.

LOTO’s responses to Matthews’ requests for help indicate they thought they were merely expressing views, not taking decisions, to help ensure cases were acted on quickly. LOTO staff agreed with GLU’s recommendations in 87.5% of cases, resulting in almost twice as many suspensions in 9 days than GLU had initiated in the whole of 2017, a more than 70-fold increase in such actions.

It is not clear why Matthews and Oldknow decided to start consulting LOTO. It may have been that they wanted political cover for their decisions as there was no General Secretary in post during this gap between McNicol leaving and Formby starting. It has also been suggested that this was an attempt to obtain emails from LOTO which could be used to allege either interference in cases or slow responses holding up disciplinary action.

Laura Murray and Andrew Murray expressed reasoned disagreement in just three cases, and Matthews then agreed with their recommendations. In another case, they also emphasised a case was antisemitic where Matthews had downplayed the role of antisemitism, although still agreeing with his recommendation of an NOI. On 28 March 2018 Matthews had sent them details of Martin James Roberts’ posts saying Israel was behind 9/11, a classic antisemitic conspiracy theory:

This one is not as obviously antisemitic as some of the others which I have sent over in the last few days... Whether it meets the definition I think is whether his criticism of Israel is similar to that levelled against any other country.

I would suggest we send him a notice of investigation on the basis of the complaint below with some questions for the matter to be reviewed with his responses.

Matthews here displayed a misunderstanding of the problem with conspiracy theories saying Israel was behind 9/11. This isn’t about disproportionate “criticism of Israel”, it is an antisemitic conspiracy theory that ascribes extraordinary levels of global control

to Israel, "Zionists" and Jews. It is usually accompanied by claims about a Jewish-American owner of the buildings or claims that Jews received a call to not attend work that day.

Andrew Murray responded:

That seems like an anti-Semitic conspiracy theory to me

Laura Murray agreed, noting it was "clearly a conspiracy theory with very anti-Semitic roots":

I agree – believing Israel was involved in 9/11 is clearly a conspiracy theory with very anti-Semitic roots, although the rest of the conversation thread seems to demonstrate that Martin has no idea that it is anti-Semitic and thinks he is simply being anti-Israel.

We agree with your recommendation of a notice of investigation, with questions on what his understanding is of the way antisemitism is expressed via. online conspiracy theories linking Israel to such large-scale secretive behaviour etc.

In another case - Craig Allaker - after Laura Murray agreed with the recommendation to suspend, Oldknow then noted that he was a very recent joiner and thus could receive a General Secretary membership rejection. Karie Murphy agreed with this suggestion. Formby then agreed and on 4 April 2018, Formby's second day in Labour HQ, Allaker's membership was rejected - clearly indicating once again Formby and LOTO's desire to remove such people from the party.

The fact that Matthews finally acted on antisemitism cases, and rapidly, in this period further underlines his failure to act on these cases previously. The second case he submitted, for example, was Christopher Crookes, the Holocaust denier that had been reported to him repeatedly since 2016, while Matthews had been chased since 2016 about the case of Max Tasker.

Matthews could have dealt with these and other cases previously. He appears to have chosen not to.

4.3.4.v. Table of decisions - LOTO consultation, 26 March 2018 to 4 April 2018

Date sent / response	Name	Proposal	Content	Response	Source
26 Mar 2018	Anthony Lehal (L1714411)	Suspend		Agree - Suspend (LM)	180326 LOTO Lehal.msg
26 Mar 2018	Christopher Crookes (L1361255)	Suspend		Agree - Suspend (LM)	180326 LOTO Chris Crookes.msg
27 Mar 2018	Stewart Dunbar (A798451)	Suspend	"Fed up to the back teeth" of EnoughisEnough; #Israel the Modern Nazi State; saying throw Cooper and Reeves off a building.	Agree - Suspend - "Looks like an open and shut case" (AM)	180327 LOTO Stewart Dunbar.msg
27 Mar 2018	Su Budge (L1619667)	Suspend (although acknowledges only one item)	One Facebook post supporting the mural	<p>NOI and depending on her responses "then decide how best to proceed re: a suspension from there onwards." (LM)</p> <p>Comment "definitely belies ignorance and a lack of understanding/ education of anti-Semitic tropes, representations and imagery", but "Has this woman made any other comments which are perceived to be anti-Semitic? Eg. specifically mentioning Jews, Jewishness, anti-Semitic tropes, conspiracy theories etc. If she hasn't, then we recommend this be dealt with without suspending her as she hasn't displayed any specific anti-Semitic attitudes herself, more just general ignorance and lack of education."</p> <p>SM responded: "Thanks for this - we've not received any further complaints about posts from this member so we'll proceed as you've outlined below - with an NOI attaching the post and some questions to be reviewed again with her responses."</p>	180328 LOTO Sue Budge, SM response.msg
28 Mar 2018	Martin James Roberts (L1415722)	NOI	<p>Israel did 9/11</p> <p>SM: "This one is not as obviously antisemitic as some of the others which I have sent over in the</p>	<p>Agree - NOI (AM, LM)</p> <p>"That seems like an anti-Semitic conspiracy theory to me" (AM)</p> <p>"I agree - believing Israel was</p>	180328 LOTO, Martin James Roberts (L1415722).msg 180328 LOTO, Martin James Roberts - AM.msg

			<p>last few days... Whether it meets the definition I think is whether his criticism of Israel is similar to that levelled against any other country.</p> <p>I would suggest we send him a notice of investigation on the basis of the complaint below with some questions for the matter to be reviewed with his responses."</p>	<p>involved in 9/11 is clearly a conspiracy theory with very anti-Semitic roots, although the rest of the conversation thread seems to demonstrate that Martin has no idea that it is anti-Semitic and thinks he is simply being anti-Israel.</p> <p>We agree with your recommendation of a notice of investigation, with questions on what his understanding is of the way antisemitism is expressed via online conspiracy theories linking Israel to such large-scale secretive behaviour etc. " (LM)</p>	180328 LOTO, Martin James Roberts - LM.msg
28 Mar 2018 / 4 Apr 2018	Frances Naggs	Suspend		<p>NOI (LM)</p> <p>"Did anyone get back to you about this case?...</p> <p>In light of Frances apology/ retraction in this Facebook post, we would recommend an investigation with a list of questions, but not a suspension.</p> <p>However, if you've already acted on this, then that's fine, and presumably Frances will explain about his (or her?) mistake during the course of the investigation." (LM)</p>	180409 FW AS Complaint - Frances Nagg L1283598.eml
28 Mar 2018	Martin Miller (L1316867)	Suspend	"I guess you believe you are a member of the chosen race" and other.	Agree - Suspend (AM)	180328 Re AS Complaint - Michael Miller L1316867.eml
29 Mar 2018	Jasbiner Bhangal (L1238219)	Suspend		Agree - Suspend - "I agree absolutely" (AM)	180329 LOTO, Bhangal, agreed.msg
29 Mar 2018	Kuna Bari (L1572951)	Suspend		Agree - Suspend - "Yes, that final comment is extremely anti-Semitic and agree with you on suspension & investigation." (LM)	180329 LOTO, Kuna Bari agreed.msg
29 Mar 2018	Harry Blackwood (L1414760)	Suspend		Agree - Suspend (AM)	180329, LOTO agreed, Harry Blackwood L1414760.msg

29 Mar 2018	Marianne Tellier (L0077266)	Suspend		Agree - Suspend "I think on balance we should suspend straight away. Some of the allegations do not seem to amount to anti-semitism, but some of the Greenstein material is clearly grossly offensive and the generally abusive language is hard to defend." (AM)	180329, LOTO agree, Marianne Teller.msg 180329 AS Complaint - Marianne Tellier L0077266.eml
29 Mar 2018	Carole Hope (L1368636)	Suspend		Agree - Suspend - "Yes I would suspend her straight away" (AM)	180329 RE AS Complaint - Carole Hope L1368636.eml
29 Mar 2018 / 3 Apr 2018	Stephanie Clark (L1458263)	NOI	Mural not antisemitic as only two Jewish	Agree - NOI (LM)	180329 AS Complaint - Stephanie Clark L1458263.eml 180403 RE AS Complaint - Stephanie Clark L1458263.eml
29 Mar 2018	Max Tasker (L1523419)	Suspend	Posts include defending mural, and one before membership sharing video of Tommy Robinson.	NOI followed by suspension if responses not satisfactory (AM) "I am not sure about this one Sam. His more offensive comments seem to predate his LP membership, and if people disagree about the mural in a way that is not in itself anti-semitic, I would think that investigation without suspension at this stage may be sufficient?." (AM) "I agree it is more complicated due to the dates of the posts and when he joined the Party. Will proceed on the basis of the below and review again when we have his responses." (SM) On 4 April, LM noted "I think the sharing of the Hitler meme and the sharing of the Tommy Robinson video on Muslims & immigration are very worrying. If he doesn't show regret for those posts in his response, then I think a suspension would definitely be warranted." SG actioned this as "NOI with questions and suspension if responses are not satisfactory".	180329 RE AS Complaint - Max Tasker L1523419.eml 180410 FW AS Complaint - Max Tasker L1523419.eml

29 Mar 2018	Andrew BurrIDGE (L1433720)	NOI	Unclear if AS or satirical criticism	Agree - NOI (AM)	180329 RE AS Complaint - Andrew BurrIDGE L1433720.eml
29 Mar 2018	Jonathan Morse (A820522)	Suspend	Various including saying Jews misuse Holocaust	Agree - Suspend (AM)	180329 AS Complaint - Jonathan Morse A820522.eml 180329 RE AS Complaint - Jonathan Morse A820522.eml
29 Mar 2018	Ted Clement-Evans (L1613659)	Suspend		Agree - Suspend (AM)	180329 RE AS Complaint - Ted Clement-Evans L1613659.eml
1 Apr 2018	Roy Smart (L1617634)	Suspend		Agree - Suspend (AM) This case was raised to GLU by Formby, from a tweet by a Jewish journalist - "could you please look into this as a matter of urgency with a view to immediate suspension if it is as it appears."	180402 Re AS Complaint - Roy Smart (L1617634).eml 180401 Roy Smart Tunbridge Wells.eml
2 Apr 2018	Sameh Habeeb (L1383121)	Suspend	Palestine Telegraph	Agree - Suspend (LM) LM asks "could you please suspend him immediately today" and suggests draft questions.	180402 RE AS Complaint - Sameh Habeeb (L1383121).eml
3 Apr 2018 / 4 April 2018	Faraz Khan (L1357357)	Suspend	Mock idea Jews oppressed, Israel Nazi	Agree - Suspend (LM) "Yes - agree with your recommendation to suspend and investigate. Think he should be asked questions about if he believes that Jewish people aren't/ cannot be victims of oppression, and if he understands why comparisons between Israel and Nazi Germany are offensive." (LM)	180404 RE AS Complaint - Faraz Khan (L1357357).eml
3 Apr 2018 / 4 April 2018	Ian Love (L1327871)	Suspend		Agree - Suspend (LM)	180404 RE AS Complaint - Ian Love (L1327871).eml
3 Apr 2018	Ashuk Ahmed (L1741518)	Suspend	Various	Agree - Suspend (LM)	180403 LOTO Ashuk Ahmed (L1741518).eml
3 Apr	Craig Allaker	Suspend	Holocaust revisionism	Agree - Suspend (LM)	180404 RE AS

2018	(L1748710)			Scottish GS then noted recent joiner, EO suggested membership reject, asking Formby. Murphy agreed, and then Formby.	Complaint - Craig Allaker (L1748710).eml 180404 JF RE AS Complaint - Craig Allaker (L1748710).eml
4 Apr 2018	Pam Bromley (L1209136)	Suspend		Agree - Suspend (LM)	180404 RE AS Complaint - Cllr Pam Bromley (L1209136).eml

4.3.5. LOTO consultation and Thomas Gardiner

Thomas Gardiner was a parliamentary assistant to Ian Lavery, Chairman of the Labour Party. He had previously worked on the 2016 Jeremy Corbyn campaign, and in late 2016 had applied for the roles of Head of Disputes or Head of Internal Governance, interviewing for the latter. He was a qualified solicitor, and as assistant to Lavery had worked on Lavery's responses to members' complaints to the party regarding disciplinary cases and processes.

Emails show that in this period, LOTO chief of staff Karie Murphy was concerned that stakeholder manager Laura Murray should not spend time dealing with individual cases, and instead focus on Labour's relationship with the Jewish community. After Murray's first set of responses to GLU Murphy had therefore asked Murray to refer these cases to Gardiner instead of responding to them herself. Gardiner had already written the response on the Sheerin and De-Sykes cases.

Gardiner was interested in a role in GLU-GSO, and on 19 March 2018 he messaged Murphy expressing an interest in applying for job vacancies in HQ, saying "I sent you an email last week about Emilie's role." Murphy replied:

Hi Thomas I haven't seen it yet. I do want you over in Southside though and I am meeting Jennie to discuss. Emilie's role won't be replaced though.

Gardiner indicated he was "happy to go to Southside on a temporary or permanent basis, whatever is needed", and asked Murphy "What is happening with Stolliday's role? What role are you looking for me to play over the next few weeks?"¹¹⁵¹

On 29 March 2018, meanwhile - three days into Matthews' LOTO consultation process - Karie Murphy expressed her concern to LOTO's Senior Management Team (Seumas Milne, Andrew Murray, Andrew Fisher, Amy Jackson and Kate Purcell), Jeremy Corbyn and Jennie Formby about the "constant stream of complaints sent via email over the last few days". Murphy expressed her concern that "Something is amiss here", and asked why senior staff including Formby were being "drag[ged] into every complaint" while existing staff in Labour HQ, including Oldknow and Stolliday, were "silent" - she "would question why this is happening and who has given authority for the changes".

Comrades,

I note that we have had a constant stream of complaints sent via email over the last few days. Some on AS others not.

¹¹⁵¹ March 18 change: "180319 TG-KM.jpeg"

A few points I would like to make:

1. Complaints do not usually come to LOTO like this (email consultation) unless they involve elected representatives - why are they being sent across in this format now?

2. High profile or sensitive complaints are normally managed by our Political Secretary and the GSO at the Political management meeting on a Thursday - why have we moved away from this?

3. Allegations of AS would normally involve Amy and also possibly Laura M - we now have a broader email chain - why? And who agreed to this approach and the grouping?

4. There is now a lack of consistency and possibly a lack of accountability on decisions - it is very irregular for Emilie, Iain and John Stolliday to be silent on these decisions.

Whilst I wouldn't advocate that they should make the decisions in isolation, and we have had issues about the decisions made in the past, I would question why this is happening and who has given authority for the changes.

Something is amiss here...Has something been agreed that I don't know about? We have a full structure in Southside managing these but now we are consulting via emails - this is odd.

Iain McNicol didn't oversee the complaints or the process - he was informed by Governance and Compliance when decisions were taken or he needed briefed. Stolliday manages the processes and is accountable to Emilie. So why are we attempting to drag Jennie into every compliant?

As I said, maybe I am missing something?

Would welcome your views.

Karie ¹¹⁵²

That same day, Goodyear had forwarded to Jennie Formby a complaint from the Campaign Against Antisemitism about Jeremy Corbyn, with Matthews, Stolliday and Oldknow in cc. Formby added Milne and Murphy for views, and Murphy responded:

¹¹⁵² March 18 change: "180329 KM email". It is worth noting that when Murphy says "Allegations of AS would normally involve Amy and also possibly Laura M", she is referring to high profile cases of political controversy - involving "elected representatives" or "high profile or sensitive complaints", as mentioned in points 1 and 2 - as we have seen previously, such as Jackson's interventions over council candidates accused of antisemitism in November 2017.

*I notice that Iain, John and Emilie are rightly copied in here. I would be interested in their views.*¹¹⁵³

As this and other emails make clear, the process of GLU consulting with LOTO on antisemitism cases was initiated by Sam Matthews, not LOTO or Karie Murphy, as Matthews has claimed.

Murphy was also concerned that, as the crisis with the Jewish community escalated, Laura Murray should not spend time dealing with individual cases of antisemitism and should instead be focused on her work with Jewish stakeholders.

On 3 April 2018, the day Jennie Formby started in Labour HQ, Murphy visited Labour HQ and asked Formby if Labour's stakeholder team could assist Laura Murray in working on the antisemitism crisis. On 4 April she then emailed:

As you know we have a huge issue with Antisemitism and I am struggling with the volume of work that's required. I wanted to ask for Maryam to be released from her immediate duties to work in conjunction with Laura Murray in the Leaders office for a few weeks. I met with the GS yesterday and she agreed that this was a reasonable request. Do you think you could manage to accommodate this? We have a huge work plan and I have second staff member supporting but we could really do with more help.

Following some subsequent correspondence, on 9 April 2018, Karie Murphy complained that the Labour HQ stakeholder team had declined to assist them, citing "a large data inputting task" they apparently needed to help with. Murphy wrote:

*In the last two weeks, specifically we have had a very difficult time with claims of antisemitism in the LP and all the complaints/management of this has fallen to the Leaders office. None of the staff from Labour HQ - and I think there may be more than two - have been involved or indeed offered to support Laura Murray during a very demanding time managing this community.*¹¹⁵⁴

Murphy, again, specifically complained that management of antisemitism complaints as well as stakeholder relationships had all "fallen to the Leaders office", once again indicating the unfavourable view she took of the LOTO consultation process Matthews had initiated.

¹¹⁵³ March 18 change: "180329 Re Letter from Campaign Against Antisemitism.eml"

¹¹⁵⁴ March 18 Change: "180409 Stakeholder management and engagement..eml"

Other staff in LOTO, such as Laura Murray, had taken a different view, believing that they were helping GLU to deal with a backlog of difficult cases, an interpretation which the huge increase in action in this period supported.

Matthews, meanwhile, was in the process of formalising this consultation with LOTO. On 28 March 2018 he emailed the Disputes and Complaints teams to clarify the “interim process” for antisemitism cases:

With the media attention that antisemitism in the Labour Party is getting at the moment, this is an issue of particular importance for our team. Most of you are already doing this, but I thought it would be helpful to clarify the interim process which we will be using for the foreseeable on antisemitism complaints.

The Leader's Office have a desire to be more involved in the process of handling these investigations and this is something we are facilitating. In order to ensure that these are being handled quickly, they shouldn't be allocated to regions in the first instance but to the appropriate IO covering that region. Brief process I know:

1. *complaint arrives with the Complaints Team (CT)*
2. *CT allocate to the appropriate Investigations Officer (IO) for that region*
3. *If there is a prima-facie case to suggest that the allegations meet the definition of antisemitism adopted by the Labour Party, forward to me with a brief summary (if it's not clear from immediately looking at it).*
4. *I will raise with LOTO to consult with them on the next disciplinary steps*
5. *I will send you their answer when I get it and we need to action it as quickly as practicable. In almost all cases, this will be a letter with the evidence and questions attached in the first instance. The question is whether it is an administrative suspension or an Nol.*

Let me know if any of the above isn't clear. It looks a bit convoluted perhaps but experience from the last week or so isn't showing it is causing any significant delay.

1155

On 3 April 2018, “Following a meeting with Jennie [Formby] & Kate [Purcell]”, Matthews then emailed Amy Jackson and Laura Murray an “AS Action Plan Draft”, suggesting they meet before the first NEC Working Group on Antisemitism on 17 April. He described the document as being on “how the process currently works and some suggested changes which would hopefully help address some of the concerns.”

The “Current Process” included LOTO consultation:

¹¹⁵⁵ March 18 change: “180328 SM explains Antisemitism Complaints Interim Process.msg”

Once LOTO provide their feedback, the IO actions the agreed course of action. In almost all cases, this is either a Notice of Investigation for less serious cases, or an Administrative Suspension where it is more serious and/or deemed to be in the Party's immediate interests to do so.¹¹⁵⁶

General Secretaries normally bring staff with them or hire new staff to work with them in GSO. There were three staff in Iain McNicol's office, who had resigned or indicated they would resign. Jennie Formby had only brought two staff members with her (Kate Purcell as Director of GSO and Jacqui Houghton as Manager of GSO) and there was discussion about Formby appointing Gardiner to a role in her team.

There was also discussion about Gardiner working on a report, for party chairman Ian Lavery, about the party's work on antisemitism cases, its current disciplinary procedures, and statistics on how cases had progressed.

By early April 2018, John Stolliday had resigned, giving three months notice. On the morning of 4 April 2018, however, Stolliday reported that, instead of working his notice, Formby had put him on gardening leave, starting on 5 April 2018.

Formby had agreed with a suggestion from Emilie Oldknow that Sam Matthews be appointed acting Director in his place, and at midday, 4 April 2018, Oldknow emailed staff that "Sam will be acting up as the Director of Governance and Legal in the interim period for this post to be advertised or appointed to". She also noted that "Thomas Gardiner, PAd to Ian Lavery will also be on hand to help support the work of the unit and John, Sam and I are meeting him later today."¹¹⁵⁷

Jennie Formby agreed with the appointment of Matthews as Acting Director of GLU.

Discussion followed between Matthews, Oldknow and Stolliday on what GLU work they could give Gardiner. At 12.30pm on 4 April 2018, Matthews emailed Stolliday and Oldknow on "TG jobs":

I'm looking at things that I need to offload in order to pick up some of the director stuff at the moment. The Sandwell/West Midlands situation is one thing.

What do you think of asking TG to lead on the Southside/LOTO liaison on antisemitism cases?

I've outlined the current process below. The process would require TG, rather than me, to make the recommendation to LOTO on whether to Nol/Suspend. Like John is,

¹¹⁵⁶ March 18 Change: "180403 Antisemitism Working Group - pre-meeting.eml"

¹¹⁵⁷ Staff: "180404 EO Goodbye.eml". Stolliday's second email on leaving reflected Matthew's appointment. "180404 Cheerio.eml"

I would still be copied in to give input if necessary. The IOs basically recommend suspension in almost every case which means the bar for antisemitism.

Matthews highlighted in yellow appearances of his name in the process - "the bits that would need to change to TG."¹¹⁵⁸ He subsequently listed four tasks that Gardiner could take over, including "Antisemitism cases, Liaison with LOTO". Oldknow and Stolliday agreed, with Stolliday commenting "this is a sensible list", and also suggesting a project relating to Women's Conference.¹¹⁵⁹

After their meeting that afternoon,¹¹⁶⁰ Gardiner became the main input on antisemitism case decisions in place of Matthews, and LOTO staff were soon removed from the email chains too.

On 5 April 2018, for example, Matthews suggested to McCann that a case "Looks like the sort of thing Mr Gardiner might be able to adjudicate on",¹¹⁶¹ while at 5pm on 4 April 2018, Laura Murray responded to a case from Goodyear and Matthews from the previous week:

Did anyone get back to you about this case? I can't find a response in my inbox - sorry that it slipped through with everything going on.

I'm going to come back to all the outstanding cases in my inbox now (Frances Nagg; Max Tasker; Faraz Khan; Ian Love; Pam Bromley; Sameh Habeeb and the CAAS complaint against Jeremy).

After that could you please re-direct cases to Thomas Gardiner who is copied in?

*He has moved over temporarily from Ian Lavery's office/ LOTO to the General Secretary's office to help with the transition of the new General Secretary. You can keep copying me, Amy, Seumas, Karie etc. from LOTO in but we would prefer if the General Secretary's office could pick up with this work now (until the NEC Antisemitism Working Group is up and running, and they decide how to deal with these cases).*¹¹⁶²

This further demonstrates how LOTO staff did not wish to be involved in disciplinary cases.

¹¹⁵⁸ March 18 Change: "180404 TG jobs.eml"

¹¹⁵⁹ March 18 Change: "180404 RE TG jobs.eml"

¹¹⁶⁰ March 18 Change: "180404 Meeting at 4 - EO, JS, SM, TG.eml"

¹¹⁶¹ March 18 Change: "180405 RE Anti Semitism- Janet Sillet.eml"

¹¹⁶² March 18 Change: "180409 LM on process.eml"

Gardiner had also expressed his concern about the new practice of emailing key LOTO staff of recommendations on antisemitism cases. At a meeting with LOTO staff on the morning of 4 April 2018, for example, he was noted as raising:

*Risks around referral of suspensions to LOTO. Need to ensure this office is isolated from accusations of involvement in cases/failure to act etc, whilst retaining ability to ensure cases are actioned.*¹¹⁶³

From 5 April 2018 onwards, cases were sent to Thomas Gardiner, with LOTO staff at first remaining in cc.

Matthews' emails with Stolliday and Oldknow, meanwhile, make clear that it was Matthews who personally proposed that Gardiner take over his role in antisemitism cases, a proposal with which Stolliday and Oldknow then agreed.

On 6 April 2018, Karie Murphy emailed about the process by which LOTO had been consulted, proposing that LOTO again only be made aware of cases involving elected representatives and candidates or high profile cases because of potential media enquiries to LOTO. Murphy wrote:

Thank you for keeping me in the loop on all these complaints. Can I make a few amendments to this process going forward please?

I think it's important for Amy Jackson to have an overview of all complaints that involve elected politicians or candidates.

Amy can record these for reference in LOTO. She has asked that the emails be copied to hannah.whitfield@parliament.uk also, Hannah will add them to our records. She doesn't need to see complaints otherwise unless they are politically sensitive.

Seumas may also wish to be aware of high level complaints for media management.

However, can we remove Laura Murray from this process please? Thomas Gardiner has agreed to liaise with her directly should he require further clarification on any matters that may impact on LOTO stakeholder management or indeed any other complaints that he feels impacts on LOTO.

*Thanks to Laura for her hard work on this and also to Sophie and her team. This has been a difficult period.*¹¹⁶⁴

¹¹⁶³ 2018-19: "180404 Re Political Management Update.eml"

¹¹⁶⁴ March 18 change: "180406 Process.eml"

Laura Murray then responded, requesting to stay cc-ed:

Thanks Karie. Could I please remain CCed in to e-mails?

Useful for me to be in the loop about antisemitism complaints/ suspensions, because of the work I am doing around antisemitism and trying to improve relations with Jewish stakeholders. Don't want to end up annoyingly chasing Sam for details of different cases constantly...¹¹⁶⁵

Gardiner noted:

It seems the process for the time being is shaping up to be:

- *Cases referred to me, for views on behalf of GSO.*
- *Laura and Hannah copied in for LOTO's info, but formal comment not needed from LOTO as a matter of course in all cases.*
- *Amy copied in where case involves an elected politician, peer, or candidate.*
- *Sophie, me, Amy, Laura, Hannah to flag any politically sensitive matters which we think Seumas needs to be aware of.*

Does this mean that Seumas, Karie, Andrew M, are no longer copied in as a matter of course, but will have sensitive cases escalated to them where necessary?¹¹⁶⁶

Laura Murray, however, responded:

Can we please just keep the distribution list as it is, with Hannah added in. I really feel safer with more people in the loop, than less people, considering how easy it is for things to slip through the net/ cases to get traction in the media etc.¹¹⁶⁷

Murray had already requested that Gardiner, rather than LOTO, be consulted as he had moved to GSO. However, she appeared to be concerned about GLU losing track of cases and said she felt “safer” with “more people in the loop” as it avoided cases “[slipping] through the net”, and felt that by being looped in she could help to prevent this. Matthews himself stated that LOTO’s input had been helpful. For example, in a 3 April 2018 report shared with Murray, in response to allegations that cases took too long to process Matthews wrote that:

¹¹⁶⁵ March 18 change: “180406 Process.eml”

¹¹⁶⁶ March 18 Change: “180406 TG and LM on process.eml”

¹¹⁶⁷ March 18 Change: “180406 TG and LM on process.eml”

*Dealing with difficult decisions on administrative suspensions has been helped by a formal structure for raising these cases with LOTO.*¹¹⁶⁸

Matthews also recommended that “the Party continues to use this process for such decisions.”¹¹⁶⁹

However, LOTO staff did start to be removed from these email chains about cases.

On 10 April 2018, Karie Murphy emailed asking to be removed from the chain:

Thanks for all your hard work in managing the complaints. I only need to be directly involved with these complaints when there is an elected representative involved or if the matter is politically sensitive and I need Jeremy to be aware of it.

I can be removed from the mailing list otherwise. I seem to have been added on to all mailings.

*I trust this is ok? Many thanks*¹¹⁷⁰

In response to discussion of a case on 17 April 2018, Amy Jackson then asked Matthews and Goodyear that she and other LOTO staff be removed from the email chains:

*We think now that we are through the heavy influx of cases LOTO no longer needs to be involved, except where politically sensitive or it's to do with an elected representative... Obviously as Thomas is now based over at Southside please leave him on the distribution list.*¹¹⁷¹

Jennie Formby recalls verbally asking GLU staff to stop sending cases to LOTO for their input.

As shown in this report, GLU sought sign off from Ed Miliband’s office on disciplinary action concerning politically sensitive cases or cases involving candidates or elected representatives at every level of the Party. GLU had not taken the same approach with Jeremy Corbyn’s office, although they had involved them in some high profile cases.

Jackson and Murphy’s requests to be taken out of these email chains demonstrate that they did not wish to be involved in these cases.

¹¹⁶⁸ March 18 Change: “180403 Antisemitism Working Group - pre-meeting.eml”

¹¹⁶⁹ March 18 Change: “180403 Antisemitism Working Group - pre-meeting.eml”

¹¹⁷⁰ March 18 Change: “180410 Murphy removal.eml”

¹¹⁷¹ March 18 Change: “180418 Amy Jackson on process.msg”

4.3.6. Thomas Gardiner's role in GLU-GSO

Gardiner began working in GSO on 4 April 2018, and on Matthews' proposal his work included giving input on antisemitism cases on behalf of GSO. On 5 April 2018, Gardiner asked Matthews:

could you send me any decision-making matrix or outline of thresholds that you/your team use for deciding on your recommendations?

Matthews responded that "The tests that officers will apply before sending" are "Is there a prima facie breach of rule?" and "If yes – is it in the immediate interests of the Labour Party to place the member under administrative suspension pending the outcome of the investigation?"

This is generally a more challenging question than the first as there are any number of factors which might place it in the immediate interests of the Party to restrict that member's rights, ranging from reputational considerations such as candidacy & press interest to safeguarding concerns for other members. In each case, Sophie will give you a steer on what the considered view from here is and why we have come to that view – obviously happy to answer questions on it.

Matthews then sent over some examples of recent cases, and elaborated on some mitigating and aggravating factors (posts being very old, or past disciplinary action having been taken).

It was clear from the discussion that there was no "decision-making matrix or outline of thresholds" in use.¹¹⁷²

Gardiner also worked on gathering information for his report on progress of antisemitism disciplinary cases. On 10 April 2018 Gardiner requested from Matthews "statistics on outstanding disciplinary cases and allegations", for "upcoming presentations" by Jennie Formby:

Could you let me know all the cases:

- under initial investigation/notice of investigation not yet issued*
- notice of investigation issued*
- suspensions*
- which are currently expected to go to the next NEC Dispute Panel*
- already referred to NCC*

Along with each of these, could it be broken down showing:

¹¹⁷² March 18 change: 180405 RE Suspensions etc.msg

- amount of time since complaint made/matter first raised
- category of case (AS/bullying and harassment/sexual harassment/more general cases etc)
- reasons for delay for any cases which have lasted more than 6 months

Could you also give statistics on:

- number of cases we receive centrally per month
- how many cases regions are dealing with/refer to us per month.¹¹⁷³

Matthews provided some numbers, but noted that it was not possible to produce some of the figures:

*it is not possible to do this for all complaints currently as the Party has only been monitoring this since the beginning of the year when Complaint Centre was launched. This will be possible in time as complaint centre is becomes universally used and previous systems/platforms are phased out.*¹¹⁷⁴

Gardiner noted to Formby:

I am not sure they are sufficient for purposes intended, especially as they don't eg. breakdown the number of suspensions which are administrative suspensions vs suspensions imposed by the NCC, and don't tell us how many suspensions are for anti-semitism.

*I'll go back to Sam and ask for better detail. I was hampered a bit as I was refused access to Complaint Centre, which is the system used for tracking complaints. I said that it was necessary, but that I would talk to you about it, but I think I do need access to it if I am going to be able to make any inroads.*¹¹⁷⁵

These statistics were also forwarded to Amy Jackson, Milne and Murphy. On 13 April 2018 Murphy then responded:

I wanted to reiterate the previous discussions that we have had. You are acting with the authority of the Chair of the Labour Party. And indeed, in this period you are reporting back to the GSO and LOTO.

What you've sent through is very helpful but I agree we do need a fuller picture.

¹¹⁷³ March 18 change: "180414 Disciplinary statistics.msg"

¹¹⁷⁴ March 18 change: "180414 Disciplinary statistics.msg"

¹¹⁷⁵ March 18 change: "180414 Disciplinary statistics.msg"

Please advise if you are experiencing difficulty in accessing information. I am happy to explain your role to other staff if necessary.

It is correct that GLU and Complaints Unit work to respect the confidentiality of members and protect the organisation but as I said, you work for the Chair of the LP and this should be a joint endeavour to manage all nature of complaints in the most effective manner possible. The General Secretary has sanctioned your involvement to prepare a report for the PLP and as a basis to start the review of process.

I trust this further clarifies your involvement and hopefully allows for smoother exchange of information.

Thanks again for responding to the need for political oversight in GLU/Complaints and agreeing to undertake this role.¹¹⁷⁶

The subject line of the email was “Re: Disciplinary statistics” and it is clear this discussion was about the disciplinary statistics Gardiner was gathering and reporting to LOTO and the PLP. At this time Jeremy Corbyn and Jennie Formby had both spoken about the need to speed up procedures and wanted to demonstrate to the PLP that progress was being made. The email did not propose oversight on the substance of cases, only the numbers of cases, so that a report could be produced - “the General Secretary has sanctioned your involvement to prepare a report for the PLP”.

On 18 April 2018, Formby described to NEC member Ann Black the current structure of the team, noting that Gardiner had been “drafted in to do the very specific job of supporting us through the current period as well as doing some analysis for me of where all complaints and disciplinary cases are currently sitting”:

At the moment, the GLU team is as it was previously other than Sam is acting Director (in place of John Stolliday) and Nareser is acting Head of Disputes. Thomas has been drafted in to do the very specific job of supporting us through the current period as well as doing some analysis for me of where all complaints and disciplinary cases are currently sitting so we can better identify how else to support the team with the work that they are doing.

I will look again at staffing for governance once the General Counsel has been appointed as I will be asking them to carry out an immediate review of all our legal-related services and functions and to make recommendations of any change that may be needed, including whether we need any additional staff either in S/side or in the regions.¹¹⁷⁷

¹¹⁷⁶ March 18 change: “180414 Disciplinary statistics.msg”

¹¹⁷⁷ 2018-19: “180418 RE 2017 18 (and 2016) NEC ballot results.eml”

Labour was now also advertising for the role of Executive Director of Legal Affairs.

Gardiner messaged Karie Murphy expressing his desire to apply for the role. He said he understood that the Party wanted to ensure this role provided independence but argued that he thought he was able to provide that independent advice based on his experience as a qualified solicitor. He said he intended to apply for the role even though he expected to be unsuccessful, saying "I understand that I will probably be rejected", and he expressed his dissatisfaction that Matthews had been appointed Acting Director of GLU, following Stolliday's resignation.

Murphy responded:

Your status and role will remain exactly as before. I've confirmed this, as has Jennie, on more than one occasion.

Any change to your role would be voluntary and after consultation.

Murphy also said:

I reiterate that you were never led to believe that you would be doing John Stolliday's job. The new Director of Legals will review the structure and any vacancies created will be open to all applicants.¹¹⁷⁸

Murphy proposed that if Gardiner was not content with his role in GSO, they could discuss him returning to his previous position.

Gardiner did take on some additional responsibilities in this period, however. On 31 May 2018, Formby had emailed Gardiner asking if he had had "a chance to speak to Disputes about getting follow up after Notices of Investigation so you can again review and comment?"¹¹⁷⁹

On 1 June 2018, Gardiner responded, and expressed dissatisfaction that Matthews had "in practice... only given me access to a very small field of GLU's work, namely the first stage of antisemitism cases":

Hi Jennie,

I will ask for follow up, as you describe. When I started, I understood the intention was for me to shadow all aspects of the work of GLU, and specifically shadow the

¹¹⁷⁸ March 18 change: "1804 KM-TG messages.jpeg"

¹¹⁷⁹ 2018-19: "180601 Gardiner on role.eml"

Director of GLU, however in practice Sam has only given me access to a very small field of GLU's work, namely the first stage of antisemitism cases. Information about any other aspect of GLU's work is reliant on me making specific requests, and on what information is provided in response.

Therefore, are you ok with me requesting authorisation for the following:

I think there are a number of other things we will need to have access to or oversight of:

- Responses to NOIs/suspension letters, and decisions about next steps the Party will take.*
- Sign off of recommendations intended to be made to NEC Disputes Panel.*
- Oversight of level of detail being given to NEC Disputes Panel.*

- I also think you and I should be copied into decision emails about whether to proceed with NOI or suspension on all other non-antisemitism cases, to ensure that they are being handled consistently, and without bias.

- Lastly, it would be very useful if I had access to Complaints Centre, so that I can check the status of any case, whenever you have an enquiry about them. My access was removed before on the pretext that I had a conflict of interest on one case, but I am aware that GLU staff have access to the system whether or not they have conflicts of interest, and I am more than happy to give an undertaking that I will not access any case that I have a conflict on, or be explicitly blocked from any such case if it is technically possible to do so. Without access to Complaints Centre we are always going to be beholden to what information GLU staff provide, and whether they respond at the time we need the information (eg. out of hours).

I will follow up about this specific case, but can you let me know if you are happy for me to request other access as described above?¹¹⁸⁰

Formby responded "That's fine, thanks Thomas".¹¹⁸¹

As these exchanges make clear, in late May/early June 2018 Formby did agree with Gardiner that he should have more input and oversight into GLU's work than simply the first stage decision-making on antisemitism cases. Similarly, Oldknow and McNicol had often been copied in on individual disciplinary cases for input and oversight.

However, neither GSO nor LOTO had any intention of replacing Sam Matthews as Acting Director of GLU. Gardiner sought a more significant role in GLU or GSO, but

¹¹⁸⁰ 2018-19: "180601 Gardiner on role.eml"

¹¹⁸¹ 2018-19: "180601 Gardiner on role.eml"

Murphy emphasised that she and Formby had both told him that “your status and role will remain exactly as before”. Moreover, Murphy suggested that “we should now consider moving you back into LOTO until the structure is settled” - removing Gardiner from the role he was currently playing in GSO.

This is inconsistent with the idea that Gardiner had been sent by LOTO to take over GLU.

It was Matthews who proposed that Gardiner take his role in reviewing antisemitism cases. As detailed in the next section, it was only after Acting Director of GLU Sam Matthews left his role, following an allegation of bullying and racial discrimination made against him by a colleague who had worked in GLU since 2017, that Gardiner then became Acting Director of GLU.

4.3.7. Sam Matthews' reports

Between March 2018 and June 2018, Thomas Gardiner requested a variety of different statistics on disciplinary actions in relation to antisemitism from the existing GLU team, as well as information on how these processes worked. As Acting Director of GLU Sam Matthews also wrote some documents relating to this, including for the new NEC Antisemitism Working Group.

The GLU team were unable to provide many of the requested statistics due to lack of tracking, but were able to provide some figures. Many of the figures that Matthews provided, however, were inaccurate and misleading.

On 3 April 2018, for example, "Following a meeting with Jennie [Formby] & Kate [Purcell, Senior Director of GSO]", Matthews sent an "AS Action Plan Draft" to Oldknow and Stolliday (later sent to Amy Jackson and Laura Murray). In response to the concern that "it takes too long for the Party to take any action on complaints", Matthews wrote:

This perception is unfair, the Party acts very swiftly where such complaints are received and this has been helped by extra staffing resource for the Complaints & Disputes Teams. Dealing with difficult decisions on administrative suspensions has been helped by a formal structure for raising these cases with LOTO.¹¹⁸²

Stolliday responded:

would be useful to get AS stats – how many individual cases reported to us, how many suspensions/NOIs etc¹¹⁸³

Matthews then attached some basic bullet points on antisemitism disciplinary statistics:

- *The Labour Party has initiated disciplinary action against over 6000 members over the last 3 years. Of those 6000 members. Around 5% of these cases relate to antisemitism.*
- *Of the roughly 300 members which the Party has instigated disciplinary action against relating to antisemitism since 2015, just under 20% are current active investigations - just over 50 of these complaints have been received in the last 5 months.*

¹¹⁸² March 18 Change: "180403 Antisemitism Working Group - pre-meeting.eml"

¹¹⁸³ 2018-19: "180403 SM provides AS stats.msg"

- *Just under 10% are matters which have been referred to the National Constitutional Committee for a full hearing which will take place in the near future.*
- *Just under 20% of cases have been resolved with a formal NEC warning. Warnings are issued where the member concerned as expressed contrition and an understanding of why their conduct was unacceptable.*
- *The remaining 50% of cases where disciplinary action has been started have either resulted in their expulsion through the Party's processes or the member has resigned during the course of the investigation. The Party cannot take action against people who are not members.*
- *This calendar year, the Party has administratively suspended 20 individuals due to allegations regarding antisemitism. A further 3 members have been placed under investigation outside of administrative suspension for allegations relating to antisemitism.*
- *The total number of members administratively suspended for allegations relating to antisemitism is now 50. The total number of members subject to any form of disciplinary action for allegations relating to antisemitism is now 89. 21 of these have been referred to the NCC and should have their hearings concluded by the summer.*
- *The Party received just under 40 complaints over the weekend. These are currently being reviewed by the complaints team to establish whether the respondents are party members* ¹¹⁸⁴

The percentage breakdown of those case outcomes is as follows:

Category	Number ¹¹⁸⁵
Members against whom "which the Party has instigated disciplinary action against relating to antisemitism since 2015"	"Roughly 300"
Current active investigations	"Just under 20%" - ~60
Cases referred to the NCC	"Just under 10%" - ~30
Cases "resolved with a formal NEC warning"	"Just under 20%" - ~60
Members expelled, or "the member has resigned during the course of the	50% - 150

¹¹⁸⁴ 2018-19: "180403 SM provides AS stats.msg"

¹¹⁸⁵ 2018-19: "180403 SM provides AS stats.msg"

investigation”	
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These figures had been “requested by Karie” on 27 March 2018. Matthews prepared them and on 28 March 2018 sent them to Oldknow, who forwarded them directly to Jennie Formby, Seumas Milne and Karie Murphy. Murphy responded:

Hi Sam,

Thank you for pulling this together.

Best wishes,

Karie ¹¹⁸⁶

The figures provided were, however, highly inaccurate. The Labour Party believes the number of antisemitism investigations - NOIs and suspensions - initiated regarding Labour members from late 2015 to 3 April 2018, including all suspensions in the 2016 leadership election, was about 180.¹¹⁸⁷ The majority of these were still at “investigation” stage, with the cases neither brought to a close or brought to the NEC.

The discrepancy between 300 and 180 is made up mainly by Matthews’ claims regarding the number of members who had been expelled or had “resigned during the course of the investigation”. By 3 April 2018, the NCC had expelled just 7 members in relation to allegations of antisemitism. 143 members had not resigned under investigation - the NCC recorded just 3 members as having lapsed or resigned before their hearings, and tracking of other cases suggests the total number of resignations of people suspended or under NOI in relation to antisemitism by this point was no more than a dozen.

The figure on NCC expulsions was easily accessible to Matthews, and he provided a precise number for NCC cases still pending a hearing. Matthews, however, appears to have conflated expulsions and resignations and then increased the total number almost tenfold. The Labour Party believes that he did this with the intention of misleading the General Secretary and LOTO about what work he and his team had done over the past eighteen months.

¹¹⁸⁶ March 18 change: “180329 Re Antisemitism stats since 2015.eml”

¹¹⁸⁷ In October 2016, GLU reported about 20 pre-“Validation” suspensions relating to antisemitism; 33 “Validation” cases relating to antisemitism received a staff warning; 36 of the remaining “Validation” suspensions concerned antisemitism; 10 suspensions and 24 NOIs from 1 November 2016 to 19 February 2018; 26 NOIs for antisemitism and 1 suspension for Ken Livingstone to 5 March; 3 suspensions on 7 March; 1 NOI and 1 suspension to 22 March; then 20 LOTO consultation cases up to and included 3 April. There were also at least another 5 cases in 2016. This totals 180.

On 26 March 2018, Matthews had in fact provided much more accurate figures regarding expulsions, though he again declined to give full information. LOTO spokesperson James Schneider had emailed GLU asking:

Do we have any briefable info - number of cases, number of actions etc for antisemitism?

For "Alleged antisemitism – matter concluded by NCC in the last year", Matthews gave a figure of 13. Asked "how many were expelled", however, Matthews noted some had resigned and declined to give a precise figure, suggesting Schneider brief that:

"the NCC regularly hears cases of members with charges relating to antisemitism. The overwhelming outcome in such cases is that they are suspended or expelled from membership. A recent example being Tony Greenstein who was expelled for...."
 "1188

It is therefore difficult to understand or explain the logic behind Matthews' more formal report to LOTO, two days later, that approximately 150 people had been expelled or had resigned over allegations over antisemitism.

Matthews' report that "this calendar year, the Party has administratively suspended 20 individuals due to allegations regarding antisemitism" and placed "a further 3 members... under investigation" was also inaccurate. These figures appear to have referred to the previous two weeks.

Later in April 2018, meanwhile, Gardiner requested "statistics on outstanding disciplinary cases and allegations", for "upcoming presentations" by Jennie Formby, including the "the number of AS cases which have been referred for investigation each week since the start of this year (inc the number of AS suspensions per week)". Matthews responded on 13 April that they were:

*Currently suspending between 8 and 10 members a week and have been through March on AS grounds. Prior to that it was between 2 and 3 average.*¹¹⁸⁹

This was entirely inaccurate. From 1 January 2018 to 6 March 2018, only one Labour member had been suspended in relation to allegations of antisemitism (Ken Livingstone). Matthews' claim that there had been "between 2 and 3 average" a week

¹¹⁸⁸ 2018-19: "180326 Re Briefable info on antisemitism.eml"

¹¹⁸⁹ March 18 change: 180424 antisemitism statistics discussion.eml

would have entailed 22-23 suspensions in the first nine weeks of the year. His average for March 2018 onwards was also inflated.¹¹⁹⁰

Matthews also claimed, regarding “initial investigation/notice of investigation not yet issued”, that:

*There are only ever a handful of these as they are processed as soon as they arrive. The only slight delay which occurs at this stage is when the matter is raised with yourself/LOTO.*¹¹⁹¹

As we have seen, this was not accurate. Large numbers of serious cases of antisemitism, forwarded to Matthews for action in 2017, were still awaiting action. When Matthews decided to consult LOTO on antisemitism cases at the end of March 2018, rather than delays in action, there was actually a more than 70-fold increase in suspensions for antisemitism.

On 24 April 2018, after “Jennie asked for stats on LAAS in particular”, Matthews forwarded his 21 February 2018 update saying that “only one in five (22% to be exact) of the emails LAAS sends is actually a complaint the labour party may be able to do something about”, due to non-members and duplicates. Matthews added that “the stats below [remain] applicable for the vast majority of LAAS complaints as most of them were received prior to that email”.¹¹⁹²

As this report has shown the statistics Matthews had compiled in February 2018, and information he had provided on how GLU was dealing with LAAS complaints and antisemitism complaints generally, was inaccurate.

4.3.7.i. The impact of Matthews’ reporting

Sam Matthews has accused Jennie Formby in an interview of having “massaged the figures she produced for Labour MPs that showed how cases of antisemitism were being dealt with”, and claiming that “these statements were provably lies”.¹¹⁹³

Matthews had in fact repeatedly given inaccurate figures on antisemitism cases to his line managers, to Iain McNicol, to Jennie Formby and to the Leader’s Office. As the

¹¹⁹⁰ March 18 change: 180424 antisemitism statistics discussion.eml

¹¹⁹¹ March 18 change: “180414 Disciplinary statistics.msg”

¹¹⁹² March 18 change: “180424 LAAS Disciplinary statistics.eml”

¹¹⁹³ 'Jeremy Corbyn has done more to inflame antisemitism than any political figure since Second World War', *Jewish Chronicle*, 11/07/19 <https://www.thejc.com/news/uk-news/jeremy-corbyn-has-done-more-to-inflame-antisemitism-than-any-political-figure-since-second-world-war-1.486310>

report will show later, Jennie Formby introduced consistent and comprehensive logging systems which has allowed for accurate publications of statistics on antisemitism cases, from early 2018 to the present, which the Party has published on its website on three occasions from February 2019 onwards.

Matthews' inaccurate and misleading reports, which were largely assumed to be correct, had a negative impact on the party's perceptions about the scale of the problem and its approach to this issue going forward and on.

Firstly, he and Stolliday continually emphasised that LAAS complaints, which they described as comprising the vast majority of antisemitism complaints at the time, were overwhelmingly about non-members. Senior staff believed him, and trusted the statistics he produced. On 10 June 2018, for example, Jennie Formby suggested that a reply to the Campaign Against Antisemitism include in relation to LAAS submissions that "only approximately 20% of those complaints received relate to people who are Labour Party members and several of those are complaints relating to the same person."¹¹⁹⁴

Sam Matthews claiming that only 22% of LAAS' complaints could be acted upon gave the false impression that the vast majority of complaints were about non-members or individuals who were already being subjected to disciplinary processes. The party has only gradually realised how inaccurate these claims were, through improvement of tracking and our historical audits, and they had a negative impact on the party's approach to the issue.

Secondly, although new staff in GLU-GSO and in LOTO believed that the old team under McNicol had not done a good job - which became very evident when others began working in the team - it was not known that they had simply ignored the vast majority of complaints and then covered up their role. It was only in autumn 2019, as a result of our historical audits, that the party began to understand the extent of the previous team's failings. Matthews' misleading reports and assurances that all cases were being dealt with contributed to a lack of understanding about the scale of the problem, and, as we shall see, to some extent to misdiagnoses about what the issues in GLU had been.

Finally, Matthews had constantly blamed delays in the progress of disciplinary cases on legal proceedings by the respondents. Legal actions had caused some delays - in December 2017, for example, Tony Greenstein won an injunction, acquiring a month's delay in his hearing. But the fundamental cause of these delays was that Matthews in 2017 prepared very few case "bundles" for the NCC, which were required for them to initiate a hearing, and that the NCC's processes were extremely slow. Matthews'

¹¹⁹⁴ March 18 change: "180610 LAAS 20 percent members.eml"

emphasis on legal proceedings as the reason for delays encouraged the Party to prioritise the need for legal expertise and legally robust processes and frameworks as a solution to problems in GLU, which hindered some of efforts to speed up procedures in 2018.

4.3.8. Conclusions

The fact that Seumas Milne and Karie Murphy did not respond to emails about “Palestine Live” cases demonstrates that LOTO was not seeking to be involved in or interfere with disciplinary cases. It was only when LOTO was made aware that there was a council candidate, Alan Bull - who had denied the Holocaust but had not been suspended - that LOTO urged that he be suspended immediately.

The same day as Bull’s suspension, Oldknow emailed again to chase a response on “Palestine Live”, referencing LOTO’s involvement in the Alan Bull case and asking LOTO to respond on the “Palestine Live” cases. Following this, Sam Matthews emailed Laura Murray and Amy Jackson to initiate a formal process whereby GLU consulted LOTO. The emails makes clear that Matthews established this process, with Oldknow’s approval, that this was presented to LOTO as a request for their “help” and that LOTO staff understood that they were complying with a request for help getting through the backlog and ensuring swift action.

Karie Murphy’s email to colleagues in LOTO questioning why GLU were suddenly emailing cases to LOTO, saying that it was not the normal process and that something was “amiss”, further demonstrates that LOTO were not seeking to interfere with cases or be involved in disciplinary processes. On the contrary, key LOTO staff were confused as to why GLU was suddenly involving them.

It is still not clear why Oldknow was seeking LOTO’s input in these individuals’ disciplinary cases. GLU had only previously consulted LOTO on cases involving elected representatives or high profile individuals, as they did to a much greater extent with Ed Miliband’s Leader’s Office. Oldknow and Matthews’ private exchange reveals that they knew they had the power to suspend without LOTO’s approval, but they still decided to wait weeks and chase for LOTO’s views on these cases.

It may be that they wanted cover for the suspensions as there was no General Secretary at the time. It may have been because “Palestine Live” had been reported in the media. However, LOTO had already made clear their view that anyone highlighted in the report for having made antisemitic comments should be swiftly suspended. It was only because of James Schneider urging GLU to look into “Palestine Live”, that any suspensions for individuals identified in the report were being considered at all, and Schneider and Seumas Milne had already proposed that David Birkett be suspended for Holocaust denial. These conversations clearly indicated LOTO’s desire that swift and robust action be taken on antisemitism highlighted in “Palestine Live”, so even though there was no general secretary at the time, there was no need for consultation

with LOTO on specific cases, a consultation that LOTO did not seek and to which they did not, at first, respond.

In spring 2019 these emails were leaked to the media, with a briefing presenting them as evidence of interference by LOTO to downgrade action on antisemitism. Based on who was on the recipients list for all of the emails that leaked, the Party believed that Sam Matthews leaked the emails. It has since been suggested that he and other GLU-GSO staff sent these cases to LOTO in order to get emails from LOTO staff either expressing a different view to GLU, or to show LOTO not responding to the emails and thereby preventing suspensions - even though, as Oldknow and Matthews admitted privately, LOTO's sign off on the suspensions was not required.

These leaks to the press did not include Alan Bull's case, which would have shown that after GLU failed for seven months to take action against Bull, LOTO found out about the case and urged that he was suspended, and within two hours he was.

LOTO's responses to the 24 cases that GLU sent them for their views resulted in an 70-fold increase in suspensions for antisemitism compared to 2017, illustrating the absurdity of Matthews' claim that these responses were an attempt to prevent action on antisemitism.

The evidence is clear that GLU involving LOTO led to a huge increase in action on antisemitism, contrary to what has been alleged by former GLU staff. This process of consulting LOTO stopped in April 2018, after Jennie Formby became General Secretary.

Thomas Gardiner moved from working for Ian Lavery MP, Labour Party Chair, to working for Jennie Formby in GSO and providing support to GLU. It was Sam Matthews who sent an email proposing that Thomas Gardiner lead on "liaison on antisemitism cases", Gardiner does not appear to have requested to work on antisemitism cases.

Gardiner chased for statistics on disciplinary cases to prepare a report for the PLP, and to enable Formby to make a presentation on how many complaints there were and how GLU was working to get through them. Matthews repeatedly gave inaccurate figures to his managers, Stolliday and Oldknow, to Formby and Gardiner, and to LOTO. This gave them an entirely false picture of the scale of the problem and the work that was being done to tackle it. They believed the figures that Matthews gave them, which were then used in responses to stakeholders and MPs, and negatively impacted the party's approach to the problem going forward.

Although Gardiner had hoped to replace either Stolliday or Oldknow, Jennie Formby approved Sam Matthews' promotion to Acting Director of GLU and decided to replace Oldknow's position by hiring an independent barrister as in-house legal counsel. WhatsApp messages make clear that there was no plan from Jennie Formby or LOTO to install Gardiner as Director of GLU. It was only later, when Matthews left following a formal grievance against him by another employee, that Gardiner applied for the role and was hired.

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4.4.1. Summary

From January 2017 to March 2018, the Disputes team misapplied NEC guidelines, with junior staff being instructed to only consider suspensions in cases of in-person conduct or where there were safeguarding concerns. Contrary to both the Chakrabarti Report and the guidelines agreed by the NEC, no consideration was given to the extremity of the conduct highlighted or to the reputational risk it posed to the Labour Party - a council candidate who shared Holocaust denial materials was thus given an NOI only, as were members who supported Adolf Hitler and said “i despise Jews i think they are vermin and the scum of the earth”. The small number of suspensions that did occur, which didn’t involve safeguarding concerns, happened thanks to the intervention of higher ranking staff in GLU-GSO.

In March 2018, Head of Disputes Sam Matthews then changed this policy to “basically recommend[ing] suspension in almost every case which [meets] the bar for antisemitism”, issuing NOIs in cases that were “less serious” and suspensions “where it is more serious”, or where it is “deemed to be in the Party’s immediate interests to do so”.¹¹⁹⁵

LOTO staff did not understand why serious cases of antisemitism they encountered had not received a suspension, and were not informed of any change in policy. LOTO staff, and Jeremy Corbyn himself, had been repeatedly informed by GLU-GSO that all cases of antisemitism were being dealt with, and receiving suspensions where appropriate. In 9 days in March-April 2018 LOTO staff then recommended without hesitation almost twice as many suspensions as GLU had initiated in all of 2017. Matthews then appears to have tried to cover up his previous policy.

GLU did not produce any internal guidance on suspensions beyond that agreed by the NEC, and it is unclear whether Matthews or more senior staff such as John Stolliday in GLU-GSO, or a combination of the two, were responsible for this misapplication of NEC guidelines.

The Commission asked the Labour Party, in detail, about many disciplinary cases dealt with in 2017, where decisions were taken to issue NOIs instead of suspensions, and it was only over the course of this investigation that the Labour Party realised that GLU had effectively operated an “NOI only” policy before March 2018.

¹¹⁹⁵ March 18 Change: “180404 TG jobs.eml”

4.4.2. Suspension policy under Sam Matthews, Head of Disputes

Prior to 2017, GLU's practice had been, as Stolliday described in January 2017, to "automatically suspend people under investigation".¹¹⁹⁶ As Matthews said regarding a case in November 2016, the action of "immediate suspension followed by an investigation" was "the only option available to us within the rules" for party members.¹¹⁹⁷

This came under challenge in a May 2016 ruling of the High Court. Councillor Ian Jones from Sandwell had been administratively suspended from Labour while an ongoing police investigation was being conducted. This would have prevented him standing for re-election in May, and Jones had to go to the High Court to regain admission to the party, winning and winning costs from Labour.¹¹⁹⁸

This prompted discussion of the use of suspensions, and at any away day in May 2016, more than a month before Shami Chakrabarti released her recommendations, GLUs staff agreed "We need to raise the bar for suspensions. We should issue 'notice of investigation' letters, and suspend only when there is a clear risk factor."¹¹⁹⁹

John Stolliday's "first crack" at changing disciplinary procedures, shared on 21 June 2016, began:

The Labour Party needs a disciplinary procedure which is fit for a membership organisation made up of half a million members, as well as hundreds of thousands of further affiliated and registered supporters.

The procedure must be one which is relevant for a modern age of social media and new ways in which party members interact with each other, and allows the Party to act quickly, agilely and fairly to all.

Regarding suspensions, it noted that:

Too often the Labour Party's suspensions procedure looks outwardly to be a sanction in and of itself.

¹¹⁹⁶ Guidance and standards: 170130 Stolliday explains new procedure in case.eml

¹¹⁹⁷ Guidance and standards: 161116 suspension scott hopper.eml

¹¹⁹⁸ <https://www.sandwellconservatives.org.uk/news/wragge-report-blocked>

¹¹⁹⁹ Pre-2016: 160523 RE John Sharpe's notes from awayday.eml

In many cases party members at all levels request the suspension of another party member as a way of escalating or indeed resolving a dispute. There is a wrongly-held view that political opponents can be 'taken out' of a contest or stopped from attending meetings by making a complaint with the intention of achieving a suspension of that member.

In higher profile cases reported by the media there is often an expectation that the subject should be suspended as an outcome of a news report, and the Party's level of action or inaction is often measured by 'how long it takes' for a person to be suspended. There is rarely any follow up reporting, and if a suspension is lifted without charge or with an NEC warning following an investigation that person is deemed in the public eye to have been "let back in" to the Labour Party, proving in the mind of critics that the Labour Party is not serious about tackling disciplinary issues.

The hugely welcome increase in membership has created an equivalent increase in disciplinary complaints, investigations and suspensions, increasing the burden on party officers to conduct investigations. Party staff, especially those in regions, rightly have to maintain campaigning and organising for elections as their primary focus, meaning that investigations and compliance issues naturally become harder to complete within timescales during election and referendum periods.¹²⁰⁰

Stolliday recommended that the party "retain the right to suspend a person when an allegation is made that the party's rules have been broken and where their presence at party meetings is detrimental to the running of that meeting, poses a safeguarding risk, or where inaction poses a reputational risk to the Labour Party". In relation to external investigations, it was recommended that people be given a "Notice of Investigation". (A subsequent draft explicitly noted this as "a new ability to give notice of investigation without triggering a suspension".)¹²⁰¹

At this draft stage, it was not clarified if NOIs would be used in place of suspensions in other cases also, but that seemed to be the thrust of the above critique.¹²⁰²

The paper also maintained that suspensions would not be open-ended, suspension letters would include the evidence for which the members were accused, and investigations would proceed at a reasonable timescale, with first contact within a week and an interview conducted within a month. In addition:

¹²⁰⁰ Pre-2016: 160621 Disciplinary procedures.eml

¹²⁰¹ Pre-2016: 160621 Disciplinary procedures.eml. 160701 Drafts - not yet sense checked.eml.

¹²⁰² Pre-2016: 160621 Disciplinary procedures.eml

*All suspensions still in place after six months should be reviewed, with a presumption that they should be lifted if evidence is not provided as to why it is necessary to keep them in place.*¹²⁰³

On 27 June 2016, long-standing Chair of the NEC Disputes Panel Ann Black wrote to GLU:

*I'd also like to look at some general principles in our procedures: first, considering a pre-suspension phase; second, speeding up investigations, and third, looking at intermediate penalties between an informal telling-off and a full hearing by the national constitutional committee. In workplace disciplinary procedures, employees are usually only suspended if there are risks in them remaining at work, to other staff or to the organisation. That may apply to some of the above, but not all.*¹²⁰⁴

Buckingham responded:

*On the disciplinary procedures, your comments echo our thinking almost exactly. We are taking a paper to Org Sub with these proposals.*¹²⁰⁵

The Chakrabarti Report, released several days later on 30 June 2016, also critiqued automatic suspensions:

Once you understand these basic natural justice principles, you realise that administrative suspension from the Labour Party need not be employed every (or nearly every) time a complaint (however credible) is made against a member.

*Civil courts do not grant interim injunctions, nor criminal courts issue arrest warrants every time a complaint is made. The principle of proportionality requires some consideration of any grave and summary sanction that will no doubt have a detrimental effect on a person who is yet to be investigated, let alone heard.*¹²⁰⁶

Chakrabarti particularly noted her concern that some people have “found out about their suspensions and investigations as a result of media reporting rather than notice from the Party itself”. She argued:

Staff or elected officials should never feel it necessary (even during a pre-election media frenzy) - to operate a presumption of suspension. If anything, the presumption should be against interim suspension. The question should be about

¹²⁰³ Pre-2016: 160621 Disciplinary procedures.eml

¹²⁰⁴ Guidance and standards: “160628 black and buckingham on suspensions policy.eml”

¹²⁰⁵ Guidance and standards: “160628 black and buckingham on suspensions policy.eml”

¹²⁰⁶ Chakrabarti, p.18.

the seriousness of any immediate damage that the person subject to investigation might do to the Party if allowed to continue as a member in the meantime.

Indeed, if the principle of proportionality had been properly applied in recent times, I query whether so many people would ever have been suspended at all, rather than simply given notice that they were being investigated in relation to a complaint that their conduct had brought or was bringing the Party into disrepute. The factors to be considered when considering an interim suspension pending investigation should be a) the gravity of the conduct complained about and b) the immediacy of any risk that the individual or group concerned might do lasting or irreparable damage to the Party even during the period of the investigation.

She also noted that:

an electoral candidate or office holder or other person with some kind of leadership role within the Party at local, regional or a national level might be in graver danger of damaging the Party (in particular in the run-up to elections) than an ordinary rank and file member might do.¹²⁰⁷

Further,

Given the serious consequences of suspension (both for an individual member and the Party), and the ease with which electronic communications can facilitate primary decision-making by an appropriate body, even at short notice:

- I recommend that the power of interim suspension no longer be vested in the NEC (and in practice routinely exercised by the General Secretary and/or his staff) and instead vested in the NCC (to be exercised by a sub-panel of that body). The NCC is the ultimate body within the Party responsible for judging disciplinary matters. The NCC should be able to consult with its Legal Panel (as described below) before making such a decision.

Suspensions would therefore be “exercised more proportionately” and would be agreed through an “urgent application” by staff to the NCC.¹²⁰⁸ Chakrabarti argued at the time that this could be done through a quick conference call with a special NCC panel, and this would protect staff from “a lot of political pressure” being placed on them. (She also noted that “Staff need more resources to manage the growth in membership to serve it in all aspects.”)¹²⁰⁹

¹²⁰⁷ Chakrabarti, p.18-9.

¹²⁰⁸ Chakrabarti, p.28, 21.

¹²⁰⁹ Guidance and standards: “160719 Verbatim NEC.msg”

Originally intended to be discussed at the 5 July 2016 NEC, GLU's draft paper was pulled due to the need to adapt the proposals to fit the recommendations of the Chakrabarti report.¹²¹⁰ Work on these reforms was then interrupted by the 2016 leadership election, a period which saw heightened - and justified - concern that suspensions were being used arbitrarily, as a sanction, and as a factional tool.

GLU staff felt that Chakrabarti's paper had "[confused] the roles of the NEC and NCC".¹²¹¹ In discussion with Iain McNicol later in 2016, however, Shami Chakrabarti "agreed powers of suspension should remain with the GS and Party officers."¹²¹² GLU staff did, however, attempt to reflect Chakrabarti's advice against automatic recourse to suspension, and that suspensions should be "exercised more proportionately" (which they themselves had noted earlier in the year at their away day in May 2016).

On 3 October 2016 Stolliday shared a new draft of his paper with a lawyer for input. He explained that "Some of this comes out of the away day we held earlier this year, and also incorporates a bit of Chakrabarti and JLM", and that "We are trying to achieve as many proactive changes as we can without the need for rule changes".¹²¹³

Concerning suspensions, it noted that "Suspensions are technically applied by the General Secretary, although in practice are applied by a joint decision – never one officer alone - within the Governance and Legal unit and with the Regional Director, and agreed by the General Secretary following consultation with the Party's solicitor." Outlining current issues that had arisen, it recommended:

In many cases members can and should be investigated without recourse to an administrative suspension. See 'notice of investigation' below.

However the NEC must retain the right to suspend a person when an allegation is made that the party's rules have been broken and where their presence at party meetings is detrimental to the running of that meeting, poses a safeguarding risk, or where inaction poses a reputational risk to the Labour Party.

This paper was intended as a discussion point for upcoming meetings, mostly with the NEC.

¹²¹⁰ Pre-2016: "160621 Disciplinary procedures.eml. 160705 RE Lines for today.eml"

¹²¹¹ Guidance and standards: "161220 Complaints Procedure Draft 1.docx.eml"

¹²¹² March 18 changes: "180328 Re Chakrabarti Implementation Chart.eml"

¹²¹³ Guidance and standards: "161003 stolliday NEC draft.msg"

Further consultations were held with the NEC, and in January 2017 drafts were also shared with Nancy Platts from LOTO. Her main input, Creighton noted, was “insisting that the paper contains a right of appeal.”¹²¹⁴

On 17 January 2017 Creighton brought a final document on disciplinary procedures to the NEC Organisational Committee. Creighton introduced his paper on the “new framework for disciplinary procedures”, and it was agreed.¹²¹⁵

This document argued that:

2. *The sanctions available to the Labour Party should be:*
 - a. *Auto-exclusion, where there is indisputable evidence that an individual member has breached the conditions of membership, in particular as stated in Chapter 2.1.4 (shown below) of the Labour Party Rule Book.*
 - b. *Exclusion from membership where a decision has been made by the NCC or panel thereof that a person has breached conditions of membership.*
 - c. *Warnings about conduct.*
 - d. *Suspension of all rights associated with membership for a period of time.*
 - e. *Suspension of some rights associated with membership for a period of time.*
 - f. *Suspension from holding or seeking to hold office (either a particular office or more generally) for a period of time.*
3. *Alternative to the sanctions listed above the NEC may authorise the preparation of a detailed case for referral to and determination by the NCC in accordance with current procedure.*
- ...
5. *In most cases an investigation potentially leading to a warning or suspension under c, d, e or f above would be accompanied by a notice of investigation rather than an immediate administrative suspension.*
6. *Administrative suspension of all or partial rights associated with membership of the Party may be imposed in where necessary to protect the immediate interests of the Labour Party.*¹²¹⁶

Aspects of the paper were confused as to the roles of the NEC and NCC. However, it is clear from the above that:

- Investigations “potentially leading to “a warning” or a time-limited punitive suspension, would “in most cases” be “accompanied by a notice of investigation rather than an immediate administrative suspension.”

¹²¹⁴ Guidance and standards: 170113 LOTO right appeal, Disciplinary paper.eml

¹²¹⁵ Standards and guidance: 170227 Org Papers.msg

¹²¹⁶ Guidance and standards: “170113 signed off Disciplinary Paper.eml”

- However, this would only apply “In most cases”. Thus, in at least some cases, an investigation potentially leading to a warning or time-limited punitive suspension would still be accompanied by a suspension.
- This did not apply to cases that would lead to “Exclusion from membership” - expulsion. Thus, in the most serious cases expected to lead to expulsion, this advice to usually resort to an NOI rather than immediate suspension did not apply, and it follows that suspension was the appropriate first outcome.
- Given that “referral to NCC” was put as a separate category, and was omitted from the advice regarding NOIs, the document also seems to advise suspensions in cases that would lead to “referral to NCC”.
- Finally, it was separately stated that suspension may still be imposed “where necessary to protect the immediate interests of the Labour Party”.

4.4.2. GLU suspension guidelines for staff

As GLU changed its approach to suspensions in January 2017, at times GLU staff appear to have been confused, or unclear to others, as to whether the party was:

- ending the practice of issuing automatic suspensions during investigations;
- being more cautious in use of suspensions;
- only using suspensions in cases that involved direct safeguarding concerns or concerns about in-person conduct;
- or ending the use of suspensions altogether.

On 3 February 2017, for example, Matthews wrote that “It is no longer the Party’s policy to impose an administrative suspension as the first stage of an investigation – if the Disputes Team decide this matter requires a full investigation, they will issue a notice of investigation”.¹²¹⁷

At a 22 February 2017 meeting with the NCC, Creighton is recorded as reporting that:

*Already, without changing any rules or procedures, GLU has reviewed its practices and are now only applying administrative suspensions in the most serious cases where there is prima facie evidence that it is needed to ensure members’ safety or the Party is in danger from the conduct of the member(s). At all other times to signify that allegations of rule breaches have been received against an individual member, GLU now issues a Notice of Investigation to the individual.*¹²¹⁸

A 22 February 2017 note on “Outcomes from NCC meeting re disciplinary process”, on the other hand, sent by Stolliday to Creighton, Matthews and Shaw, included the note that “Administrative Suspension needs to be retained in some form to create a space when someone is being investigated”.¹²¹⁹

In 27 February 2017 notes by Stolliday for an NEC meeting the following day, it was stated that “Recent changes to disciplinary system have been and are being made to reflect the lessons learnt during two leadership elections and following the Chakrabarti, Royall and other reports”, the most significant of which included “Ending the use of administrative suspensions except in the most extreme cases of safeguarding or reputational risk” and the “Introduction of ‘Notice of Investigation’ for vast majority of cases”.¹²²⁰

¹²¹⁷ Guidance and standards: “170203 no longer policy impose suspension as first stage.eml”. Similarly: Guidance and standards: “170203 caplin told policy.eml”

¹²¹⁸ Guidance and standards: “170308 Minutes of NCC meeting in London.eml”

¹²¹⁹ Guidance and standards: “170222 New NEC guidelines on suspensions.msg”

¹²²⁰ 170227 Note for tomorrow's meeting with Nancy.eml

The attached flow chart showed that, if staff felt there was “good evidence that there may be truth in allegation”, an investigating officer would be assigned and a “Suspension letter or notification of investigation sent”. At the NEC Disputes stage, the NEC could decide “No further action” and lift the suspension, or refer to NCC, in which case the member is “suspended if not already”.¹²²¹

On 28 February 2017 Sam Matthews wrote some guidance on GLU procedures, focused on their new “Auto-exclusion guidance”, to be sent to Regional Directors. On “Suspensions and Investigations”, it explained:

Following a decision by the NEC –the criteria which warrant an administrative suspension has changed. In most cases, where a suspension would previously have been used, we will now issue a Notice of Investigation – the administrative suspension will be applied at the point that the NEC Disputes Panel agree that the case needs to be referred to a full hearing.

An Administrative Suspension will only be imposed when it is necessary to protect the immediate interests of the Party – such as safeguarding issues or serious reputational damage. Often, we need to act quickly where we do need to suspend to protect the interests of the party. If you or any of your team need to discuss an issue where they think an investigation or a suspension might be necessary, please email or call me directly.

It was clear from this that Matthews understood GLU retained the capacity to suspend “when it is necessary to protect the interests of the Party”, such as “serious reputational damage”. Moreover, he noted that “Often, we need to act quickly where we do need to suspend to protect the interests of the party.” However, he wrote that “In most cases, where a suspension would previously have been used, we will now issue a Notice of Investigation”.¹²²² This was replacing the previous policy of, as Stolliday described it in January, “automatically suspend[ing] people under investigation”.¹²²³

Matthews, moreover, stated that “the administrative suspension will be applied at the point that the NEC Disputes Panel agree that the case needs to be referred to a full hearing.”¹²²⁴ The guidelines agreed at the NEC did not say this, however, and we have found no other evidence indicating this was the agreed policy. On the contrary, GLU

¹²²¹

It also said that then “Any additional evidence is gathered”.

¹²²² Guidance and standards: 170228 new suspension NOI policy.msg

¹²²³ Guidance and standards: 170130 Stolliday explains new procedure in case.eml

¹²²⁴ Guidance and standards: 170228 new suspension NOI policy.msg

staff did issue some suspensions, and as Matthews clearly stated, GLU retained the power to suspend.

Stolliday forwarded Matthews' guidance to Emilie Oldknow, and she replied "This is great".¹²²⁵ This guidance was then circulated to all Regional Directors, with all compliance staff cc-ed, despite the clear inaccuracy regarding suspensions being issued mainly by the NEC.

On 22 March 2017, in an added "blurb" to the NEC disciplinary paper, Stolliday noted that "We are already putting a lot of the things agreed by the NEC in January into practice", as "Except in severe reputation or safeguarding cases we no longer use administrative suspensions, which have been replaced with notices of investigation", and ongoing changes "formalise the use of notices of investigation rather than administrative suspensions".¹²²⁶

A 30 October 2017 one page explainer on disciplinary procedures for NEC Disputes, drafted by Matthews and tweaked by Stolliday, in response to a request from LOTO Political Secretary Amy Jackson, explained:

Notice of Investigation or Administrative suspension

Once it has been decided that there appears to be a prima facie breach of rule, a decision will be taken on whether the investigation needs to be conducted under administrative suspension. This will not normally be necessary as administrative suspensions are generally used when there is a safeguarding concern, where the allegations relate to abuse which takes place at Party meetings or where it is in the Party's immediate interests to protect its reputation.

*If the decision is that an administrative suspension is not necessary, as will generally be the case, the respondent will be sent a notice of investigation.*¹²²⁷

On 13 February 2018, Stolliday also referred to "a much wider [use] of "Notice of Investigation" rather than administrative suspension in the majority of cases".¹²²⁸

¹²²⁵ Guidance and standards: 170130 Stolliday explains new procedure in case.eml

¹²²⁶ Guidance and standards: 170322 Stolliday adds blurb.msg

¹²²⁷ Guidance and standards: 171030 summary of process.eml

¹²²⁸ Guidance and standards: 180213 Stolliday on processes.msg

4.4.3. Suspensions in practice

The Chakrabarti Report had recommended that rather than being automatic, suspensions should be exercised “more proportionately”. Chakrabarti suggested:

The factors to be considered when considering an interim suspension pending investigation should be a) the gravity of the conduct complained about and b) the immediacy of any risk that the individual or group concerned might do lasting or irreparable damage to the Party even during the period of the investigation.

Moreover, she noted that:

an electoral candidate or office holder or other person with some kind of leadership role within the Party at local, regional or a national level might be in graver danger of damaging the Party (in particular in the run-up to elections) than an ordinary rank and file member might do.¹²²⁹

Chakrabarti also noted that this might apply to members who have “a high media or other public profile”, too, even if they lack any formal leadership role.

As discussed in Section 3.1.5.i, both Shami Chakrabarti and Jeremy Corbyn had also specifically flagged a variety of conduct as antisemitism that had no place in the Labour Party. For example, Chakrabarti spoke about:

- the “classic stereotypes” of Jewish wealth, finance or political or media influence, and the “age-old antisemitic conspiracy trope”, including how a Jewish Labour MP was described as “some kind of agent of Mossad”;
- how “it is always incendiary to compare the actions of Jewish people or institutions anywhere in the world to those of Hitler or the Nazis”;
- and how the term “Zionist” had been used “abusively”, and should only be used “advisedly, carefully and never euphemistically or as part of personal abuse”.

Chakrabarti also explicitly advised that the term “Zio”, and not only Holocaust revisionism, but also any attempt to “diminish” the Holocaust through comparison with other genocides, had “no place in the Labour Party”. When considering whether the “gravity of the conduct” merited suspension, clear guidance had therefore been offered on what types of conduct were antisemitic.

GLU did not implement these recommendations, however. Instead, GLU staff from early 2017 onwards appear to have had the following approach to suspensions:

¹²²⁹ Chakrabarti, p.18-9.

- People were no longer automatically suspended when under investigation.
- Instead, the presumption became automatically in favour of NOIs only. Critically - and contrary to the paper agreed by the NEC - no exception was made for cases expected to lead to expulsion or referral to the NCC. The Chakrabarti Report's recommendations to consider the "gravity of the conduct", the risk of damage to the Party, and whether the respondent has a leadership role at a local, regional or national level, were not followed. The guidance offered by both Chakrabarti and Jeremy Corbyn on the types of conduct that were antisemitic and unacceptable in the Labour Party was largely ignored.
- Suspensions could be used in the small number of "safeguarding" cases that involved in-person conduct and conduct at meetings. However, the Labour Party is not aware of any guidelines being produced to define this, and it was often inconsistently applied. For example, in February 2018 Matthews proposed suspension on these grounds for an individual who had defended Ken Livingstone's remarks at a CLP meeting, upsetting a local Jewish member.¹²³⁰ Elsewhere, however, council candidate Alan Bull was reported to be espousing antisemitic conspiracy theories to people in person, but suspension never appears to have been considered.¹²³¹
- Suspensions could be used when it was in the "immediate interests" of the party. However, again, the Labour Party is not aware of any guidelines being produced to define this, and junior GLU staff and regional staff seem to have often been advised that suspensions could only be issued in safeguarding cases. There was also confusion about whether the party was to act in cases "where inaction poses a reputational risk to the Labour Party", as documents usually stated, or, as Matthews advised regional and GLU staff on 28 February 2017, "serious reputational damage". In safeguarding cases, GLU staff would often act when there was a risk of something occurring. But in reputational cases, they in practice acted mainly to mitigate damage after it had already occurred, rather than assessing the risk of damage occurring and acting to avert it.
- Senior GLU and GSO staff understood that they retained the power to impose suspensions, and could use this power when they chose to. However, they developed no guidance for staff as to how this would operate, and in practice it was only considered as an option in the rare cases that won the attention of senior staff.

¹²³⁰ March 18 change: "180207 RE Complaint re Dulwich and West Norwood.eml"

¹²³¹ Final Summary: Alan Bull.

In practice, imposing suspensions when it was in the “immediate interests” of the party therefore became something that only Oldknow, Stolliday and Matthews would propose or authorise, and they did so only in individual cases which were brought to their attention and where they desired to take that action, often because of personal contact from a victim or complainant with high-ranking staff in Labour.

Other staff were generally advised that suspensions could only be considered when they involved in-person conduct. For example, on 7 March 2018, Megan McCann asked if a member was “being a pest at meetings or just online? Im trying to work out if we can suspend with NOI”.¹²³²

The ten cases outlined below illustrate how suspensions were approached in this period.

4.4.3.i. Councillor William Kirkbride

On 29 January 2017, a complaint came in about a social media post from a councillor, described as “a misogynistic bigot”, asking whether Donald Trump grabbed Theresa May “by the pussyy”. Stolliday explained to the Regional Director, with Creighton and Matthews in cc:

Obviously following Org 2 weeks ago we don't automatically suspend people under investigation anymore. However as this is a cllr in a by-election and this is a new offence I believe there is severe reputational risk to the Party from this.

If he can be persuaded to delete/apologise etc then that should absolutely happen to dispose of this. But if it is necessary then yes we'll apply an administrative suspension. Sam's team can pick up the paperwork in the morning.

*That suspension will be lifted/investigation closed if he can apologise etc - which should be the outcome here.*¹²³³

4.4.3.ii. Terry Couchman

¹²³² Guidance and standards: 180307 NOI or suspend.eml

¹²³³ Guidance and standards: 170130 Stolliday explains new procedure in case.eml

On 7 April 2017 *Jewish News* enquired about a council candidate who commented on Facebook about “fake Jews”, “ZioNazis” and “IsraHell”. Upon being contacted, Stolliday commented simply:

This is a disgrace if it is our candidate. Reputation to the party during election etc. Suspend.

Matthews agreed, and a suspension was enacted.¹²³⁴

4.4.3.iii. Laura Stuart¹²³⁵

In July 2017, JLM Campaigns Officer Adam Langleben submitted a complaint about Laura Stuart, a Labour member in his constituency, highlighting a range of gross and explicit antisemitism including Holocaust denial. A suspension does not appear to have been discussed or considered, and an NOI was issued by junior GLU staff. Regional staff later recalled that they “understood that no suspension would be put in place unless someone local complained credibly about being in a meeting with her”.

On 28 November 2017, however, Langleben wrote a Twitter thread about Labour’s failure to deal with the case (without naming Stuart), which gained some attention online.¹²³⁶ Stolliday reached out to Langleben to ask him who it was about:

Clearly horrific stuff and no excuse for us not dealing with this quickly if it is from a Party member.

After Langleben responded, Stolliday explained they had issued an NOI in July, but:

Since that original Notice of Investigation was put in place, there have been more tweets and social media postings we would deem to fall within our investigation under a breach of rule 2.1.8 (some of which you have highlighted), and so we have made the decision to apply an administrative suspension on this person while we conduct the rest of this investigation.

A suspension was then issued. Matthews subsequently explained that they had “suspended on the basis of new information as a lot of the evidence on this chain we haven't seen before.”

¹²³⁴ Terry Couchman: Final Summary.

¹²³⁵ Case: Laura Stuart.

¹²³⁶ <https://twitter.com/adamlangleben/status/935636864308047875>

However, the most extreme evidence had already been submitted in July. The change in approach seems to have been informed by the personal contact with Langleben and/or the public attention the case was generating, although - unlike some other extreme cases where GLU declined to suspend - the case had not yet been reported in the media. (And although Langleben cited her presence in local meetings, he did not allege any antisemitic conduct or threats in person.) Media enquiries only followed two days later.

In this case, compared to many others, a somewhat more sensible approach was taken of suspending *before* the incident overly damaged the Labour Party's reputation, but based simply, it seems, on the fact that it had come to John Stolliday's attention and he chose to intervene.

Although Complaints Centre was in use by this point, the Laura Stuart case was not logged in it. This contributed to delays in it being progressed further. In December 2019, after rule-changes were brought which enabled the NEC to expel members, Stuart was brought to an NEC panel and expelled.

4.4.3.iv. Jennifer James

On 15 December 2017, transphobic tweets of Jennifer James, who was on a Local Campaigns Forum panel and planning to stand to be selected as a council candidate, were drawn to the attention of Matthews, Fuller and Stolliday. Matthews agreed the tweets were a "prima facie breach of rule 2.1.8", and wrote:

There is a question now on whether we Nol or whether we suspend? She is on the panel but has not been selected. Having thought about it, I think it fits more neatly into an Nol. We should then share the Nol with all the evidence with the LCF to make a decision on candidacy?

He elaborated that NOI meant "Notice of Investigation. It's what we generally use instead of suspension now (at the NEC's request)", and continued:

We'll have a look after Christmas and if there is further conduct/additional evidence, we obviously reserve the right to suspend at that stage.

As is clear from this exchange, Matthews understood that GLU reserved "the right to suspend", and he himself deliberated between NOI and suspension, in a discussion that only pertained to social media screenshots, without any element of in-person conduct.¹²³⁷ Moreover, the NEC did not request that staff not use suspensions. The

¹²³⁷ Guidance and Standards: "171215 right to suspend.eml"

paper they agreed, drawn up by Mike Creighton, said that suspensions could be used in serious cases, expected to lead to referral to the NCC and expulsion, and in cases where it was necessary to protect the immediate interests of the party.

4.4.3.v. Councillor David Walls

In January 2018, a Regional Director raised posts by a councillor, David Walls, who used offensive language in relation to Jews and Italians when discussing the BBC series *Peaky Blinders*; described asylum seekers as “boat people”; and called criticisms of these comments “PC brigade nonsense”. The CLP wanted Walls expelled and requested a provisional suspension. Dan Hogan said he thought there was “a strong case for suspension.” However, before proceeding, Hogan then interceded: “If you haven’t already spoken to Mr Walls, can you hold off until you can give me call please?” Hogan then enquired further:

Would you mind finding out whether there is anything about his conduct at meetings or in person behind this motion/complaint, or if it’s just about the emails and Facebook posts we’re already aware of? If it’s just online conduct, we probably won’t suspend – and fewer suspension are better, in the world we’re in.

As it was “just in relation to emails/facebook posts”, they then proceeded with an NOI.¹²³⁸

The context suggests that Hogan consulted with other GLU staff, most likely Matthews, and was advised to take this approach.

The fact that, for example, council elections were coming up was apparently not considered.

In early April 2018, Hogan then again suggested Walls be suspended:

I’ve attached the two new allegedly antisemitic comments, as well as his existing NOI for other offensive comments. He was on the edge of getting an suspension before, but we hadn’t previously seen this evidence of potential antisemitism.

The local party is getting some grief over him. I think there is cause to suspend.

He was then suspended shortly after. As discussed later, by this point Matthews had changed GLU’s approach to suspensions. However, it is notable that Hogan proposed revising the decision on the basis of social media comments that had not been seen

¹²³⁸ David Walls: Final Summary.

previously, not any in-person conduct or reputational risk, and without referring to any new policy or change in policy.¹²³⁹

4.4.3.vi. Andy Bigham¹²⁴⁰

Complaints had been received about online conduct of Labour member Andy Bigham from April 2016 onwards. In January 2017, for example, a Labour member Rob Reddan complained about Bigham, attaching screenshots in which Bigham wrote that he did not support the Labour Party:

"I will always be a member but i will never get behind the party [while] Corbyn is leader"

"I will never allow Trotskyite and Marxist scum to drive me out of the party"

Reddan explained:

In 2016 I was suspended from the Labour Party for comments I made on social media in regards to Tony Blair. I make no bones about it, I didn't like him then or now, but I supported and voted Labour during every election from before, during and since his time as leader.

What I find galling is the sheer hypocrisy of the whole 'purge' business, in my view a serious stain on the Labour Party's credibility when I can be suspended for my view but others are not.

For example now, on social media sites there is a chap called Andy Bigham, who [regularly] posts anti Corbyn dialogue. and has even said that although he is a Labour Party member, he will not support the Labour Party whilst Corbyn is leader.

...

I respect that he doesn't like Corbyn, that's fine, I am sure there are others, as there are others who like Corbyn, but doesn't it go against the whole ethos and possibly rules of the Labour Party to espouse views of not supporting the Party to the detriment of the Party and its elected officials?

Reddan's complaint was forwarded from "Legal Queries" to "Disputes". His request for an update the following month went unanswered, however, the complaint was not logged anywhere, and no action appears to have been taken.

¹²³⁹ March 18 change: "180404 walls, hogan now suggests suspend as AS.eml"

¹²⁴⁰ Case: Andy Bigham

In March 2017, meanwhile, another staff member flagged Bigham to Withers-Green, attaching screenshots of him attacking Corbyn and numerous members of the shadow cabinet. Withers-Green responded “This, although not nice isn’t bad enough for us to do anything about”. No further investigation appears to have been conducted, and no case was logged.

Further complaints were received about Bigham on 18 and 21 December 2017, concerning posts in which he called Corbyn a terrorist sympathiser and, about Diane Abbott, wrote:

It's about time she got put in a box with the lid fastened firmly

A complainant argued that this “could be construed as a threat or instruction to carry out the threat”.

On 21 December 2017, the blog “Skwawkbox” published an article on Bigham’s comment about Abbott, noting that:

Andy Bigham is a well-known poster to members of political discussion groups on Facebook. He posts anti-Labour comments and articles so frequently that members of non-Labour groups often assume he is a Tory.

Labour MP Ian Austin was quoted as saying Bigham’s comments were “obviously unacceptable”. *Skwawkbox* also reported that Bigham had been selected as a local council candidate.

At 9.37am on 22 December 2017, Laura Murray emailed John Stolliday and Sam Matthews, cc-ing Amy Jackson, and asking if any disciplinary action had been taken against Andy Bigham. Murray asked if it was correct that Bigham was a party member or a council candidate, and if any complaint had been received against him.

In the “SKEI” chat between Oldknow, McNicol, Murphy and Milne, meanwhile, Karie Murphy raised the case:

*[22/12/2017, 10:28:56] Karie Murphy: Iain and Emilie,
We have been inundated with complaints - can this be dealt with immediately please?
Who is in charge at HQ today?*

<https://skwawkbox.org/2017/12/21/coffin-hate-post-toward-abbott-by-labour->

*council-candidate*¹²⁴¹

At 10:59am, Julie Lawrence (Director, GS Operations) emailed Head of Internal Governance Claire-Frances Fuller, linking to the Skwawkbox article about Andy Bigham:

Hi CF, can you take a look and advise on action we should take? I'll then let Karie/Iain know.

Fuller replied to Lawrence at 11:24am:

I don't think this would be considered a death threat by the police or would warrant a suspension. He is not a council candidate despite the Skwawkbox headline... Unless there is any further evidence of addition posts/comments that could be considered racist, threatening or abusive, our advice would be a written warning and a reminder of the our social media policy

Minutes earlier, however, Oldknow had responded to Murphy's message in "SKEI":

[22/12/2017, 11:19:54] Emilie Oldknow: That is disgusting

[22/12/2017, 11:19:59] Emilie Oldknow: Leave with me

At 11.28am, Fuller then emailed saying "Cancel that. We can suspend." Oldknow messaged in "SKEI":

[22/12/2017, 11:28:44] Emilie Oldknow: We're suspending this character. It will go out later today. Please don't brief until he has been told

[22/12/2017, 11:33:01] Karie Murphy: Ok I'll let Schneider know now

[22/12/2017, 12:36:08] Emilie Oldknow: Suspension letter gone

*[22/12/2017, 12:58:17] Karie Murphy: Thanks Julie called*¹²⁴²

Bigham was then suspended on the basis of his post about Abbott.

When Disputes Officer Megan McCann followed up in February 2018, however, she noted that "a warning seems to me most appropriate". A series of questions about the post were then sent to Bigham, including:

*Are you intending you stir up violence towards Diane Abbott?
How do you think you would feel if someone posted a comment like this concerning you?*

¹²⁴¹ WhatsApp: "SKEI"

¹²⁴² WhatsApp: "SKEI"

*Did you write this statement because Diane Abbott is of an ethnic minority?
Did you write this statement because Diane Abbott is female?*

The assessment of the Labour Party is that these questions were poorly written and appear to have been geared towards giving the respondent a warning following his reply. On 19 February 2018 Bigham responded standing by his views about Abbott, but maintaining that he did not intend to “stir up violence” and eventually apologising for his choice of words. McCann then lifted his suspension with a warning.

At no point was any further investigation into Bigham conducted, or any of the other evidence submitted apparently considered.

After flagging the Abbott post to GLU-GSO for action, there is no evidence that LOTO played any further role in the case or made any enquiries as to what had happened.

Just two days after Bigham’s suspension was lifted, meanwhile, complainant Reddan submitted further evidence about Bigham, with screenshots of over 100 posts showing Bigham:

- saying he had voted Conservative
- supporting Conservative Party policies
- and posting a racist image that listed “Islamisation of the UK”, “Back the IRA & Muslim terrorists” and “open borders to ‘refugees’” as “Jeremy Corbyn’s 10 pledges to rebuild and transform Britain”.

Reddan’s complaint was forwarded from “Legal Queries” to “Disputes”, but no action was taken.

Further evidence was also sent to “Disputes” that Bigham supported Conservative Party posts encouraging people to join the Conservative Party. On 19 April 2018, meanwhile, Reddan submitted another complaint about Bigham, but Martha Robinson in Complaints replied that it did not warrant action. Reddan responded:

People were suspended for 'liking' or sharing green party tweets, or agreeing with other parties tweets on twitter in the run up to the 2nd leadership election.

This individual has openly stated that he voted conservative at the last election, will do nothing for the party whilst the current leadership is in place, posted an offensive article about Diane Abbott, is forever praising conservative policies on social media, has in this past week made around 20 new threads on Facebook in regards to anti-Semitism within the party, accusing anyone who voted for Corbyn of being as good

as anti-Semitic and stating that anyone who speaks out against the state of Israel is also anti-Semitic and yet is happy to support his wife making remarks about Muslim immigrants as if it is ok to target Muslims and still nothing is done.

Reddan did not receive a reply, and no action was taken.

Similarly, on 1 June 2018, another member submitted a complaint about Bigham:

This person is a party member but is constantly on Facebook posting derogatory comments about the party and particularly the leadership. I believe that there have already been complaints about him for posting that Diane Abbott should be put in a coffin and the lid nailed down. He is really doing his best to harm the party. Should he be allowed to continue what can only be described a campaign of hate against the party?

Complaints Officer Tim Dexter replied:

Thank you for your email. Your complaint relates to an issue that has previously been looked at. Action was taken at the time which was felt to be appropriate, as such we will be unable to look in to this matter again. Should you be aware of any further information regarding this however, please do feel free to forward it on to us to review.

Dexter further stated that “The Labour Party does not discourage members from posting their views or entering into healthy debates on social media.”

On 9 June 2018, meanwhile, complaints were received that Bigham was “actively involved as [a Facebook] Admin for a Conservative group call “conservative friends of Northern Ireland”, as well as him openly saying he supported the Conservatives. This was also reported in the *Skwawkbox* blog.

After a complaint was emailed to Jennie Formby, she forwarded it to Goodyear:

Mr Bigham would appear to be showing support for another party which would qualify for auto-exclusion under rule.

Can you please let me have your views?

Goodyear argued that being an admin of a Conservative Party Facebook group was not sufficient grounds for an auto-exclusion, but his statement that he supported the Conservative Party and had voted for them was.

On 11 June 2018, Bigham was auto-excluded from the party on this basis.

4.4.3.vii. Nasreen Khan

On 2 November 2017 a complaint was received about Nasreen Khan, reported to be a council candidate in Bradford, for allegations including antisemitism. The screenshots included her writing in 2012 that schools were “brainwashing us and our children into thinking the bad guy was Hitler. What have the Jews done good in this world??”, and that “Jews have repeated the rewards of playing victims, enough is enough!”.¹²⁴³ On 2 November 2017, Matthews advised that “I think given the length of time that has passed since the evidence, it would not be correct to administratively suspend at this moment.”¹²⁴⁴

On 6 November 2017 different regional staff emailed Stolliday about Khan, following enquiries from the “Telegraph and Argus”, suggesting that “We may want to consider more of a response than usual - unlike other recent complaints this has tangible evidence and involves accusations of anti-semitism.”¹²⁴⁵

Stolliday forwarded the email to Matthews, noting that “I think this is pretty bad. Need to speak to Paul etc but my instinct is we should suspend this person & investigate under 2.1.8”. Matthews, however, noted that though “very bad” it was from “four years before she joined the Labour Party”, and she thought she had apologised for previous posts.¹²⁴⁶

In a wider discussion, Claire-Frances Fuller said “These comments were made before she was a member of the party and so there is no action we can take on her membership.” The regional communications officer, Dan Howard, reported Khan had apologised previously. Fuller therefore said they had nothing to do: “In that case the panel have already considered this and accept her apology.”¹²⁴⁷

On 11 November 2017 Amy Jackson from LOTO emailed GLU-GSO regarding Khan:

¹²⁴³ Case: Nasreen Khan: “171102 RE Nasreen Khan - Anti-Semitism Evidence Local Labour Candidate.eml”

¹²⁴⁴ Case: Nasreen Khan: “171102 SM RE Nasreen Khan.eml”

¹²⁴⁵ Case: Nasreen Khan: “171106 FW Bradford local election query.msg”

¹²⁴⁶ Case: Nasreen Khan: “171106 FW Bradford local election query.msg”

¹²⁴⁷ Case: Nasreen Khan: “171110 RE Bradford local election query.eml”

Just spoken to Iain about this and following up with an email. The story about nasreen Khan has just been brought to my attention. Clearly the comments she made were very antisemitic and pretty recent.

Could you please let me know how this was managed at the time when the comments were reported by Naz Shah, and if she faced any consequences for her comments?

As mentioned, Iain and I have spoken and agreed she must not be allowed to stand for selection. I'm not sure of the process of stopping her from standing but it needs to be done immediately and Nasreen needs to be informed so we can answer the large amount of press queries we are getting.

*Please confirm when this has been done.*¹²⁴⁸

At midday on 13 November Emilie Oldknow emailed Stolliday, Matthews and Lennon regarding a report on the case, suggesting they could auto-exclude her for supporting Respect.¹²⁴⁹ Five minutes later, she replied to Amy Jackson's email: "Thanks Amy. Just bumping this one so we all know what we are doing", suggesting some actions.¹²⁵⁰ Regional organiser Paul Nicholson then reported that on Oldknow's request he had spoken to the local LCF and "confirmed that they didn't know about the comments that have recently come to light". The LCF would therefore be able to re-interview her as a candidate. Jackson responded "Thanks for the update and great if Nasreen can be re-interviewed locally asap."¹²⁵¹ On 13 November Ann Black also enquired with GLU-GSO if they knew about the case.¹²⁵² On 15 November the regional board re-interviewed Khan - who was, in fact, only ever on a short-list - and removed her from the short-list.¹²⁵³

On 15 November 2017, Stolliday then decided they could not take further action against her as a member. This was on the basis that the social media activity happened before she was a member, not that they required evidence of her being a safeguarding risk:

On suspension is there any evidence of screengrabs or anything while she was a party member?

¹²⁴⁸ Case: Nasreen Khan: "171113 Re Nasreen Khan.eml"

¹²⁴⁹ Case: Nasreen Khan: "171113 New anti-Semitism Row.eml"

¹²⁵⁰ Case: Nasreen Khan: "171113 Re Nasreen Khan.eml"

¹²⁵¹ Case: Nasreen Khan: "171113 Re Nasreen Khan.eml"

¹²⁵² Case: Nasreen Khan: "171113 (Fwd) Nasreen Khan's Disclosure.eml"

¹²⁵³ Case: Nasreen Khan: "171114 RE Nasreen Khan latest.eml"; "17115 Re Nasreen Khan.eml"; "17115 Nasreen Khan.eml"

*If it's all before her membership then we cannot suspend. The party can't take disciplinary action on someone for things that they did when they were not members of the party.*¹²⁵⁴

Oldknow asked if it was worth talking to Shami Chakrabarti and viewing this as an exception, but Stolliday responded:

The problem is it's not so much a Shami thing but a legal thing.

The posts are all from before she was a member of the Labour Party. The legal advice we've had repeatedly (most recently in 2016 leadership election) is that we can't take disciplinary action on someone for things they did before they were a member of the Party, unless it's something which would be construed as an AE offence and we didn't know about (eg we find out that somebody has an undisclosed criminal conviction).

When somebody has done things before they were a member we have the 8 week opportunity to object to them joining. Once they're in then we don't really have any legal right to look at those things from before retrospectively, because it is considered that we accepted them for membership.

*We could test this and try to take action and hope she doesn't take legal action or that we can win it, but it is a risk (and it may be a risk worth taking to show we're taking this seriously)*¹²⁵⁵

He noted elsewhere: "As far as I know the Party can't legally take action on things done before someone became a member but these views are abhorrent and anyone with those views should not in my opinion be in the Labour Party".¹²⁵⁶

Oldknow responded:

*I think let's sit on this. It is not worth the court action, which repeatedly our lawyers have told us verbally and in writing that we would lose.*¹²⁵⁷

No further action was then taken.

¹²⁵⁴ Case: Nasreen Khan: "171115 JS RE Nasreen Khan.eml"

¹²⁵⁵ Case: Nasreen Khan: "171117 RE Nasreen Khan.eml"

¹²⁵⁶ Case: Nasreen Khan: "171117 khan.eml"

¹²⁵⁷ Case: Nasreen Khan: "171120 Re Nasreen Khan.eml"

Again, however, in this case which had the attention of high-ranking GLU-GSO staff, suspension was repeatedly considered as an option, without any mention of a need for evidence relating to in-person conduct.

4.4.3.viii. Alan Bull

By November 2017, GLU was aware that Alan Bull:

- had shared a range of antisemitic materials on Facebook including Holocaust denial.
- was accused of espousing antisemitic conspiracy theories in meetings locally.
- was about to be selected as a council candidate.

In an effort to help influence the Local Campaign Forum to not select Bull, on request of regional staff Sam Matthews and Dan Hogan issued a second NOI. There is no evidence of them having considered a suspension, however, despite them then being informed that Bull had been selected as a candidate, and then that the local media were writing about Bull's case.

This was, moreover, despite NEC Disputes Chair Ann Black then emailing Matthews, Stolliday and McNicol suggesting that "it would have been better for the decision about whether Alan Bull was fit to be a candidate to have been made higher up" - i.e. through a suspension, the only means of intervention available to GLU - "rather than leav[ing] it to members at the LCF."

In March 2018 enquiries from "Jewish News" prompted LOTO press to enquire about the case. In response to the question "I thought people couldn't stand as candidates if they're being investigated?", Matthews responded that "the NEC last year agreed that suspensions should be used exceptionally sparingly", but he would look if there are any "new comments which are not already subject to this investigation".

As controversy grew and LOTO staff questioned why Bull was not suspended, and argued that he should be, Matthews finally proposed a suspension on the grounds of new evidence that has been considered - although no new evidence had, in fact, been received - and public attention, which meant "it meets the NEC criteria (of being in the immediate interests of the Labour Party) to apply an administrative suspension in this case".¹²⁵⁸

On 25 March 2018, Christine Shawcroft, an NEC members' representative from the left of the party and the new chair of NEC Disputes, emailed Matthews raising concerns

¹²⁵⁸ Alan Bull: Final Summary

over Bull's suspension. She described it as being over a single social media post "taken completely out of context", implied that the suspension, coming shortly before council elections but "almost a year" after the evidence was reported to the party, could have been politically motivated, and proposed that Bull be reinstated.

This incident, widely publicised at the time, has been cited as supporting the idea that the Labour left or LOTO opposed action on antisemitism.

However:

- Despite possessing considerably more information than Shawcroft, Matthews himself had apparently previously accepted some of Bull's excuses - in January 2018 he had taken the view that GLU should propose a "Warning with training" for Bull, rather than referral for expulsion.
- Shawcroft subsequently claimed that she had not actually seen the posts in question and had partly been misled.
- Matthews responded to Shawcroft with the evidence of the post, to which NEC member and Momentum chair Jon Lansman responded "The screenshot and other factors clearly put a different light on this and I therefore support".
- The previous head of NEC Disputes, Ann Black, had herself suggested to GLU in November 2017 that Bull should have been suspended, but this had not prompted any action from GLU.
- It was LOTO's intervention that had prompted Matthews to suspend Bull.
- Shawcroft resigned as Chair of NEC Disputes and as a member of the NEC.

4.4.3.ix. Chris Crookes

Antisemitic comments by Labour International member Chris Crookes were first raised with GLU in August 2016, and his explicit and repeated Holocaust denial was reported in November 2016. On behalf of the Labour members complaining, NEC Disputes Chair Ann Black repeatedly raised the case with GLU staff.

On 11 October 2017 Black emailed Matthews with the evidence, writing:

I am requesting urgent action, and before the Disputes Panel meeting on 31 October.

Matthews responded “We’ll be sending a notice of investigation today and will endeavour to have a report ready for Disputes on the 31st.” Asked by Black again on 30 October, Matthews then wrote “Chris Crookes is under investigation but there hasn’t been time to conclude an investigation properly – it’s my understanding that we’re awaiting a response to questions sent to him.”

This was inaccurate - no NOI had been issued and no case logged.

Matthews did not give any reasoning as to why extensive Holocaust denial would not merit a suspension. Black, moreover, was requesting urgent action - and, as she noted in an email to the complainants at the time:

there is no need to wait for a [Disputes Panel] meeting before investigating or suspending a member.

Black’s view, as the long-standing Chair of NEC Disputes, was correct and consistent with the guidelines agreed by the NEC, and contrary to, for example, the guidelines that Matthews had written and distributed in February 2017.

Despite this, no action was taken, and another two emails from Black to Matthews in December 2017 and January 2018 went unanswered. In February 2018, several hundred members of Labour International even signed a petition publicly raising the case. But it was only on 26 March 2018 that Matthews then engaged with the case, finally proposing a suspension “given the nature of the [conduct]”.¹²⁵⁹

4.4.3.x. Laurence Easeman

In December 2017, the office of Luciana Berger MP complained directly to Matthews about a member, Laurence Easeman, in relation to antisemitism. The evidence included an interview Easeman had given to a far-right radio station, in which he advocated a wide range of antisemitic conspiracies and expressed admiration for David Icke. A *Times* article about Easeman from 2014 was also linked.

On 30 January 2018, Matthews forwarded this email to Megan McCann, who was just starting as a new Investigations Officer in Disputes, writing:

¹²⁵⁹ Case: Christopher Crookes

*There are clearly grounds for an investigation here – it would probably be a good one for you to get your teeth into. Feel free to make a case for suspension if you feel appropriate.*¹²⁶⁰

Easeman should have merited suspension given his views, while the *Times* coverage from 2014 raised the risk of reputational damage to the Labour Party if it was reported that he was a Labour member. In advising McCann to “make a case for suspension if you feel appropriate”, Matthews again confirmed that such suspensions did not require:

- authorisation from the NEC or LOTO;
- the existence of major, ongoing media coverage and reputational damage;
- or evidence of in-person conduct.

Easeman had already resigned from the Party, so no further action was required.

¹²⁶⁰ Guidance and standards: “180206 Laurence Easeman.eml”

4.4.4. Spring 2018: change of policy

As discussed earlier, in February 2018 GLU issued NOIs only for a series of LAAS cases involving extreme levels of antisemitism, including a number of Holocaust deniers. In the few cases they acted on in the preceding year, they had acted similarly.

For example, in October 2017 Malcolm Powers, Head of Party Development, contacted Matthews directly over antisemitic posts by Michael Lee, which had been highlighted by a journalist of the *Jewish Chronicle* on Twitter. Lee's posts included:

- Repeated written and shared Holocaust denial.
- Calling Jews "cockroaches".
- Saying "never trust anything a jew says".
- Sharing a post that said "Jews admit organising White Genocide".

A suspension does not appear to have been discussed or considered, however, and an NOI was instead issued.¹²⁶¹

From 7 March 2018 onwards, however, GLU's policy towards suspensions radically changed. On 7 March 2018 Matthews suspended three Labour members for online conduct, including Glyn Secker, although GLU's evidence on Secker fell far below GLU's normal threshold for any form of action, let alone suspension.

From that point on, Matthews then proposed suspensions for members for a wide range of conduct, including conduct that was below their previous thresholds for any form of action at all, and for which GLU staff had given people like Nigel Sidebottom staff warnings just a month earlier, rather than taking further to NEC. As Matthews said to Stolliday and Oldknow on 4 April 2018:

*The [Investigation Officers] basically recommend suspension in almost every case which [meets] the bar for antisemitism.*¹²⁶²

On 3 April 2018, meanwhile, "Following a meeting with Jennie & Kate", Matthews emailed Amy Jackson and Laura Murray from LOTO an "AS Action Plan Draft". On the "Current Process" for antisemitism, the document reported:

*In almost all cases, [the agreed action] is either a Notice of Investigation for less serious cases, or an Administrative Suspension where it is more serious and/or deemed to be in the Party's immediate interests to do so.*¹²⁶³

¹²⁶¹ Case: Michael Lee

¹²⁶² March 18 Change: "180404 TG jobs.eml"

¹²⁶³ March 18 Change: "180403 Antisemitism Working Group - pre-meeting.eml"

“Less serious cases”, Matthews explained, would receive an NOI, while a suspension was warranted “where it is more serious”, or where it is “deemed to be in the Party’s immediate interests to do so”.

On 5 April 2018, meanwhile, Gardiner asked Matthews:

could you send me any decision-making matrix or outline of thresholds that you/your team use for deciding on your recommendations?

Matthews responded that “The tests that officers will apply before sending” are “Is there a prima facie breach of rule?” and:

If yes – is it in the immediate interests of the Labour Party to place the member under administrative suspension pending the outcome of the investigation?

This is generally a more challenging question than the first as there are any number of factors which might place it in the immediate interests of the Party to restrict that member’s rights, ranging from reputational considerations such as candidacy & press interest to safeguarding concerns for other members. In each case, Sophie will give you a steer on what the considered view from here is and why we have come to that view – obviously happy to answer questions on it.

In every case, according to Matthews, the team would ask “is it in the immediate interests of the Labour Party to place the member under administrative suspension pending the outcome of the investigation”, and there are “any number of factors” that might lead to a suspension.

Matthews then sent over some examples of recent cases, and elaborated on some mitigating and aggravating factors (posts being very old, or past disciplinary action having been taken).¹²⁶⁴

Throughout, Matthews presented this as the already existing, agreed policy.

Matthews also subsequently gave inaccurate information on how many members GLU had been suspending in relation to antisemitism, reporting on 13 April 2018 that they were:

*Currently suspending between 8 and 10 members a week and have been through March on AS grounds. Prior to that it was between 2 and 3 average.*¹²⁶⁵

¹²⁶⁴ March 18 change: “180405 RE Suspensions etc.msg”

¹²⁶⁵ March 18 change: “180424 antisemitism statistics discussion.eml”

This was highly inaccurate. From 1 January 2018 to 6 March 2018, only one Labour member had been suspended in relation to allegations of antisemitism (Ken Livingstone). By contrast, Matthews reported that there had been “between 2 and 3 average” a week, equivalent to 22-23 suspensions in the first nine weeks of the year, more than twenty times greater than the actual figure.¹²⁶⁶

¹²⁶⁶ March 18 change: “180424 antisemitism statistics discussion.eml”

4.4.5. Suspensions: what happened?

In January 2017, GLU ended its practice of automatically issuing a suspension whenever it conducted an investigation into a member, introducing the new concept of a “Notice of Investigation” (NOI).

New guidance was drafted by Creighton and Stolliday, and agreed at the NEC (where Corbyn supporters were still in the minority).

This guidance stated that for disciplinary cases expected to lead to anything from a staff warning to an NEC or NCC imposed sanction of a time-limited suspension, “in most cases” an NOI rather than a suspension would be the first port of call. It did not say this for cases expected to lead to expulsion from the Labour Party or referral to the NCC, and it also made an exception for cases where it was in the immediate interests of the Labour Party to suspend.

In practice, GLU-GSO staff including Matthews knew they retained the power to suspend - no sign-off from the NEC, let alone LOTO, was required. For example, Stolliday himself wrote to Laura Murray in January 2018, regarding Ken Livingstone:

At any time during an investigation the General Secretary can decide to apply a further administrative suspension if evidence came to light that the GS considered merited his membership being suspended while we continue that investigation.

However, no guidance was developed for GLU staff as to how they should make these decisions, and, in practice, suspensions occurred only when senior GLU-GSO staff, such as Stolliday and Oldknow, got involved in a case, as happened in the cases of Laura Stuart and Andy Bigham.

Decisions on suspensions were highly inconsistent, and involvement of senior staff seems to have been the determining factor. For example, it is difficult to see any reason why suspension could be considered for council candidate Kirkbride on the basis of an upcoming council election, but not David Walls or Alan Bull. The difference was just the personal involvement of Stolliday. Similarly, a suspension was considered for Jennifer James, and also Laurence Easeman, but not for the Holocaust denier Chris Crookes, even when hundreds of Labour members signed a public petition on the matter.

What appears to have happened in practice is that Sam Matthews generally advised Disputes staff that they could only issue suspensions when in-person conduct or

safeguarding concerns were in play. Social media conduct, no matter how horrendous, would not be considered as a basis for a suspension.

In this period the NEC was actually continually providing precedent for what could be considered a case serious enough to expel. In 2017 GLU brought 27 cases of antisemitism to NEC Disputes, and in every case where GLU recommended referral to the NCC for consideration for expulsion, the NEC agreed. In a number of cases where the individual had not yet been suspended, the NEC also decided to impose an administrative suspension as well as referring to the NCC.

In September 2017, meanwhile, the NCC heard its second antisemitism case this period, and expelled the member in question. Several further expulsions took place in spring 2018, including of Tony Greenstein - himself Jewish but found guilty of highly abusive language, including use of terms such as "Zio" - in February 2018. The NEC was thus continually providing precedent for the types of conduct that would result in expulsion.

GLU was itself, of course, bringing those cases to the NEC with recommendation of referral to the NCC, and then to the NCC with the recommendation of expulsion. But GLU continued to issue NOIs only at the first stage, no matter how extreme the conduct.

GLU was also supposed to act and impose suspensions where it was necessary to protect the immediate interests of the party and to avoid reputational damage. Basic common sense would suggest that this would, for example, apply to Labour Party members who support Adolf Hitler, deny the Holocaust and write that "i despise Jews i think they are vermin and the scum of the earth". In practice, however, Disputes officers rarely seem to have considered reputational risk, and appear to have been instructed to issue NOIs only, even in such cases.

As discussed elsewhere, Director of GLU John Stolliday, and in turn Executive Director Emilie Oldknow and General Secretary Iain McNicol, appear to have exercised very little oversight into the work of the Disputes team. Stolliday's February 2018 question about the "6,000 cases ["LAAS"] claim to have sent us" and whether they should "sit down with all these cases or is it all in hand" underlines this.¹²⁶⁷

Some evidence suggests that Oldknow, and possibly Stolliday, may not have been fully aware that GLU was not suspending people over such conduct. This is certainly not what they told LOTO. When Stolliday helped draft McNicol's reply to Jeremy Corbyn on 28 February 2018, for example, he noted regarding the LAAS cases that:

¹²⁶⁷ March 18 change: LAAS: "180214 Stolliday asks about LAAS.msg"

*Those people who are not already under investigation will get a Notice of Investigation/suspension as appropriate and go into the process.*¹²⁶⁸

He subsequently noted that they had “been getting a Notice of Investigation/suspension as appropriate”.¹²⁶⁹ However, Matthews had apparently instructed Disputes to issue NOIs only, and under the policy that Matthews then operated, none of the LAAS cases, based on screenshots of social media activity, would have warranted a suspension.

On 8 March 2018, meanwhile, in response to queries about Secker’s case from LOTO, Oldknow insisted to Milne and Murphy:

We would normally suspend with this.

Again, this was not the case.

This email is also completely inconsistent with any claim that LOTO or the NEC had somehow banned suspensions until then. If this was the case, Oldknow certainly would not have claimed to the two most senior staff in LOTO that GLU “would normally suspend” for the conduct for which Secker had been suspended.

Similarly, on 7 March 2018 James Schneider had texted Matthews asking if Elleanne Green was suspended, while on 24 March 2018 Amy Jackson emailed Stolliday and Matthews asking if another individual, who had “tweeted... disgusting and antisemitic abuse”, was “a labour member and if so are they suspended”.¹²⁷⁰ Both these enquiries, about cases involving social media conduct only, were consistent with LOTO’s expectation that serious cases of antisemitism would merit suspension, regardless of whether any “in-person” conduct was involved, and completely inconsistent with any suggestion that LOTO had banned such suspensions.

In March 2018 Matthews simply changed GLU’s policy on suspensions, quite radically. There was no NEC decision to do this, or instruction from LOTO, and the Labour Party can find no explanation, anywhere, for how this change in policy took place. Matthews simply presented it to both GSO and LOTO as the already existing policy - that the team would “basically recommend suspension in almost every case which [meets] the bar for antisemitism”, issuing NOIs in cases that were “less serious”, and suspensions “where it is more serious” or where it is “deemed to be in the Party’s immediate

¹²⁶⁸ March 18 changes: “180228 Stolliday draft response to JC.msg”

¹²⁶⁹ March 18 change: LAAS: “180304 response to LAAS.msg”. Stolliday also responded to Matthews’ April 2018 paper by saying “would be useful to get AS stats – how many individual cases reported to us, how many suspensions/NOIs etc”. This could suggest he may not have been aware of how few suspensions had occurred. 2018-19: “180403 SM provides AS stats.msg”

¹²⁷⁰ LOTO: “180324 Checking on AS complaint.pdf”

interests to do so".¹²⁷¹ He was also involved in Labour press lines going out to that effect, saying that:

In the case of severe allegations, members are immediately suspended pending investigation, meaning they lose their membership rights and cannot take part in Labour Party meetings and events while investigations and due process take place.

*The overwhelming outcome of cases that go to the National Constitutional Committee is suspension or expulsion from membership.*¹²⁷²

Matthews then appears to have given inaccurate information about the number of suspensions that pre-dated this change.

LOTO staff had been continually informed by GLU-GSO that all cases of antisemitism were receiving prompt action, and "getting a Notice of Investigation/suspension as appropriate".¹²⁷³ In the small number of cases LOTO was involved in in this period - most notably, Alan Bull - LOTO staff were surprised to find that such individuals had not yet been suspended. When Matthews began his consultation with LOTO staff, they were not aware that any change in policy had occurred, and had no hesitation at all in supporting suspensions for a wide range of cases involving antisemitism in late March and early April 2018, agreeing to almost twice as many suspensions in nine days than GLU had initiated in the whole of 2017.

Of course, it should be emphasised that issuing an NOI without immediate suspension does not mean "letting someone off" - investigations were begun and, in theory, were progressing. The 7 March 2017 and 6 March 2018 NEC Disputes panel heard reports and issued decisions for six individuals issued NOIs in relation to antisemitism less than a month previously, referring them to the NCC and imposing administrative suspensions.¹²⁷⁴ The approach Matthews took could, in theory, have functioned. However, with the lack of progress on cases in this period, and small number taken to the NEC, in reality it meant leaving people under NOI indefinitely, with no restriction to their membership rights. Importantly, it was not a policy agreed by the NEC and not a policy of which LOTO would have approved.

The available evidence suggests that:

¹²⁷¹ March 18 Change: "180404 TG jobs.eml"

¹²⁷² March 18 change: "180331 telegraph background.eml"

¹²⁷³ March 18 change: LAAS: "180304 response to LAAS.msg". Stolliday also responded to Matthews' April 2018 paper by saying "would be useful to get AS stats – how many individual cases reported to us, how many suspensions/NOIs etc". This suggests he may not have been aware of how few suspensions had occurred. 2018-19: "180403 SM provides AS stats.msg"

¹²⁷⁴ For the full list resulting from this manual review, see: Statistics: "200202 Investigation letters.xlsx"

- Matthews misapplied NEC guidelines regarding suspensions, instructing staff that they could be considered only in in-person and safeguarding cases.
- LOTO was unaware that Matthews was doing this, and expected cases of antisemitism to be appropriately dealt with, including through the use of suspensions in serious cases. GLU-GSO explicitly, directly and repeatedly told LOTO staff that this was happening.
- During the transition between general secretaries, Matthews then radically changed GLU's policy towards suspensions, and attempted to cover up the previous policy.

The Labour Party does not have enough evidence to take a view on the motivation of Matthews, or other GLU-GSO staff, for the policy towards suspensions GLU operated between January 2017 and March 2018. However, it has been alleged by some former LOTO staff that GLU deliberately failed to act on extreme cases of antisemitism in order to undermine the Labour Party as led by Jeremy Corbyn.¹²⁷⁵ Another possibility would be that, given the media publicity that accompanied failures to deal with antisemitism cases focused on Jeremy Corbyn, key GLU-GSO staff were simply not motivated to deal with such cases properly, and that they were only motivated to work on things that contained a factional element.

¹²⁷⁵ <https://www.buzzfeed.com/alexwickham/leaked-emails-reveal-labours-compliance-unit-took-months-to>

4.4.6. Claims of Sam Matthews and the JLM submission

Sam Matthews has publicly claimed that in his role he had “taken decisions to suspend people”, such as Glyn Secker in March 2018, and it was only after controversy over that suspension that “I was for the first time instructed that I had to get it cleared by [LOTO]”.¹²⁷⁶

Matthews has therefore publicly confirmed that he had the power to suspend Labour members, and took such decisions without being forced to consult others outside of GLU/GSO. He has portrayed LOTO’s intervention over Glyn Secker as an attempt to stop GLU conducting its normal disciplinary proceedings and suspending in cases of antisemitism. As shown earlier, this is directly contradicted by all the available documentary evidence.

In May 2019, *Buzzfeed* reported on GLU’s past inaction on cases, including Chris Crookes, and decisions to issue NOIs rather than suspensions in cases such as Alan Bull’s. A “source” close to Sam Matthews responded by way of explanation that, in this period, “compliance unit staff feared ending up on a collision course with NEC members and Corbyn’s office over disciplinary cases”.¹²⁷⁷

The JLM’s leaked submission to the EHRC, meanwhile, asserted that “following the 2017 general election and into 2018... staff describe a cultural shift” in the party’s management - “decisions by GLU staff were increasingly undermined” and:

*From the [2017] election onwards, staffers say that LOTO expected the GLU staff to follow unwritten guidelines that raised the bar on which antisemitic conduct warranted disciplinary action.*¹²⁷⁸

This is directly contradicted by Matthews’ assertions elsewhere that prior to the Glyn Secker case in March 2018, he was taking “decisions to suspend people”, but now “I was for the first time instructed that I had to get it cleared by [LOTO]”.¹²⁷⁹

A vast array of evidence strongly contradicts the assertion that GLU was afraid to act on cases of antisemitism, fearing “collision” course with the NEC or LOTO, or that GLU was being forced “to follow unwritten guidelines that raised the bar on which antisemitic conduct warranted disciplinary action”.

¹²⁷⁶ <https://www.pressreader.com/uk/the-jewish-chronicle/20190712/281487867918934>

¹²⁷⁷ <https://www.buzzfeed.com/alexwickham/leaked-emails-reveal-labours-compliance-unit-took-months-to>

¹²⁷⁸ <https://www.scribd.com/document/438367082/Redacted-JLM-Closing-Submission-to-the-EHRC>

¹²⁷⁹ <https://www.pressreader.com/uk/the-jewish-chronicle/20190712/281487867918934>

The suspension of Alan Bull, for example, cited heavily in the JLM's leaked submission, came at the instigation of LOTO, showing that any "collision course" on such cases would not have been with them. Indeed the major "collision" over Bull was LOTO questioning why he was not already suspended and urging that he be suspended immediately. This was explicitly noted by Emilie Oldknow at the time. Oldknow forwarded the exchange with Shawcroft to senior LOTO management Milne, Murphy and Murray, arguing that:

In my view, this is part of the issue with dealing with cases of AS. JC/nationally take a tough stance, but it is then picked at by members of the NEC.

Andrew Murray responded:

I agree. This is also compromising from the Chair of Disputes. She should be advised to keep her views to within formal channels and procedures while she holds that post.¹²⁸⁰

On Chris Crookes, as already noted, NEC Disputes Chair Ann Black had herself suggested that GLU act against Bull in November 2017, and repeatedly demanded "urgent" action on the case of Crookes, to no avail. This is, likewise, inconsistent with the idea that GLU was afraid of the NEC.

The NEC itself in this period agreed to all GLU recommendations to refer to NCC, imposed administrative suspensions where the members were not already suspended, and provided continual precedent for GLU to follow, as did the NCC from September 2017 onwards. The exception was just one case in January 2018 where the NEC decided on "Warning with training" instead of "Refer to the NCC", while referring to the NCC in another case where GLU had recommended a "Warning". As discussed in Section 4.1, the member who was given a "warning with training" refused training and was re-suspended in a matter of days.

In January 2018, meanwhile, Stolliday forwarded some members in Tower Hamlets to potentially auto-exclude, based on evidence of them campaigning for an independent local candidate:

One for the New Year? They're probably all mates of Christine [Shawcroft]'s, so let's make sure we are dead happy¹²⁸¹

This is, again, inconsistent with the assertion that GLU was not taking action against antisemites for fear of NEC backlash. It is difficult to see how removing from the party

¹²⁸⁰ Case: Alan Bull.

¹²⁸¹ Guidance and standards: "180101 Tower Hamlets exclusions.msg"

entirely individuals who are “probably mates” of an NEC member, over allegations of campaigning for a non-Labour local candidate, was a higher priority, and less likely to generate backlash, than simply suspending - or even investigating without suspension - people who publicly espoused vehemently antisemitic or Islamophobic views.

The cases of Ian McKenzie and Syed Siddiqi, moreover, outlined in Section 2.3, show that GLU continued to take a factional approach to disciplinary cases over the objections of the NEC and even after Jennie Formby became General Secretary. Rather than pursuing a case against Panesar, Hogan and Matthews suspended Siddiqi and weathered complaints and queries from both Ann Black and Christine Shawcroft about the contradictions in their approach to these cases, while both appear to have attempted to protect McKenzie and Panesar even after Jennie Formby became General Secretary.

In the case of Andy Bigham, although he was suspended following the intervention of Emilie Oldknow after LOTO had flagged the case, GLU staff subsequently lifted his suspension with a warning and ignored further complaints about him. When LOTO press staff flagged the case of Tapash Abu Shaim in October 2017, a clear case of reputational damage to the Labour Party that was generating stories in the media, including across the Jewish press, Stolliday and Matthews both claimed that they were investigating him but then did nothing.

Stolliday himself, meanwhile, explicitly noted in November 2017, following requests from LOTO for action on two cases of council candidates accused of antisemitism, that “the implicit criticism and insinuation running through these” enquiries from LOTO was “that we are not taking action on antisemitism”.¹²⁸²

Claims that GLU were not able to take action on antisemitism cases because of pressure from LOTO or the NEC are simply not credible, and are directly contradicted and disproved by a vast array of documentary evidence.

¹²⁸² LOTO: 171114 Stolliday on LOTO.msg

4.4.7. Why did Matthews consult LOTO?

In March 2018 Sam Matthews, with agreement of Oldknow and Stolliday, initiated a process of consulting key staff in LOTO over action on disciplinary cases involving antisemitism. On 4 April 2018, Matthews then proposed that Gardiner take on this role.

As the email chains and messages detailed in the previous section make clear:

- This process of consultation with LOTO was all initiated by Matthews and GLU-GSO.
- LOTO staff such as Laura Murray understood they were giving their views to help clear a backlog of cases.
- Far from orchestrating this process, LOTO chief of staff Karie Murphy was unhappy about it and questioned why it was taking place.

For example:

"Thank you for your help with agreeing recommendations... it's really helpful to have your input... I think it is worth me raising each case with you before we take further action on it." - Sam Matthews ¹²⁸³

"Given the unfolding urgency of getting this problem under control, it is helpful to have more people speeding the process along, which I hope I can help with." - Laura Murray¹²⁸⁴

"I note that we have had a constant stream of complaints sent via email over the last few days. Some on AS others not... Something is amiss here...Has something been agreed that I don't know about? We have a full structure in Southside managing these but now we are consulting via emails - this is odd." - Karie Murphy

"Dealing with difficult decisions on administrative suspensions has been helped by a formal structure for raising these cases with LOTO" - Sam Matthews

"What do you think of asking TG to lead on the Southside/LOTO liaison on antisemitism cases?" - Sam Matthews¹²⁸⁵

"Thanks for all your hard work in managing the complaints. I only need to be directly involved with these complaints when there is an elected representative

¹²⁸³ March 18 change: "180326 SM proposes to LM, input - EO approves.msg"

¹²⁸⁴ March 18 change: "180326 LM response to SM.msg"

¹²⁸⁵ March 18 Change: "180404 TG jobs.eml"

involved or if the matter is politically sensitive and I need Jeremy to be aware of it. I can be removed from the mailing list otherwise. I seem to have been added on to all mailings.” - Karie Murphy¹²⁸⁶

“We think now that we are through the heavy influx of cases LOTO no longer needs to be involved, except where politically sensitive or it's to do with an elected representative” - Amy Jackson¹²⁸⁷

The BBC Panorama documentary portrayed Seumas Milne's 10 March 2018 email on Secker as instigating this:

John Ware: *How did you interpret that email from Mr Milne?*

Sam Matthews: *The same way that all staff in Labour's head office did, which is that this was the leader's office requesting to be involved directly in the disciplinary process. This is not a helpful suggestion, it is an instruction.*

John Ware: *But it is framed as a suggestion.*

Sam Matthews: *Yes, it is all framed as a suggestion. But this is not a junior member of staff at the leader's this is Seumas Milne, the director of communications, part of Jeremy Corbyn's inner circle. He is probably one of if not the most influential person within the leader's office and in that context, when he says I think we need to review this process going forward, that isn't a suggestion. That's him instructing what he expects to happen without needing to say it.*

However, on Milne's point on the need to “review where and how we're drawing the line if we're going to have clear and defensible processes”, Oldknow had said “Agreed. We agreed at the Disputes panel Tuesday to convene a working group. This was my suggestion”.¹²⁸⁸

Moreover, it was the day before Milne's email that Matthews had suggested further suspensions for “Palestine Live”, and Oldknow had then sent them to Milne and Murphy asking if they agreed. It is not possible for Milne's email on 10 March to have caused something to happen on 9 March.

Matthews has claimed that he was “furious” about claims that GLU had asked LOTO for help with cases. He told the press, “I can't think of a problem that I've ever had

¹²⁸⁶ March 18 Change: “180410 Murphy removal.eml”

¹²⁸⁷ March 18 Change: “180418 Amy Jackson on process.msg”

¹²⁸⁸ March 18 change: “180310 Re Secker Questions 2.eml”

where I've thought to myself, 'Who will fix this problem for me - Andrew Murray and Seumas Milne?'"¹²⁸⁹

However, Matthews' emails reveal that he was the person who initiated a process of asking LOTO for their views on cases, on the basis that he was asking for their "help", explicitly saying "it's really helpful to have your input". Matthews has also asserted:

I had been privy to emails where Jeremy Corbyn's Chief of Staff, Karie Murphy, was responding on a case by case basis on antisemitism in order to not suspend someone who they all knew damn well should be suspended.

*I thought I just can't countenance this.*¹²⁹⁰

Matthews' assertions about Murphy are also untrue. Murphy responded to GLU-GSO on just one case, Craig Allaker, agreeing with Emilie Oldknow's suggestion of a membership rejection. Murphy's other emails indicate that she did not want GLU involving LOTO in disciplinary cases and she questioned why Matthews had suddenly started involving them.

The conclusion of the Labour Party is that Matthews and possibly others in GLU-GSO instigated this process of consultation with LOTO, and proposed suspensions in some cases for conduct which GLU had previously not considered to merit any form of disciplinary action. This was later used by the same staff to accuse LOTO of involvement in antisemitism cases or of letting off antisemites, blaming LOTO and Jeremy Corbyn for GLU's inaction on antisemitism complaints.. It may have been GLU and GSO's intention to make this accusation when they initiated this process of consulting LOTO.

¹²⁸⁹ 'Jeremy Corbyn has done more to inflame antisemitism than any political figure since Second World War', *Jewish Chronicle*, 11/07/19 <https://www.thejc.com/news/uk-news/jeremy-corbyn-has-done-more-to-inflate-antisemitism-than-any-political-figure-since-second-world-war-1.486310>

¹²⁹⁰ <https://www.thejc.com/news/uk-news/jeremy-corbyn-has-done-more-to-inflate-antisemitism-than-any-political-figure-since-second-world-war-1.486310>

4.4.8. Conclusions

This section has shown that GLU effectively operated an “NOI only” policy before March 2018. This was a misapplication of the guidelines agreed by the NEC on suspensions, and contrary to the recommendations of the Chakrabarti Report. The small number of suspensions that did occur, where there were not safeguarding concerns or major press coverage, happened following the intervention of higher ranking staff in GLU-GSO.

LOTO staff did not understand why serious cases of antisemitism they encountered had not received a suspension, and were not informed of any change in GLU’s policy. All of the available documentary evidence disproves the allegation that GLU did not impose suspensions because they were fearful of, or following “unwritten guidance” from, LOTO or the NEC.

The next section considers the public and private statements and proposals of Jeremy Corbyn, Jennie Formby and other key figures in the Labour Party, in relation to tackling the problem of antisemitism in the Labour Party.

5. Efforts outside of the Governance and Legal Unit to tackle antisemitism

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5.1. Summary

This section sets out a range of public statements and actions in this period, outside of the work of GLU, from the leadership of the Labour Party, including Jeremy Corbyn, Jennie Formby and the NEC working group on antisemitism.

It is not comprehensive and recording this evidence is not intended to suggest that the Party and the Party leadership have not made mistakes during this period, or that the problem could not have been better handled. This has been and will continue to be a subject of public debate, and is beyond the scope of this report. As it has been alleged to the Commission that LOTO instructed GLU to not take action on antisemitism complaints, it was necessary to analyse such public statements and proposals from the leadership on tackling antisemitism.

The evidence demonstrates that the Party leadership has consistently expressed both its opposition to antisemitism and its desire for cases to be dealt with by the Party machinery. This presented opportunities for improvements in GLU which were missed. For example, in 2016 Jeremy Corbyn and Shami Chakrabarti identified the forms of antisemitism that were most often seen on the left. This could have been used by GLU to provide guidance for staff to aid decision-making about antisemitism cases. However, no such guidance was produced and GLU continued to take decisions which contravened Corbyn and Chakrabarti's statements about language and conduct that was not acceptable in the Party.

Jeremy Corbyn supported a series of rule changes in 2017 and 2018 in support of tougher action on antisemitism in the Party, including empowering the National Constitutional Committee to more easily expel antisemites from Labour's ranks and encouraging it to hear cases more efficiently. In 2019 Jeremy Corbyn proposed a rule change to enable fast-track expulsions by giving NEC panels the power to expel in clear-cut cases of antisemitism and other forms of prejudice. This has resulted in a significant increase in the number and speed of expulsions.

For two years, Jeremy Corbyn and his office were given misleading information about how the Party was handling antisemitism complaints, and inaccurate statistics about disciplinary actions. In early 2018 Corbyn wrote to Iain McNicol about concerns that antisemitism complaints were not being acted upon. As discussed in Chapter 4, increased scrutiny from LOTO in this period led to a dramatic increase in GLU action on antisemitism.

Following increasing strains in the relationship between the Party and the Jewish community in March 2018, Jeremy Corbyn apologised for the pain that had been caused to Jewish members and the Jewish community by antisemitism in the Labour Party, stated that this was not just a case of a few bad apples, and addressed the particular forms in which antisemitism manifests on the left. He said that the current processes were not fit for purpose. Corbyn also privately made proposals to senior staff about reforms to speed up the procedures and about proactive action to tackle antisemitism within the party.

When Jennie Formby started as General Secretary she made tackling antisemitism her priority. Formby swiftly introduced consistent and comprehensive logging of complaints, seconding lawyers to help address the backlog of cases, implementing Chakrabarti report recommendations and convening the NEC Antisemitism Working Group to consider necessary improvements to processes for dealing with antisemitism complaints.

The NEC Working Group recommended a range of reforms to ensure antisemitism complaints were dealt with swiftly and robustly. Further reforms to speed up the processes were discussed by staff in LOTO and HQ, which resulted in additional rule changes being brought to Labour's annual conferences in 2018 and 2019.

The Working Group produced proposals for a comprehensive political education programme, and discussions were held with the Pears Institute for the Study of Antisemitism about partnering with the Party to provide this. However, the Party's damaged relationships with the JLM and other Jewish communal organisations hampered these efforts to deliver comprehensive political education. In 2019 the Pears Institute launched an educational course which members of the NEC, NCC and staff have since been able to receive. Jeremy Corbyn and the Labour Party also launched a minisite featuring educational materials for members about antisemitism and the most prevalent forms it takes in the party.

The Working Group proposed guidelines on antisemitism, a Code of Conduct, which was a good faith attempt to incorporate the IHRA working definition and accompanying examples into comprehensive guidance for use by Labour Party members and GLU staff while also meeting the Home Affairs Select Committee's recommendations to "ensure that freedom of speech is maintained". However, the document was viewed by Jewish communal organisations and the JLM as an attempt to redefine antisemitism or to water down the IHRA examples. The Code thereby further damaged relations between the Party and many in the Jewish community, and hindered some of the Party's efforts to take proactive action against antisemitism. In September 2018 the Party instead adopted the IHRA with all examples, as requested.

5.2. Jeremy Corbyn's statements and proposals

Some in the Labour Party have criticised Jeremy Corbyn and the wider Party leadership's responses to concerns and to media reports about antisemitism within the Party, saying these have not gone far enough to identify and denounce the problem and to take responsibility. Others have accused the leadership of contributing to a narrative which argues that the Party is institutionally antisemitic or which portrays the majority of Labour members as holding antisemitic views.

Debate about the leadership's handling of this issue is beyond the scope of this report, which is focused on the disciplinary processes. However, given an allegation has been made to the EHRC that from 2017 onwards there was unwritten guidance from LOTO that GLU should not act appropriately on antisemitism complaints, this section analyses a number of statements from Jeremy Corbyn on the subject during this period.

In addition to making statements about rising antisemitism in British society and around the world, and proposing multiple motions to Parliament condemning antisemitic incidents, Jeremy Corbyn made a number of statements about antisemitism within the Labour Party. In speeches, videos, emails to members and opinion pieces Jeremy Corbyn has set out to Labour members and supporters that antisemitism has no place in the Labour Party, that the Party must be a welcoming home for Jewish people and must stand in solidarity with the Jewish community, and he has identified and spoken about the particular ways in which antisemitism manifested on the left.

In April 2016 Jeremy Corbyn said he was "absolutely resolute" about tackling antisemitism in the party, which is "abhorrent and wrong" and that "we have suspended, we will suspend, any member" anyone who makes antisemitic remarks.¹²⁹¹ Corbyn set out his support for swift and robust action against individuals who were accused of antisemitism, and, as discussed in Section 3.3, this led to stronger action from GLU at the time.

Following this statement from Corbyn, as detailed in section 3.3, at the end of April 2016 there were discussions within LOTO and with John McDonnell about proposals to tackle antisemitism. The suggestions included "a clear and efficient procedure for dealing with any allegations of anti-Semitism"; creating a role in GLU to "deal

¹²⁹¹ "Jeremy Corbyn 'absolutely resolute' about tackling anti-Semitism in Labour Party", *The Independent*, 10/04/16 <https://www.independent.co.uk/news/uk/politics/jeremy-corbyn-absolutely-resolute-about-tackling-anti-semitism-in-labour-party-a6977876.html>

specifically with allegations of anti-Semitism”; “drafting of detailed guidance notes for consultation on antisemitism for all party members and representatives”; and setting up a group to advise on combating antisemitism with representatives from Jewish communal bodies and Jewish members. LOTO Chief of Staff Simon Fletcher then assigned relevant tasks to different team members, while LOTO Office Manager Karie Murphy added she had spoken to Tom Watson, and “he is completely supportive of John/JC plan”. The discussions led to Shami Chakrabarti being appointed to lead an inquiry into antisemitism and other forms of racism in Labour.¹²⁹²

Janet Royall had conducted an investigation into antisemitism allegations in the Oxford University Labour Club and then became a Vice Chair in Chakrabarti’s inquiry, alongside David Feldman, Director of the Pears Institute for the Study of Antisemitism. It was an unprecedented step for a political party to commission such an inquiry into prejudice and discrimination within its own party, and Corbyn took this action just over six months into his leadership.

In his speech launching the Chakrabarti report, Corbyn said:

[Jewish people] are also a minority amongst minorities and have had good cause to feel vulnerable and even threatened throughout history. This should never happen by accident or design in our Labour Party. Modern antisemitism may not always be about overt violence and persecution, though there is too much of that even to this day. We must also be vigilant against subtler and invidious manifestations of this nasty ancient hatred and avoid slipping into its traps by accident or intent.

In the speech Corbyn also called “Zio” a “vile epithet”, and spoke about common antisemitic tropes such as:

- assuming that Jewish people are wealthy;
- accusing Jewish people of being part of a financial or media conspiracy;
- making assumptions about Jewish people’s political views, especially on Israel and Palestine;
- Or holding Jewish people responsible for the actions of Netanyahu’s government.

Corbyn also requested that Labour members not use Hitler or Nazi comparisons, especially in the context of Israel, and explained that comparing every human rights atrocity to the Holocaust diminishes Hitler’s attempt to obliterate the Jewish people.¹²⁹³

¹²⁹² LOTO: “160429 Re Urgent Action email from John McDonnell.eml”

¹²⁹³ Jeremy Corbyn | My speech at the launch of the Chakrabarti report

<https://jeremycorbyn.org.uk/articles/jeremy-corbyn-my-speech-at-the-launch-of-the-chakrabarti-report/>

In this speech, Jeremy Corbyn provided in-depth, nuanced and detailed guidance on contemporary forms antisemitism. The Chakrabarti Report provided similar guidance for members. However, as outlined in Section 3.1, although these interventions led to some stronger action on antisemitism by GLU, such as acting on usage of the term “Zio”, Labour HQ did not then produce any guidance or training for staff that would cover these tropes and conspiracy theories. As a result, GLU staff including its Director John Stolliday and Head of Disputes Sam Matthews continued to make some inappropriate decisions, failing to recognise as antisemitism conspiracy theories about “Zionist” control or “the Rothschilds”, and even Holocaust revisionism.

A number of Chakrabarti’s other recommendations were also not implemented by Labour HQ at that time, despite this being raised by LOTO and Shami Chakrabarti’s office, as detailed elsewhere in this report.

In his speech at Labour Party Conference in September 2016 Corbyn reiterated again:

*And let me be absolutely clear, anti-Semitism is an evil, it led to the worst crimes of the 20th century, every one of us has a responsibility to ensure that it is never allowed to fester in our society again. This party always has and always will fight against prejudice and hatred of Jewish people with every breath in its body.*¹²⁹⁴

In 2017 the Jewish Labour Movement, with the support of Shami Chakrabarti and Jeremy Corbyn and his office, proposed a rule change to the National Executive Committee, which unanimously agreed to recommend the rule change to the Party Conference. This rule change wrote into the rule book for the first time prohibition of antisemitism and all other forms of prejudice and discrimination in the Party.¹²⁹⁵

As discussed in Section 6.2, the draft rule change from John Stolliday required substantial edits to ensure it would enable the NEC and the NCC to take more robust action against members, rather than offer a potential defence to members who engage in discriminatory behaviour. Chakrabarti and her adviser Ellie Hobhouse made a number of edits to strengthen the rule change, with LOTO’s backing.¹²⁹⁶

Jeremy Corbyn tweet with a video of the speech: ‘The Shami Chakrabarti Inquiry’s report into antisemitism and all forms of racism was published yesterday’ 01/07/16

<https://twitter.com/jeremycorbyn/status/748837077337255936>

¹²⁹⁴ ‘Jeremy Corbyn’s full speech at the 2016 Labour conference’, *New Statesman*, 28/09/16

<https://www.newstatesman.com/politics/staggers/2016/09/jeremy-corbyns-full-speech-2016-labour-party-conference>

¹²⁹⁵ ‘Jeremy Corbyn will back change to allow tough line on antisemitism’, *The Guardian*, 17/09/17

<https://www.theguardian.com/politics/2017/sep/17/jeremy-corbyn-will-back-change-to-allow-tough-line-on-antisemitism>

¹²⁹⁶ Outside GLU: “NEC Rule (2.1.8) Change - Briefing”

Hastings CLP, however, proposed a “rival rule change” to the Chakrabarti and JLM rule change, which included a clause on freedom of speech with regards to Israel and Palestine. Shami Chakrabarti’s adviser Ellie Hobhouse explained at the time that it is “the firm advice of the Shadow AG [Attorney General]” (Shami Chakrabarti) that “the Hastings motion and concerns expressed by some groups on the left, misunderstand the legal effects of this change, which in no [way] impacts legitimate free speech and debate within the party”.¹²⁹⁷

Interventions by Shami Chakrabarti and Unite general secretary Len McCluskey convinced the delegates of that CLP to withdraw their rule-change, which they did, and the JLM-Chakrabarti rule-change passed by an overwhelming majority - 98% - of delegates at Labour Conference in 2017.

Labour was the first political party to explicitly outlaw antisemitism and other forms of prejudice in its rules. It was reported in 2018 that the Conservative Party rule book did not mention antisemitism at all.¹²⁹⁸

At the Conference Corbyn said:

*We have just passed a motion on racism and antisemitism which is comprehensive and inclusive and is supported by all wings of the party and unanimously agreed by our national executive. Anyone using anti-Semitic language, anyone using any form of racist language, is completely at odds with the beliefs of this party.*¹²⁹⁹

As this report has shown elsewhere, Jeremy Corbyn’s office was repeatedly provided with inaccurate figures regarding the number of antisemitism cases, as was Iain McNicol, some of his senior staff, and later Jennie Formby. This contributed to some misunderstandings about the scale of the issue. In early 2018 reports emerged in the media that Labour had not been dealing with complaints of antisemitism. This led to increasing scrutiny from the Leader’s Office over GLU’s handling of complaints.

Jeremy Corbyn wrote to Iain McNicol in February 2018 saying “it is clear that the current processes are far too slow to meet the volume of disciplinary cases the party has to deal with”, yet “no procedural changes to the Party’s disciplinary processes have been brought forward by Party staff for consideration by the NEC”. Corbyn also expressed concerns that the Chakrabarti recommendations had not all been implemented and he relayed concerns raised with him and his office from the JLM,

¹²⁹⁷ Outside GLU: “170919 Shami Chakrabarti amends to JLM rule change.msg”

¹²⁹⁸ ‘Conservative Party rulebook doesn’t mention antisemitism’, *Channel 4 Fact Check*, 20/07/18
<https://www.channel4.com/news/factcheck/factcheck-conservative-party-rulebook-doesnt-mention-antisemitism>

¹²⁹⁹ ‘Labour overwhelmingly backs anti-Semitism rule change’, *Jewish News*, 27/09/17
<https://jewishnews.timesofisrael.com/labour-backs-anti-semitism-rule-change-as-corbyn-denies-he-leads-a-nasty-party/>

Luciana Berger MP, other MPs and Jewish members. Corbyn wrote “it is a cause for real concern that Jewish voices from across the political spectrum of the Labour Party still feel that we do not take antisemitism seriously enough”.¹³⁰⁰

In March 2018 it was reported that Jeremy Corbyn had commented on Facebook asking why an antisemitic mural was being removed. This was a mural in Brick Lane by artist Mear One, which was removed because it included stereotypical Jewish caricatures playing monopoly on the backs of the working class masses. When controversy erupted again in 2018, Mear One gave an interview to antisemitic conspiracy theorist Davie Lcke defending the mural. Corbyn had commented in 2012 on a Facebook post about it being removed saying “Why? You are in good company. Rookerfeller destroyed Diego Viera’s mural because it includes a picture of Lenin.”

Corbyn’s comment from 2012 was originally reported in 2015, but it resurfaced as a story in March 2018 and was reported widely in the media.

On 25 March 2018 Jeremy Corbyn apologised for the hurt and pain caused to the Jewish community by antisemitism in the Labour Party:

Labour is an anti-racist party and I utterly condemn antisemitism, which is why as leader of the Labour Party I want to be clear that I will not tolerate any form of antisemitism that exists in and around our movement. We must stamp this out from our party and movement.

We recognise that antisemitism has occurred in pockets within the Labour Party, causing pain and hurt to our Jewish community in the Labour Party and the rest of the country. I am sincerely sorry for the pain which has been caused.

Our party has deep roots in the Jewish community and is actively engaged with Jewish organisations across the country.

We are campaigning to increase support and confidence in Labour among Jewish people in the UK. I know that to do so, we must demonstrate our total commitment to excising pockets of antisemitism that exist in and around our party.

*I will be meeting representatives from the Jewish community over the coming days, weeks and months to rebuild that confidence in Labour as a party which gives effective voice to Jewish concerns and is implacably opposed to antisemitism in all its forms. Labour will work to unite communities to achieve social justice in our society.*¹³⁰¹

¹³⁰⁰ March 18 change: “180221 Letter RE Implementation of the Chakrabarti Report.eml”

¹³⁰¹ Jeremy Corbyn Facebook post, 25 March 2018

https://www.facebook.com/JeremyCorbynMP/posts/10156313288538872?_tn=-R

On 26 March 2018, the “Enough is Enough” demonstration took place and the Board of Deputies and the Jewish Leadership Council wrote a letter to Jeremy Corbyn saying that the concerns of the mainstream majority of British Jews had been ignored by Corbyn and the Labour Party. Corbyn’s reply said that the issue of antisemitism in the Party “has too often been dismissed as simply a matter of a few bad apples”; that the Party had been “too slow” in processing cases; and that this had caused “hurt and pain” to the Jewish community. He emphasised that he was “committed to making our Party a welcoming and secure place for Jewish people” and a “militant opponent of antisemitism”, and pledged that in the fight against it “I am your ally and always will be”. He proposed an urgent meeting with the Board of Deputies and Jewish Leadership Council.¹³⁰²

Corbyn’s letter also spoke about the particular ways in which antisemitism has manifested on the left and proposed a programme within the Labour Party of political education to increase awareness and understanding of all forms of antisemitism. The letter said:

While the forms of anti-Semitism expressed on the far Right of politics are easily detectable, such as Holocaust denial, there needs to be a deeper understanding of what constitutes anti-Semitism in the labour movement. Sometimes this evil takes familiar forms - the east London mural which has caused such understandable controversy is an example. The idea of Jewish bankers and capitalists exploiting the workers of the world is an old anti-Semitic conspiracy theory. This was long ago, and rightly, described as "the socialism of fools".

I am sorry for not having studied the content of the mural more closely before wrongly questioning its removal in 2012.

Newer forms of anti-Semitism have been woven into criticism of Israeli governments. Criticism of Israel, particularly in relation to the continuing dispossession of the Palestinian people, cannot be avoided. Nevertheless, comparing Israel or the actions of Israeli governments to the Nazis, attributing criticisms of Israel to Jewish characteristics or to Jewish people in general and using abusive phraseology about supporters of Israel such as "Zio" all constitute aspects of contemporary anti-Semitism. And Jewish people must not be held responsible or accountable for the actions of the Israeli government.¹³⁰³

¹³⁰² Correspondence between the Board of Deputies and Jewish Leadership Council and Jeremy Corbyn on 26 March 2018 was published by the BBC: <https://www.bbc.co.uk/news/uk-politics-43540795>

¹³⁰³ Correspondence between the Board of Deputies and Jewish Leadership Council and Jeremy Corbyn on 26 March 2018 was published by the BBC <https://www.bbc.co.uk/news/uk-politics-43540795>

The Board of Deputies and the Jewish Leadership Council replied to Jeremy Corbyn expressing appreciation for his apology and for his detailed views on tackling antisemitism within the Party. They stated this must be matched with action and they proposed an agenda of actions for discussion in the meeting.¹³⁰⁴ As Jonathan Arkush (then President of the Board of Deputies) was abroad for some weeks, the meeting took place on 24 April 2018.

On 28 March 2018 Jeremy Corbyn did an interview with *Jewish News*,¹³⁰⁵ and on 29 March Jeremy Corbyn wrote to all Labour Party members in an email':

Our Party was founded on the principles of solidarity and equality. We are proudly anti-racist, and at our best when we work together, uniting people in hope and against fear and division.

This week, Jewish leaders wrote to me to express their anger and upset about antisemitism in the Labour Party.

I want to assure you that prejudice against, and harassment of, Jewish people have no place whatsoever in our Party.

It's important to develop a deeper understanding of what constitutes antisemitism.

Often it takes familiar forms, but newer forms of antisemitism have also appeared, sometimes woven into criticisms of the actions of Israeli governments.

Criticism of Israel, and support for the rights of the Palestinians, is entirely legitimate. Support for justice for the Palestinian people should provide no one with the excuse to insult, harass or encourage hatred of Jewish people.

And abuse and personal attacks of any kind, on social media or in person, are never acceptable.

I am committed to ensuring our Party is a welcoming and secure place for everyone. I offer all Jewish members my assurance that this applies equally to them. I want all of us to hear Jewish voices and listen.

If you are not Jewish, I want you to better understand the importance of this issue and what we can do together to ensure our Party remains true to our values.

¹³⁰⁴ Board of Deputies and Jewish Leadership Council's letter to Jeremy Corbyn on 28 March 2018 <https://www.bod.org.uk/wp-content/uploads/2018/03/Response-to-Rt-Hon-Jeremy-Corbyn-from-JLC-Chair-and-BOD-President-28032018.pdf>

¹³⁰⁵ Jeremy Corbyn interview with *Jewish News* on 28 March 2018 <https://jewishnews.timesofisrael.com/exclusive-corbyn-interview/>

Zero tolerance for antisemitism means what it says. We will not accept it.

We have to get this right, all of us. Because divided societies cannot achieve justice.

As we head into elections in May and look towards the next General Election whenever it might come, let's take the lead in building a society free from prejudice. One that enables everyone to realise their full potential, and cares for all.

Thank you for supporting Labour.

*Jeremy Corbyn
Leader of the Labour Party¹³⁰⁶*

In his Passover message on 30 March 2018, Jeremy Corbyn pledged to be an ally in the fight against antisemitism and said he was “committed to making sure the Labour Party is a welcoming and secure place for Jewish people”. He also noted that:

it is easy to denounce antisemitism when you see it in other countries, in other political movements. It is sometimes harder to see it when it is closer to home.

He pledged the Labour movement would not be complacent, and commented that it needed to do better.¹³⁰⁷

On 2 April 2018 Corbyn emailed in a chain with senior LOTO staff Karie Murphy, Seumas Milne, Amy Jackson, Laura Murray and Andrew Fisher, and John McDonnell and Diane Abbott, sharing proposals for tackling antisemitism. Corbyn said he had just had a “very useful talk with Tony Klug”, summarising his points:

We need to take lead on issue and on racism and not play catch up.
i. Left itself needs to understand there is some anti semitism and racism and self examine
ii we should invite joint meeting of lfpme and lei to agree on two state statement on Israel Palestine
iii invite Luciana Berger and colleagues to meet us and discuss
iv a serious study of racism and discrimination in the U.K.
v Request other parties examine themselves

¹³⁰⁶ Outside GLU: “180329 Jeremy Corbyn email ‘Combating antisemitism and uniting communities’”

¹³⁰⁷ Jeremy Corbyn tweet: ‘As Jews across our country start to prepare for #Passover, I would like to wish everyone in the Jewish community a Chag Sameach’ 30/03/18
<https://twitter.com/jeremycorbyn/status/979689698665926656>

Corbyn noted that Klug “is a good friend and has thought all this through and we need to look at our own strategy, we are not far apart.” Corbyn also said “we should renew offer to meet the Jewish Leadership Council and Board of Deputies”. Corbyn proposed that a conference call take place when Jennie Formby was more settled and proposed:

*About Party in house lawyer, looking at process, number of cases and actions taken and suggest new rules to NEC such as more effective and much smaller sub committee.*¹³⁰⁸

Therefore, in this email Jeremy Corbyn expressed his desire for the party to lead on tackling antisemitism and racism, his support for convening a meeting of Labour Friends of Israel and Labour Friends of Palestine and the Middle East to agree a joint statement advocating a two-state solution, inviting Luciana Berger and other MPs and reach out again to the Board of Deputies and the Jewish Leadership Council. Corbyn also expressed that the left needed to recognise the problem and “self examine”.

Corbyn’s proposal for the number of cases and action taken to be examined, and for new rules to make the processes more effective, such as smaller NEC panels that could meet more frequently, were actioned in the following months.

Shadow Chancellor John McDonnell emailed in the same chain proposing:

National consultation meeting with widest range of representative Jewish organisations;

Programme of regional and local community consultation meetings with local Jewish groups and synagogues.

A day of reflection designated for all party members to include meetings to discuss and reflect on antisemitism, linking up with local Jewish organisations and to mobilise local antisemitism campaigning.

Setting up an advisory group to develop materials and education programme on anti semitism for Labour Party members and supporters.

Develop social media education and campaign materials for use by party members and local constituency parties and trade unions.

¹³⁰⁸ March 18 change: “180403 Jeremy Corbyn email on LOTO Antisemitism Strategy.eml”

He also called for the “immediate processing of any outstanding cases”.

LOTO chief of staff Karie Murphy responded in the email chain saying “I am meeting LOTO Political team now to start working on what Jeremy has agreed”, and noted that Jennie Formby had a meeting scheduled that day with Oldknow and Stolliday “where she will receive a comprehensive report on the status and processes of complaints”.¹³⁰⁹

On 4 April 2018 Karie Murphy requested staffing support from the Stakeholder team in Labour HQ to help Laura Murray, LOTO Stakeholder Manager, with implementing LOTO’s “huge work plan” on antisemitism. Murphy said:

As you know we have a huge issue with Antisemitism and I am struggling with the volume of work that’s required. I wanted to ask for Maryam to be released from her immediate duties to work in conjunction with Laura Murray in the Leaders office for a few weeks. I met with the GS yesterday and she agreed that this was a reasonable request. Do you think you could manage to accommodate this? We have a huge work plan and I have second staff member supporting but we could really do with more help.

Anna Hutchinson, Acting Executive Director of Elections, Campaigns and Organisation, asked how long Maryam Ali, Senior National Women’s and Equalities Officer, would be required to work from LOTO and what Ali would be doing, and suggested it could impact on work preparing for Women’s Conference. The secondment does not appear to have taken place.¹³¹⁰

On 13 April Karie Murphy sent a document to Jennie Formby and Kate Purcell, Senior Director of GSO, called “LOTO AS Strategy - Working Document”.¹³¹¹ This included a proposal for “digital research required to expose disproportional level of AS [antisemitism]”; a “regional focus on tackling AS - include meetings with shadow cabinet members and Jewish communities outside London”, and an “education forum and day of reflection”.¹³¹²

The LOTO strategy document also set out a number of proposals on education on antisemitism:

Objective – ensure members understand what is antisemitism:

¹³⁰⁹ March 18 change: “180403 Jeremy Corbyn email on LOTO Antisemitism Strategy.eml”

¹³¹⁰ Outside GLU: “180404 Karie Murphy request for stakeholder support.eml”

¹³¹¹ Outside GLU: “180413 Karie Murphy email on LOTO AS Strategy.msg”

¹³¹² Outside GLU: “LOTO AS Strategy - Working Document 2018”

- *Background and history of Jewish oppression globally to understand key tropes*
 - *Don't respond to complaints about AS with 'what about Palestine'*
 - *Don't expect Jewish people to have 'correct' left – or indeed any – view on Palestine*
 - *How to criticise Israel without being antisemitic*
- a) *Meet / consult variety of Jewish groups to get views / collate educational materials on antisemitism, including unconscious bias training*
- b) *Put together variety of educational resources:*
- O Booklet to be sent to all members and included in new member welcome pack*
 - O Online resources and suggested reading lists / links to helpful organisations*
 - O Webinar training sessions*
 - O Consider 'safe' training events? Esp for young members?*
 - O Compulsory training for CLP Chairs on making sure all meetings are safe space for every member, including how to deal with members not observing standards of behaviour (check if behaviour standards already in rules?)*

This indicates that LOTO wanted to ensure that members developed a deep understanding of antisemitism, particularly about the ways in which some criticisms of Israel have promoted antisemitic tropes or conspiracy theories. The document also identified some of the most prevalent examples of antisemitism on the left and within the Labour Party, namely responding to concerns about antisemitism with comments about Palestine and expecting Jewish people to take a particular view on Palestine.

This strategy document demonstrates that LOTO favoured extensive and comprehensive educational materials, to be developed in consultation with Jewish stakeholders, for the membership, and compulsory training for CLP members to ensure that CLP meetings were safe and welcoming.

The LOTO strategy document also proposed a number of issues for the NEC Antisemitism Working Group to consider to help speed up the disciplinary processes, including “increased resources for GLU? Additional resources”; “review disciplinary procedures and how they can be improved?”; “time frames for every element of complaints / disciplinary procedure?”; and “consider NCC to hear paper complaints where witness cross-examination not relevant?”. It also suggested that the working group “consider whether specific rule changes needed for Annual Conference”. Improvements have progressively been made in all these areas.. The fact that LOTO

suggested them in early April 2018 shows a desire from Corbyn's office that the processes be reformed to make them efficient and effective. It also listed the remaining Chakrabarti recommendations that had not been implemented by GLU.¹³¹³

On 24 April 2018 Jeremy Corbyn published an opinion piece in the *Evening Standard*. The article stated that the evidence of antisemitism in the Party is clear, and that:

Labour staff have seen examples of Holocaust denial, crude stereotypes of Jewish bankers, conspiracy theories blaming 9/11 on Israel, and even one member who appeared to believe that Hitler had been misunderstood.

Corbyn said that people who hold antisemitic views have no place in the Labour Party and that the Party's disciplinary structures were "not fully fit for purpose". He said "we have not done enough to get to grips with the problem, and the Jewish community and our Jewish members deserve an apology. My party and I are sorry for the hurt and distress caused", and:

That is why our new general secretary Jennie Formby has, on my instruction, made it her priority to get on top of this problem and ensure that all complaints are dealt with swiftly and fairly, with investigations resourced as necessary. She will be setting out her plans in the coming weeks, including the appointment of a new legal adviser, and we are already taking action in many cases.

In the article Corbyn also described the particular ways in which antisemitic rhetoric has manifested on the left, for example "when criticism of or opposition to the Israeli government uses anti-Semitic ideas - attributing its injustices to Jewish identity, demanding that Jews in Britain or elsewhere answer for its conduct, or comparing Israel to the Nazis". He wrote that:

There are also a very few who are drawn to the Palestinian question precisely because it affords an opportunity to express hostility to Jewish people in a 'respectable' setting. Our movement must not be a home for such individuals.

In addition, Corbyn explained:

There are people who have come to see capitalism and imperialism as the product of conspiracy by a small shadowy elite rather than a political, economic, legal and social system. That is only a step from hoary myths about 'Jewish bankers' and 'sinister global forces'... they reproduce the sort of scapegoating that we recognise when directed at ethnic or religious minorities.

¹³¹³ Outside GLU: "LOTO AS Strategy - Working Document 2018"

Corbyn's article further addressed the denialist culture among some Labour members, saying that when Jewish people express anxieties they must be recognised, that their concerns "are not smears", and that the Party would seek to provide "political education to deepen Labour members' understanding of what anti-Semitism is and how to counter it".¹³¹⁴

Jeremy Corbyn wrote another opinion piece in *The Guardian* in August 2018 which said that:

people who dish out antisemitic poison need to understand: you do not do it in my name. You are not my supporters and have no place in our movement.

The problem of antisemitism in Labour, Corbyn emphasised, is real and no one should "try to dismiss or belittle the concerns expressed by so many Jewish people and organisations about what has been happening in the party I am proud to lead".¹³¹⁵

On 5 August 2018 Jeremy Corbyn published a video on his social media platforms, which together had several million followers and fans. The video was also emailed to all of Labour's half a million members. In this video message Corbyn directly addressed Labour members and supporters to express the same sentiments in the *Guardian* opinion piece - that antisemitism has no place in our movement and that antisemitic comments are not made in his or the Party's name. Corbyn also went further in calling out the denialists, saying that:

*anyone who denies that this has surfaced within our Party is clearly actually wrong and is contributing to the problem.*¹³¹⁶

The accompanying email from Jeremy Corbyn, which went to all Party members, said:

I want to share this video message about the problem of antisemitism that Labour is working to overcome — and the need to support and guarantee the security of Jewish communities.

¹³¹⁴ "Jeremy Corbyn: What I'm doing to banish anti-Semitism from the Labour Party", *Evening Standard*, 24 April 2018 <https://www.standard.co.uk/comment/comment/jeremy-corbyn-what-i-m-doing-to-banish-antisemitism-from-the-labour-party-a3821961.html>

¹³¹⁵ 'I will root antisemites out of Labour – they do not speak for me', *The Guardian*, 03/08/18 <https://www.theguardian.com/commentisfree/2018/aug/03/jeremy-corbyn-antisemitism-labour-party>

¹³¹⁶ Jeremy Corbyn tweet: 'there is no place for antisemitism in the Labour Party. We must drive it out of our movement for good' 05/08/18 <https://twitter.com/jeremycorbyn/status/1026063319935983616>

*Antisemitic abuse has no place in our Party or movement. No one with such views acts in my name, or the name of our Party. They are not our supporters.*¹³¹⁷

In Jeremy Corbyn's speech at Labour Party Conference in September 2018, he said that "being anti-racist means we must listen to those communities suffering discrimination and abuse" and spoke about the terrible history of persecution and genocide suffered by the Jewish people. Corbyn spoke about the immense hurt and anxiety among the Jewish community and the great dismay in the Party caused by antisemitism, and said that Labour must work to eradicate it from the Party and be an ally in the fight against antisemitism.¹³¹⁸

In 2019 Jeremy Corbyn proposed a rule change to the Shadow Cabinet to restore expulsion powers to the NEC (which had been removed in the 1980s, under Labour leader Neil Kinnock) to enable NEC panels, advised by an independent barrister, to impose expulsions in cases of clear-cut antisemitism and other forms of discrimination. This was endorsed by the Shadow Cabinet and approved by the NEC, and it was passed by delegates at the Party's Conference.

The group "Labour Against the Witch-hunt", which has no connection with the Labour Party and has criticised disciplinary action against individuals within the Party, described Jeremy Corbyn's proposed rule change as "a contemptible move", which "gives the NEC the right to expel someone without due process if, in its opinion only, their beliefs are "inconsistent" with what the party stands for".¹³¹⁹

After the rule change came into force in October 2019, NEC panels expelled more people in two months than the NCC had that whole year - the NCC's most effective year to date - despite there having been a general election during this period. This meant that twice the number of people were expelled for antisemitism in this two month period than during the whole of 2015-18. In one case, an individual was expelled within ten days of the Party having received the complaint, while in other cases individuals have been expelled within a matter of weeks after the complaint has been received. This could not have been achieved if the NCC were still the only body with the power to expel. Corbyn's rule change has therefore resulted in the swift removal of individuals who hold antisemitic views.

¹³¹⁷ Outside GLU: "180805 Jeremy Corbyn email 'No Place for Antisemitism.eml'"

¹³¹⁸ Jeremy Corbyn speaking at Labour Party Conference 26/09/18 <https://labour.org.uk/press/jeremy-corbyn-speaking-labour-party-conference-today/>

¹³¹⁹ Labour Against the Witch Hunt, "Witchhunt one of the key issues at Labour Party conference 2019", <http://www.labouragainstthewitchhunt.org/discussion/witchhunt-one-of-the-key-issues-at-labour-party-conference-2019/#more-2934>

Recently 25 individuals were expelled in one day by the Party,¹³²⁰ most of them by an NEC panel, and some by the NCC reviewing cases on paper as a result of rule changes brought to Conference 2018 and subsequent NEC reforms to NCC procedural guidelines (discussed in Section 6.2).

As discussed later, in 2019 Jeremy Corbyn also launched educational materials on antisemitism to deepen understanding of antisemitism among Labour members, and promoted educational content to members and supporters on social media and in emails to all members.

¹³²⁰ "Labour expels 25 people over antisemitism in a single day", *Jewish Chronicle*, 12/02/20
<https://www.thejc.com/news/uk-news/labour-expels-25-people-over-antisemitism-in-a-single-day-1.496742>

5.2.1. Assessment

Wider debates about how the Party leadership handled this situation politically is beyond the scope of this report, which is focused on disciplinary processes. However, it has been claimed to the EHRC that during the period 2016-2018 there was unwritten guidance from Corbyn's office instructing GLU to not act on antisemitism complaints. The Party has not been able to find any evidence to back up this claim and indeed the evidence in this report suggests the opposite is true. These statements from Jeremy Corbyn, Corbyn's letter to Iain McNicol and the email he sent to senior LOTO staff and two senior Shadow Cabinet members indicate that he wanted the party to improve its processes and to deal with antisemitism cases swiftly.

5.3. Action when Jennie Formby started as General Secretary

Jennie Formby started as General Secretary on 3 April 2018, following the Enough is Enough demonstration and Jeremy Corbyn's statements setting out both his commitment to tackling antisemitism and the need to reform Labour's disciplinary processes.

On Jennie Formby's first day in the role she wrote to all Party members, saying:

Creating that unity requires recognising and tackling problems in our own Party, above all in relation to antisemitism. This week I will be moving to ensure the full implementation of the Chakrabarti report and introducing new procedures to deal with complaints and disciplinary cases. The stain of antisemitic attitudes must be completely eradicated within the Labour Party — we are the party for people of all races and faiths, the party of full equality for all, or we are nothing. Likewise, I will tackle any manifestation of misogyny, bullying or abuse of anyone, as Jeremy Corbyn has pledged.¹³²¹

On 5 April 2018 Jennie Formby then sent an email to all CLP Secretaries setting out that individuals and organisations expressing concern about antisemitism must not be criticised for doing so and urging "all members and CLPs to actively support Jeremy's commitment to take immediate and effective steps to combat antisemitism".¹³²²

Jenny Manson and Leah Levane from the unaffiliated group "Jewish Voice for Labour" (JVL) emailed Jennie Formby to request clarification of aspects of Formby's email, in particular her statement that "Criticism of any individual or organisation who has expressed concern about antisemitism would be deeply unhelpful". Replying on 2 May 2018, Formby noted the Party's responsibility to act "promptly and comprehensively" on accusations of antisemitism:

When people – both in the Labour Party and in wider society – raise serious and valid concerns about occurrences of antisemitism within our Party, it is our duty as a Party to respond both promptly and comprehensively. Therefore, as soon as I took up post as General Secretary of the Labour Party, I made it an immediate priority to respond to the concerns of those who perceived a lack of effective action by the

¹³²¹ Outside GLU: "180403 Jennie Formby email 'Campaigning together.msg'".

¹³²² Jennie Formby tweet 05/04/18 <https://twitter.com/JennieGenSec/status/981991599705088001>

Labour Party on antisemitism. I straight away wrote to all Labour Party members to make clear that this was my priority.

Moreover, Formby emphasised that those raising concerns about antisemitism “should have those concerns treated with sensitivity and empathy”, while “generalised blanket statements that tarnish all allegations of antisemitism as ‘smears’ or ‘politically motivated’” are “deeply unhelpful” and can “encourage a toxic manner of debate online”:

It is indisputable that those who raise concerns about antisemitism should have those concerns treated with sensitivity and empathy, just as we would treat concerns about all other expressions of racism, sexism, homophobia and other prejudices.

Making generalised blanket statements that tarnish all allegations of antisemitism as “smears” or “politically motivated” is deeply unhelpful to the cause of eradicating antisemitism where it does exist within our movement. Such statements divide and polarise people who should be brought together in constructive dialogue. Furthermore, it simplifies an issue which is complex and worthy of proper analysis. Similarly, singling out particular individuals or particular organisations to attack over the issue of antisemitism is unhelpful, as it can often encourage a toxic manner of debate online which can sometimes stray into abusive conduct.

If there are concerns that allegations made against particular individuals or about particular incidents are unfounded and unjustified, that will be brought to light in the course of our investigation and disciplinary procedures.¹³²³

In Formby’s first two weeks as General Secretary, the Party started to make progress on improving the Party’s procedures. As discussed in Section 6.3, Formby arranged for independent lawyers to be seconded to the Party to help clear the backlog, and the Party advertised the role of in-house legal counsel, which had been recommended in the Chakrabarti Report. In June 2018 Gordon Nardell QC was appointed to this role. Gordon is a senior barrister who specialises in constitutional and human rights law, and is Jewish. Nardell was hired to advise the Party in his capacity as a barrister on disciplinary processes and legal matters, not to advise on or handle individual disciplinary cases.

Jennie Formby convened the first meeting of the NEC Antisemitism Working Group on 17 April 2018, exactly two weeks into the role. In Jennie Formby’s letter below she set out that she would be recommending to the working group that the Party learn from

¹³²³ 2018-19: “180502 RE Confidential .eml”

the improved processes for dealing with sexual harassment cases, and apply these improvements to processes for dealing with antisemitism.

On that same day Formby wrote an update to the Parliamentary Labour Party, which was reported positively in the media at the time.¹³²⁴ It set out the work that was being undertaken and said that Formby wanted to work with the whole PLP on this important issue and welcomed their input.

Dear colleagues,

Last night I addressed the PLP to outline the steps that we are taking as a Party to eliminate antisemitism. As many of you were in the chamber due to the debate on Syria, I thought it would be helpful to circulate a summary.

Jeremy and I are determined to eradicate the stain of antisemitic attitudes in our Party, and this will be a central priority in my role as General Secretary.

On my first day in post, I sent out an all-member email outlining my aim to unite our whole Party and my commitment to tackle any manifestation of racism, religious intolerance, and other forms of prejudice and abuse.

Following reports that some CLPs were holding meetings to discuss their MP's attendance at the Enough is Enough demonstration, I sent out an email to all CLP Secretaries making it clear that individuals or organisations expressing concern about antisemitism must not be criticised for doing so.

I have tasked staff with taking forward the NEC working group on antisemitism. The first meeting is this afternoon and this will set the terms of reference and outline an action plan, with further meetings planned before the May NEC in order that we may present a report to that meeting. I have asked Shami Chakrabarti to join the NEC working group and I am pleased to report that she has accepted.

There are a number of recommendations from Shami's report relating primarily to compliance and complaints that are yet to be fully actioned. I am making progress with these. We have now advertised for in-house general counsel, who will advise on disciplinary matters and improvements to our processes. And I am pleased to announce that we have now seconded a team of lawyers to start work immediately to support the Governance and Legal Unit in dealing with outstanding cases. We must deal with complaints more quickly, more consistently, more efficiently and more robustly.

¹³²⁴ 'Labour hire team of lawyers to tackle antisemitism case backlog', *Jewish Chronicle*, 17 April 2018 <https://www.thejc.com/news/uk-news/labour-hire-team-of-lawyers-to-tackle-antisemitism-case-backlog-1.462561>

I will be recommending to the working group that we learn from the improved processes for dealing with sexual harassment cases. Areas that should be considered include the option of establishing small panels to consider complaints, training on antisemitism for all NEC and NCC members, and measures to ensure confidentiality.

I have also engaged a full review of the current disciplinary cases to identify and help to eliminate the causes of bottlenecks and unnecessary delays. I have met with the Chair of the NCC this week and am meeting with the full NCC today to discuss this further and to see what else I can do to support the important work that the NCC undertakes.

It is clear that training and education among our membership is needed to improve understanding about antisemitism. I will initiate a programme of improved equalities training, including specialist antisemitism training.

We are the party for people of all races and faiths, the party of equality for all, and the party that stands against all forms of discrimination and prejudice. Antisemitism has absolutely no place in our movement, and members and MPs who raise their concerns must not have them dismissed.

Thank you to everyone who has spoken to me following my presentations at last night's PLP and this morning's Shadow Cabinet. I would like to work with all colleagues in the PLP on this important issue. I welcome your input and look forward to working with you closely and constructively.

Yours,

*Jennie Formby
General Secretary¹³²⁵*

Jennie Formby's office also requested a breakdown on statistics on antisemitism cases so that she could present these to the PLP. These figures, which the Party now knows to be inaccurate, were provided by Sam Matthews, who said that GLU could not provide the full breakdown requested due to a lack of consistent tracking of complaints:

it is not possible to do this for all complaints currently as the Party has only been monitoring this since the beginning of the year when Complaint Centre was

¹³²⁵ Outside GLU: "180417 Jennie Formby email to PLP.eml"

*launched. This will be possible in time as complaint centre is becomes universally used and previous systems/platforms are phased out.*¹³²⁶

As shown later in this report, Jennie Formby then prioritised ensuring consistent and comprehensive logging of all antisemitism complaints received by the Party, in order that accurate statistics could later be provided and published publicly.

On 24 April 2018, Jeremy Corbyn and Jennie Formby met with the Board of Deputies, Jewish Leadership Council and the Community Security Trust, who said after the meeting that they felt it had been “a disappointing missed opportunity”. They stated that Jeremy Corbyn and Jennie Formby had not agreed to their proposals on a fixed timetable to deal with antisemitism cases; on expediting Ken Livingstone and Jackie Walker’s cases; that no MP should share a platform with somebody expelled or suspended for antisemitism; on adopting all of the IHRA examples; and that there should be transparent oversight of the disciplinary process.¹³²⁷

LOTO and Jennie Formby’s understanding of the meeting was different in a number of respects. They felt they had expressed agreement on most of the proposals. Jennie Formby had set out the changes underway to speed up the process, that the NEC Antisemitism Working Group was looking at introducing fixed timescales and any potential legal issues around this, and that they agreed Ken Livingstone and Jackie Walker’s cases should be resolved by the end of July. They had agreed that no one should share platforms with anyone expelled or found guilty of antisemitism.

There were two main areas of disagreement. Firstly, on the examples attached to the IHRA definition of antisemitism, which is discussed later in this section. Secondly, on an independent ombudsman, due to concerns that as a membership organisation, bound by legal responsibilities for data protection, it would be difficult to give an external ombudsman, accountable to another organisation, access to internal party data relating to confidential disciplinary matters.

The NEC Antisemitism Working Group did look at fixed timescales and made a recommendation, discussed later in this section. Chris Williamson MP received warnings after sharing panels with individuals who had been expelled from the Party, and he was later suspended for this pattern of behaviour and removed as a candidate in the 2019 general election, after which he resigned from the Party.

Ken Livingstone resigned from the Party in May 2018 after his second administrative suspension had been imposed.

¹³²⁶ March 18 change: “180414 Disciplinary statistics.msg”

¹³²⁷ Statement following Board of Deputies and Jewish Leadership Council meeting with Jeremy Corbyn <https://www.bod.org.uk/statement-following-board-of-deputies-and-jewish-leadership-council-meeting-with-jeremy-corbyn/>

The same day as the meeting with the Board of Deputies and the Jewish Leadership Council, Formby emailed staff in her team, Thomas Gardiner and Senior Director of GSO Kate Purcell, requesting an update on Walker's case, which Gardiner chased with Jane Shaw, NCC Secretary. As shown in Section 3.3, GLU staff had deliberately delayed Jackie Walker's case, ostensibly in order to wait for the NCC to establish clear precedent that would then lead to Walker's expulsion. This was contrary to requests from LOTO, the JLM and Jewish communal organisations that such cases be dealt with more promptly. Jennie Formby discussed this in an email discussion on 5 May 2018:

*I was told by Sam Matthews in relation to the deliberate decision to delay it by over a year – a delay for which Jeremy has of course had to bear the blame.*¹³²⁸

LOTO and Formby chased for a date to be set for Walker's hearing and when Walker's lawyers requested delays on health grounds, Formby and Gardiner forcefully objected. However, the NCC granted these requests until Formby and Gardiner finally insisted that the hearing take place in March 2019, when the NCC panel decided to expel Jackie Waker.

¹³²⁸ https://pbs.twimg.com/media/D_2Me6UWkAAsfFh?format=jpg&name=large

5.3.1. The NEC Antisemitism Working Group

The NEC Antisemitism Working Group (ASWG) was set up to consider reforms that could be proposed to improve the procedures for dealing with complaints of antisemitism and other forms of prejudice. Given the urgency of the issue, the Working Group, which was convened on 17 April 2018, agreed to report to the NEC as soon as possible.

The voting members of the working group were Jon Lansman, Rhea Wolfson, Keith Birch, Ann Black and Andy Kerr.

Three papers were agreed by the NEC Antisemitism Working Group and proposed to the NEC Organisational sub-committee on 3 July 2018. These were:

1. The ASWG recommendations on processes
2. Education and training package
3. Antisemitism guidelines / Code of Conduct.

5.3.1.i. The ASWG's recommendations on processes

This paper identified a wide range of concerns about the Party's processes for dealing with antisemitism, set out the steps that were being taken to address these concerns and made further recommendations to address these issues.¹³²⁹

The paper recommended that:

- Cases should be reviewed by small panels with between three and five members meeting on a regular basis to work through antisemitism cases, who have received antisemitism training, rather than cases coming to the NEC disputes sub-committee, which only meets four times a year. This same reform had been made to sexual harassment cases and had helped to speed up procedures and ensure that decision-makers have received specialist training.
- All members of the NEC who sit on panels, all NCC members and all staff working on the disciplinary process should receive comprehensive training on antisemitism.
- A standardised timetable be used going forward, whereby complaints will be actioned within a certain timeframe and indicative timetables (Service Level

¹³²⁹ Outside GLU: "180703 ASWG Final Recommendations"

Agreements) will be included with the initial notice of investigation, as well as an indicative timetable provided running up to the next stage of the process (NEC Antisemitism Panel consideration or NCC hearing).

- The NCC should make greater use of provisions which allow them to “dispose of a case without a hearing and to rely solely on written representations”. The working group noted that “While there are some cases which this would not be appropriate for, the evidence in the vast majority of current antisemitism cases is entirely documentary and it would therefore be appropriate for the NCC to make use of these procedures in order to speed up the process.”
- Respondents should be reminded of their right to bring other types of representation to their hearing, such as a Trade Union representative, rather than a lawyer to help avoid the litigious nature of procedures which has caused delays.
- Decision-making matrices should be established, as appropriate by the new general counsel, to guide decision makers about the relevant tests to apply at each stage of the process.
- Reports on antisemitism should be anonymised to ensure impartiality, and decision-making matrices established to guide decision makers about the relevant tests to apply at each stage of the process to ensure consistent decision-making.
- An NEC guidance document is produced which can be used by the Disputes Panel and circulated to respondents which clarifies the role of the Disputes Panel (or any panel with delegated authority).
- A standardised template of how cases will be reported to NEC Antisemitism Panels is produced. This will list key information such as number of witnesses, number of pieces of evidence, number of complaints etc. so that Disputes Panel members have an easy way of viewing information on each case.
- NEC Disputes Panel should be provided with a summary document of the number of outstanding cases, the stage of ongoing cases, broken down by type of complaint (e.g. antisemitism, harassment etc.).
- All parties should be reminded that public conduct may adversely impact progress of an ongoing investigation. Such conduct may appear to be grossly detrimental to the Party.

- Development of the software platform will allow similar improvements to be made on the respondent side by linking the systems which monitor inbound complaints and ongoing investigations.

After the working group concluded, staff in HQ and LOTO continued to discuss proposals to speed up the procedures.

It was clear that the National Constitutional Committee (NCC) was the main obstacle to more efficient disciplinary processes, as it was the only body with the power to expel members but heard cases so infrequently.

The NCC is an autonomous, quasi-judicial body which is separate from other Party structures, including the NEC and the Leader's Office. It was created in the 1980s under Neil Kinnock after a number of members successfully obtained an injunction against their expulsion by the NEC under the former disciplinary system, resulting in expulsion powers being removed from the NEC and the NCC being created. The hearings are essentially like trials, with either Party staff or lawyers acting on their behalf, acting as the prosecution, and the panel of three NCC members acting as the judge and a hearing often takes a whole day.

NCC members are elected by delegates at Labour's Conference and by trade unions and affiliates. They self-organise their hearings, with the support of one staff member. The members in question sometimes hire lawyers, which helps to make NCC hearings a drawn-out, litigious process, involving delays, legal threats and challenges.

There have been repeated calls on Jeremy Corbyn and Jennie Formby to expel particular members or to ensure their cases were concluded quickly, but, with the NCC being the only body with the power to expel and able to determine when it hears cases, there was no way for Corbyn and Formby to act on such calls.

The ASWG recommended that the NCC review cases which relate entirely to social media content on paper, rather than holding a full trial-like hearing.

As discussed in Section 6.2, senior LOTO and Labour HQ staff were also discussing proposals for rule-changes to enable the NEC to expel members directly - later introduced in 2019 - or for staff to auto-exclude members in clear-cut cases of antisemitism. Other reforms to the work of the NCC were also passed in 2018, to encourage it to become more efficient.

In February 2019 Georgie Robertson, Press Officer, sent a document to Jennie Formby and Senior Director of GSO Kate Purcell with proposals from Robertson and Laura Murray, LOTO Stakeholder Manager and for tackling antisemitism, which included producing antisemitism matrices to guide consistent decision making on disciplinary cases.¹³³⁰ They cited the initial decision to investigate but not suspend Kayla Bibby as an example of why guidance was clearly needed. The document said:

We've come under criticism in relation to decisions on some particular cases (e.g. recently on the Kalya Bibby case) where the sanctions have been considered to be too weak or where our decision making has seemed inconsistent.

.....

We propose that we draft detailed guidance about what to look for at each stage of decision-making within the process and what types of content would warrant particular action/ sanctions, specifically in relation to antisemitism. We would work with GLU to produce this, enabling us to draw on their experience and expertise but without overloading them with a request to undertake this work themselves.¹³³¹

Shortly afterwards, Laura Murray was hired as GLU's Head of Complaints and this guidance was produced.

The document also made proposals on options for an education programme on antisemitism, for educational videos and online materials, on addressing the NCC's backlog (and provided a list of 25 extreme antisemitism cases which should be prioritised for NCC hearings), and on creating a dedicated staff team to work on these areas full time to ensure that all of these objectives were achieved.¹³³² It also made recommendations on tackling antisemitism in Labour-supporting social media spaces:

- *Identify and take disciplinary action against leading antisemitic Labour Party supporters on social media who are the most prolific at posting in Labour-supporting Facebook groups and have large followings of Labour supporters on social media.*
- *Do more proactive work to engage with Labour-supporting social media groups and pages about helping to promote educational content on antisemitism and better monitor and report antisemitic content.*

While we must make it clear that we are not responsible for these Facebook groups, and we cannot be expected to police the internet, it is undoubtedly the case that key

¹³³⁰ Outside GLU: "190917 Emailed antisemitism proposal from GR and LM.msg"

¹³³¹ Outside GLU: "LM and GR AS strategy proposal 2019"

¹³³² Ibid

influencers on social media are deliberately promoting antisemitism to our members. We can identify them, take action against them if they are members, and even if they are not members, work with the digital community of Labour supporters to call them out, isolate them, and ensure they do not dupe Party members. A few Facebook groups in particular have become cesspits of antisemitic material and we can be more proactive about taking action against the individuals involved and working with our digital outrider community to spread the word to members about those particular groups.

Momentum have done a lot of this work, and Jennie Formby sent a letter to admins of Facebook groups with Labour and Jeremy in their titles last year. More of this work needs to be seen to be coming from the Labour Party for supporters to engage with it more fully and be receptive. Harry Hayball, who has led on this work for Momentum (which has received widespread praise from Jewish organisations and prominent individuals), has provided a proposal to us which outlines what this work entails.

This work will have a positive impact in a number of ways:

- *It will be a concrete example of us fulfilling our promise of ensuring there is “no place in our movement for antisemitism”, by proactively tackling antisemitism within the social media ecosystems that our members and supporters engage with.*
- *It will protect our members from being inadvertently drawn in by the theories and ideas of conspiracy theorists and antisemites.*
- *This preventative work will in the long run result in fewer members sharing antisemitic materials and in fewer complaints to GLU.¹³³³*

As outlined in Section 6.8, in August 2018 Jennie Formby had written to the administrators and moderators of self-identified Labour-supporting Facebook groups to ensure that antisemitism and other forms of prejudice were not tolerated, and after Harry Hayball was hired to the GLU team in 2019, comprehensive work was undertaken to document antisemitism in these groups and to report this to Facebook, requesting that particular groups be shut down and that key individuals spreading antisemitic in these online networks be banned from Facebook.

5.3.1.ii. Education and training package

In 2016 Shami Chakrabarti’s report had recommended the following on education:

¹³³³ Outside GLU: “LM and GR AS strategy proposal 2019”

- *I recommend that the NEC set up a working group to assess education and training needs across the party with a view to working with trade union and higher education partners so as to offer practical and enriching values-lead programmes to members with varying needs and interests. In doing so, I recommend that the latest thinking in addressing unconscious bias incorporated in this important work.*
- *The Party should consider the adoption of an overarching Equal Opportunities Policy (with corresponding training for those in elected office and on the staff). There should also be a requirement that the equality and diversity impact of all staff recruitment and selection decisions be considered.*
- *There should be specific training for all staff and members involved in the investigations and disciplinary process¹³³⁴*

However, these recommendations were not implemented by GLU or GSO in 2016 or 2017. GLU staff did not receive specific equalities training in relation to investigatory and disciplinary processes, or any training on antisemitism.

The NEC working group convened by Jennie Formby considered education and training needs, as Chakrabarti had recommended. The working group proposed a comprehensive political education programme on antisemitism to foster deeper understanding about all forms of antisemitism among Labour members comprising:¹³³⁵

1. *A one day antisemitism education workshop for NEC members, NCC members, Governance & Legal staff and other relevant staff, including JLM representatives.

 - a. *The NEC Working Group may want to consider a one day antisemitism education lecture and workshop for Parliamentary candidates and local government candidates too.**
2. *A 2-hour antisemitism education workshop for Labour Party members at Labour Party annual conference, Scottish Labour conference, Welsh Labour conference and regional conferences.

 - a. *This 2-hour antisemitism education lecture and workshop will be filmed and available online as a webinar. The NEC Working Group may want to consider making this mandatory for particular CLP Officers such as Chairs, Secretaries and Equalities Officers.**

¹³³⁴ Chakrabarti Inquiry Report, page 23 <https://labour.org.uk/wp-content/uploads/2017/10/Chakrabarti-Inquiry-Report-30June16.pdf>

¹³³⁵ Outside GLU: "180703 ASWG Antisemitism training"

3. JLM to continue to provide antisemitism training, informed by the one-day workshop, when requested by Branch Labour Parties and Constituency Labour Parties.

4. Either a 6-week programme of antisemitism education or a one day antisemitism education workshop offered as part of a range of outcomes for Labour Party members facing disciplinary action.

a. The 6-week option will consist of three 2-hour evening sessions over six weeks (or accessible online), with homework involved to assess members understanding of antisemitism.

5. An educational booklet on antisemitism which will be distributed to members and available on the website.

6. An educational video on antisemitism which will be distributed to members and available on the website.

It proposed the following timetable:

4th July 2018: Partner organisation to be instructed to begin design of antisemitism educational materials and education or training programme.

July 2018: Labour Party and Jewish Labour Movement to work with partner to consult other stakeholders about content of educational materials and education or training programme. Consultation with organisations such as Antisemitism Policy Trust, Board of Deputies of British Jews, Community Security Trust, Jewish Leadership Council, Jews for Racial & Economic Justice.

August 2018: Design and delivery of educational materials and education or training programme:

- *Production of educational booklet*
- *Production of educational video*
- *Design of training programme*

23rd September 2018: Labour Party Conference. Antisemitism workshop to be delivered by partner.

Post-conference September 2018: Creation of Working Group of stakeholder partners looking at the creation and delivery of a wider programme of Equality and Diversity education and training around racism, Islamophobia, sexism, homophobia, transphobia and ableism. Partners to be invited to this:

- *Trade union lead equalities reps*
- *Runnymede*
- *Race On The Agenda*
- *Show Racism the Red Card*
- *Operation Black Vote*
- *Three Faiths Forum*
- *Discrimination Law Association*
- *Hope Not Hate*
- *Stonewall*
- *LGBT+ Labour*
- *Labour Women's Network*
- *Everyday Sexism*
- *Disability Labour*

The Pears Institute for the Study of Antisemitism was the partner organisation that the working group had in mind to work with the Party and the JLM to provide an education programme on a larger scale.

The ASWG had spoken to the Pears Institute during the course of their review, and following the NEC's adoption of the working group's recommendations, the Pears Institute was in discussion with the Party about developing the education programmes, which was costed and agreed with the General Secretary's Office.

However, at the end of July 2018 the Pears Institute pulled out, following criticisms of the Code of Conduct from communal organisations. In August Lord Michael Levy was speaking to Birkbeck to try to reinstate the partnership on an education programme, but this was ultimately unsuccessful.

On 2 August 2018 the JLM also informed the Party they would not provide training on antisemitism at Labour Conference or for the Party in any other capacity while the Party had not adopted all examples attached to the IHRA definition, while Pete Wilsman was a member of the NEC, and because they felt the content of their training was being censored.¹³³⁶ The Party's internal legal advice had been that mentioning specific individual cases in the training could be a breach of data protection and this had been fed back to JLM by the Party's training team. This caused further damage to the Party's relationship with JLM at a time when trust was already low.

Following continued discussions behind the scenes with the Party, Birkbeck announced in March 2019 that the Pears Institute for the Study of Antisemitism would be launching non-degree courses on antisemitism, including on the sources, development and contemporary forms of antisemitism taught at Birkbeck, and that

¹³³⁶ Outside GLU: "180802 Email from JLM about training"

the Labour Party had expressed an interest. The course, put together by Professor David Feldman (Director of the Pears Institute for the Study of Antisemitism), is titled “Facing Antisemitism: Politics, Culture and History”, and can be taken in regular classes or a day-long training session.

The course comprises three distinct sessions, each of two hours:

Mapping the Nature of the Problem
The Sources of Antisemitism
Facing Antisemitism: Contexts and Assessments

Trainees are required to do essential reading comprising a 75-page document designed by the course directors, sent to them by email before the training.

As soon as the course was available, the Party arranged for members of the NEC, members of the NCC and staff who work in the disciplinary unit to be enrolled on the course. 38 members of staff or NEC/NCC representatives have undertaken the training so far, on 14 September 2019 and 7 January 2020. 15 of those trainees were staff of GLU, 9 were NEC members and 10 were NCC members. A further 23 members of staff or other officers of the Party have booked to attend the course in March 2020.

In spring / summer 2019 a staff working group was set up to escalate action to tackle antisemitism in a number of areas. This led to Jeremy Corbyn launching “No Place for Antisemitism”, a minisite with educational materials on antisemitism, in July 2019.¹³³⁷ Jeremy Corbyn emailed all Labour Party members asking them to browse the minisite and to read the leaflet¹³³⁸ and also launched the materials on social media:

*Today I'm launching the first in a series of education materials for our members to help them confront racism. Antisemitism has reared its ugly head in our movement and we must drive it out. I have learned so much, I hope you will too.*¹³³⁹

The leaflet was not intended to be exhaustive. It was intended to provide an introduction to antisemitism, especially the most common forms of antisemitism within the Labour Party, to enable more members to identify antisemitism and confront it whenever it arises within our Party.¹³⁴⁰

¹³³⁷ Labour Party minisite 'No Place For Antisemitism' <https://labour.org.uk/no-place-for-antisemitism/>

¹³³⁸ Outside GLU: “190721 Jeremy Corbyn email 'there's no place for antisemitism in our movement'.eml”

¹³³⁹ Jeremy Corbyn tweet 21/07/19 <https://twitter.com/jeremycorbyn/status/1152913020697415680>

¹³⁴⁰ Labour Party No Place for Antisemitism leaflet <https://labour.org.uk/wp-content/uploads/2019/07/No-Place-for-Antisemitism.pdf>

The leaflet sets out some of the most prevalent antisemitic tropes and conspiracy theories seen in the party. For example:

Today, some conspiracy theories substitute Israel or Zionists for Jews, presenting Israel as controlling the world's media and finances. Others contain further antisemitic claims, such as Israeli responsibility for 9/11 or control of ISIS. These theories ascribe to Israel influence on world events far beyond any objective analysis. Likewise blaming Israel's faults on its Jewish identity, or holding all Jews in the UK and elsewhere responsible for what Israel does is antisemitic.

The leaflet also explained the history of Zionism, its different meanings, and the importance of discussing this issue in a sensitive manner:

In response to 19th Century European antisemitism, some Jews became advocates for Zionism, Jewish national self-determination in a Jewish state. Since the State of Israel was founded in 1948, following the horrors of the Holocaust, Zionism means maintaining that state. Jewish people have the same right to self-determination as any other people. Many Jewish Israelis are the descendants of refugees fleeing the Holocaust or from across the Middle East who faced discrimination after the founding of the State of Israel. Most British Jews feel connected to some extent to Israel and many have friends and family there.

There are many forms of Zionism both in Israel and around the world and for many Jews, Zionism represents national liberation. The concepts of Israel, Zion and Jerusalem run deeply in Jewish religion, identity and culture, and for many are symbolic of a homeland, refuge, or place of safety. The sensitivities around these concepts should be considered before using them.

The minisite includes this leaflet, the IHRA working definition and the 11 illustrative examples, videos and articles from Jeremy Corbyn about the problem of antisemitism within the Labour Party and about the particular forms that antisemitism often takes on the left, and links to other videos, such as Jeremy Corbyn's Passover video, in which he speaks about the "utterly disgusting" antisemitic abuse on social media and about antisemitic conspiracies being invoked in Party meetings.¹³⁴¹

Jeremy Corbyn has also shared other educational material on antisemitism on his social media. For example, he shared Momentum's video about Rothschild conspiracies to his several million followers on Facebook and Twitter, describing it as a "really important video which spells out the vile and destructive nature of

¹³⁴¹ Jeremy Corbyn tweet: 'I had the pleasure of sitting down with Tania, a young Jewish Labour member, to discuss the meaning of Passover. I wish Jewish communities in Britain and across the world Chag Sameach. #Passover #Pesach' 19/04/19
<https://twitter.com/jeremycorbyn/status/1119275024991555585>

antisemitic conspiracy theories".¹³⁴² Corbyn also tweeting calling out a banner displayed outside the secure zone during Labour Party Conference in Brighton in 2019. The Labour Party does not have any control over public space outside of the secure zone, but the Party reported the banner to the police, who removed it. Jeremy Corbyn said:

I'm disgusted that this banner was displayed near our #Lab19 conference centre. We asked the police to remove it and I'm glad they did.

*This kind of antisemitic poison has no place whatsoever in our society.*¹³⁴³

The Leader's Office and the Party also produced a video with Lord Alf Dubs, which was released on Jeremy Corbyn's social media pages on Holocaust Memorial Day, which raised awareness about Holocaust denial and revisionism today; about antisemitic tropes and conspiracy theories; and about the consequences of such rhetoric.¹³⁴⁴ The video and a message from Alf Dubs was emailed to all of Labour's half a million members.

The plan was to continue to produce a range of materials to include on the mini-site, which would be emailed to members and promoted on Jeremy Corbyn's social media. In August and September 2019 a number of scripts were drafted and filming dates booked to make educational videos on antisemitism, including videos on discourses around Zionism, and how to ensure discussions on Israel and Palestine are comradely and sensitive and do not promote antisemitic tropes and conspiracies.¹³⁴⁵

Another video which was due to be made was on five of the most prevalent types of antisemitism on the left, for which the following script was drafted:¹³⁴⁶

Beyond the horrors of the Nazis and the Holocaust, most people in Britain don't know that much about antisemitism.

It's fine to admit that... and it's good to want to learn... It's also necessary.

With as many as 160,000 antisemitic online searches in the UK each year, and levels of antisemitism rising around the world, we have to educate ourselves so we can defeat it.

¹³⁴² Jeremy Corbyn tweet 01/03/19 <https://twitter.com/jeremycorbyn/status/1101541262392475648>

¹³⁴³ Jeremy Corbyn tweet 23/09/19 <https://twitter.com/jeremycorbyn/status/1176060705738493952>

¹³⁴⁴ Jeremy Corbyn tweet: "It's important that we say resolutely: it must never be allowed to happen again." Lord Alf Dubs shares his powerful story on Holocaust Memorial Day. #HMD2019 #HMD #HolocaustMemorialDay" 27/01/19 <https://twitter.com/jeremycorbyn/status/1089432824208347138>

¹³⁴⁵ Outside GLU: "HH, LM, GR, JS antisemitism videos proposal"

¹³⁴⁶ Outside GLU: "5 Things Video Script Edit 6"

Here are five things to look out for online, and to call out when you see them:

1. Ancient hatred, new language

Antisemitism is one of the oldest forms of hatred, and it's constantly reinvented to take on new forms.

For example, the idea that Jewish people killed Jesus for 30 pieces of silver or are obsessed with money can be seen now in language about Jewish bankers and Jewish people being on Israel's payroll, or being somehow disloyal to the UK.

Another example is the medieval concept of Jewish people murdering non Jewish babies presenting itself today in fake news stories about Israelis killing babies.

These are old stereotypes, dressed up in new language, but just as harmful.

2. The Jewish world conspiracy

Antisemitism often comes in the form of a conspiracy theory: that behind world events, from wars to financial turmoil, lie secretive, all-powerful groups of Jews.

Whatever new conspiracy theory is out there... trust me... there's usually an antisemitic version of it, and it we saw the devastating consequences this has when a far-right fascist killed eleven people in Pittsburgh synagogue last year.

Of course... it's perfectly legitimate to criticise powerful people... even if they happen to be Jewish. But when someone starts portraying George Soros as a puppet master... or accuses "the Rothschilds" of controlling world events... or Jewish people of controlling the media... they've left the realm of legitimate analysis and entered the world of antisemitic conspiracy theory.

3. The Zionist conspiracy

Anti-Zionism is not the same thing as antisemitism - but antisemitism is often cloaked in rhetoric about Zionism.

For example, American neo-Nazis talk about the "Zionist Occupation Government", the idea that the American government is controlled by - you guessed it - Jews.

Similarly we see people suggesting Israel has a global monopoly, that "Mossad" did 9/11, or "Zionist elites" control certain countries.

I'm not saying we should limit criticism of the Israeli state or its policies, far from it. I'm saying that apportioning undue, conspiratorial power to Israel, which far exceeds its actual influence, can have an antisemitic effect, and it doesn't help us in the struggle for a free Palestine.

4. Homogenising Jewish communities

Jewish communities in Britain are incredibly diverse, but Jewish organisations are often homogenised and reduced simply to "the Israel lobby" or "Zionist lobby".

Even Labour's own Jewish affiliate, the Jewish Labour Movement, have been labelled supporters of Netanyahu, despite their explicit criticisms of his government.

Many who identify as Zionists support the campaign for justice for the Palestinian people. So these kind of sweeping generalisations are wrong and harmful, and using the term "Zionist" negatively, as an insult, is incredibly hurtful and alienating for many Jewish people.

5. The smear

We know the vast majority of people in our movement are motivated by equality, justice and fairness, and despise antisemitism.

The Party is taking swift and decisive action against the minority who do not share our values. They are small in number. But the damage they do is real and significant.

So when people say it's all a smear, deny the experiences of our Jewish members or question their motives for speaking out, it's wrong. It adds to the hurt felt by Jewish communities and creates the impression that our movement is not listening.

Of course it's upsetting when the right-wing press demonise and misrepresent us.

But let's be confident, not defensive.

We know we are the progressive force in politics that seeks to end all oppression and prejudice. But we also know our Party doesn't exist in a vacuum, immune from wider prejudices in our society.

So that's why all of us have a responsibility to educate ourselves and each other and call out antisemitism wherever we see it.

And that's why Jeremy has launched educational materials on antisemitism, with more to come on all forms of prejudice. So please follow the link at the end and look out for our next videos.

This video was due to be finalised and filmed the week a general election was called.

Unfortunately this and the other planned videos were not produced, as all Labour Party staff shifted to preparing for a general election when it became clear that there would be an election before Christmas.

5.3.2. Antisemitism guidelines / Code of Conduct

The Code of Conduct, and the consequent delay in the Party adopting all 11 examples accompanying the IHRA definition, was viewed by many in the Jewish community as an attempt to water down the definition of the oppression and prejudice they face, which resulted in a further loss of trust and confidence in the Party and damaged our relationships with Jewish communal organisations. The Party recognises and regrets the damage this caused to these relationships.

It was not the Party's intention to protect individuals from disciplinary action. The Code of Conduct was a good faith attempt to incorporate the IHRA examples into comprehensive guidance for Labour's disciplinary processes, providing stronger ground for pursuing disciplinary action while also meeting the Home Affairs Select Committee's recommendations to "ensure that freedom of speech is maintained".

The report will now examine the Party's intentions in drafting the Code of Conduct. In doing so, the Party is not seeking to absolve itself of criticism. It is seeking only to explain why the Code of Conduct was drafted.

When giving evidence to the Home Affairs Select Committee in July 2016 Jeremy Corbyn was asked if he accepted the European Monitoring Centre on Racism and Xenophobia's working definition of antisemitism. Corbyn agreed that this provides a helpful basis for understanding antisemitism and said there needed to be more effective monitoring of race hate crimes and antisemitic incidents.¹³⁴⁷

The "non-legally binding working definition" had been written by the European Monitoring Centre on Racism and Xenophobia along with 11 illustrative examples to assist its work monitoring antisemitism in Europe. It was reportedly later dropped by the Centre,¹³⁴⁸ which had become the Fundamental Rights Agency, but the working definition and the 11 examples were later picked up by the International Holocaust Remembrance Alliance (IHRA) which adopted them in 2016. The IHRA's website sets out the "non-legally binding working definition" and underneath it says "to guide the IHRA in its work, the following examples *may* serve as illustrations".¹³⁴⁹ In December 2016 the Labour Party adopted the non-legally binding working definition.

¹³⁴⁷ Home Affairs Select Committee, Oral evidence: Antisemitism, 04/07/16

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/antisemitism/oral/34783.pdf>

¹³⁴⁸ 'EU anti-racism agency unable to define anti-Semitism, official says', Jewish Telegraphic Agency, 04/12/13

<https://www.jta.org/2013/12/04/global/eu-anti-racism-agency-unable-to-define-anti-semitism-official-says>

¹³⁴⁹ International Holocaust Remembrance Association

<https://www.holocaustremembrance.com/working-definition-antisemitism>

The Home Affairs Select Committee's report on antisemitism recommended that the government adopt the definition and its examples with "two additional clarifications to ensure that freedom of speech is maintained in the context of discourse about Israel and Palestine, without allowing antisemitism to permeate any debate". The two proposed caveats were:

We broadly accept the IHRA definition, but propose two additional clarifications to ensure that freedom of speech is maintained in the context of discourse about Israel and Palestine, without allowing antisemitism to permeate any debate. The definition should include the following statements:

- *It is not antisemitic to criticise the Government of Israel, without additional evidence to suggest antisemitic intent.*
- *It is not antisemitic to hold the Israeli Government to the same standards as other liberal democracies, or to take a particular interest in the Israeli Government's policies or actions, without additional evidence to suggest antisemitic intent.*¹³⁵⁰

The Home Affairs Select Committee included Chuka Umunna MP and David Winnick MP when the report was published, and Keir Starmer MP, Keith Vaz MP and Anna Turley MP had been members of the Committee during its investigation into antisemitism in the UK.¹³⁵¹

Kenneth Stern, a US attorney, the Director of the Bard Centre for the study of Hate, and formerly the American Jewish Committee's antisemitism expert, was one of the principal drafters of the working definition and its examples. Since the adoption of the working definition and examples by the IHRA in 2016, he has expressed his concerns about its misuse in ways he describes as "chilling and McCarthy-like", particularly on university campuses. He has said:

*The definition was drafted to make it easier for data collectors to know what to put in their reports and what to reject... because the definition was drafted with data collectors utmost in mind, it also gave examples of information to include regarding Israel... The definition was not drafted, and was never intended, as a tool to target or chill speech.*¹³⁵²

¹³⁵⁰ Home Affairs Select Committee, *Antisemitism in the UK*, Conclusions and Recommendations <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/136/13610.htm>

¹³⁵¹ Home Affairs Select Committee, *Antisemitism in the UK*, Terms of Reference <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/136/13601.htm>

¹³⁵² Written Testimony to US House of Representative Committee on Judiciary, 7 November 2017, p5-7, p14 <https://docs.house.gov/meetings/JU/JU00/20171107/106610/HHRG-115-JU00-Wstate-SternK-20171107.pdf>

More recently he has written about Donald Trump using the working definition and its examples to attack “academic freedom and free speech” which “will not only harm pro-Palestinian advocates, but also Jewish students and faculty, and the academy itself”.¹³⁵³

Jewish communal organisations requested in 2018 that Labour make clear its support for the 11 illustrative examples of antisemitism in addition to the IHRA definition.

The NEC’s working group on antisemitism proposed guidelines on antisemitism which would be published to the membership to make clear what conduct was and was not acceptable, and to have clear guidelines for staff, the NEC and the NCC to ensure consistency in decision-making on disciplinary cases. As this report has shown elsewhere, the lack of guidelines on antisemitism resulted in inconsistent and sometimes judgements.

The proposed guidelines, called the “Code of Conduct: Antisemitism”,¹³⁵⁴ were not intended to be a new definition of antisemitism, and the Party had no intention of redefining antisemitism.

The intention was that the Code of Conduct would clearly communicate to members the antisemitic and offensive conduct and language that was not acceptable within the Party, and the ways in which discussions on Israel and Palestine could be held in a respectful and considered way. It was hoped this would deepen understanding and awareness about antisemitism within the Party and reduce the occurrence of such incidents and abuse.

It was also intended that the Code of Conduct would empower the NEC and NCC to take more robust disciplinary action when members breached the Code, which sets a higher bar for Labour members’ behaviour. By clearly setting out to members conduct that would not be tolerated by the Party, the Party would be able to take stronger disciplinary action against individuals who breached these clear guidelines. Moreover, the use of clear and legally robust guidelines would assist the Party in circumstances where individuals seek to challenge the disciplinary action the Party has taken against them in the courts.

Therefore, the intention behind the Code of Conduct was to enable the Party to take more robust action in disciplinary cases relating to antisemitism, not to weaken its ability to do so or to offer protection to the accused.

¹³⁵³ ‘I drafted the definition of antisemitism. Rightwing Jews are weaponizing it’, *The Guardian*, 13/12/19 <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>

¹³⁵⁴ Outside GLU: “NEC Code of Conduct on Antisemitism.pdf”

The Code was based on the IHRA definition and examples, along with the UN Charter on Human Rights. It provided additional examples of antisemitism and drew on the Home Affairs Select Committee's recommendations, which the Committee stated were to "ensure that freedom of speech is maintained".

The Code included stronger and clearer language than the IHRA text in places. For example, the Code said "likely to be regarded as antisemitic", "wrong", and "carries a strong risk of being regarded as prejudicial or grossly detrimental to the Party", whereas the IHRA text says "manifestations might include" or "may serve as illustrations". This stronger wording was intended to enable the NCC to take more robust action against individual members.

The 11 IHRA examples are not exhaustive, and the IHRA website says they "may serve to illustrate" the definition. They do not include some of the most prevalent examples of antisemitism. The Code provided four additional examples of antisemitism: derogatory terms (such as "kike" or "yid"); stereotypical and negative physical depictions/descriptions or character traits, such as references to wealth and equating Jews with capitalists or the ruling class; unjustified reference to being Jewish (as in "Jewish banker", comparable to "black mugger"); and the use of "Zionist" or "zio" as a codeword for "Jew".

The Code reproduced 8 of the 11 examples verbatim. 2 and a half of the 11 examples were included in the Code but not verbatim, and were added to and contextualised.

Some argued at the time that three IHRA examples had been rejected or omitted from the document because even though they were in the Code, they were not in the bullet point section under paragraph 9, which said "likely to be regarded as antisemitic". This paragraph did not have a different status to the rest of the document, however. Immediately after section 9 the Code says "to those examples the Party would add", after which three of the IHRA examples were set out. These three were included in this section rather than section 9 because these examples had been added to and contextualised. The way that these further examples were introduced - "to those examples the Party would add" - established that they have the same status as the examples included under paragraph 9.

Moreover, these three examples were actually strengthened by the Party's additional wording and contextualisation. These three examples were either described as "wrong" or as carrying a "strong risk" of being regarded as prejudicial or grossly detrimental to the Party, on the basis that they are antisemitic, which is more robust wording than "likely to be regarded as antisemitic", used in paragraph 9. This

provided stronger ground on which to take disciplinary action against individuals who engage in this, as they would have behaved in ways that the Code of Conduct explicitly stated was “wrong” and carried a strong risk of breaking Labour’s rules. It would also provide the Labour Party with stronger ground in the courts in any legal challenges from individuals who were suspended or expelled.

These 3 examples were included and strengthened as follows:

- The IHRA example of accusing Jewish citizens of being more loyal to Israel was reproduced verbatim in paragraph 14 of the Code, and the Code plainly treated this as racist behaviour. It replicated IHRA in stating: "It is also wrong to accuse Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations." The Code went further than the IHRA by saying “it is wrong to apply double standards by requiring more vociferous condemnation of such actions from Jewish people or organisations than from others”. This was an important addition, not covered in IHRA’s wording, as this one of the common examples of antisemitic behaviour within the Labour Party. Paragraph 14 explicitly described this as a “form of racist treatment”, which is much stronger language than in the IHRA text, which merely says it “may” serve as an illustration of antisemitism.
- Nazi comparison was dealt with in paragraph 16, which stated "Chakrabarti recommended that Labour members should resist the use of Hitler, Nazi and Holocaust metaphors, distortions and comparisons in debates about Israel-Palestine in particular. In this sensitive area, such language carries a strong risk of being regarded as prejudicial or grossly detrimental to the Party within Clause 2.1.8." Again, stating this carried a strong risk of breaching the Party’s rules was stronger than IHRA’s text, which merely says it “may” serve as an illustration of antisemitism.
- The Code dealt with the standard of behaviour expected of Israel in paragraph 13, which stated that the conduct of Israel should be assessed against the “requirements of international law or the standard of behaviour expected of democratic states”, and made clear that double standards should not be applied. It was therefore clear that Israel should not be required to meet higher standards than those expected of other democratic states.

The only substantive difference between the example which the IHRA said “may serve as illustrations” of the non-legally binding working definition was one half of one of the examples (italicised below) which was not explicitly referenced in the Code of Conduct.

Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.

The Code made clear that denying the Jewish people the right to self-determination is antisemitic, however. The Code stated in paragraph 12:

The Party is clear that the Jewish people have the same right to self-determination as any other people. To deny that right is to treat the Jewish people unequally and is therefore a form of antisemitism.

The Code of Conduct also made clear that Israel's conduct should be assessed "against the requirements of international law or the standard of behaviour expected of democratic states", and that double standards should not be applied.

The IHRA text says "criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic." However, it was thought that this could contradict the "racist endeavour" subclause, as one could describe other countries as a racist endeavour. For example, the process by which Australia was founded, with large scale massacres of Indigenous peoples and the dispossession of their land, could be described as a "racist endeavour".

There were also concerns that the "racist endeavour" sub-clause was worded in an ambiguous way, leaving it open to interpretation, so that, without contextualisation, it could be used to curb legitimate criticism of the Israeli State, and could deny Palestinians the right to speak about the oppression and racism they feel they have suffered. There were concerns that this could expose the Party to claims it had breached the freedom of expression principle of Article 10 of the European Convention on Human Rights.

However, the Code expressly prohibited denying Jewish people the same right to self-determination afforded to other peoples, and would therefore prohibit speech claiming the existence of a State of Israel is a racist endeavour, or any other criticism of Israel, if this was being expressed in a way which denied Jewish people a right to self-determination. The Party therefore felt that the essence of this example was fully enshrined in the Code because a member would not be able to call Israel a racist endeavour as part of an argument against the Jewish people's right to have a nation-state.

It was reported that the Code asked for antisemitic intent to be proven. The Code instead explained that, where antisemitic language or behaviour had not been used,

but there was evidence of antisemitic intent behind that language or behaviour, this would not be tolerated. The Code also stated that the Party would not abide name-calling or abuse, or the expression of views which are intended to upset or offend within contentious debates on Israel-Palestine.

It was also alleged that the Code of Conduct was not consistent with the Macpherson principles. As the Home Affairs Select Committee stressed, Macpherson was not attempting to change any legal definition of racist behaviour, but to change the way alleged racist behaviour is recorded. The Code of Conduct and the Party's disciplinary processes operate in line with the Macpherson principles: where the Party receives a complaint about an alleged antisemitic incident it will record the complaint as one of antisemitism if that is how the victim perceives it.

The NEC Antisemitism Working Group (ASWG) agreed the Code of Conduct by consensus. The ASWG included members from both political wings of the party, Jewish NEC members and the Chair of the Equalities sub-committee. The Code was a genuine attempt to formally enshrine the IHRA definition and its examples into the Party's disciplinary processes, and with necessary legal clarifications and the Home Affairs Select Committee's recommendations which the Committee stated would "ensure that freedom of speech is maintained". The Code was also intended to be used to raise awareness among members about antisemitic conduct and language; and to enable the NCC to take more robust disciplinary action against members who fell foul of the Code, and protect the Party from legal challenges by individuals who were disciplined.

On 3 July 2018 the Code was brought to a meeting of the NEC org sub-committee, which is responsible for the Party's rules and procedures, and which all NEC members are eligible to attend. Almost all NEC members were present, including members from different political wings of the Party, and they agreed the Code of Conduct by consensus.¹³⁵⁵ This demonstrates that the Code of Conduct was not seen by the NEC or by the Party as an attempt to redefine antisemitism and that it did not occur to them that the Jewish communal organisations would see the Code of Conduct in this way. If it had, then NEC members would have expressed concerns and would have made alternative proposals.

There had been no press coverage of the Code of Conduct at this time, and the Party and the NEC were unaware at this point that Jewish communal organisations would be opposed to the document.

After the meeting concluded, Jennie Formby sent the three Antisemitism working group documents (the recommendations on reforms to disciplinary processes, the

¹³⁵⁵ Outside GLU: "180703 NEC ORG minutes"

training and education package, and the antisemitism guidelines) to the Board of Deputies of British Jews, the Jewish Leadership Council and the Community Security Trust. Jennie Formby's letter said that she had met with Ivor Caplin and Neil Nerva from Jewish Labour Movement to go through the papers before the NEC Org sub-committee meeting, and "I would very much welcome an opportunity to meet you either collectively or individually, to do the same before our next NEC meeting which is to take place on 17th July, as I would value your feedback".¹³⁵⁶

Therefore, the Code of Conduct was not set in stone and still needed to be approved at a meeting of the full NEC. Jennie Formby reached out to Jewish communal organisations to seek their feedback in advance of that full NEC meeting.

The following day, the JLM wrote to Jennie Formby, saying that they had not been given the opportunity to read the Code of Conduct before the meeting between Formby and Ivor Caplin and Neil Nerva and therefore did not feel they had been consulted and that the IHRA examples should be adopted by the Party without any changes. The next day, on 5 July 2018, the Code of Conduct document was leaked and the Board of Deputies and the Jewish Leadership Council issued a statement saying that Labour was diluting the definition.

Jon Lansman, a Jewish member of the NEC, who was also a member of the NEC working group on antisemitism, argued the opposite - that "far from lowering the bar for what constitutes antisemitism, this code lifts it. It requires a higher standard of behaviour than the IHRA examples do. Labour's code should be seen as the new gold standard". Lansman also wrote that "I regret that for some Jewish communal organisations, the IHRA wording is so sacrosanct that it cannot be expanded and built upon, contextualised, and turned into a practical, usable document for a political party to enforce".¹³⁵⁷

Jennie Formby also wrote an opinion piece explaining the reasoning behind the proposed Code of Conduct, and wrote to all members of the Parliamentary Labour Party responding to the criticisms of the Code.

Formby explained that the examples that the IHRA state "may serve as illustrations" of the working definition of antisemitism do not go far enough for practical use by a political party, writing:

¹³⁵⁶ 'Jewish Labour Movement chair condemned over Labour antisemitism meeting', *Jewish Chronicle*, 04/07/18 <https://www.thejc.com/jlm-chair-ivor-caplin-faces-criticism-over-labour-antisemitism-meeting-1.466577>

¹³⁵⁷ 'Labour's antisemitism code is the gold standard for political parties' by Jon Lansman, *The Guardian* 12/07/18 <https://www.theguardian.com/commentisfree/2018/jul/12/labour-antisemitism-code-gold-standard-political-parties>

*We are a political party with over half-a-million members, many of whom are passionate about international politics and discuss these issues in party meetings and events. It is therefore essential that we have a Code of Conduct which sets out the behaviour that will not be tolerated in such discussions, ensuring that we can have debate on such important and difficult subjects in a considered and respectful way.*¹³⁵⁸

At the meeting of the full NEC on 17 July 2018 it was agreed, in recognition of the concerns that had been expressed, that the development of the code would be re-opened by the working group, in consultation with stakeholders, in order to better reflect their views.¹³⁵⁹

A debate ensued over the summer, in which Jewish communal organisations and some MPs called for the examples to be adopted in full, without any contextualisation or caveats, as had been recommended by, for example, the Home Affairs Select Committee.

Other eminent Jewish individuals warned against the adoption of the 11 examples on their own, without clarification and contextualisation and without providing further examples of antisemitism. Brian Klug, an honorary fellow of the Parkes Institute for the Study of Jewish/Non-Jewish Relations wrote:

Has Labour tried to create its own definition, as some critics claim? No. The new code adopts, unaltered, the IHRA definition. But the definition is vague. So, IHRA provides 11 “examples” that “may serve as illustrations” to guide its work. Similarly, Labour’s code includes “guidelines” to assist the party in its work, and these guidelines include a list of examples.

*The bottom line is this: critics maintain that Labour (or anyone else) has to adopt the IHRA document “in full”. But the text is not written in stone. It is a working definition with working examples. It is a living document, subject to revision and constantly needing to be adapted to the different contexts in which people apply its definition.*¹³⁶⁰

Indeed, a report published by the Community Security Trust in 2019 stated that “the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism is a

¹³⁵⁸ ‘IHRA doesn’t go far enough - Labour’s new antisemitism guidelines are more comprehensive’ by Jennie Formby, *Jewish News*, 06/07/19 <https://jewishnews.timesofisrael.com/opinion-ihra-doesnt-go-far-enough-labours-new-anti-semitism-guidelines-are-more-comprehensive/>

¹³⁵⁹ Outside GLU: “180717 NEC minutes”

¹³⁶⁰ ‘Labour’s code of conduct isn’t antisemitic – it’s a constructive initiative’ by Brian Klug, *The Guardian*, 20/07/18 <https://www.theguardian.com/commentisfree/2018/jul/20/labour-code-of-conduct-not-antisemitic>

useful guide to ways in which antisemitic language can appear”, but set out additional examples of antisemitism, not included in the IHRA examples, including further guidance on rhetoric about Zionism and claims that allegations of antisemitism in Labour are a “smear”.¹³⁶¹

Professor Jacqueline Rose, co-director of the Birkbeck Institute for the Humanities and co-founder of Independent Jewish Voices in the UK, argued that the examples could be used to stifle criticism of Israel’s racist policies and comparisons of Israeli policies to apartheid, writing:

*We need to go on debating and talking, always alert to the possibility that any one definition, however well-intentioned, however designed to protect the Jews from the suffering and ravages of their own history, might be harnessed on the side of injustice.*¹³⁶²

Similarly, Jon Lansman argued that “the Palestinian minority within Israel is as entitled as Jews in Britain to define the discrimination they have experienced as racism. Such criticisms cannot, and must not, be silenced” and “it cannot be right that one vaguely worded subset of one IHRA example can deny other oppressed groups their right to speak about their own oppression”.¹³⁶³

Sir Stephen Sedley, a former Court of Appeal and High Court judge, warned against the adoption of the examples without the caveats recommended by the Home Affairs Select Committee to protect the right to legitimately criticise Israel, arguing this could threaten the right to free expression enshrined in the Human Rights Act.¹³⁶⁴

Sir Geoffrey Bindman QC, an esteemed human rights lawyer and a former adviser to the Commission for Racial Equality, argued that the Code of Conduct was entirely in line with the Home Affairs Select Committee recommendations, and strengthened the IHRA text with new examples. He argued that “the attacks on the new code... are baffling.”¹³⁶⁵

¹³⁶¹ Community and Security Trust report: ‘Engine of Hate’, 2019, page 10
<https://cst.org.uk/public/data/file/d/1/Web%20Engine%20of%20hate%20-%20The%20online%20networks%20behind%20the%20Labour%20Party%27s%20antisemitism%20crisis.pdf>

¹³⁶² ‘Panel: How should antisemitism be defined?’, *The Guardian*, 27/07/18
<https://www.theguardian.com/commentisfree/2018/jul/27/antisemitism-ihra-definition-jewish-writers>

¹³⁶³ ‘Labour’s antisemitism code is the gold standard for political parties’ by Jon Lansman, *The Guardian* 12/07/18
<https://www.theguardian.com/commentisfree/2018/jul/12/labour-antisemitism-code-gold-standard-political-parties>

¹³⁶⁴ ‘Panel: How should antisemitism be defined?’, *The Guardian*, 27/07/18
<https://www.theguardian.com/commentisfree/2018/jul/27/antisemitism-ihra-definition-jewish-writers>

¹³⁶⁵ ‘Panel: How should antisemitism be defined?’, *The Guardian*, 27/07/18
<https://www.theguardian.com/commentisfree/2018/jul/27/antisemitism-ihra-definition-jewish-writers>

Palestinian civil society, including trade unions and campaigning groups, called on Labour not to adopt the 11 examples, saying that these “conflate hostility to or prejudice or discrimination against Jews on the one hand with legitimate critiques of Israel’s policies and system of injustice on the other”.¹³⁶⁶ High profile Palestinian individuals wrote that the IHRA text was being used to inhibit “discussion relating to our dispossession by ethnic cleansing, when Israel was established” and to silence “public discussions on current or past practices of [Israeli] settler colonialism, apartheid, racism and discrimination, and the ongoing violent military occupation”. Their letter argued that preventing Palestinians from being able to speak about their own experiences of oppression in this way directly would contravene their rights.¹³⁶⁷

A legal opinion by human rights barrister Geoffrey Robertson QC argued that the examples should only be adopted by public bodies or organisations, including the Labour Party, with the caveats recommended by the Home Affairs Select Committee to ensure freedom of speech, and with an understanding that they are bound by Article 10 of the European Convention on Human Rights, enshrined in UK law in the Human Rights Act. The opinion argued that some of the examples could, and indeed, have been used to limit legitimate free speech.¹³⁶⁸

A number of such examples were highlighted in this legal opinion and by Palestinian groups, where IHRA examples were cited in attempts to restrict legitimate criticism of Israel. These included claims that the EU exercise of labelling Israeli products from the disputed West Bank and occupied Golan breached the IHRA examples;¹³⁶⁹ attempts to have “Israeli Apartheid Week” banned from UK university campuses because it allegedly seeks to “portray Israel as a racist endeavour”;¹³⁷⁰ and a motion brought to a London council proposing that the council not provide or rent any space to

¹³⁶⁶ ‘Labour must reject biased IHRA definition that stifles advocacy for Palestinian rights’, Open Democracy, 28/08/18 <https://www.opendemocracy.net/en/opendemocracyuk/labour-must-reject-biased-ihra-definition-that-st>

¹³⁶⁷ ‘Palestinians in the UK speak out for the right to freedom of speech’, *The Guardian*, 31/07/18 <https://www.theguardian.com/world/2018/jul/31/palestinians-in-the-uk-speak-out-for-the-right-to-freedom-of-speech>

¹³⁶⁸ ‘ANTI-SEMITISM: THE IHRA DEFINITION AND ITS CONSEQUENCES FOR FREEDOM OF EXPRESSION’, Geoffrey Robertson QC legal opinion for the Palestinian Return Centre https://prc.org.uk/upload/library/files/Anti-Semitism_Opinion_03.09.18eds.pdf

¹³⁶⁹ ‘Israeli winery at center of EU court ruling on labeling refuses to back down’, *Jewish News Syndicate*, 12/11/19 <https://www.jns.org/israeli-winery-at-center-of-eu-court-ruling-on-labeling-refuses-to-back-down/>

¹³⁷⁰ A petition was handed to 10 Downing Street in March 2018 calling on the Government to condemn Israel Apartheid Week (IAW) <https://www.matthewofford.co.uk/news/matthew-joins-protest-outside-parliament-condemn-israel-apartheid-week>

individuals or groups which support the BDS movement, citing the IHRA examples as justification.¹³⁷¹

In its meeting on 4 September 2018, the NEC decided to adopt all of the 11 IHRA examples, in addition to the working definition which was adopted by Labour in 2016. The NEC stated that this adoption would not undermine freedom of expression on Israel or the rights of Palestinians, saying:

*We recommend that we adopt the IHRA in full, with all examples. This does not in any way undermine the freedom of expression on Israel or the rights of Palestinians.*¹³⁷²

Much of the media has treated the All Party Parliamentary Group on British Muslims' definition of Islamophobia as a matter for debate, and have given equal weight to the opinion that Islamophobia is not a type of racism. The Conservative Party has refused to adopt the All Party Parliamentary Group on British Muslims' definition on Islamophobia in any form. However, this has not received the same level of media attention as the debate within the Labour Party over one half of one of the examples attached to the IHRA definition, despite the two caveats recommended by the Home Affairs Select Committee. Moreover, the Labour Party had adopted the IHRA's working definition in 2016, which is the equivalent length of the APPG's definition of Islamophobia.

¹³⁷¹ PRESS RELEASE: London council to debate banning those calling for BDS on grounds of 'antisemitism', Palestinian Solidarity Campaign, 31/07/18 <https://www.palestinecampaign.org/press-release-london-council-to-debate-banning-those-calling-for-israel-boycott-on-grounds-of-antisemitism/>

¹³⁷² Outside GLU: "180904 NEC minutes"

5.4. Conclusions

In speeches, videos, emails to members and opinion pieces Jeremy Corbyn set out to Labour members and supporters that antisemitism has no place in the Labour Party, that the Party must be a welcoming home for Jewish people, and must stand in solidarity with the Jewish community. He also identified and spoke about in some detail the particular ways in which antisemitism manifested on the left. This prompted some stronger action on antisemitism from GLU, but until 2018-19 Labour HQ failed to develop any effective guidance for staff on these issues.

This section does not intend to suggest that Party leadership could not have handled this situation better. This will continue to be a matter of public debate and is beyond the scope of this report, which is focused on disciplinary processes. However, it has been claimed to the EHRC that during the period 2016-2018 there was unwritten guidance from Corbyn's office instructing GLU to not act on antisemitism complaints. The Party has not been able to find any evidence to back up this claim and indeed the evidence in this report suggests the opposite is true. These statements from Jeremy Corbyn indicate that he wanted the party to improve its processes and to deal with antisemitism cases swiftly.

Jeremy Corbyn expressed - both publicly and privately - a desire for procedures which swiftly and robustly dealt with antisemitism cases. The 2019 rule-change enabling fast-track expulsion processes in irrefutable cases of antisemitism and discrimination has been the most significant reform to the Party's procedures to date, enabling the rapid removal of individuals who engage in clear cut antisemitism or other forms of prejudice.

Jennie Formby also expressed this determination, and Formby introduced a number of improvements in her first few weeks as General Secretary and convened an NEC Working Group which made a number of important recommendations and proposals, and further improvements to procedures were introduced in 2018 and 2019.

There were some positive initiatives and proposals on political education on antisemitism throughout this period, some of which have been introduced, but progress on this was slow and hampered by, among other things, the damage caused to the Party's relationships with the JLM and Jewish communal organisations, largely because of the delay in the Party's adoption of the full 11 examples that accompany the non-legally binding working definition of antisemitism.

The intention behind the Code of Conduct was not to redefine antisemitism or to attempt to avoid taking action against individuals who engage in antisemitic conduct. Instead, the intention was to clearly set out to members the antisemitic and offensive conduct that would not be tolerated by the Party and to enable the Party to take more robust disciplinary action when members breached these clear guidelines. It was an attempt to incorporate the full definition, which had already been adopted by the Party, and its examples, while also meeting the Home Affairs Select Committee's recommendations which the Committee described as ensuring "that freedom of speech is maintained". The Code of Conduct provided stronger language than the IHRA text to enable the NCC to take more robust action against individuals who breached it, and it included additional examples of antisemitism, based on common examples of antisemitism in the party.

However, although it was not the Party's intention, this debate damaged its relations with Jewish communal organisations, which is a matter of sincere regret.

This report will now examine how Party's disciplinary processes on antisemitism have been transformed in 2018-19, the escalation in action that resulted, and the problems and challenges that were encountered along the way.

6. The Governance and Legal Unit's handling of antisemitism disciplinary cases, April 2018 – present

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6.1.1. Summary

On being appointed General Secretary, Jennie Formby made resolving antisemitism in the party, and progressing disciplinary cases her number one priority.

Formby and Gardiner immediately began to exercise a level of oversight, scrutiny, managerial drive and direction that GLU had never experienced before.

When Director of GLU Stolliday appears to have had minimal oversight over or understanding into the work of the Complaints and Disputes teams, although he was responsible for it, with his 3,100 word handover document making no mention of them. Gardiner, by contrast, requested a range of granular statistics on how antisemitism cases were progressing at every step of the process, and acted to ensure that processes were improved and cases progressed. This included ensuring that cases relating to protected characteristics were systematically logged in line with the Macpherson principle, and working with the Head of Disputes to bring unprecedented numbers of antisemitism cases to the NEC for decisions.

This resulted in huge increases in the number of antisemitism complaints being logged, investigated and acted on, including:

- A tenfold increase in suspensions and NOIs from 2017 to 2018, and a twenty-five fold increase between 2017 and 2019.
- A ninefold increase in the number of cases brought to NEC panels in the second half of 2018 compared to the first half, with more cases being brought in six months than in the previous two and a half years.
- A tenfold increase in the number of cases brought to NEC panels between 2017 and 2019.
- A huge increase in the number of cases brought to expulsion, from 0 in 2016 and 1 in 2017, to 10 in 2018 and 45 in 2019.

6.1.2. Oversight

An immediate change from April 2018 onwards was in the level of oversight being exercised over GLU, at every step of the process. In April 2018 one of Gardiner's tasks was to collect statistics on the status and progress of antisemitism disciplinary cases from GLU, for use in presentations by Jennie Formby and for a planned report to the Labour Party Chair and the PLP. Gardiner also requested information to understand how the processes currently worked, including the use of Complaints Centre and Members' Centre.¹³⁷³

After he became Acting Director of GLU in July 2018, Gardiner took responsibility for ensuring GLU made progress on cases. Further changes were made to ensure that accurate information on the number of cases and their progression was recorded and available, ensuring a level of scrutiny, oversight and accountability into GLU's work that had not previously existed. Gardiner also worked directly with Acting Head of Disputes Osei on ensuring that sufficient reports were prepared for the monthly NEC Antisemitism Panels that began that summer; that cases were brought in from the regions and progressed; and that historic suspensions, in place for years without progress, were brought to the NEC for review.

The contrast with Creighton, Stolliday and Oldknow was stark. Stolliday's 3,100 word handover note for whoever succeeded him, provided to Matthews on 4 April 2018, related entirely to Internal and External Governance issues, and contained nothing on Complaints or Disputes - the word "complaint" itself appears twice, but only in reference to data protection issues with the Information Commissioner's Office.¹³⁷⁴

As outlined previously, in February 2018 Stolliday appeared to be unaware of whether or not there were 6,000 cases of antisemitism pending processing:

*The 6,000 cases they claim to have sent us. Is that right? How are we working through those? Should we sit down with all these cases or is it all in hand?*¹³⁷⁵

As discussed earlier, it also seems possible that in March 2018 Oldknow, and perhaps Stolliday, were unaware that Matthews had been operating such restrictive policies towards suspensions for the preceding fourteen months.

Rather than simply accepting Matthews' broad reports, as Stolliday and Oldknow had done, Gardiner requested from both Matthews and Goodyear the granular, detailed

¹³⁷³ March 18 change: "180424 antisemitism statistics discussion.eml"; "180424 LAAS Disciplinary statistics.eml"

¹³⁷⁴ 2018-19: "180404 Handover Note.docx.eml"

¹³⁷⁵ March 18 change: LAAS : "180214 Emilie on LAAS.msg"

information that was required to give an accurate picture on what was happening in GLU with regard to such cases, at each step of the process.

As already outlined, some of the figures provided were not accurate. For other figures, Matthews explained that it would not be currently possible to provide them.

For example, on 28 March 2018 Matthews explained that the percentage breakdowns he provided were “the best I’ll be able to do on stats”:

I think the below is the best I'll be able to do on stats - I don't think it will be possible for me to be any more specific. Producing stats which relate to the period since the GE2017 is much easier as we have had new systems in place (both Disputes system & Complaint Center have been up and running) but going back almost 3 years makes it a bit more of a challenge. These numbers are broadly extrapolated from the two leadership elections (particularly 2016 where we produced firm stats for briefing on what people were being suspended for during the summer).¹³⁷⁶

As Gardiner requested further statistics, Matthews responded that he would not be able to provide some of them, on the grounds that Complaints Centre had only begun operating recently:

it is not possible to do this for all complaints currently as the Party has only been monitoring this since the beginning of the year when Complaint Centre was launched. This will be possible in time as complaint centre is becomes universally used and previous systems/platforms are phased out.¹³⁷⁷

On 13 April Gardiner reported to Formby that the statistics being provided were inadequate:

These are the statistics which have been sent through.

I am not sure they are sufficient for purposes intended, especially as they don't eg. breakdown the number of suspensions which are administrative suspensions vs suspensions imposed by the NCC, and don't tell us how many suspensions are for anti-semitism.

I'll go back to Sam and ask for better detail. I was hampered a bit as I was refused access to Complaint Centre, which is the system used for tracking complaints. I said

¹³⁷⁶ March 18 change: “180329 Re Antisemitism stats since 2015.eml”

¹³⁷⁷ March 18 change: “180414 Disciplinary statistics.msg”

*that it was necessary, but that I would talk to you about it, but I think I do need access to it if I am going to be able to make any inroads.*¹³⁷⁸

Gardiner requested more information later in April.¹³⁷⁹ On 24 April 2018, Matthews noted:

On AS suspensions – I have had another look at the list exported today. The snapshot is the issue here as the platform isn't designed to facilitate a freeze frame from a particular point in time (other than right now).

Where information is completely unavailable, part of the explanation will invariably be that the systems were designed for a specific purpose (generally a number of years ago now), and not to run statistical reports of this nature. The Labour Party's internal complaints procedure being the centre of national media attention on this scale is a relatively recent phenomenon in the context of the development of the membership system. Complaint Centre is more geared up to produce statistics of this nature and we are going through a process of phasing out all other systems for the management of complaints/disputes and putting everything through that system. This makes running stats from this calendar year much easier than legacy stats.

I'll leave Sophie to comment on what is currently monitored/how we might go about monitoring those stats in future as I think this primarily falls within the remit of the complaints team rather than GLU for investigations.

*On the proportion of complaints we can do something with – the conversation I had with Jennie as far as I remember it was about LAAS complaints, of which just over 1 in 5 are actually something the Labour Party can do anything with. It isn't quite that low for complaints in general, but again, Sophie should be able to provide.*¹³⁸⁰

Goodyear added:

It is actually quite difficult to provide a snapshot on a specific historic date from complaints centre, however I can see from my previous email to you that on 12 April there were 90 AS cases and 283 total live cases on complaints centre.

We do not currently log numbers of complaints that come in and no action is possible for AS complaints but we can start doing that if Jennie would like a record of numbers going forward. Please be clear exactly what you would like us to record.

¹³⁷⁸ March 18 change: "180414 Disciplinary statistics.msg"

¹³⁷⁹ See, for example, 2018-19: "180424 RE Statistics for the BoD meetings today.eml"

¹³⁸⁰ March 18 change: "180424 antisemitism statistics discussion.eml". Also: March 18 change: "180424 RE Disciplinary statistics.msg"

Complaints centre will be able to report on how many cases are currently with the disputes but until further development is made to the system it will not be able to report on suspensions/NOIs. We are looking at developing the complaints centre software so it is completely integrated with the GLU system but this will require development time and money so will not be complete until a few months' time. If there are specific aspects that you would like to have reports on going forward, let me know and I can feed this into the ongoing tech development to ensure we can provide the information Jennie needs in the future.¹³⁸¹

Further efforts to gather statistics continued over the following months.¹³⁸²

On 2 July 2018 Gardiner updated Formby and Nardell on how current systems functioned:

I think it would be useful you to meet with Nareser, Sophie and me, to discuss exact categories that will be required for regular future stats updates. Sophie has been clear that some categories are easier to produce statistics for than others, with some requiring a direct re-trawl through emails if statistics are to be produced, because the data is not currently captured.

You asked the main databases used for complaints and disputes:

- *For logging of Complaints, there is a specially designed system called Complaint Centre. This contains alerts for flagging when SLAs are not being met, and some degree of tracking. However, this is primarily designed for giving updates to complainants, not as an overall system for managing cases. This is supposed to be updated by investigating officers, wherever they are based (GLU, regions, or anywhere). I have to say that logging seems to be very patchy, particularly when it comes to regions.*
- *For GLU management of disputes, there is a specific GLU tab on the membership system, MemberCentre. This is supposed to have documents uploaded to it as an investigation progresses, but this is again very patchy.*
- *Investigating officers in GLU are supposed to save relevant documents to the case folder on the GLU shared drive. This usually does happen, but there are some notable exceptions, such as one currently absent member of staff not having uploaded lots of relevant documents to their folders before going off.*
- *Overall the picture is that the systems are passable, but they are too segmented from each other, and recording is not consistent enough amongst staff.*

¹³⁸¹ 2018-19: "180424 SG on statistics.eml"

¹³⁸² 2018-19: "180620 Disputes statistics.eml"

With regard to the number of AS cases that are reported to us versus the number that are worthy of progressing and/or are our members: Sophie says this data is not routinely captured, because cases that are not progressed are not logged, due to the administrative burden that this would create. I have said this may need to change in future, but this will be something that Sophie will need to know exact specifications for, as it will have resource implications in her team. Sophie's answer, based on her experience of the number of AS cases coming in was:

Although we don't currently log complaints that arrive that are not about members or those that don't reach the bar for any further action at all, I have reviewed the emails we have had in since the start of the year and I estimate that:

Out of the complaints relating to antisemitism we receive:

70% are about members of the party

Of the complaints that are about members:

50% we take some form of action

Of the complaints we take any action on:

35% are suspended

45% receive an NOI

20% get a reminder of conduct letter

These are estimates and not based on solid data.

I hope this is helpful. Please let me know what more you require and if there is anything that is unclear.¹³⁸³

In April 2018, in line with the Macpherson principle, Gardiner requested from Goodyear that all complaints of antisemitism be logged. Goodyear and the Complaints team then began saving and categorising all complaints of antisemitism in specific folders in Outlook.¹³⁸⁴ As discussed later, Goodyear was also maintaining a new spreadsheet of antisemitism cases. Tim Dexter from Complaints began a weekly report of all complaints logged or currently live in Complaints Centre, broken down by category, and from July 2018 Gardiner was copied into these.¹³⁸⁵

¹³⁸³ 2018-19: "180702 TG on current systems.eml". Also: 2018-19: "180702 TG requests Disciplinary statistics.eml"

¹³⁸⁴ 2018-19: "180424 SG says categorise inbox, record no actions.msg"

¹³⁸⁵ 2018-19: "180727 Re Complaints Report 27.07.2018.eml"

In Complaints Centre itself, however, only cases that were potentially being progressed to action were logged.¹³⁸⁶ This changed in summer 2018, from which point GLU has logged all antisemitism complaints against members. This is the case even if they are evidently invalid - for example, a complaint about someone who is opposing antisemitism.

As discussed later, over the course of 2018 and 2019 GLU has progressively improved the format in which information is recorded, and increased the amount of detail being recorded, in order to ensure easier oversight into exactly what is happening, how many cases are at each stage of the process, and so on.

In April 2018, information on cases was limited and scattered across a variety of different systems, including people's individual email inboxes, individual rather than shared drives and with Regional staff. For many cases which had been actioned before the introduction of Complaints Centre, or by the Disputes team before April 2018, often all that existed was a Members Centre record saying they were under investigation or suspended, with case information then held separately elsewhere. A great deal of work had to be done to collect up this information on cases, and ensure that information was effectively logged going forwards.

This included work to ensure that all cases with Regions were being logged and tracked centrally. As Goodyear noted in 27 June 2018:

*it has been quite difficult to get regions to ensure they log all complaints they receive on complaints centre and I know there is still a huge deficit in this area. My team are working hard to try and improve this but it has been slow progress, it is a completely new system which I think some regions have found difficult to get used to.*¹³⁸⁷

Subsequently, as discussed later, all regional cases were taken into the centre, and Regions' role in investigations to do with protected characteristics brought to an end.

The managerial oversight, drive and direction provided in this period ensured a huge escalation of action on antisemitism.

¹³⁸⁶ 2018-19: "180629 AS Complaint Figures.eml"

¹³⁸⁷ 2018-19: "180627 SG on process.eml"

6.1.3. Statistics on action

The best way to understand the improvements to the processes since Jennie Formby became general secretary is to look at the statistics for antisemitism cases.

The Labour Party has published statistics on antisemitism cases three times and the Party will continue to publish these statistics regularly. The most recent publication is on the Party's website and provides quarterly breakdowns of actions taken, at different stages of Labour's disciplinary processes, on all antisemitism cases.¹³⁸⁸ These statistics were only possible thanks to the changes to processes, and focus on ensuring tracking and logging of cases, which began in April 2018.

The Party does not have the same detailed breakdowns for the period before 2018 because, as this report has shown, a comprehensive central complaints system was not in use at this time. However, the Party does have records of cases that went to NEC Disputes Committees and National Constitutional Committee hearings during this time, which are included in the report. And, as outlined throughout this report, the Party has also undertaken a manual process of reviewing GLU activities before Jennie Formby became General Secretary, which has now put us in a position to give some accurate statistics for earlier periods.

¹³⁸⁸ https://labour.org.uk/wp-content/uploads/2020/01/13434_20-Statistics-Report-No-Place-For-Antisemitism.pdf

6.1.3.i. Suspensions and Notices of Investigation

The table below shows suspensions and notices of investigation issued by GLU staff, by quarter, from 2017 to 2019.

	Total	Suspension	Notice of Investigation
Q1 2017	10	0	10
Q2 2017	9	6	3
Q3 2017	5	1	4
Q4 2017	8	3	5
2017	32	10	22
Q1 2018	57	13	34
Q2 2018	79	29	39
Q3 2018	120	39	81
Q4 2018	48	17	31
2018	283	98	185
Q1 2019	174	74	100
Q2 2019	187	92	95
Q3 2019	196	116	80
Q4 2019	22	14	8
2019	579	296	283

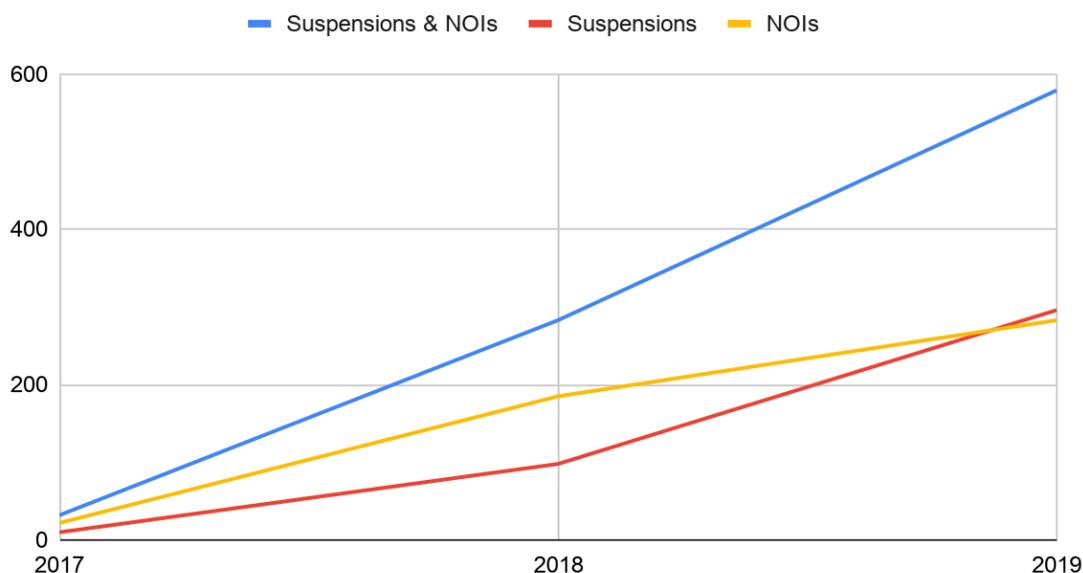
In 2017, there were just 10 suspensions and 22 NOIs (totalling 32 such actions). In 2018, this rose to 98 and 185 respectively (totalling 283), and in 2019 it rose again to 296 suspensions and 283 NOIs (579 in total).

Between 2017 and 2018 both the number of suspensions, and the total number of cases progressing with either suspension or NOI, therefore rose tenfold.

Between 2018 and 2019 the number of suspensions then tripled, and total cases more than doubled.

Staff initiated 30 times more suspensions and 20 times as many NOIs or suspensions in 2019 as in 2017.

Suspensions and NOIs



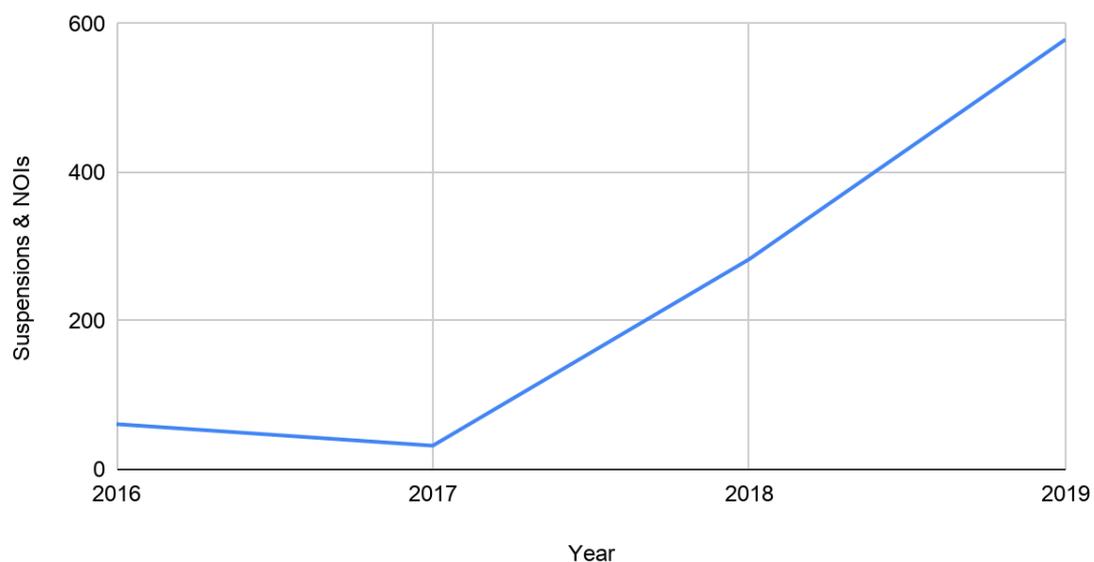
As outlined, the category of NOI without suspension did not exist in 2016. As this report explains elsewhere, members under investigation were all automatically placed under administrative suspension until January 2017, when GLU introduced the category of “Notice of Investigation” without suspension.

In 2016 there were about 25 suspensions relating to antisemitism, and a further 36 in the leadership election that were continued afterwards. (There were also 33 “Validation” suspensions that had the category of antisemitism, that were immediately lifted after the leadership election.)

The below table shows the total number of investigations being initiated and progressed by staff, rather than being closed at first stage with a “Reminder” or “Warning” (not including the 33 “Validation” suspensions that were lifted almost immediately). Until April 2018, many of the other suspensions and NOIs cases were closed by staff, with a suspension lift and/or warning, without being taken to the NEC, but we do not have comprehensive figures for this.

Year	Suspensions and investigations
2016	61
2017	32
2018	283
2019	579

Investigations progressing beyond first stage



The 283 cases, including 98 suspensions, of 2018 therefore represented a big increase in action on antisemitism even compared to 2016, with its “Validation” process of social media trawling and suspensions with “flimsy” justifications.

In 2019, moreover, there was an even greater multiplication of action.

6.1.3.ii. Staff-issued NEC Warnings / Reminders / No Actions

This table shows warnings/reminders issued by staff in 2018 and 2019, and decisions to “no action” a case logged as antisemitism in accordance with the Macpherson principle. It was only in Q3 2018 that proper logging of all cases, including those settled at first stage with a “no action” or warning of some kind, began, and we do not have accurate data for Q1 or Q2 2018 or earlier.

As discussed later, from January 2019 onwards staff have no longer issued “NEC Warnings”, but have issued “Reminders of Values” for lower-level conduct that does not amount to a breach of the rules.

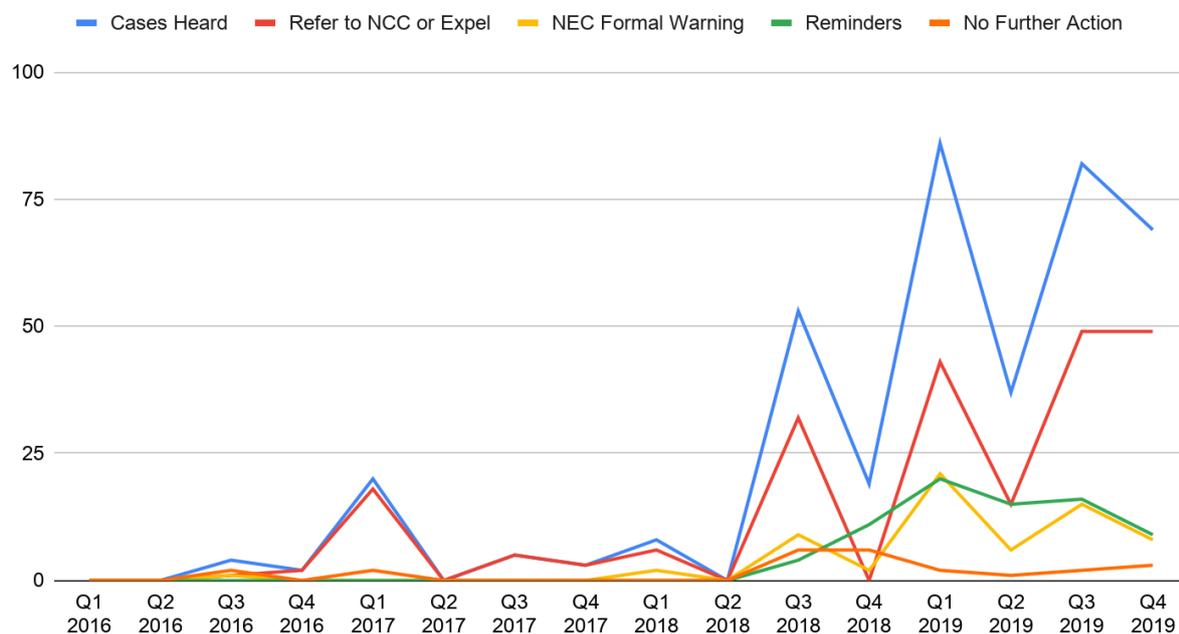
	Total	Warning or Reminder	No action
Q1 2018	10	2	8
Q2 2018	17	5	12
Q3 2018	186	116	70
Q4 2018	57	14	43
2018	270	137	133
Q1 2019	159	49	110
Q2 2019	174	77	97
Q3 2019	96	51	45
Q4 2019	10	7	3
2019	439	184	255

6.1.3.iii. NEC Decisions

The table and chart below show antisemitism cases heard, and decisions taken, by NEC panels from 2016 to 2019.

	Cases Heard	Expulsion	Refer to NCC	NEC Formal Warning	Reminders	No Further Action
Q1 2016	0	N/A	0	0	0	0
Q2 2016	0	N/A	0	0	0	0
Q3 2016	4	N/A	1	1	0	2
Q4 2016	2	N/A	2	0	0	0
2016	6	N/A	3	1	0	2
Q1 2017	20	N/A	18	0	0	2
Q2 2017	0	N/A	0	0	0	0
Q3 2017	5	N/A	5	0	0	0
Q4 2017	3	N/A	3	0	0	0
2017	28	N/A	26	0	0	2
Q1 2018	8	N/A	6	2	0	0
Q2 2018	0	N/A	0	0	0	0
Q3 2018	53	N/A	32	9	4	6
Q4 2018	19	N/A	0	2	11	6
2018	80	N/A	38	13	15	12
Q1 2019	86	N/A	43	21	20	2
Q2 2019	37	N/A	15	6	15	1
Q3 2019	82	N/A	49	15	16	2
Q4 2019	69	26	23	8	9	3
2019	274	26	130	50	60	8

NEC Panel Decisions on Antisemitism Cases



As can be seen, from the summer of 2018 onwards there has been an enormous increase in the number of antisemitism cases heard by NEC Panels, reflecting the move to monthly special NEC panels, and the enormous amount of work done by GLU staff in progressing cases and preparing individual reports for all of these cases.

In 2016 just six antisemitism cases were brought to NEC panels, and in 2017 twenty-eight.

In the second half of 2018, 72 antisemitism cases were brought to NEC panels - more than double the number of 2016 and 2017 put together, and a ninefold increase on the first half of 2018.

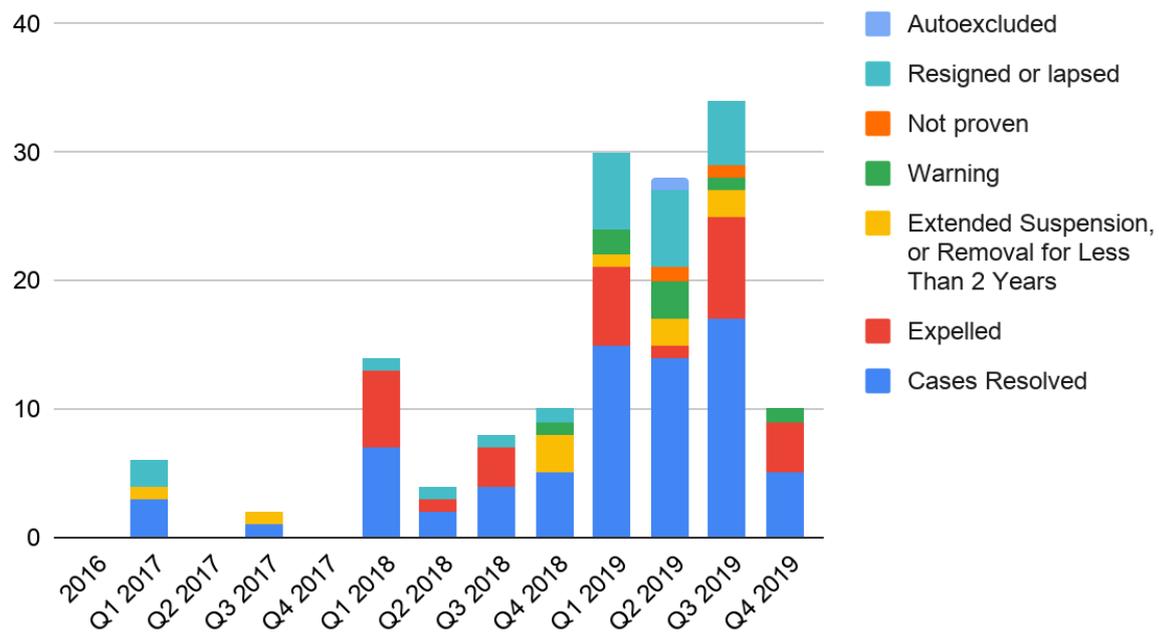
In 2019, 274 antisemitism cases were heard by NEC panels, a threefold increase on the previous year, and a tenfold increase on 2017.

6.1.3.iv. NCC Decisions

The below table and chart shows antisemitism cases heard by the National Constitutional Committee, broken down by quarter and by decision, including cases that reached a late stage but were ended by resignation.

	Cases	Expelled	Extended Suspension, or Removal for Less Than 2 Years	Warning	Not proven	Resigned or lapsed	Autoexcluded
2016	0	0	0	0	0	0	0
Q1 2017	3	0	1	0	0	2	0
Q2 2017	0	0	0	0	0	0	0
Q3 2017	1	0	1	0	0	0	0
Q4 2017	0	0	0	0	0	0	0
2017	4	1	1	0	0	2	0
Q1 2018	7	6	0	0	0	1	0
Q2 2018	2	1	0	0	0	1	0
Q3 2018	4	3	0	0	0	1	0
Q4 2018	5	0	3	1	0	1	0
2018	18	10	3	1	0	4	0
Q1 2019	15	6	1	2	0	6	0
Q2 2019	14	1	2	3	1	6	1
Q3 2019	17	8	2	1	1	5	0
Q4 2019	5	4	0	1	0	0	0
2019	51	19	5	7	2	17	1

NCC Cases Resolved

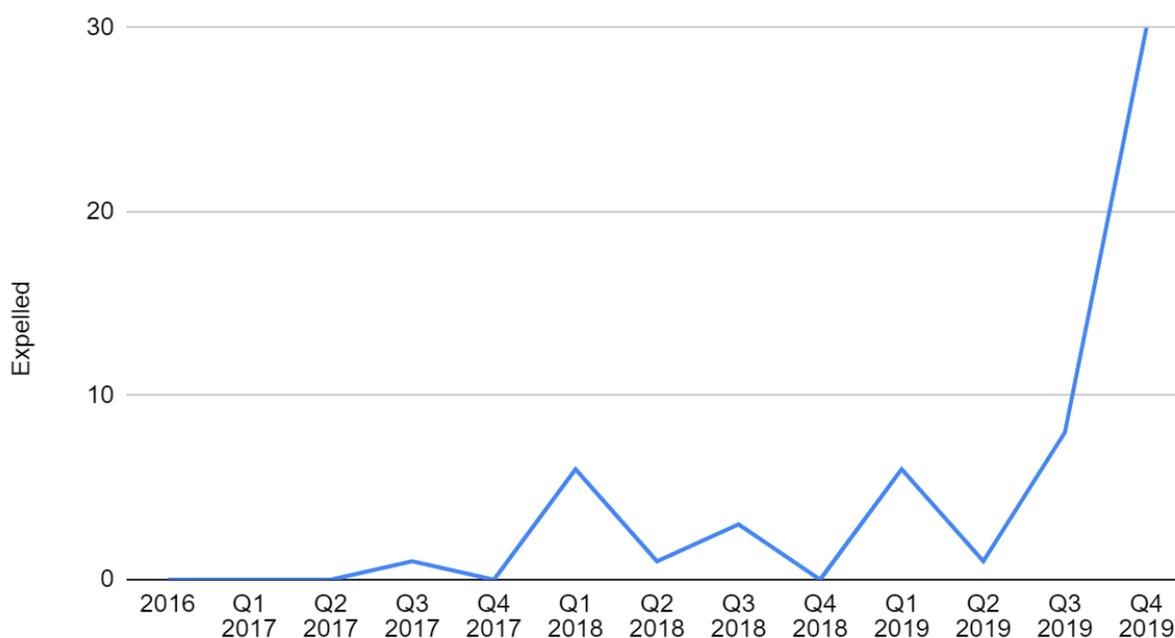


6.1.3.v. Expulsions

This table and chart show the number of members expelled in relation to antisemitism since 2016.

	Expelled
2016	0
Q1 2017	0
Q2 2017	0
Q3 2017	1
Q4 2017	0
2017	1
Q1 2018	6
Q2 2018	1
Q3 2018	3
Q4 2018	0
2018	10
Q1 2019	6
Q2 2019	1
Q3 2019	8
Q4 2019	30
2019	45

Expulsions of Labour members in relation to antisemitism



As can be seen, there has been a continual escalation of action in this respect. As outlined in Section 3.1, past legal action had led to the Party's process for expulsions becoming bureaucratic and resource intensive, and very few cases were therefore taken through to expulsion. Between 2011 and 2015, just four members were expelled across all categories. In 2016 just three people were expelled, and in 2017 two.¹³⁸⁹

2018-19 has seen a huge escalation in expulsions. In 2016 no people were expelled in relation to antisemitism, and in 2017 just one. In 2018 this rose to 10, and in 2019 to 45. As discussed later, the huge rise in the last quarter of 2019 was due to a rule-change passed at 2019 Annual Conference, which enabled the NEC to expel rather than just refer to NCC.

¹³⁸⁹ Statistics: "200302 Expulsions, 2011 to present.csv"

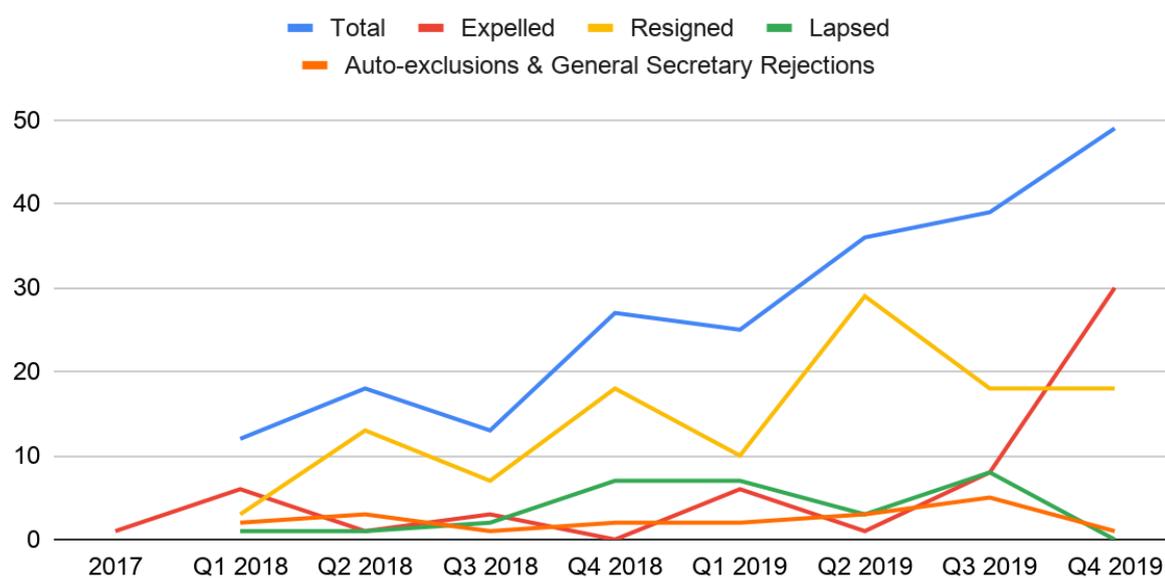
6.1.3.vi. Removals

The table and chart below show the overall number of members removed from the party as a result of our disciplinary processes for antisemitism, broken down by quarter and by type of removal.

Resignations of members under investigation are recorded manually in our “AS Cases Log”, so the numbers will likely be higher.

	Total	Expelled	Resigned	Lapsed	Auto-exclusions & General Secretary Rejections
2017	-	1	-	-	-
Q1 2018	12	6	3	1	2
Q2 2018	18	1	13	1	3
Q3 2018	13	3	7	2	1
Q4 2018	27	0	18	7	2
2018	70	10	41	11	8
Q1 2019	25	6	10	7	2
Q2 2019	36	1	29	3	3
Q3 2019	39	8	18	8	5
Q4 2019	49	30	18	0	1
2019	149	45	75	18	11

Members leaving in relation to antisemitism disciplinary proceedings



Again, a continual increase in action has led to more and more removals of individuals from the Party in relation to antisemitism, with increased numbers of suspensions and NOIs leading to resignations.

6.1.4. Conclusions

On being appointed General Secretary, Jennie Formby made resolving antisemitism in the party, and progressing disciplinary cases her number one priority.

Formby and Gardiner immediately began to exercise a level of oversight, scrutiny, managerial drive and direction that GLU had never experienced before.

This resulted in huge increases in the number of antisemitism complaints being logged, investigated and acted on. This included:

- A tenfold increase in suspensions and NOIs from 2017 to 2018, and a twenty-five fold increase between 2017 and 2019.
- A ninefold increase in the number of cases brought to NEC panels in the second half of 2018 compared to the first half, with more cases being brought in six months than in the previous two and a half years.
- A tenfold increase in the number of cases brought to NEC panels between 2017 and 2019.
- A huge increase in the number of cases brought to expulsion, from 0 in 2016 and 1 in 2017, to 10 in 2018 and 45 in 2019.

This investigation will now explore in more detail how this progress was gradually achieved through 2018 and 2019, including the problems and controversies encountered, and learning and solutions found, along the way.

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6.2.1. Summary

Reforms to the roles of the NEC and NCC in 2018-19 have been critical to the huge increase in progress made on antisemitism cases in this period.

As outlined in Section 3.1, the NEC Disputes Committee met just four times a year, and the NCC was a quasi-judicial body, manned by volunteers and designed to effectively give trials for individuals. Only the NCC had the power to expel members. Neither was fit to handle more than a handful of cases a year, and even this was done slowly. Both were inappropriate for a Party of 500-600,000 members.

Already in 2016, this was recognised by senior staff in GLU-GSO, and by the Royall and the Chakrabarti reports. The idea of smaller, more regular NEC Panels that could expel people was being discussed already in 2016, and in 2017 a rule-change was brought to explicitly outlaw antisemitism and other forms of prejudice. However, it was only when the NEC Antisemitism Working Group was convened in 2018 that significant reform began to be enacted, with the introduction of monthly NEC Antisemitism Panels and a doubling in the size of the NCC. These enabled the tenfold increase in the number of antisemitism cases reviewed by the NEC between 2017 and 2019, and the considerable rise in the number of NCC hearings.

Further reform in 2019 enabling the NEC to expel members has then enabled a huge increase in the number of expulsions. Senior staff in LOTO and Labour HQ discussed such a reform in mid-2018, and alternatively rule-changes to enable auto-exclusions for clear cases of antisemitism, but internal legal advice had been received that these would not be possible.

Labour's existing disciplinary procedures, formed in the wake of legal challenges in the 1980s, were therefore out-dated and not fit for purpose, but it was, again, only after the change in General Secretary in 2018 that real effort was made to ensure they were appropriate to the challenges the Party faced.

6.2.2. Reforms in 2016-17

In 2016 and 2017, various reforms to the roles of the NEC and NCC were under discussion, including proposals similar to those adopted in 2019, that enabled the NEC to decide on expulsions, rather than simply refer cases to the NCC. In 2017 a rule-change was passed making clear that antisemitism was contrary to Labour's rules. More substantive reform, however, was discussed in this period but ultimately not pursued by GLU, and did not take place until 2018-19.

GLU Director Mike Creighton was involved in work for the Royall Report of spring 2016, and it recommended:

Labour should consider adopting rule changes that will allow swifter action to deal with antisemitism. This could include empowering the NEC, through an appointed, authoritative and independent panel, to exclude members where there is credible evidence of antisemitism with a right of appeal to the National Constitutional Committee (NCC). The panel must be able to both speak with authority on these issues and seek advice from experts in the field where necessary. No doubt such a procedure could be considered for wider use.

In discussions on reforming processes in 2016, Creighton recognised the “strains” being placed on the system by increased numbers of cases, and continued to suggest a reform in the roles of the NEC and NCC.

In a discussion in December 2016, subsequently written up by Matthews, Creighton, and Stolliday. Matthews “acknowledged that we need a quicker way of dealing with open and shut cases, which don’t require waiting 3-4 months for the next meeting of the Disputes Panel, or going through the additional 3 month+ process of a full hearing of the NCC”. Instead, they discussed smaller, three-person NEC panels, operating “primarily... by correspondence/email” which would have the power to issue a range of sanctions including expulsions and punitive suspensions. Creighton replied, however:

All these suggestions are fine but I think they will be part of the procedures which will need to be written once the initial paper is agreed, so we have breathing space for these.¹³⁹⁰

¹³⁹⁰ Guidance and standards: “170109 reform proposals.msg”. See also: Guidance and Standards: 161125 Stolliday draft.msg.

Creighton planned to build agreement at the NEC and NCC on various reforms to the disciplinary process, before proceeding to draft rule changes that would bring more substantive changes. As he outlined in, for example, discussion with NCC secretary Jane Shaw in January 2017, the significant change he was proposing was NEC panels that could issue a range of sanctions in clear-cut cases, including expulsion, rather than simply referring the case on to the NCC. The paper agreed by the NEC in early 2017, though, was “really just setting out principles. It would need to be followed up with [a] proposal for rules changes and procedural changes.”¹³⁹¹ This was, moreover, “the start of a process”, which may require “[taking] the NCC members on [a] journey” to convince them the change was necessary - “We may not even conclude it a single year but we’ll see.”¹³⁹²

The disciplinary procedures paper Creighton took to the NEC, agreed on 17 January 2017, partly reflected confusion between describing the current roles of the NEC and NCC, and these proposals for their evolution. As next steps, it proposed that:

*The principles outlined above, if accepted, will be adopted immediately. On the approval of this paper the Governance and Legal Unit will draft procedures and, where necessary rule changes to give effect to these decisions.*¹³⁹³

These rule changes were gradually dropped from being pursued, however, particularly after Creighton left at the end of March 2017 and Stolliday became Director of GLU.

The NCC appears to have rejected Creighton’s proposals, and this may explain why they were not pursued. On 22 February 2017, Creighton met with the NCC, and it was the view of the NCC that their and the NEC’s roles should remain unchanged: the “NCC should continue to decide whether disciplinary charges are proved and only the NCC should implement disciplinary sanctions against members rather than the more politicised NEC”.¹³⁹⁴ Stolliday noted at the time, as one of the “Outcomes” from this meeting, that:

*NCC should deal with disciplinary sanctions - not the political NEC.*¹³⁹⁵

(Another outcome was “Disputes team to make more use of non-formal warnings (eg letters saying “you tweeted this – don’t do that” and mediation in CLP disputes”).¹³⁹⁶

¹³⁹¹ Guidance and standards: “170110 RE Disciplinary Procedures 2.eml”

¹³⁹² Guidance and standards: “170110 RE Disciplinary Procedures 4.eml”

¹³⁹³ Guidance and standards: “170227 Org Papers.msg”

¹³⁹⁴ Guidance and standards: “170308 Minutes of NCC meeting in London.eml”

¹³⁹⁵ Guidance and standards: “170222 meeting on NCC.msg”

¹³⁹⁶ Guidance and standards: “170222 meeting on NCC.msg”

However, returning expulsion powers to the NEC did not require the NCC's approval. As discussed later in this report, Jeremy Corbyn proposed that a rule change to this effect be brought to the Party Conference in 2019 which passed, and no NCC consultation was required. This rule change has resulted in a significant increase in expulsions.

Concerns about legal action may also have been a factor, as it was in 2018 (discussed later). On 27 February 2017, for example Stolliday noted that:

*The quasi-judicial nature of the decisions made at Disputes, and the constant threat that issues and cases it deals with could end in law courts, means that there is a strong onus on party officers to be able to show that at all times due process is followed so that everyone subject to the disciplinary procedures of the Party can attain natural justice.*¹³⁹⁷

Similarly, in July 2019 Mike Creighton argued the proposal to empower the NEC to expel, which Corbyn was then advocating:

is wrong-headed and will probably lead to more civil action by those challenging disciplinary decisions

Creighton cited the roles of the NEC and NCC as created following a legal ruling in 1987, without criticism and apparently in support.¹³⁹⁸ This further suggests that Creighton accepted the argument from the NCC about the need to retain its separate function, including its exclusive power to expel, and the argument that this was necessary on legal grounds.

The Chakrabarti Report emphasised the need for due process. However, as with other GLU work and the work of Labour HQ in general, LOTO does not appear to have had much input into Creighton's ongoing proposals and their evolution. On behalf of LOTO, Nancy Platts was consulted on Creighton's papers at several stages, but her input did not have a major impact on any of them. The main change requested was that, as Creighton reported on 13 January 2017, "Leader's Office is insisting that the paper contains a right of appeal", along with "some minor stuff which I don't care about."¹³⁹⁹ A few lines were also added to the paper explaining the current roles of the NEC and NCC, but, as noted, the paper the NEC then agreed indicated that rule changes would follow.

¹³⁹⁷ Guidance and standards: "170227 Note for tomorrow's meeting with Nancy.eml"

¹³⁹⁸ Mike Creighton, "Independence Day", *chalkhill digital blog*, 23 July 2019, accessed 1 March 2020 from: <https://chalkhill.digital/independence-day/>

¹³⁹⁹ Guidance and standards: "170113 LOTO right appeal, Disciplinary paper.eml"

For the NEC on 7 March 2017, the paper suggested that “Following consultation with the Labour Party legal advisors... [r]ule changes are drafted” to “Give authority to the NEC/NCC to take summary action as outlined above” and “Give more flexibility to the timetable particularly for the disposal of summary cases”. However, the only rule change it specifically suggested at this stage was an amendment, proposed by the JLM in 2016 and supported in the Chakrabarti Report, specifically stating that:

The NEC shall regard the use anti-semitic, Islamophobic, or otherwise racist language, sentiments, stereotypes or actions as determined by the NEC, in public, private, online or offline as conduct prejudicial to the Party.

Other rule change proposals submitted by CLPs, including a CLP proposal to empower the NEC to issue expulsions and punitive suspensions in some cases, were merely “shown below... for completeness”.¹⁴⁰⁰

It seems that Stolliday then gradually dropped, or perhaps failed to pick back up, the reforms to the roles of the NEC and NCC that had been considered previously. Instead, his focus was on the JLM/Chakrabarti amendment. The proposal for smaller and more regular NEC panels was also never returned to under Iain McNicol, although this did not require any rule change.

For example, on 3 October 2016 Stolliday had noted:

*We are trying to achieve as many proactive changes as we can without the need for rule changes, although there is obviously a rule change proposed by JLM for 2017 and which I have sought to amend to make it more compliant with Chakrabarti and with other protected characteristics under the Equality Act.*¹⁴⁰¹

On 22 March 2017, meanwhile, Stolliday wrote:

*The wording of the rule change has been carefully drafted in consultation with lawyers. We hope that it encapsulates the intentions of all those amendments submitted by JLM, Chakrabarti and others. It explicitly introduces anti-Semitism, islamophobia and other hatred into the rules for the first time, and uses the wording for protected characteristics in the Equality Act as a guide.*¹⁴⁰²

Stolliday does not seem to have raised the earlier NEC reform proposals subsequently. On 6 April 2017, for example, Stolliday drafted a proposed speech by Iain McNicol on antisemitism “calling for a number of changes – some immediate and

¹⁴⁰⁰ Guidance and standards: “170227 Org Papers.msg”

¹⁴⁰¹ Guidance and standards: “161003 stolliday NEC draft.msg”

¹⁴⁰² Guidance and standards: 170322 Stolliday adds blurb.msg

some structural – to start to turn this around and demonstrate our resolve that we will not stand for this in our Party”. This followed the NCC’s decision not to expel Livingstone, and this speech was intended as an intervention on both Ken Livingstone’s case, and the subject of antisemitism within the Party.

McNicol’s draft speech called for a rule change to increase the size of the NCC by two people, from 11 to 13 members, and proposed “some standard guidelines about sentences that should be applied”. There was no mention, however, of the earlier ideas of empowering the NEC to expel, or of introducing smaller NEC panels that could review cases more quickly - the only other rule change mentioned was the Chakrabarti-JLM one, discussed later.¹⁴⁰³ This speech was not delivered.

Stolliday planned for JLM’s rule change to come to the NEC in the summer, before going to annual conference,¹⁴⁰⁴ and in a paper for the July 2017 NEC, he advocated the NEC adopt his proposed rule change, and set aside (“remit”) others, including the CLP motion on giving the NEC the power to expel, as they related to the same issue.¹⁴⁰⁵ As he outlined to Royall at the time, Stolliday believed that this rule change “should make it a lot easier to prosecute NCC cases.”¹⁴⁰⁶ However, these two proposed rule changes were substantially different. One was about ensuring more robust decision-making and more rapid expulsions by giving the NEC the power to expel, and the other writing into our rules that antisemitism and other forms of prejudice are a breach of the Party’s rules, which could empower the NEC and NCC to take strong decisions.

Stolliday’s draft proposals were agreed. However, they needed substantial editing to ensure they would actually have the effect intended.¹⁴⁰⁷ Shami Chakrabarti’s office worked with the JLM on this. As Shami Chakrabarti’s adviser Ellie Hobhouse explained at the time, the original wording, by including reference to the motivation of perpetrators, could have offered a defence to a member who had expressed prejudicial views, which would “inhibit not enhance the ability of the Party to bring disciplinary proceedings”, presenting “a step away from a ‘zero-tolerance’ environment”. She noted:

*The Chakrabarti Report argued for the Party to have a lower tolerance threshold than that required by law as Labour should be seen to set a gold standard. It should not be easier to expel a member from a golf club for the expression of prejudicial views, than a member from the ‘party of equality’.*¹⁴⁰⁸

¹⁴⁰³ Guidance and standards: “170406 Draft for Iain.eml”; 170406 Draft for Iain.eml”

¹⁴⁰⁴ Guidance and standards: “170328 RE Progress of antisemitism report implementation .eml”

¹⁴⁰⁵ Guidance and standards: “170628 Org Sub papers.msg”

¹⁴⁰⁶ Guidance and standards: “170628 Re Jan Royall Antisemitism .eml”

¹⁴⁰⁷ Guidance and standards: “170718 Private Confidential NEC Tuesday 18 July 2017.msg”; “170711 RE Rule Changes - Post-Equalities Meeting.msg”; “170914 RE JLM Memo on Rule Change.eml”.

¹⁴⁰⁸ Outside GLU: “NEC Rule (2.1.8) Change - Briefing”

This rule change introduced antisemitism and other protected characteristics into the rule book, making Labour the first political party to explicitly outlaw antisemitism and other forms of prejudice in its rules. The other proposals to speed up the processes and introduce fast-tracked expulsions by the NEC, however - which Creighton had noted may not be concluded in 2017¹⁴⁰⁹ - were not returned to.

It is difficult to say with certainty why further reforms were not pursued, but objections from the NCC appear to have been the main factor. As outlined in Section 3.2, it is also apparent that in 2017 there was a general lack of oversight or managerial drive in GLU-GSO when it came to disciplinary issues. LOTO, meanwhile, as outlined in Sections 2 and 3.3, does not appear to have had the authority to exercise oversight in relation to most aspects of Labour HQ's work, including disciplinary processes.

It was not until March 2018 and the formation of an NEC Antisemitism Working Group, on the proposal of staff in the Leader's Office, that some of these earlier proposals would be returned to.

¹⁴⁰⁹ Guidance and standards: "170110 RE Disciplinary Procedures 4.eml"

6.2.3. Reforms in 2018-19

In discussions among senior GLU staff in December 2016, Creighton, Stolliday and Matthews “acknowledged that we need a quicker way of dealing with open and shut cases, which don’t require waiting 3-4 months for the next meeting of the Disputes Panel, or going through the additional 3 month+ process of a full hearing of the NCC”. Instead, they discussed smaller, three-person NEC panels, operating “primarily... by correspondence/email”..

After Matthews wrote this up, however, Creighton replied:

*All these suggestions are fine but I think they will be part of the procedures which will need to be written once the initial paper is agreed, so we have breathing space for these.*¹⁴¹⁰

Matthews did not raise this proposal again subsequently, although the frequency and manner in which NEC committees meet is simply a matter for the NEC - introducing smaller, more regular panels did not require any rule change.

In March-April 2018, as has been seen, Jennie Formby was appointed as the Party’s new General Secretary, and placed action on antisemitism at the top of the agenda. On 3 April 2018, “Following a meeting with Jennie & Kate”, Matthews emailed Jackson and Murray an “AS Action Plan Draft”, suggesting they meet before the first NEC Working Group on Antisemitism on 17 April. This incorporated a number of proposals which, as outlined in Section 5.2, LOTO was already discussing, Jeremy Corbyn had himself made earlier that day.¹⁴¹¹

Following the example of the NEC Sexual Harassment panels, it recommended a smaller group of trianed NEC members from which 3-member panels “would be constructed on a more regular basis”, with the same authority to refer to the NCC:

Concern: *The Disputes Panel only meets quarterly which is not regularly enough to consider these matters as swiftly as is necessary.*

o Steps already taken: *For complaints which relate to Sexual Harassment, the Party implemented a fast-tracked timetable making use of 3 member NEC panels drawn from a set of specially trained NEC members. This element of the process has worked well and has allowed matters to be referred to the NCC or otherwise resolved much more quickly than would otherwise be possible.*

¹⁴¹⁰ Guidance and standards: “170109 reform proposals.msg”

¹⁴¹¹ March 18 change: “180403 Jeremy Corbyn email on LOTO Antisemitism Strategy.eml”

*o **Recommendation:** Learning the lessons from the elements of the Sexual Harassment process which have worked well, this document recommends that the Party sets up a specific panel for dealing with racially motivated abuse. Within the broader group of 10 or so specifically trained NEC members, 3 member panels would be constructed on a more regular basis than it is possible for the full Disputes Panel to meet. They would act with the authority of the Disputes Panel to decide whether the matter needed to be referred to the NCC.*¹⁴¹²

This was developed in subsequent GLU-GSO proposals to the NEC Antisemitism Working Group, into monthly NEC Antisemitism panels. The first monthly panel took place in August 2018, and they have taken place most months thereafter.

With this meaning four times as many NEC meetings a year that can handle antisemitism cases, this has had a transformative impact on the ability of GLU to process and progress large numbers of such cases. In 2016 the NEC reviewed just 6 antisemitism cases, and in 2017 28. In 2018, this rose to 80, and in 2019 to 274 - a tenfold increase on 2017. This simply would not have been possible without the move to monthly panels.

Regarding the NCC, on 3 April 2018 Matthews did not resurrect any of the proposals that Creighton and others, including himself, had been discussing in late 2016. He instead suggested simply a greater use of existing provisions for the NCC to hear cases on paper, without in-person hearings:

*This document recommends that the NCC is asked to make far greater use of provisions in Appendix 6, paragraph 4 which allow the NCC “in what they deem to be appropriate circumstances, to dispose of a case without hearing and to rely solely on written representations”. While there are some cases which this would not be appropriate for, the evidence in the vast majority of antisemitism cases is entirely documentary and it would therefore be appropriate for the NCC to make use of these procedures in order to speed up the process.*¹⁴¹³

This was taken up, and on 3 July 2018 the NEC Antisemitism Working Group recommended that the NCC make greater use of provisions which allow them to “dispose of a case without a hearing and to rely solely on written representations”. The working group noted that “While there are some cases which this would not be appropriate for, the evidence in the vast majority of current antisemitism cases is entirely documentary and it would therefore be appropriate for the NCC to make use of these procedures in order to speed up the process.”¹⁴¹⁴

¹⁴¹² March 18 Change: “180403 Antisemitism Working Group - pre-meeting.eml”

¹⁴¹³ March 18 Change: “180403 Antisemitism Working Group - pre-meeting.eml”

¹⁴¹⁴ Outside GLU: “180703 ASWG Final Recommendations.pdf”

Separate from the proposals Matthews had drafted, and were then developed by Osei and the NEC Antisemitism Working Group, however, there were also other proposals under discussion internally on how to speed up the procedures. It was clear to some staff that the National Constitutional Committee (NCC) was the main obstacle to more efficient disciplinary processes, as it was the only body with the power to expel members but met heard cases extremely infrequently.

On 8 August 2018 LOTO Executive Director of Communications and Strategy Seumas Milne and Labour Press Officer Georgie Robertson had a discussion about speeding up the procedures. Robertson subsequently messaged LOTO Stakeholder Manager Laura Murray about this discussion:¹⁴¹⁵

*proposal is to give the AS panels (and disputes panel) the power to expel, but introduce a right of appeal, and either make the NCC the appeal stage or scrap NCC and replace with a panel of independent lawyers.*¹⁴¹⁶

Labour HQ and LOTO staff were therefore considering ways to significantly speed up the procedures, through enabling the NEC to decide on expulsions, and to make the procedures more independent, for example through having a panel of independent lawyers in place of the NCC.

Robertson emailed Jennie Formby, Seumas Milne, Amy Jackson, Gordon Nardell, Thomas Gardiner, LOTO Head of Events Niall Sookoo, James Schneider, Labour Head of Press Sian Jones, LOTO Trade Union Liaison Joe Bradley and Laura Murray on 9 August 2018:

Seumas and I touched base on the various strands of work relating to antisemitism yesterday and he asked me to circulate what we discussed.

.....

We [Georgie Robertson and Seumas Milne] discussed having a meeting on Monday once Gordon is back to discuss possible reforms to the NCC. We're concerned that, as things stand, the NCC will not be able to hear all outstanding cases (including on sexual harassment and other matters as well as antisemitism) by the end of the year, which will prevent us from clearing the backlog. The current democracy review proposals include adding more people to the NCC, but this will not significantly improve our ability to resolve outstanding cases. Conference is our opportunity to propose reforms to the NCC, and I think any such proposals would need to be

¹⁴¹⁵ Outside GLU: "GR whatsapp to LM about NCC1.jpg"

¹⁴¹⁶ Outside GLU: "GR whatsapp to LM about NCC2.jpg"

*discussed at 4th September special NEC meeting. If we are able to have this discussion on Monday, our proposal could be put to the working group at their meeting on Wednesday for their consideration. If we were to propose substantial reforms to NCC to address the blockage I think that would be taken as a positive concrete action.*¹⁴¹⁷

A meeting then took place between Robertson, Gardiner and Nardell on 13 August 2018, at which Robertson proposed restoring expulsion powers to the NEC. Nardell advised that such a reform, even with the introduction of an appeal process, would deny due process and natural justice, and would make the Party vulnerable to legal challenge. The following year Jeremy Corbyn would propose rule changes to introduce fast-track expulsions by allowing NEC panels to expel in egregious cases.

Given this was the Party's internal legal advice, however, a number of alternative proposals to speed up the NCC stage of the processes were instead discussed, which Robertson circulated on email. These included increasing the size of the NCC and introducing a minimum amount of hearings NCC members would have to participate in each year, with any failure to meet this resulting in removal from the NCC. They also included allowing the NEC to set the rules and parameters for the NCC, within which they would have autonomy and make independent decisions, to enable the NEC to require the NCC to review social media cases on paper.¹⁴¹⁸

GLU staff brought proposed rule changes to the NEC's meeting ahead of Labour Party Conference in September 2018. These proposed that the NCC be more than doubled in size - from 11 members to 25 members - to increase the NCC's capacity to hear cases more frequently; and that the NEC should be able to amend and approve the NCC's procedural guidelines, enabling the NEC to require the NCC to review cases relating purely to social media on paper, rather than in a day-long hearing.¹⁴¹⁹ These were approved by the NEC and passed by Conference.

Gordon Nardell QC was then tasked with working with the NCC to draft their procedural guidelines. However, some NCC members opposed substantial changes to their ways of operating, including reviewing cases on paper rather than in hearings, so this took time to negotiate. Draft NCC procedural guidelines were agreed in principle by the NEC in March 2019,¹⁴²⁰ which included a variety of reforms, and were subsequently agreed with the NCC and with NEC Officers.

¹⁴¹⁷ Outside GLU: "180809 Comms input into work on antisemitism.msg"

¹⁴¹⁸ Outside GLU: "180814 Notes from meeting on NCC with GN, TG and GR.msg"

¹⁴¹⁹ "Labour NEC backs plan to speed up handling of antisemitism claims", *The Guardian*, 19/09/18 <https://www.theguardian.com/politics/2018/sep/19/labour-nec-double-size-key-disciplinary-body-antisemitism-claims>

¹⁴²⁰ 2018-19: "190326 NEC paper with draft NCC Procedural Guidelines.pdf"

The document presented to the NEC explained the purpose of the reforms set out in the draft procedural guidelines. It explained that the most significant changes proposed to the NCC's procedures were "designed to achieve the 3-month time limit for hearings",¹⁴²¹ setting out:

The obligation on NCC members to sit to determine cases, subject to recusal where necessary; (ii) the 3-month period within which charges must be determined following their presentation to the NCC, other than in exceptional circumstances; (iii) early decision whether to determine the case without a hearing; and (iv) giving of reasons.

The document explained that another aim was to "help "de-lawyer" the process by encouraging respondents who wish to be represented to seek lay rather than legal representation", as a measure to enable NCC hearings take place more quickly, with fewer delays resulting from legal challenges. It also proposed that the administrative functions of the NCC be separated out from the decision-making functions of the NCC, and that these administrative functions, including setting and moving hearing dates, be taken on by the NCC Secretary (a Party staff member). As detailed elsewhere in this report, in the case of Jackie Walker, the NCC panel had approved multiple requests for delays against the express wish of Jennie Formby and GLU's Director Thomas Gardiner. This change to the NCC's procedural guidelines was to give the Party a say over when hearings take place and to ensure requests for delays were not granted in cases where there are not clearly exceptional circumstances:

This is designed to relieve NCC members of the burden of dealing with these arrangements, and to ensure that the 3-month limit is exceeded only where there are cogent reasons for concluding that this is justified by exceptional circumstances.

These guidelines also empowered the NCC to determine more cases without a hearing, setting out that the NCC must take an early decision, within 7 days of receiving the bundle, about whether the case can be determined on the basis of documentary evidence alone, without a hearing. The NEC would also now be able "to state in the charge bundle whether it thinks the case is suitable for determination without a hearing and why", and would therefore be able to recommend that the NCC determine cases without a hearing. It made clear:

*There is no absolute legal right to an oral hearing of disciplinary charges, even where the person charged requests one.*¹⁴²²

¹⁴²¹ 2018-19: "190326 Report to the NEC on the NCC Procedural Guidelines.pdf"

¹⁴²² 2018-19: "190326 NEC paper with draft NCC Procedural Guidelines.pdf"

The NCC adopted these procedural guidelines on 8 May 2019, and as a result the NCC has reviewed many cases on paper, which has, in addition, enabled some NCC panels to review multiple cases in the same day.¹⁴²³ This is reflected in the significant increase in cases heard by the NCC in 2019, shown in Section 6.2.

Another proposal which was discussed among staff in the summer of 2018 was auto-exclusions for clear cases of antisemitism. However, the Party's internal legal advice was that the Party could legally auto-exclude someone on the basis of an objective fact, such as membership of or support for another political party, but that the Party could not find an individual guilty of an allegation like prejudice, without affording them an opportunity to put their own defence through due process and natural justice. The advice the Party received was that a member who was automatically excluded for antisemitism and challenged this in court would likely be successful, which would result in the Party being forced to let back in individuals it had expelled for extreme antisemitism.

The Party has always been open in principle to automatic exclusion for irrefutable cases of prejudice but had been advised that it would not be legally possible to introduce such a measure. The Party would welcome the Commission's view on whether the Party would be on strong enough legal ground if it were to introduce such a measure.

In July 2019, following renewed discussion of delays by the NCC and the resulting failure to bring many cases through to expulsion, Jeremy Corbyn proposed the introduction of fast-track expulsions by allowing NEC panels to expel in egregious cases. This was intended to have the same effect as automatic expulsions for irrefutable cases of antisemitism based on documentary evidence, such as social media posts, enabling individuals to be expelled within a matter of days or weeks after the complaint being received by the party. It passed at the September 2019 Labour Party Conference, and has resulted in a huge increase in the number of expulsion-level cases being brought to conclusion.

Individuals are given one week to respond to the charges. After a week, regardless of whether or not they have responded, the evidence and any responses they have sent or any other relevant information is provided to an NEC panel, advised by an independent barrister, which can impose expulsions. In one case an individual was expelled through this fast track process within ten days of the Party receiving the complaint and in other cases individuals have been expelled within a matter of weeks. These fast-track processes can therefore have the same effect as automatic exclusions but with due process which affords individuals a right of reply, protecting the party from potential legal challenge.

¹⁴²³ 2018-19: "190508 Procedural Guidelines adopted by NCC.pdf"

While the Party has been focusing on taking longer-standing cases which warrant expulsion but have been pending NCC hearings through this new process, the Party hopes that more cases in future will be concluded within days or weeks of the complaints being received.

6.2.4. Issues with NEC and NCC decisions

One issue that has occurred across the past five years has been instances of poor decision-making by the NEC and NCC. In particular, the NCC has, in a minority of cases, made decisions that do not correspond with the assessments or proposals of either staff or the NEC.

The NCC is an autonomous, quasi-judicial body which is separate from other Party structures, including the NEC and the Leader's Office. It was created in the 1980s under Neil Kinnock after a number of members successfully obtained an injunction against their expulsion by the NEC under the former disciplinary system, resulting in expulsion powers being removed from the NEC and the NCC being created. The hearings have essentially recreated trials, with either Party staff or lawyers acting on their behalf, acting as the prosecution, and the panel of three NCC members acting as the judge and a hearing often takes a whole day.

NCC members are elected by delegates at Labour's Conference and by trade unions and affiliates. They self-organise their hearings, with the support of one staff member. The members in question can hire lawyers, which often makes NCC hearings a drawn-out, litigious process, involving delays, legal threats and challenges.

There have been repeated calls on Jeremy Corbyn and Jennie Formby to expel particular members or to ensure their cases were concluded quickly, but when the NCC was the only body with the power to expel and able to determine when it hears cases, there was no way for Corbyn and Formby to act on such calls.

This was first highlighted as an issue in April 2017, when a panel of three NCC members decided by majority decision that Ken Livingstone would not be expelled as GLU proposed, but would instead face a two year administrative suspension. As he had already been suspended for one year, he was due to return to full membership in one year's time.

Immediately afterwards, he repeated his comments, and Jeremy Corbyn called for a fresh investigation into Livingstone. Discussions in the "SMT Group" WhatsApp chat made clear that both senior Labour HQ and LOTO staff expected Livingstone to have been expelled, with LOTO blaming Labour HQ for the decision, citing the fact that the majority of the NCC panel came from the "Labour right".

There have continued to be a minority of questionable decisions, since then. A contributing factor to this has been that many NEC and NCC members lack trust in

GLU, aware that, under McNicol, GLU had undertaken factional actions and sometimes tried to hide this and mislead the NEC or NCC about cases. There is a suspicion of the evidence being presented, and staff have had to work for some time to rebuild trust in what they are reporting to the NCC.

In some cases the NCC in particular has also taken into account the sheer length of time that suspensions have dragged on, deeming them a de facto punishment or sanction that should then be accounted for in their decision. However, such decisions give the impression of leniency and can send the wrong message about antisemitism in the party.

As has been demonstrated, staff take proactive action where, due to a case having been mishandled or new evidence having come to light, an NEC or NCC decision does not reflect the gravity of the conduct highlighted. For example, the case of Lesley Perrin was corrected in mid-2019, while, in several cases explored below, staff have taken back to the NEC individuals who already already received decisions from the NCC, that did not reflect the full range of their conduct.

6.2.5. Impact of 2019 NEC reform

After the rule changes on NEC fast-track expulsion processes were passed at Conference, GLU developed the processes to fulfil these rule changes. They entail writing to the respondent to inform them that their case is being brought to an NEC Discrimination Panel, which has the power to expel; setting out the evidence that this panel will consider on their case and what the specific charges are; and informing them that they have a week within which they can respond to the charges if they wish and that their response would be put before the panel. Therefore, even in cases which have been awaiting NCC hearings, a new process must be initiated specifically for the NEC Discrimination panels.

After these processes had been introduced, cases prepared and letters sent to respondents, in November 2019 the first expulsions were imposed by the NEC under these new powers. From November 2019 to February 2020, despite the general election in between, NEC Antisemitism Panels have taken decisions to expel 44 people:

- 5 November 2019: 5 Expelled
- 6 December 2019: 21 Expelled
- 30 January 2020: 18 Expelled

This contrasts with zero expulsions by the NCC in 2016, one in 2017, ten in 2018 and nineteen in 2019. In a single day on 6 December 2019, an NEC panel expelled more people for antisemitism than the NCC had managed in that entire year, which was also the NCC's highest number to date.

Below is a table of all those expelled, along with the dates they were first complained about, the date an NOI or suspension letter was sent to them, and the date the charges were served which led to their expulsion.

There are three types of antisemitism case which have so far benefitted from the introduction of the NEC fast-track procedures:

- Cases which had been awaiting the NCC for a long time and had not yet been heard;
- Cases which had been to the NCC and received an inappropriate outcome, either because of a failure of staff to include all the relevant evidence, or the lack of training at that time for NCC members;

- Recently made complaints of egregious cases of antisemitism which staff have turned around in a short timeframe.

6.2.5.i. Cases which had been awaiting the NCC for a long time

GLU staff prioritised fast-tracking those cases which had been outstanding for a long period of time, which represented clear-cut cases of antisemitism which an NEC panel could determine easily on documentary evidence alone. Below are two examples of how the NEC's new powers enabled expulsions in cases which otherwise would likely still be awaiting NCC hearings. .

Elleanne Green, who had been originally complained about in April 2017 and had been referred to the NCC in July 2018, had still not had her case heard by late 2019. This case was "re-routed" through the NEC fast-track expulsion procedure, and Green was expelled in January 2020.

Similarly, Alan Bull had been originally complained about in July 2017, and the Commission has received extensive evidence as to the mishandling of his case, detailed elsewhere in this report. He had been referred to the NCC in September 2018 but, by the time the new procedures were introduced at Labour Party Conference 2019, his case had still not been heard by the NCC. His case was taken through the fast-track procedures and he was expelled in December 2019.

6.2.5.ii. Cases which had been mishandled by the NCC

The NEC fast-track expulsion procedure has allowed GLU staff to re-investigate cases which had been obviously mishandled by the NCC leading to an inappropriately lenient outcome. Below are two examples of such cases.

Catherine Love-Madden was referred to the National Constitutional Committee on 29 January 2019 for, among other things, publishing the following statements on Twitter:

- “they control banks, therefore, the world using a practice initiated by the Rothschilds of having several brothers of a firm establish branches in the different financial centres followed by other Jewish financiers”
- “a practice initiated by the Rothschilds of marrying within the family having several branches in the different financial centres was followed by other Jewish financiers, so they obtained huge shares of international finance owning banks & media”
- “the Jewish have the money. So how do they make money out of Muslims? They do it through the banks they own. Muslims are not rich people.”
- “Some deny the holocaust, some just don’t see the Jewish people as the entitled race that many of them believe themselves to be... not one of them alive today experienced [the holocaust].”
- “Jews are a religions people not a nation. The Israeli government is not true Jews.”

The National Constitutional Committee considered Love-Madden’s case on 9 September 2019. They found the charges proven, issued a formal warning, and suspended Love-Madden for another year.

However, in late 2019, additional material was brought to the attention of GLU from Love-Madden’s Facebook profile, and this was investigated under the new NEC procedures. She was sent a draft charge and the evidence to support this charge on 3 December 2019. She submitted a response to these charges on 4 December 2019, and on 6 December 2019 she was expelled by a panel of the NEC.¹⁴²⁴

Similarly, Councillor Pam Bromley was referred to the National Constitutional Committee on 3 July 2018 for publishing statements on Facebook such as:

“Some time back I got hammered for posting an anti-Rothschild meme. However here they are again. We must remember that the Rothschilds are a powerful financial family (like the Medicis) and represent capitalism and big business – even if the Nazis DID use the activities of the Rothschilds in their antisemitic propaganda.

¹⁴²⁴ Case: Catherine Love-Madden

We must not obscure the truth with the need to be tactful”, with a link to an article from a fake news website, YourNewsWire, titled “World War 3: Trump Begins Paying his Penance to Rothschilds.”

The NCC heard Bromley’s case on 21 March 2019. They found the charges proven and extended her suspension for six months to 3 September 2019.

Additional material was brought to the attention of the Party from Bromley’s Facebook profile and this was investigated under the new procedures. She was sent a draft charge and the evidence to support this charge on 19 December 2019. On 30 January 2020, she was expelled by a panel of the NEC.¹⁴²⁵

¹⁴²⁵ Case: Pam Bromley.

6.2.5.iii. Egregious cases of antisemitism dealt with in 20 days or less

On top of dealing with these historic outstanding cases, the fast-track expulsion powers have been used to turnaround the completion of an entire disciplinary case, whilst adhering to the principles of natural justice, in record time.

For instance, Christine Burdett was complained of on 10 January 2020. The complaint included multiple screenshots of offensive content posted by Burdett, and further investigations revealed dozens of antisemitic social media posts, spanning the course of 5 years and including a large number of extreme conspiracy theories about the Rothschilds and the “Zionist lobby”, and written materials comparing Israel to Nazi Germany.

She was written to 11 days later, on 21 January 2020, with a full list of charges against her and documentary evidence pertaining to each charge. Burdett responded 7 days later on 28 January 2020 taking ownership for both the Facebook account and the offensive statements and articles. She did not acknowledge any wrongdoing. Burdett was expelled two days later on 30 January 2020.

Burdett’s disciplinary case took 20 days from the first complaint received to the expulsion.¹⁴²⁶

Another example of a case which benefited immensely from this truncated process was that of Suze Parker, who was complained about on 12 January 2020. Three days later, after initial investigations, membership identification and logging had been done, Parker was issued with a letter of administrative suspension, including the charges against her.

Parker’s Facebook posts included offensive material that claims Jews and Jewish religious texts endorse paedophilia and organ harvesting, as well as links to fake news websites containing conspiracy theories and repeated references to the Rothschilds. Parker responded, albeit not addressing the charges put to her or answering the questions asked. The response did not alter the nature of the charges against Parker and she was subsequently expelled by an NEC panel on 30 January 2020.¹⁴²⁷

Parker’s disciplinary case took 18 days from the first complaint received to the expulsion.

¹⁴²⁶ Case: Christine Burdett

¹⁴²⁷ Case: Suze Parker

6.2.5.iv. Table of NEC expulsions, November 2019 - January 2020

Name	Panel	Received (where recorded)	Logged	NOI / Suspension	Charge served for expulsion
Mr George McKeivitt	November		05-Dec-18	30-Jul-19	23-Oct-19
Mr Glynn Smith	November		05-Jun-19	02-Aug-19	23-Oct-19
Mr Stephen Westmoreland	November	03-Jun-19	21-Jun-19	05-Aug-19	23-Oct-19
Mr Peter Ross	November		26-Mar-19	09-Aug-19	23-Oct-19
Mr Ralph Rea	November	29-Apr-19	31-May-19	12-Aug-19	30-Oct-19
Miss Katherine Hurley	December	10-Aug-19	02-Sep-19	29-Oct-19	28-Nov-19
Mr Adrian Barker	December		30-Apr-19	08-Aug-19	30-Oct-19
Mrs Mollie Joy Collins	December	18-Aug-19	18-Aug-19	19-Aug-19	28-Nov-19
Mr David Barron	December	02-Dec-19	03-Dec-19	03-Dec-19	03-Dec-19
Mr Iqbal Halani	December			27-Nov-19	27-Nov-19
Mr Leslie Chalk	December		26-Mar-19	09-Aug-19	30-Oct-19
Mrs Safia Ali	December	25-Nov-19	26-Nov-19	26-Nov-19	26-Nov-19

Mrs Norma Frye	December		04-Sep-19	28-Nov-19	28-Nov-19
Mr Michael John Lee	December		28-Aug-19	18-Sep-19	28-Nov-19
Ms Rita Allison	December	14-Jul-19	25-Jul-19	17-Sep-19	28-Nov-19
Mr Michael Farah	December		13-Jun-19	12-Aug-19	30-Oct-19
Mr James Wilmot	December		07-Jun-19	12-Aug-19	30-Oct-19
Mr Andy Thomas	December	14-Sep-19	24-Sep-19	28-Nov-19	28-Nov-19
Mrs Arjumand Wajid	December		20-Aug-18	03-Oct-18	23-Oct-19
Ms Laura Stuart	December			29-Nov-17	27-Nov-19
Mr Fariquain Shah	December	24-Jul-19	30-Jul-19	31-Jul-19	30-Oct-19
Mrs Lesley Perrin	December		12-Jun-19	15-Jul-19	27-Nov-19
Mr Cookie McBride	December		04-Sep-19	16-Oct-19	28-Nov-19
Mr Alan Bull	December	July 2017	20-Mar-18	20-Mar-18	28-Nov-19
Ms Lynne Gillard	December			20-Sep-17	28-Nov-19
Ms Catherine Love-Madden	December		02-Dec-19	03-Dec-19	03-Dec-19
Ros Henke	January		26-Mar-18	26-Mar-18	14-Jan-20
Pauline Hammerton	January	31-Jul-19	01-Aug-19	02-Sep-19	22-Jan-20

Anna Evans	January	05-Sep-19	30-Sep-19	28-Oct-19	22-Jan-20
Lynda Ferguson	January		13-Sep-19	28-Oct-19	22-Jan-20
Graham Thorpe	January	02-Sep-19	24-Sep-19	28-Oct-19	22-Jan-20
Dr Colin Deans	January			04-Dec-19	04-Dec-19
Mr John Lavender	January	12-Dec-19	16-Dec-19	16-Dec-19	16-Dec-19
Mr John Carey	January		12-Sep-19	16-Oct-19	08-Jan-20
Mr Andy Kay	January	13-Jan-20	16-Jan-20	16-Jan-20	16-Jan-20
Ms Maureen Fitzsimmons	January		20-Aug-18	17-Dec-18	21-Jan-20
Mrs Christine Burdett	January	10-Jan-20	21-Jan-20	21-Jan-20	21-Jan-20
Ms Susan Diane Grant	January		13-Sep-19	28-Oct-19	21-Jan-20
Ms Elleanne Green	January			06-Apr-17	21-Jan-20
Mrs Lesley Harris	January		16-Feb-18	20-Apr-18	21-Jan-20
Mr Gavin Sealey	January	21-Aug-19	21-Aug-19	18-Sep-19	21-Jan-20
Suze Parker	January	12-Jan-20	12-Jan-20	15-Jan-20	15-Jan-20
Mr Anthony Linford	January	29-Nov-19	30-Nov-19	03-Dec-19	23-Jan-20
Pam Bromley	January			19-Dec-19	19-Dec-19

6.2.6. Conclusions

Reforms to the roles of the NEC and NCC in 2018-19 have been critical to the huge increase in progress made on antisemitism cases in this period. Labour's existing disciplinary procedures, formed in the wake of legal challenges in the 1980s, were outdated and not fit for purpose, and after the change in General Secretary in 2018 sustained effort has been made to ensure they are appropriate to the challenges the Party faces.

This investigation will now examine how GLU was staffed and resourced to achieve the increased progress in 2018-19, including the problems encountered due to sudden staff turn-over, before going on to look at decision-making on antisemitism cases.

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6.3.1. Summary

Tackling antisemitism was Jennie Formby's number one priority upon her appointment. She immediately moved to create an in-house legal counsel, the role of Executive Director of Legal Affairs, as suggested by the Chakrabarti Report, and in April 2018 she arranged for a team of lawyers to be seconded to work on addressing the backlog of antisemitism cases.

By July 2018 there was discussion about the creation of a large number of new Governance Officer positions to work on complaints and disputes, and nine such roles were agreed and advertised in October 2018, to more than double the size of the in-house team.

However, this was accompanied from June 2018 onwards by large numbers of the former staff leaving their jobs suddenly and without notice. In many cases, staff left after going on long-term leave and then later handing in notices of resignation, which resulted in delays to the process of recruiting replacement staff. More lawyers were seconded to help fill this gap in capacity on an interim basis.

Therefore, while the number of roles in GLU were doubled, the high-level of staff turnover meant that it was some time before the staffing levels met the number of available roles. By May 2019 in-house staffing levels significantly surpassed those of a year earlier.

Importantly, all key roles in the department were now occupied by people who had joined specifically to improve the party's processes on antisemitism, and were recruited by Director of GLU Thomas Gardiner for this purpose. These staff had expertise on, and a history of working to tackle, left antisemitism. This included the Head of Complaints, the Acting Head of Disputes (now Head of Disputes) and the Senior Governance Officer, the latter of whom works exclusively on antisemitism and improving processes for handling antisemitism cases. As detailed throughout this chapter, this team had a transformative impact on GLU's approach to antisemitism cases, which is reflected in the statistics for 2019 shown in this chapter.

6.3.2. Recruitment (Legal)

The creation of in-house legal counsel was one of the agreed recommendations of the Chakrabarti Report of 2016, and LOTO staff, including Jeremy Corbyn himself, had repeatedly chased Labour HQ to implement this. One of Formby's first actions as General Secretary was to create the post of Executive Director of Legal Affairs. The Director of GLU would fall under this Executive Director (ED), and it was planned that the ED would then review the current structures and practices of the Governance and Legal team.¹⁴²⁸

The role was advertised on 16 April 2018, and, following interviews, on 8 June Gordon Nardell QC was appointed, to start on Monday 18 June.

Nardell is a senior barrister who specialises in constitutional and human rights law. He has had an extensive legal career which included serving as Parliamentary Counsel on the election of the 1997 Labour Government and working on flagship legislation such as the Human Rights Act. He had also advised the Labour front bench under Ed Miliband's and Jeremy Corbyn's leadership on a range of EU law and Parliamentary issues, as well as the 2016 Jeremy Corbyn leadership campaign. Nardell is Jewish. He was hired as in-house legal counsel to advise the Party in his capacity as a barrister, not to advise or take decisions on individual cases.¹⁴²⁹

Formby also immediately began pushing for the party to hire a team of lawyers to be seconded to the Party to help clear the backlog of antisemitism cases. On 10 April 2018, Formby discussed with Oldknow, Matthews and Head of Finance Simon Mills securing this "extra resource for the Disputes team". In an email on 12 April 2018, however, Oldknow maintained that Withers-Green would be able to "[clear] the backlog" of cases before the NCC "in line with the agreed plan by July", completing the majority of cases by conference in September 2018. She suggested that, rather than lawyers, "I think there are other and better ways for the Party to deliver the operational priority of 'clearing the backlog'".¹⁴³⁰ There was some suspicion that Oldknow and Matthews were inflating costs to delay the introduction of legal secondments, with a final figure being estimated at £18,000 for six weeks - "Which is well under the 72k suggested by Emilie, let alone the 400k for regional officers."¹⁴³¹

By 16 April 2018, three barristers from Cloisters chambers (Tom Gillie, Rachel Barrett and Nathan Roberts) had been instructed to work on preparing cases bundles for the

¹⁴²⁸ Staff: "180410 Counsel position .eml"

¹⁴²⁹ Staff: "180612 RE Director of Legal Affairs - IN CONFIDENCE.eml". See: <https://twentyessex.com/people/gordon-nardell/>

¹⁴³⁰ 2018-19: "180412 Lawyer staff.eml"

¹⁴³¹ 2018-19: "180412 Lawyer staff.eml"

NCC, opening submissions from the Party for those cases, and presenting at the NCC in those cases on behalf of the Party. They began working immediately under the Head of Disputes, staying based in their Chambers.¹⁴³² Tom Gillie, who specialises in equalities law, would also serve as the independent barrister advising NEC Antisemitism Panels from August 2018 onwards.

William Sturges, previously engaged by GLU, also continued to work on a number of NCC cases.¹⁴³³

Following staff departures in July 2018 (discussed later), on 8 August 2018, Leigh Day was contacted regarding secondments of junior lawyers to work in Labour HQ in the Disputes team, performing the same role that Investigation Officers had.¹⁴³⁴ As noted at the time, the goal of this was to “take the burden off staff and hopefully allow cases to be processed much more quickly to address the back log” and the current “spike in complaints”.¹⁴³⁵ Leigh Day provided three seconded lawyers - Leila Moran, Jessica Hunt and Aman Thakar - for three months, from Monday 3 September to Friday 2 November 2018.¹⁴³⁶

On 29 October 2018, Gardiner emailed Leigh Day enquiring if they would be able to provide further legal secondments:

As you know, Jess, Leila and Aman's time with us is coming to an end this week. They have been a real asset, and we are grateful for the assistance that they have been able to give us over the last couple of months.

We of course understand that you were not able to extend their time with us, and we can quite understand why you want them back in your team.

*We were however wondering, if you have any spare capacity for them, whether some or all of them might be able to continue on a very limited part time basis, in particular to bring matters they have been working on to a close. Again, we would entirely understand if this is not workable for you, and I hope you will forgive us for asking.*¹⁴³⁷

¹⁴³² 2018-19: “180416 RE Labour Party - Cloisters Chambers Instruction.eml”; “180416 Instructions.eml”; “180417 RE Instructions.eml”

¹⁴³³ 2018-19: “180626 RE Update from William Sturges.eml”. “180416 RE Instructions.eml”

¹⁴³⁴ 2018-19: “180820 RE Possible secondment.eml”

¹⁴³⁵ 2018-19: “180807 RE New AS Process.eml”

¹⁴³⁶ 2018-19: “180830 Leigh Day CVs.eml”; “180903 Disputes team secondees.html”; “181101 Re GLU staff meeting -- Friday 2 November, 15 30 Southside.eml”

¹⁴³⁷ 2018-19: “181031 legal secondees.eml”

It was arranged they would do one day a week each, which began in mid-January 2019, and continued into June 2019. With all three working largely externally and on this “very limited part time basis”, however, this was not able to significantly expand capacity in the team, and at the end of July 2019 the arrangement was formally ended.¹⁴³⁸

GLU has continued to engage Tom Gillie as an independent barrister advising NEC antisemitism panels, and Gillie and other lawyers from Cloisters in the preparation and delivery of NCC cases.

However, these efforts to expand the GLU team were offset by the sudden departures of a number of existing staff.

¹⁴³⁸ 2018-19: “190115 RE Legal Assistants.eml”; “190115 RE The return.eml”; “181129 Re Secondees.eml”; “190730 RE Secondees from Leigh Day.eml”.

6.3.3. Staff departures (June-July 2018)

In June 2018, a number of GLU staff - Sam Matthews, Dan Hogan and Louise Withers-Green - suddenly left their roles.

On Sunday 3 June 2018, Nareser Osei raised “a formal grievance, in accordance with the Grievance Policy in the Labour Party Staff Handbook”, that she was being subject to a “hostile working environment” by her manager Sam Matthews. She alleged that Matthews:

- “has taken a generally bullying attitude towards me”.
- “has initiated a false disciplinary and/or performance management process against me”.
- Was “proposing a series of changes to work which would micro-manage every aspect of my work”.

Osei believed Matthews was “deliberately trying to undermine me” and his “ultimate goal may be to force me out my role as Acting Head of Disputes”. She provided a detailed account alleging inappropriate behaviour and hostility from Matthews, including an “unnecessarily rude tone and “authoritarian” attitude”:

I couldn't help but think that was unconscious bias as I am a black woman which is often a stereotype, and surprised that it is not seen as rude for some colleagues who identify as white to take the tone that they do with me.

She also described Matthews insisting that “I am the permanent Head of Disputes and this is what is best for the team”; demanding to be cc-ed on all case correspondence; insisting he be informed of all communications she had with the General Secretary; and wanting to receive “every stage of the drafting and editing process” regarding the decisions of the NEC Antisemitism Working Group.¹⁴³⁹

On Monday 4 June, Formby acknowledged receipt of Osei’s formal grievance and said she would “appoint an Executive Director to hear your grievance”, and “arrange a hearing with you as soon as possible to hear your appeal” against the measures Matthews had recently imposed.¹⁴⁴⁰ She raised this with HR that evening.¹⁴⁴¹

The following day, on 5 June 2018, meanwhile, Matthews encouraged a colleague Fraser Welsh to submit a complaint about Katy Clark from LOTO. Welsh initially said he didn’t “necessarily feel that conversation specifically needs raising with the GS”, but

¹⁴³⁹ 2018-19: “180604 RE Current Working Environment IN CONFIDENCE.eml”

¹⁴⁴⁰ 2018-19: “180604 RE Current Working Environment IN CONFIDENCE.eml”

¹⁴⁴¹ 2018-19: “180605 RE Nareser Osei IN CONFIDENCE.eml”

then agreed it should be. Matthews then drafted and sent an email raising these concerns with Formby, who raised it with HR.¹⁴⁴²

On 7 June 2018, Matthews did not come into work, and declared himself off sick.¹⁴⁴³

On 8 June a journalist asked “whether Sam is off sick and if Thomas is covering the role”.¹⁴⁴⁴

On 8 June 2018, HR informed Formby that Matthews would be off for two weeks.¹⁴⁴⁵ Formby noted:

*As Sam is off sick for two weeks I have advised Nareser that I will not be able to progress her appeal until Sam returns, which will also mean that her grievance will also need to be deferred.*¹⁴⁴⁶

On 8 June 2018, Formby emailed HR:

Further to our conversation just now, as Sam is off sick for two weeks and in view of the number of urgent issues within GLU, I would like Thomas to cover the role.

...

I should be grateful if this could happen with immediate effect and if you would advise the staff accordingly.

*Thanks for your help with this and Thomas, thanks for agreeing to step in.*¹⁴⁴⁷

On 11 June 2018, Gardiner noted that he would “[oversee] the work of the Governance and Legal Unit while Sam Matthews is temporarily absent”.¹⁴⁴⁸

On 14 June 2018 Louise Withers-Green likewise went on sick leave. A week earlier she had raised concerns to Matthews, including:

I feel unsupported since you stopped being my direct line manager. The pressure on the team has been unreal. I feel that we're being expected to do such a huge and impossible amount of work and when we inevitably won't keep up with it, we'll be blamed for the issues even existing in the first place. Unfortunately I don't feel I'm

¹⁴⁴² 2018-19: “180605 RE Chat with Katy.eml”. “180606 Katy Clark Complaint Issue IN CONFIDENCE.eml”. “180606 SM complaint katy clark.eml”. “180607 Katy Clark Complaint Issue IN CONFIDENCE.eml”

¹⁴⁴³ 2018-19: “180607 Sick leave today .eml”

¹⁴⁴⁴ 2018-19: “180608 SM absence known by press.eml”

¹⁴⁴⁵ 2018-19: “180608 SM wont be in office.eml”

¹⁴⁴⁶ 2018-19: “180610 Nareser Osei IN CONFIDENCE.eml”

¹⁴⁴⁷ 2018-19: “180608 Sickness cover.eml”

¹⁴⁴⁸ 2018-19: “180611 TG Access to GLU inboxes and team calendar.eml”

*able to bring this up with my line manager [Nareser Osei], I have previously asked to work from home because the atmosphere was impacting my wellbeing, but I was told that "presence in the office is important".*¹⁴⁴⁹

On 20 June 2018, Dan Hogan also went on sick leave. As discussed earlier, this immediately followed Osei catching him editing the notes of his interview with Iain McKenzie, and a request from Sophie Goodyear to put in writing what action he had taken on the Islamophobic attack by Manjit Panesar, whose suspension Hogan had lifted. Hogan had also recently expressed concern about his "current overwhelming caseload".¹⁴⁵⁰

In the space of two weeks, the majority of the team working on Disputes - the Acting Head of Governance and Legal and two of the three Disputes officers - had gone on leave, leaving Disputes with just its Head, the most junior officer, and a recently employed administrator. Their sick leave was gradually extended, and they then formally put in requests from lawyers for three months further wages.

As discussed later, staff members' stated reasons for leaving did not mention the way in which the unit was handling antisemitism cases, which was significantly more robust than it had been previously. Staff put a number of concerns in writing, mostly about line management, and Matthews and Hogan's departures coincided with a formal complaint of bullying and racial discrimination against Matthews and scrutiny of Hogan's apparent misconduct in the McKenzie and Panesar cases.

¹⁴⁴⁹ 2018-19: "180607 Private for Sam.eml"

¹⁴⁵⁰ 2018-19: "180615 DH on caseload- Reports for Disputes .eml"

6.3.4. Further staff departures (September 2018 - April 2019)

In September 2018 Disputes Investigations Officer Megan McCann left GLU for a role in Eastern Region.

At the end of October 2018, Disputes administrator Lioko Mabika resigned without notice, for personal reasons.¹⁴⁵¹

In March 2019 Head of Complaints Sophie Goodyear left, having handed in her notice in January 2019, while in April 2019 Head of Disputes Nareser Osei went on long-term sick leave.

In February 2019 Complaints Officer Tim Dexter also handed in his notice, and in April 2019 leaked a large amount of confidential data while serving his notice period.

Complaints administrator Martha Robinson's 12 month contract also ended in March 2019, and was not renewed due to performance-related concerns.

¹⁴⁵¹ 2018-19: "181106 Re Attendance .eml"

6.3.5. Recruitment (Governance Officers and filling vacancies)

On 4 April 2018, Oldknow emailed Goodyear and Matthews about securing some “regional support for GLU” given the increase in the number of cases GLU was handling:

I had set up Fiona over the weekend to help with some of the investigations around the complaints and AS.

We haven't had chance to discuss this – but I think we should ask for some regional help to cover these.

What do you both think?

Goodyear responded that as she had just secured two additional staff, she would not need any extra staff:

From my point of view, now I have two additional staff members, I don't think I will need any extra resource for my team.¹⁴⁵²

Matthews, however, said:

Yes – definitely with recent developments I think we need some help.

2 additional investigations officers focussed on correspondence antisemitism investigations would be immensely useful.

Do you think that's doable?¹⁴⁵³

On 6 April 2018, a Regional Director responded that she had spoken to a range of regions, and one Scottish staff member, Kayleigh Quinn, could be seconded to the unit for two weeks, while several other staff members in Regions could also potentially help.¹⁴⁵⁴ Matthews responded positively to the Quinn's secondment, and potential help from one other staff member in South Eastern region. He did not respond on the other offers.

On 10 April 2018, Oldknow then asked Matthews:

¹⁴⁵² 2018-19: “180410 RE Regional support for GLU.eml”

¹⁴⁵³ 2018-19: “180404 RE Regional support for GLU.eml”

¹⁴⁵⁴ 2018-19: “180406 RE Regional support for GLU.eml”

Can you let me know whether you need me to do anything else on this or whether it is under control?

Matthews responded:

I don't think so – Nareser is going to talk to Richard W & the South East Today. Keyleigh's travel & accommodation is being sorted for her to start on 16 April.

I've asked Nareser to shout if she doesn't think that's enough resource.

(Oldknow: "Okay, cool").

After her two weeks were up, on Osei's request Quinn's secondment was extended further.¹⁴⁵⁵ Other regional support was also arranged, but Gardiner noted on 14 July that "Nareser's feedback has been that the arrangement hasn't worked particularly well."¹⁴⁵⁶ The existing "arrangement for some regional organisers to take on some cases" ended in late July 2018, but was then extended further to Labour Conference in September 2018.¹⁴⁵⁷

In June-July 2018, the departures of Matthews, Hogan and Withers-Green led to a significant gap in staffing capacity. There was also one position agreed by Oldknow in Disputes that had never been filled, while Osei becoming Acting Head of Disputes meant the team was down one Investigations Officer, too.

However, it was not only discussed to replace the staff who had left, and to fill these other vacancies. Already in July 2018, there were discussions about undertaking a considerable expansion of the Governance and Legal Unit, in particular in Complaints and Disputes. By October 2018, GLU was advertising to fill nine additional roles, as well as to fill existing vacancies - doubling the size of the unit.

However, there were further staff departures in September-October 2018, and although the seconded lawyers helped to provide some capacity, the high turnover in staff and delays in recruitment processes, partly due to staffing reviews, meant that the desired level of staffing for GLU was only achieved in May 2019.

This was a period of intense media and political scrutiny of Labour's handling of antisemitism, work in GLU was consequently stressful, and it proved difficult to recruit people to join the team.

¹⁴⁵⁵ 2018-19: "180510 RE Seconded Staff .eml"

¹⁴⁵⁶ Staff: "180714 RE Staffing in GLU.eml"

¹⁴⁵⁷ 2018-19: "180731 FW Regional support for GLU moving forward.eml". "180807 RE Regional support for GLU moving forward.eml"

When Matthews went on long-term sick leave, Gardiner was appointed to take on his responsibilities in the meantime, and from 6 July 2018 his title was “Acting Director – Governance and Legal Unit”.¹⁴⁵⁸ On 26 July 2018, the roles of Director of GLU and Head of Disputes were advertised, along with the two vacant Investigations Officer positions (of Hogan and Withers-Green).¹⁴⁵⁹ Originally due to take place in September, the interviews for Director of GLU were postponed and then held on 23 October 2018, when Gardiner was appointed.¹⁴⁶⁰ Osei was also the successful applicant to be Head of Disputes, officially vacating her previous Investigation Officer role.

One of the tasks of the new Executive Director of Legal Affairs was to perform a wider review of GLU’s structure and staffing. It was soon recommended and agreed that not only should these roles be advertised, but there should be a considerable expansion of existing staffing. This was already being discussed in July 2018,¹⁴⁶¹ and on 17 August 2018 there was further discussion between Gardiner and Nardell on expanded staffing plans, such as “the regional governance officers which Jennie has suggested”.¹⁴⁶²

On 20 June 2018, Gardiner emailed Formby about staffing levels:

I am now quite concerned about the staffing levels in GLU, in particular in the Disputes team.

...

We are now down to just one investigating officer in the Disputes team, plus Nareser and one regional staff member who previously took on some cases which would previously have been dealt with by Nareser, prior to her acting up arrangement. This is likely to have a severe knock on effect on work, if the situation continues.

I think that we will need to either second staff into the unit, or bring in temporary staff, if the situation continues for more than a couple of days.

I am also conscious that I have a large number of matters which need my direct attention, which is becoming increasingly difficult with the degree to which the unit is becoming stretched.

¹⁴⁵⁸ 2018-19: “180706 RE Sam's departure my job title.eml”

¹⁴⁵⁹ 2018-19: “180720 Job Adverts.eml”

¹⁴⁶⁰ Staff: “180828 RE Application for Director of Governance and Legal.eml”. “180829 RE Application for Director of Governance and Legal.eml”. 181024 RE Interviews for Director of Governance and Legal.eml.

¹⁴⁶¹ Staff: “180718 Re Capacity staffing summer work.eml”

¹⁴⁶² Staff: “180817 RE GLU staffing.eml”

On 11 July 2018, Gardiner noted to Formby:

*It is also clear to me that the stretch in the Disputes Team probably can't continue for much longer. The arrangement for some regional organisers to take on some cases is coming to an end at the end of this week. Nareser and I have discussed with Fiona Stanton, and she is happy to square the arrangement being continued for at least another week, and for staff to complete any investigations assigned to them. Nareser's feedback has been that the arrangement hasn't worked particularly well.*¹⁴⁶³

Formby replied:

*Can you and Gordon please discuss and then speak with HR about what you need?*¹⁴⁶⁴

On 19 July 2018, Gardiner emailed Executive Director of Finance Simon Mills regarding staffing:

GLU is in need of further staff resources, in light of increased workloads and a couple of ongoing sickness absences.

As I understand it, the previously approved staffing levels included the following positions which are currently vacant:

- *Disputes team:*
 - o *1 x Investigations Officer (permanent)*
 - o *1 x Investigations Officer (12 month fixed term contract)*
- *Internal Governance team:*
 - o *1 x Internal Governance Officer (permanent)*

Are you able to tell me whether the funding is still in place for these positions, and therefore whether we would be able to recruit to them?

After some discussion, Mills agreed to advertising all three roles.¹⁴⁶⁵

On 31 July 2018, Gardiner noted:

We have 3 vacancies currently out to advert (2x Investigations Officers, 1 x Internal Governance Officer), another one due to go out to advert soon (1 x Disputes Officer), and we know there will be a need for one more desk after the Head of Disputes

¹⁴⁶³ Staff: "180714 RE Staffing in GLU.eml"

¹⁴⁶⁴ Staff: "180714 RE Staffing in GLU.eml"

¹⁴⁶⁵ Staff: "180724 RE Staff funding in GLU.eml"

*recruitment (if Nareser gets it then her substantive role will be vacant, if she doesn't then the new Head of would need to be accommodated).*¹⁴⁶⁶

In August 2018, concerned that staffing levels in GLU had suddenly dropped while there were a significant number of outstanding complaints that had not been processed, Karie Murphy offered for staff from LOTO to help get through the backlog. LOTO was aware that Emilie Oldknow had arranged for secondments to GLU from other parts of the organisation previously, for example secondments from Regions in the previous nine months.

It has always been the case that the Labour Party, like any organisation, sometimes seconds staff to do alternative work where there are capacity issues. This is a staff resourcing matter. Staff have been seconded into GLU at various times and from a variety of different departments in the organisation. Most commonly this has been from Labour's regional offices, but also sometimes from other departments. (Staff across the organisation appear to have been involved in the 2015 "Validation" process, for example.)

Staff from LOTO who helped with the backlog, as with regional staff previously, were always under the management of GLU staff while carrying out this work. However, as with staff from Regions, LOTO staff lacked training or guidance on GLU's processes and how to handle antisemitism complaints.

Although this appears to have been an attempt to deploy staff resources to help get through GLU's backlog during a period of staffing gaps, similar to Oldknow's secondment of regional staff previously, it also raised the prospect of being viewed as attempted political interference, rather than as an effort to reduce the backlog. After a few days, Jennie Formby, who was on leave at the time, ended the arrangement when she learnt about it. Instead she, Nardell and Gardiner arranged for three lawyers from Leigh Day to be seconded to the unit to make up the staffing shortfall.

On 23 August 2018, Nardell emailed Formby with a GLU staffing proposal outlining 8 new positions across GLU, including an additional Complaints Administrator, four Regional Governance Officers and a Deputy Director who would manage the Regional Governance team. These six positions would be "funded by the nations/regions", and be called "Regional Governance Officers" because "it creates flexibility – the officer wouldn't necessarily be purely focused on investigations, internal governance or external governance", but could also help with other tasks when urgent.

¹⁴⁶⁶ Staff: "180731 RE Desk moves.eml"

Two Disputes Investigation Officer roles were currently vacant, and he noted that “most urgent” were the positions of Investigation Officer and Advocacy and Disputes Officer - “finance for which is approved but haven’t yet been advertised”.¹⁴⁶⁷

On 8 October 2018 and 22 October 2018 respectively, Dan Howl and Patrick Smith started as Disputes Investigations Officers.

In October 2018 it was agreed to advertise nine Regional Governance Officer roles, part funded by the Regions but based in Labour HQ, and focused on Complaints and Disputes work.¹⁴⁶⁸ On 1 October 2018, Nardell wrote to Formby:

The urgency of recruiting to the vacant posts where funding is in place has been exacerbated by Jordan’s resignation, leaving another vacant post.

Andrew and Thomas are producing an updated job description for the Data Protection Officer post so that we can get moving as quickly as possible on recruiting a replacement for Jordan.

Meanwhile we need to nudge HR on interview dates for the Director of GLU and Head of Investigations positions. I will deal with that. The Director position, where there is a shortlist of only 2, should be possible to fill quite quickly, which means there is every possibility of a permanent post-holder being able to interview for the Head of Disputes position, depending on exactly when candidate availability places the interview dates.

We will also need to get moving on the remaining funded posts. I will have a word with Thomas and the relevant team leaders about drafting the necessary package. We can then get back to Simon Mills with an update on his spreadsheet (entitled “GLU 10.08.18.xlsx”). None of this cuts across negotiating agreement about funding and disposition of the remaining posts we have identified as necessary including the 6 posts funded from Regions.¹⁴⁶⁹

On 22 October 2018 Nardell submitted another proposal on staffing from himself and Gardiner, containing several additional roles including a junior role. The document outlined the current staffing levels including vacancies in all teams in GLU:

Disputes

Existing:

- *Head of Disputes*

¹⁴⁶⁷ Staff: “180823 GLU Staffing requirement.eml”

¹⁴⁶⁸ Staff: “181002 Work plan.eml”

¹⁴⁶⁹ Staff: “181001 RE GLU staffing.eml”

- *Investigation Officer*
- *Investigation Officer*
- *Investigation Officer (unfilled, recruitment pending)*
- *Investigation Officer (unfilled, recruitment pending)*
- *Advocacy and Disputes Officer (unfilled, recruitment pending)*
- *Disputes Administrator*

Internal Governance

Existing:

- *Head of Internal Governance*
- *Internal Governance Officer (unfilled, recruitment pending)*
- *Internal Governance Administrator*

External Governance

Existing:

- *Head of External Governance*
- *Senior Governance Officer – Data Protection (unfilled, recruitment pending)*
- *Governance Officer*

Complaints

Existing:

- *Head of Complaints*
- *Complaints Officer*
- *Complaints Administrator*

Regional Governance (titles of officers awaiting confirmation)

Proposed:

- *Regional Governance Manager (same post as Deputy Director listed above, or here converted so that one of the new Officers is recruited at Head, Manager or Senior Officer level to manage the other Officers)*
- *Regional Governance Officer*

There have been various other indications of need for additional capacity from other teams in GLU, but if this team is a flexible resource, it should be able to help cover these pressures.

It noted:

*The funding for the Regional Governance Officers is being consulted on with regional directors on the basis that 5 ½ posts would be funded out of regional budgets for one year, with the remaining ½ post (plus London weighting for all 6 posts, and the additional cost of designating one of the posts as Manager) funded out of GLU budget.*¹⁴⁷⁰

On 24 October 2018, Labour advertised to recruit nine Regional Governance Officers, one for each Region of England, on 12 month fixed term contracts.¹⁴⁷¹ On 25 October 2018 Gardiner also requested recruitment go ahead of two IOs, now Osei was permanently head of Disputes.¹⁴⁷²¹⁴⁷³

On 8 November 2018 another Investigations Officer role in Disputes was advertised, along with a role of Advocacy and Disputes Officer, to work on preparing NCC cases.¹⁴⁷⁴

The first interviews for Governance Officers, advertised in October 2018, took place in March 2019, with three new staff starting in April 2019. Concurrent to this, however, four existing staff left.

The new roles had not attracted enough applicants and some roles had to be re-advertised to secure more applicants.¹⁴⁷⁵ On 8 April 2019 Gardiner noted that one Governance Officer role and the Senior Officer position needed to be advertised again:

The governance officer and senior governance officer roles which we had out to advert previously now need to go back out to advert, as we did not have enough applications for the senior role, and we were only able to recruit to 3 out of 5 officer posts.

...

*Can we get these adverts out today? Do you need any further information from me?*¹⁴⁷⁶

A discussion on staffing levels on 29 March 2019 showed that the majority of positions in the office were still not filled. Four Regional Governance Officers were now being

¹⁴⁷⁰ Staff: "181022 GLU staffing - CONFIDENTIAL.eml"

¹⁴⁷¹ Staff: "181024 FW Job Advert.eml"

¹⁴⁷² 2018-19: "181025 RE Investigations Officer backfill recruitment 2.eml"

¹⁴⁷³ Staff: "181025 RE Investigations Officer backfill recruitment.eml"

¹⁴⁷⁴ Staff: "181108 Job Adverts.eml". "181108 RE Disputes ad .eml". "181107 RE jobs.eml"

¹⁴⁷⁵ Staff: "190312 RE Regional Governance Officers Interviews .eml"

¹⁴⁷⁶ Staff: "190408 Job adverts.eml"

appointed, but one Officer and the Senior Officer position were still vacant. The Disputes team, meanwhile, was supposed to have five Officers and one administrator in addition to the Head. However, half those positions - two Officer roles and the administrator - were vacant.¹⁴⁷⁷

On 24 April 2019 it was decided that the Governance Officers would be part of the Complaints Team, with one Senior Officer and five Officers in Complaints, four Officers in Disputes, and one Administrator across the two teams. It was noted that the department was currently recruiting for two Regional Governance Officers and one Senior Governance Officer, one Investigations Officer (“approval for fresh process needed following appointed candidate withdrawing at last minute”), one Complaints/Disputes Administrator (“approved, but JD needs to be re-worked for combined role, and then advert needs to go out”), an NCC Officer role and a Lawyer Officer role.

The Disputes and Complaints teams were therefore due to have 13 staff between them, but five of those positions were currently vacant, and there would be one new NCC Officer role as NCC Secretary Jane Shaw went part-time.¹⁴⁷⁸

On 16 May 2019, after it was confirmed candidates had been found for a further two positions, Formby thanked staff for their work on recruitment:

*I really do appreciate how tough things have been and will continue to be for GLU but that's precisely why it's so important for us to push really hard to ensure that the necessary staffing and processes are in place as it is such a crucial element of the political attacks against us.*¹⁴⁷⁹

The following day, Karie Murphy commented:

*Halleluiah! And well done Thomas... We really needed to drive this through*¹⁴⁸⁰

In September 2019, two further vacancies in Disputes were also filled.

¹⁴⁷⁷ Staff: “190329 GLU staffing alternative proposals.eml”

¹⁴⁷⁸ Staff: “190424 GLU staffing proposals.eml”. “190515 RE Meeting.eml”

¹⁴⁷⁹ Staff: “190516 RE GLU - Meeting 16th May 2019.eml”

¹⁴⁸⁰ Staff: “190520 RE GLU - Meeting 16th May 2019.eml”

6.3.6. The new team

Between October 2018 and September 2019, thirteen new staff started in Complaints and Disputes:

8 Oct 2018 - Dan Howl - Investigations Officer
22 Oct 2018 - Patrick Smith - Investigations Officer, then Acting Head of Disputes, then Head of Disputes
11 March 2019 - Halima Khan, Investigations Officer
12 April 2019 - Laura Murray - Head of Complaints
15 April 2019 - Gail Wood - Governance Officer
24 April 2019 - Mostafa Rajaai - Governance Officer
29 April 2019 - James Smith - Governance Officer
20 May 2019 - David Riley - Governance Officer
20 May 2019 - Toby Peacock - Governance Officer
24 June 2019 - John Berry - Governance Officer
1 July 2019 - Harry Hayball - Senior Governance Officer (Antisemitism)
2 Sep 2019 - Esther Enfield - Complaints/Disputes Administrator
18 Sept 2019 - Dulcie Fairhurt - Investigations Officer

Most notably, between March 2019 and 1 July 2019 six Governance Officers, one Investigations Officer and one Senior Governance Officer, who was to work exclusively on antisemitism and improving antisemitism processes, joined the team.

The new team have come from a range of backgrounds, with a range of professional and political experience.

For example, Investigations Officer Dan Howl had more than five years experience as a Corporate Investigator and Adjudicator in finance and audit, while Halima Khan had worked on complaints for Oxford Brookes University. Importantly, all of the staff joined at a time when antisemitism and Labour's handling of antisemitism disciplinary cases was receiving significant media coverage. All understood the importance of eliminating antisemitism from the Labour Party, processing cases in an efficient and fair manner, and have taken up their roles on that understanding.

In particular, as is outlined in Section 6.5, all three senior staff in the team - Laura Murray (Head of Complaints), Patrick Smith (Head of Disputes) and Harry Hayball (Senior Governance Officer) have expertise on antisemitism and experience in combating antisemitism on the left, and joined the department with the intention of

helping the party resolve the issue of antisemitism and rebuild relationships with the Jewish community. The Labour Party hired them for this purpose.

6.3.7. Regional Governance Officers

It has been claimed that in early 2018, Iain McNicol, when he was still General Secretary, authorised a sweeping expansion of the Complaints and Disputes teams to deal with antisemitism complaints, but LOTO and/or Jennie Formby then cancelled this.

This is incorrect.

In December 2017, with elections for three new seats on the NEC ongoing - expected to be won by candidates on the left of the Party - Labour HQ senior management began discussing employing additional staff in the Regions. They proposed and agreed Regional Governance Officers - eleven posts, one in each region/nation, on twelve month contracts, but with the intention of being made permanent.¹⁴⁸¹ For LOTO, and members of the NEC on the left of the Party, this was seen as a factional move to bolster the Regional offices, which were perceived to be dominated by staff from the right of the Party, before Iain McNicol stood down as General Secretary. Some contrasted this with the continued delays in creating a Community Organising unit as advocated by Jeremy Corbyn (which GSO also wanted to be based within existing Regional office structures, if created).¹⁴⁸² Concerns were also raised that this major expansion in staffing had not gone to the NEC Business Board.

Stolliday's notes show that the Governance Officers were to work on matters spanning GLU's work, including Internal and External Governance and "membership governance issues" dealt with by staff in Newcastle.¹⁴⁸³ The job description, produced in January 2018, was a mix of GLU disciplinary functions and those of a Regional Organiser.¹⁴⁸⁴

The primary justification given for the positions was freeing up other regional staff to do their other work - that some regional staff were bogged down with complaints and governance issues, instead of going out and campaigning. This was therefore seen to be about an expansion of capacity for Regional staff for their ordinary work, rather than for GLU. It was only gradually, as the issue of complaints backlogs were raised in February 2018, and LOTO and NEC members questioned the purpose of these roles, that GLU-GSO also began to suggest that the aim of the positions was to increase the staff resourcing on complaints.¹⁴⁸⁵ Antisemitism, however, was still barely mentioned.

¹⁴⁸¹ 2018-19: Regional Governance Officers: "171207 SMT Actions.eml"; "17412 SMT for Monday 18th December.eml" "171212 proposal regional gov officers.msg"; "180203 Re Objectives.eml"

¹⁴⁸² 2018-19: Regional Governance Officers: "170921 SMT Actions - correct version.msg"

¹⁴⁸³ 2018-19: Regional Governance Officers: "180203 Re Objectives.eml"

¹⁴⁸⁴ 2018-19: Regional Governance Officers: "180131 RE Gov Officer.eml"

¹⁴⁸⁵ 2018-19: Regional Governance Officers: "180207 RE PLP outcomes.eml"

On 9 February 2018, for example, Julie Lawrence forwarded to Oldknow “the governance jobs lines to take”, with nine bullet points justifying the roles. These argued that these were junior roles, and their goal was to “free up the rest of the regional staff to get on with campaigning”:

- *They therefore free up the rest of the regional staff to get on with campaigning. [Regional Organisers] are currently splitting their time between this and rulebook/governance issues.*
- *We have found managing this backlog of governance cases has had an impact on the morale of some of our regional staff, who see their jobs to campaign, put on great visits, etc. We had to deal with this.*

Only one of the nine points, the seventh, referred to antisemitism:

- *Iain is not prepared to be exposed again as he was at the PLP with a barrage of anti-semitism questions. PLP will only keep on this and going for JC.¹⁴⁸⁶*

Stolliday suggested:

I’d query telling them about the part funding – will lead to inevitable questions about what resources regions have and why spending them on this & not community organisers etc. But not a biggie.

I think may also be worth reminding them that these are 12 month posts and the remit is to handle investigations and membership appeals – not all the constitutional things like CLPs and labour group meetings – those still sit with organisers. These are to remedy a specific issue that regions have with capacity for doing investigations and appeals on top of their campaigning work and to solve the natural justice issue caused by delays to hearings.¹⁴⁸⁷

In 20 February 2018 briefing notes for Iain McNicol for a meeting with Karie Murphy and Seumas Milne, before a meeting with Jeremy Corbyn, the first point was these bullet points providing justifications for the “Regional Governance officers”.¹⁴⁸⁸

On 12 February 2018, meanwhile, Stolliday was helping to draft a reply from McNicol to Shami Chakrabarti, on why the Party had not implemented her recommendations. Oldknow suggested:

¹⁴⁸⁶ 2018-19: Regional Governance Officers: “180209 chain on regional governance officers.msg”

¹⁴⁸⁷ 2018-19: Regional Governance Officers: “180209 chain on regional governance officers.msg”

¹⁴⁸⁸ 2018-19: Regional Governance Officers: “180220 McNicol briefing JC.msg”

On the para with Regional Governance Officers - I would add something which states - your report rightly pointed out, that we are under resourced in our Investigations team and this has been a constant issue for our staff both in HQ and the regions... Therefore, blah, blah....

Stolliday's draft then followed this line. Two days later, however, Stolliday himself confirmed that Regional Governance Officers were not being recruited to deal with antisemitism complaints.

In February 2018 LAAS, who submitted most of the antisemitism complaints the Party received at the time, was claiming that:

The compliance unit was not adequately resourced for the number of reports LAAS have submitted and have recently recruited more staff to cope.

On 14 February 2018, Stolliday referred to this as "nonsense about... us recruiting staff to deal with LAAS complaints".¹⁴⁸⁹

The central Complaints and Disputes teams were actually already undergoing a major increase in staffing in this period, which was only completed in March 2018. As we have seen in Section 3.2, in October-November 2017, after a rise in sexual harassment cases, Oldknow asked Goodyear and Matthews if they needed additional staff. Goodyear proposed two additional staff in Complaints, and Matthews two additional staff in Disputes. Oldknow and McNicol agreed, and these roles were then advertised and recruited, with regional secondments filling some gaps in the meantime.

One new staff member joined Disputes in January 2018 (McCann), and in March 2018 a further three new staff started in Complaints and Disputes (Dexter, Robinson, Mabika).

In early April 2018, as outlined earlier, Oldknow arranged offers of secondments of staff from a range of regional offices. Goodyear, however, responded that her team did not need any further staff, while Matthews advocated just two temporary secondments. He then confirmed to Oldknow that his team did not need any further support:

"Can you let me know whether you need me to do anything else on this or whether it is under control?" - Emilie Oldknow, 10 April 2018

"I don't think so - Nareser is going to talk to Richard W & the South East Today. Keyleigh's travel & accommodation is being sorted for her to start on 16 April. I've

¹⁴⁸⁹ 2018-19: Regional Governance Officers: "180214 FW Alex Sobel Introduction to Labour Against Antisemitism.eml"

asked Nareser to shout if she doesn't think that's enough resource." - Sam Matthews, 10 April 2018¹⁴⁹⁰

At no point did the Complaints or Disputes teams propose eleven extra staff.

Experience of the previous years also suggests that such extra staff would not have helped the handling of antisemitism complaints. It was clear at the time that the use of regional staff to handle complaints and investigations simply did not function - and never had - and in January 2018 Matthews had already begun instructing Disputes officers to collect up cases from regions and investigate them themselves.¹⁴⁹¹ From spring to autumn 2018 all complaints involving protected characteristics were gradually taken away from the regions and into the centre, to be handled by specialised staff in a consistent manner. Rather than staff based in regions, Jennie Formby instead authorised the Complaints and Disputes teams in Labour HQ to be more than doubled in size.

At this time, Matthews was also continuing to insist that processes in GLU were functioning well. On 3 April 2018, for example, in his "AS Action Plan Draft", Matthews responded to the concern that "it takes too long for the Party to take any action on complaints". He wrote:

*This perception is unfair, the Party acts very swiftly where such complaints are received and this has been helped by extra staffing resource for the Complaints & Disputes Teams. Dealing with difficult decisions on administrative suspensions has been helped by a formal structure for raising these cases with LOTO.*¹⁴⁹²

Matthews recommended that "the Party continues to use this process for such decisions."

Regarding delays getting to the NCC, meanwhile, Matthews noted that:

Since January, for the first time, the Party has a dedicated member of staff who works within the Disputes Team and is responsible for compiling NCC bundles and a plan is in place to deal with the backlog of NCC cases by the July meeting of the Disputes Panel – good progress is being made on this project. This alone should see this delay dramatically reduced in the near future.

He suggested only that the NCC should make more use of hearing cases on paper.¹⁴⁹³

¹⁴⁹⁰ 2018-19: "180510 RE Seconded Staff .eml"

¹⁴⁹¹ Alan Bull: Final Summary.

¹⁴⁹² March 18 Change: "180403 Antisemitism Working Group - pre-meeting.eml"

¹⁴⁹³ March 18 Change: "180403 Antisemitism Working Group - pre-meeting.eml"

As noted previously, Matthews' reports on the situation in GLU provided Jennie Formby, senior GLU-GSO staff and LOTO with an inaccurate picture, hindering their ability to understand the situation, the extent of the problem and the extent of the resources and/or reforms required to deal with it.¹⁴⁹⁴

¹⁴⁹⁴ March 18 Change: "180403 Antisemitism Working Group - pre-meeting.eml"

6.3.8. Conclusion

Nardell's appointment, and a number of other decisions in 2018, reflected the leadership of the party's belief that GLU needed better legal frameworks and guidance.

This was influenced by former GLU-GSO staff's regular claims that NCC hearings had been delayed for years due to legal proceedings, rather than because they had not done the required work to progress the cases. It also reflected a belief that clear legal frameworks, and the use of lawyers who would be required to be independent and fair in their work, would ensure that Labour's disciplinary would be fair and trusted by all parties. The factional misuse of GLU to suspend or exclude thousands of people during the second leadership campaign in 2016 had an influence on thinking throughout this period: it was felt that creating clear legal frameworks and guidelines would prevent such abuse in the future.

While the Party benefits from the sound legal advice and legal frameworks, what had been specifically lacking before April 2018, and needed to be introduced, was:

- Clear managerial oversight and drive.
- Staff with expertise in antisemitism, and detailed guidelines for how to handle different types of antisemitism-related cases.
- Well-structured and sensible processes that could ensure the efficient, fair and effective handling of antisemitism cases in large volumes.

From April 2018 onwards, there were continual efforts to make improvements in these areas. However, sudden departures of staff in 2018 weakened the capacity of the team (and, as discussed later, contributed to some cases and work streams being temporarily dropped or lost).

Jennie Formby, Gordon Nardell, Executive Director of Legal Services and Thomas Gardiner, Director of GLU, identified the need for significantly increased capacity in GLU in summer 2018. While a team of lawyers had been seconded to ensure that the gaps in GLU's capacity could be quickly filled by individuals who were qualified and experienced, it took some time to reach the full staffing levels that had been hoped for.

This appears to have been, at least in part, due to a combination of the pressures on existing staff due to the departures of other staff, the drawn-out nature of departures which sometimes lasted months, delays in recruitment processes, some positions not attracting sufficient applications, and staffing reviews.

Therefore, although this was a priority for the General Secretary and although progress on recruitment was continually chased, this was an ongoing process. In 2019 the desired levels of staffing, both in number of jobs and number of personnel filling them, was in place. This doubled the size of the team working on disciplinary matters, including staff with experience and expertise on antisemitism on the left. This substantial increase in capacity significantly increased the Party's ability to handle antisemitism complaints swiftly and robustly.

This investigation will now examine decision-making processes on antisemitism in 2018-19, how these functioned and how they evolved over time, and how appropriate the decisions taken have been.

6.4. Decision-making on antisemitism cases, March 2018 - March 2019

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6.4.1. Summary

In 2018, GLU began properly dealing with antisemitism cases and at volume. As detailed previously, prior to this the vast majority of antisemitism cases had simply been ignored, and there had been no functioning complaints process.

From March 2018 GLU was also suspending members in more serious cases, and there was a huge rise in suspensions related to antisemitism.

Two other notable areas of improvement to GLU's practices and policies during 2018, resulting in greater and more robust action, included:

- Staff now taking action on shares.
- Staff no longer lifting suspensions or ending cases with informal resolutions like asking individuals to apologise and delete their posts.

As this report has shown, such practices had been regularly used by the previous GLU team.

However, these improvements and the increase in action does not mean that all of the decisions being taken were correct and proportionate. Some cases have, indeed, been publicly highlighted in the media, where this was not the case.

First outcomes and decisions taken from March 2018 onwards were a huge improvement on what they had been previously. However, this investigation has found that - although in the majority of cases the first outcome was appropriate - a minority of cases continued to receive inappropriate first outcome decisions. These decisions reflected a lack of staff guidance and training, a lack of staff expertise on antisemitism, and a lack of sufficient diligence and care. Mistakes were made by all staff and in all directions. From autumn 2018 onwards, reviewing and deciding on cases was done mostly by joint meetings of Gardiner, Head of Complaints Goodyear and Head of Disputes Osei. Going through large volumes of cases at a time, a higher proportion of mistakes were made.

There was an ongoing process in 2018 and 2019 of new staff, such as Gardiner, continually reviewing practices and procedures and making efforts to improve them to ensure complaints were progressed and dealt with appropriately. As detailed in Section 6.5, improvements made in 2018 were built upon in 2019 through the employment of knowledgeable and experienced staff to deal with antisemitism cases, and the introduction of a detailed antisemitism decision-making matrix which guides

appropriate action on a wide range of different types of materials and activity. Staff in 2019 have also gone back and rectified many of the errors made in previous years, while other cases have been re-reported to the party, often with new evidence and handled appropriately the second time round.

An important factor impacting these decisions was that GLU still did not have a systematic practice of conducting further social media searches into the individuals complained about, which was introduced in 2019 after it became apparent that such searches were essential to making informed decisions.

Therefore, 2018 was a period in which new staff were learning GLU's practices, identifying flaws in these practices and working to address them. For example: the creation of new roles to increase capacity within GLU and seconding lawyers in the meantime; ensuring consistent and comprehensive logging of cases in line with the Macpherson principle, which also enabled detailed breakdowns of statistics on cases; ending GLU's policy of not taking action on shares alone when the content was serious; and ending the practice of staff lifting suspensions or imposing informal resolutions like asking individuals to delete and apologise.

Further improvements, such as the need for detailed guidance to ensure consistent and appropriate decision-making on antisemitism cases, the need for staff with expertise in this area, and the need for systematic social media searches, were identified and addressed in 2019.

6.4.2. Decision-making processes, March 2018 - June 2018

It was on the proposal of Sam Matthews, with which Oldknow and Stolliday agreed, that after 4 April 2018 Gardiner took over making recommendations on antisemitism cases.

There were undoubtedly some ambiguities in what status Gardiner's recommendations had in this period. Contrary to how Gardiner's role has subsequently been portrayed by Matthews, however, it is clear that GLU staff understood that Gardiner's recommendations were indeed recommendations: they were not final and were not decisive.

Three case studies illustrate this well.

6.4.2.i. Charley Allan and Joe Goldberg

Charley Allan was a Jewish member and Corbyn supporter in Haringey, who had been suspended during the 2016 "Validation" process due to the flagged term "Zio". The flagged tweet actually referred to "apartheid Israel" and employed the hashtag "#AntizionismsIsNotAntisemitic", but was flagged because "Zio" was contained within "Zionism". Local councillors and the local MP Catherine West raised concerns about his suspension with GLU. Other evidence provided to Allan on his request included one tweet in which Allan wrote that the term "Zio" was not necessarily antisemitic, although "rude, like calling someone a 'commie'".¹⁴⁹⁵

On 5 April 2018, Goodyear raised a complaint about Allan, received from fellow Haringey member Joe Goldberg, also Jewish and a councillor on the right of the party.

Goldberg requested the party act against Allan, now a council candidate, over a Twitter conversation in which Allan used the term "Zio". Regional Director Neil Fleming had forwarded this to Dan Hogan, writing:

Thoughts? I think this was already looked at by the NEC panel

Hogan then quickly collected Goldberg's complaint, "other evidence I've collected from Twitter, and the NEC Warning sent to Mr Allan", and forwarded to Matthews recommending suspension. He then sent a longer summary to Goodyear, saying:

¹⁴⁹⁵ Final summary: Charley Allan

Mr Allan has continually to use the term 'zio' on social media, even after receiving an official NEC warning about his use of that specific word.

Zio is a word specifically identified as a term of abuse in the Chakrabarti Report...

I recommend that this individual is suspended.

Can you chase for a quick decision on this please?

Suspension would have removed Allan as a council candidate, preventing him from standing in the upcoming elections, or indeed Labour from putting forward anyone in his place given the closeness of the deadline.

On 5 April, Goodyear then raised this as “an urgent case as [Allan] is a [council] candidate and close of nominations is tomorrow at 4pm.” Goodyear likewise recommended that Allan be suspended.

Gardiner responded:

Can I just clarify, what is the new complaint here?

Having checked the tweets in question, Gardiner noted that the complainant, Haringey councillor Joe Goldberg, “does not appear to have provided the whole conversation to the Party”, and pointed out that the Twitter conversation had actually been initiated by Goldberg.

Hogan had also checked the tweets in question, had not provided them to Goodyear or Gardiner, and had provided a misleading summary saying that Allan was “continually [using] the term ‘zio’”.

Goldberg had in fact tweeted criticising Allan for “fail[ing] to understand KKK origin of term “Zio” #CorbynStormTrooper”, linking to the original comments of Allan from 2016. Allan had responded that “that’s an utterly disgraceful hashtag to use - Michael Foster was suspended for a similar smear”. After Goldberg challenged Allan to say whether he was “pro or anti-brexite” and whether “u think its ok to use term “Zio””, Allan had quoted from past comments of his on the term “Zio”:

I don't use it myself because it unhelpful lumps left- and right-wing zionists together when as socialists we should be trying to drive a wedge between them.

The evidence indicated Allan had never actually used the term “Zio” in relation to anyone. He had only argued that the term was a short-hand for a political position and though “unhelpful” and “rude” it was not inherently racist. While the Labour Party believes, as set out in the Chakrabarti report, that the term ‘Zio’ should not be used, this does not mean Jewish members cannot discuss whether or not they believe the term is racist.

Having reviewed this evidence, Gardiner therefore argued:

If we suspend one of these members for engaging in a discussion about the use of the word "zio", then for consistency we would need to suspend the other member, who initiated the discussion, and initiated the use of the word, and now submits the complaint about it.

Given the urgency, should we not seek urgent explanation from the accused member, and the complainant, as to why they have engaged in this discussion?

Goodyear responded that she was “happy to take your view on the appropriate action”, and would issue an NOI for Allan. Gardiner further noted:

the complainant initiated the discussion and use of the term which he is now complaining about, and the accused member used the word in response to specific enquiry by the complainant about the use of the word.

I agree with you that we should issue a notice of investigation and write to both the accused member and the complainant - a Councillor and a Council candidate - asking them to explain whether they think it acceptable for Labour councillors and candidates to engage in public discussions in which a highly offensive word is used.

However, Goodyear instructed staff to issue an NOI for Allan only, and not Goldberg.

On 17 April 2018, Laura Murray then emailed:

I'm being asked about this case – can I just double check what happened in the end? Was an NOI issued to both Charley Allan and Joe Goldberg for the use of the word Zio? Or was no action taken?

Goodyear, however, responded:

*An NOI was sent to Charley Allan. The only complaint we received on the matter was made about him and we have received no complaints about Joe Goldberg.*¹⁴⁹⁶

¹⁴⁹⁶ March 18 change: TG cases: “180417 Re AS Complaint - Charley Allan L0089375.eml”; “180405 Goldberg Allan.PNG”

At this point, Gardiner emphasised:

The proposed action which was communicated was that both should be written to, so I am surprised that it didn't happen.

I understand that the complaint was only against Charley Allen, but it was apparent from the evidence that both of them had undertaken the same actions, but initiated by Joe Goldberg, so I think it is difficult for us to entirely ignore the evidence against one of them, while investigating the other.

In addition it appears that Joe Goldberg went further than this, and called Charley Allen a "Corbyn Stormtrooper" (see original twitter conversation here: <https://twitter.com/joedgoldberg/status/938001197579096064> and in attached screenshot pasted below).

I understand from Charley Allen's other tweets that he is also Jewish, and therefore obviously making Nazi references about him needs to be investigated as anti-Semitism, as it would be in any other case.

Goodyear, however, maintained that:

In my view the use of '#corbynstormtrooper' refers to his political beliefs and not the fact he is Jewish, so wouldn't amount to anti-semitism.

Obviously, it is your call, so please can you clarify if you would like us to issue an NOI to Joe Goldberg and if so, what you would like the questions to be based on.¹⁴⁹⁷

In a separate discussion with the LOTO staff still cc-ed on this thread, Gardiner expressed suspicion that GLU staff had sat on the complaint with the intention of leaving it so late in the day so as to necessitate removing Allan as a Council candidate. Andrew Murray responded that calling a Jewish man a "Stormtrooper" was antisemitic and should be investigated even-handedly.¹⁴⁹⁸

On 18 April 2018, an NOI was then sent to Allan, but not Goldberg.¹⁴⁹⁹

¹⁴⁹⁷ March 18 change: TG cases: "180420 RE AS Complaint - Charley Allan L0089375.eml"

¹⁴⁹⁸ Final summary: Charley Allan

¹⁴⁹⁹ Final summary: Charley Allan

On 23 May 2018, Gardiner emphasised regarding Goldberg: “Please action NOI, in line with previous requests.”¹⁵⁰⁰ On 25 May 2018 Goodyear emailed Osei and Matthews regarding Gardiner’s latest responses:

*The only one I haven’t actioned is Joe Goldberg as I struggle to see the rationale behind this (it was from a complaint by Joe Goldberg about a member who already had a warning for use of the word ‘zio’), I’m going to try and talk to Thomas about it today.*¹⁵⁰¹

On 21 June 2018, a complaint was also received from a Muslim member, accusing Goldberg of Islamophobia for using the hashtag “Jezbollah” about her, in reference to Hezbollah.¹⁵⁰² She chased this on 11 July 2018, having received no response.¹⁵⁰³ On 25 July 2018 a case was created in Complaints Centre, and there was talk about progressing the case in April 2019. However, Goldberg had already resigned in February 2019, so this case was never progressed.

Nor had an NOI ever been sent to Goldberg regarding the “Zio” discussion.

Allan, meanwhile, had responded to the NOI in May 2018, and this was one of the cases Hogan was due to take to the July 2018 meeting of NEC Disputes. The case was lost after Hogan stopped working in GLU, until being picked up by Investigations Officer Dan Howl in January 2019. It went to a January 2019 NEC Antisemitism Panel with a recommendation of a Reminder of Conduct, with which the panel agreed.¹⁵⁰⁴

This case illustrates how Gardiner did not have ultimate decision-making power in GLU in this period. He repeatedly advocated that both Allan and Goldberg receive NOIs for consistency, but Goldberg was never sent an NOI. It appears that the misleading manner in which Hogan presented the evidence, and his disproportionate suggestion to suspend Allan whilst taking no action against Goldberg, was influenced by the fact that Goldberg was from the right of the party and Allan the left.

A separate complaint of Islamophobia also progressed slowly against Goldberg, while the Allan case was lost for seven months due to staff turnover, illustrating some of the general issues that the department continued to experience in handling such a large volume of cases.

¹⁵⁰⁰ 2018-19: “180325 Outstanding AS cases.eml”

¹⁵⁰¹ 2018-19: “180525 AS Cases.eml”

¹⁵⁰² 2018-19: “180621 Complaint regarding Islamophobic tweet .eml”

¹⁵⁰³ 2018-19: “180711 FW Complaint regarding Islamophobic tweet .eml”

¹⁵⁰⁴ Final summary: Charley Allan

6.4.2.ii. Michelle Harris

On 10 April 2018 Gardiner had agreed with Goodyear's proposal to suspend Michelle Harris. On 17 April 2018, however, he suggested that her suspension be lifted, whilst continuing her investigation, on the grounds that the Bar Standards Board had dismissed the charges against her:

*I think this may point us towards lifting her suspension, but continuing with the NOI. I also think, given how well considered the decision is and the authoritative source of the decision, the Party has a significantly increased litigation risk if we do not consider it, and possibly downgrade our initial decision to suspend, especially given the effect the suspension has had on her (still existing) rights as a party member. As a counterpoint, obviously the Party is not bound to consider the decision of an outside body, taken on different standards, and we have a right to apply higher standards to our members if we choose. Do you have views? And what is the process if we do take the view that the suspension should be lifted?*¹⁵⁰⁵

Matthews, however, disagreed, citing "how lifting this suspension would be presented and any reputational impact that may have on the Party".¹⁵⁰⁶ Matthews then forwarded this email to McCann, writing:

*This is what I responded with – I never got a response from him surprisingly.....*¹⁵⁰⁷

Harris' suspension remained in force. Matthews rejected Gardiner's recommendation and effectively over-ruling him in this case, which again shows how Gardiner's recommendations were not final.

6.4.2.iii. Alan Davies

On 16 April 2018 Goodyear emailed Gardiner a complaint about Alan Davies, recommending an NOI. The complaint had been received on 1 April 2018, following a complaint the previous year which had been ignored.¹⁵⁰⁸ On 18 April 2018, Gardiner replied and agreed with Goodyear's recommendation.¹⁵⁰⁹ On 27 April 2018, however,

¹⁵⁰⁵ March 18 change: TG cases: "180418 RE Michelle Harris suspension.eml"

¹⁵⁰⁶ March 18 change: TG cases: "180418 RE Michelle Harris suspension.eml"

¹⁵⁰⁷ March 18 change: TG Cases: "180424 FW Michelle Harris suspension.eml"

¹⁵⁰⁸ Case: Alan Davies: "180413 FW Antisemitism- Alan Davis and Word Mag..eml"

¹⁵⁰⁹ Case: Alan Davies: "180502 RE URGENT ATTENTION Complaint C0518.eml"

McCann asked Goodyear to “ask TG to up this NOI to suspension based on the following, new, posts that I have attached above”.¹⁵¹⁰

On 30 April 2018, McCann chased Goodyear, who then emailed Gardiner, with Oldknow, Formby and others in cc:

*You have previously agreed an NOI should be issued to this member based on the below evidence. Since receiving the NOI he has subsequently posted the attached content on facebook, two of the posts I believe to be antisemitic and the final one I believe to be homophobic. The fact he is posting anti-Semitic content is particularly concerning as he has already had his potentially antisemitic behaviour drawn to his attention. He has also declined to answer the NOI questions. I suggest the NOI should now be escalated to a suspension, can you let me know if you agree?*¹⁵¹¹

On 1 May 2018, Formby also received a complaint about Davies that had been sent directly to her.¹⁵¹² On 2 May 2018, Goodyear responded:

I have raised this with Thomas previously and am waiting for a response.

*Thomas – I appreciate you will be busy with campaigning this week but if you do get a chance could you have a look at this one in particular?*¹⁵¹³

An hour later, Gardiner responded:

*Given that this appears to be a deliberate rejection of the chance to explain himself, and posting of additional content which appears anti-Semitic, seemingly in response to the NOI, I agree that this should be escalated to a suspension.*¹⁵¹⁴

Davies was then suspended, but on 18 June 2018 his suspension was lifted by McCann after he “Proved he did not post the material”.¹⁵¹⁵

6.4.2.iv. Conclusion

Sam Matthews told Panorama that from April 2018 Gardiner was “overseeing [his] work”, and:

¹⁵¹⁰ Case: Alan Davies: “180430 FW Antisemitism- Alan Davis and Word Mag..eml”

¹⁵¹¹ Case: Alan Davies: “180502 RE URGENT ATTENTION Complaint C0518.eml”

¹⁵¹² Case: Alan Davies: “180501 FW URGENT ATTENTION Complaint C0518.eml”

¹⁵¹³ March 18 change: TG cases “180502 RE URGENT ATTENTION Complaint C0518.eml”

¹⁵¹⁴ March 18 change: TG cases “180502 RE URGENT ATTENTION Complaint C0518.eml”

¹⁵¹⁵ Members Centre record.

It was awful, it, it made it impossible for me to do that job in the way that that job has always been done previously. That is probably the most obvious example of how Jennie created an environment and a culture that was toxic for me and my team.

This is not at all accurate, and Matthews' accounts are not credible.

Matthews was Acting Director and his position was therefore senior to Gardiner's. In this period Gardiner was giving recommendations on behalf of GSO, performing this role on the proposal of Sam Matthews himself. While his views were often listened to, in the three cases highlighted staff declined to implement one recommendation to investigate a case at all, despite Gardiner repeatedly chasing it; suggested changes to a recommendation Gardiner had already made; and overruled a recommendation of Gardiner. This and other evidence demonstrates that Gardiner's recommendations were indeed recommendations, GLU staff did not have to follow them, and could raise objections or disagree if they wished.

6.4.3. Review of decision-making: overview and scope

When Matthews left in June 2018, Gardiner became Acting Director of GLU. In the period that followed, the way that GLU operated was transformed compared to GLU under John Stolliday, Mike Creighton and Emilie Oldknow, the respective former Directors and Executive Directors with responsibility for GLU. In addition to the introduction of comprehensive and consistent logging of cases, logged in line with the Macpherson principle (discussed in Section 6.1), there was a drive to progress both outstanding antisemitism cases and new complaints being received.

As this report has shown, as Head of Disputes Sam Matthews had provided inaccurate figures to Stolliday, Oldknow, and Iain McNicol, and Matthews and Stolliday reported that all antisemitism complaints received were acted on. However, in reality, the relevant inbox was not being managed; some extreme cases of antisemitism resulted in NOIs rather than suspensions; and some complaints, including in cases of Holocaust denial and explicit prejudice towards Jewish people, were not acted on at all at this time. Often such cases were forwarded to Matthews for action and he did not reply, or they were simply not picked up from the Disputes inbox because Matthews did not ensure it was properly managed.

By contrast, Gardiner took responsibility as Director of the unit, to ensure progress on antisemitism cases and, unlike his predecessors, exercised greater oversight over the Disputes and Complaints teams. Under Gardiner, considerably more effort went into progressing antisemitism cases than other types of complaints, with antisemitism cases being prioritised.

As the statistics set out in Section 6.1 show, there was a tenfold increase in the numbers of suspensions imposed and investigations launched in 2018 compared to 2017, from 10 suspensions in 2017 to 98 in 2018, and from 22 NOIs in 2017 to 185 in 2018. This reflects Gardiner, Osei and Goodyear's drive to act on antisemitism cases and clear the backlog, some of which had formed under the previous GLU team.

However, there was a lack of guidance inherited from previous GLU managers. There was no staff training on antisemitism, although there were consistent efforts made to rectify it through discussions with the Pears Institute for the Study of Antisemitism, which were ongoing throughout this period. And there continued to be no written guidelines or decision-making matrix for antisemitism cases to provide guidance in decision-making.

Consequently, several recommendations, and later decisions, by Thomas Gardiner in this period have been publicly highlighted and criticised, and allegations have been made that Gardiner was deliberately trying to “protect antisemites”. The Party cannot find any evidence for this motivation, or any suggestion that Gardiner treated complaints of antisemitism differently from any other form of complaint. Although far more attention was given to such complaints and action taken, in an extremely pressured environment due to the number of cases and political scrutiny, some mistakes were made.

The case of Kalya Bibby is one such example. This post was a clear-cut example of antisemitism, which warranted a suspension. Instead Thomas Gardiner decided on an NOI and an investigation was launched. Under the guidance GLU now uses, discussed elsewhere in the report, this would have resulted in a suspension.

In both the March-June 2018 period when Gardiner made advisory recommendations from GSO, and the July 2018-March 2019 period when Gardiner was Director of GLU, decision-making was a deliberative process typically involving the Head of Complaints, Head of Disputes and Director of GLU. In most cases, there was agreement on the recommended course of action. In a minority of cases, which have been highlighted in the media, decisions were made in error which were later proved not appropriate to the content of the complaint.

However, this was still a significant improvement on GLU’s decision-making prior to spring 2018. As this report has shown, when Sam Matthews was Head of Disputes and John Stolliday was Director of GLU most antisemitism complaints, including extreme cases such as Holocaust denial, which warranted suspensions, were simply left in inboxes untended. While there were some mistakes in 2018, with NOIs being imposed rather than suspensions, investigations were still generally being launched and cases were progressed. Similar decisions were found in non-antisemitism cases - for example, Manjit Panesar, discussed in Section 3.2, was issued an NOI rather than a suspension in October 2018.

The most significant problem in this period in relation to decision-making was that GLU staff, as in previous years, did not typically conduct additional investigations into the people being complained about: complaints were usually judged solely on the evidence that had been submitted.

GLU did not have a systematic practice of conducting further social media investigations. Some of the complaints received in 2018 did not present evidence of a potential breach of the rule book and therefore were not progressed through GLU’s processes, but were brought back in 2019 on the basis of other, more serious content.

As the report will show later, observation of this pattern helped to lead to a policy of thorough social media searches on individuals complained about to the party, even if the content reported to the party does not constitute a breach of the party's rules.

In order to assess the quality of decisions made in this period, the Labour Party has examined three main sets of evidence.

First, Gardiner's first set of recommendations on "Palestine Live", where he recommended that Patricia Sheerin be investigated without immediate suspension.

Second, all of Gardiner's recommendations from the first two weeks in his role in GSO, from 5 April 2018 to 18 April 2018, and most of his recommendations in the following two months.

Third, a number of spot-checks have been conducted into subsequent decisions, such as 69 cases from the JLM Dossier of July 2018, 42 cases submitted by LAAS between September and November 2018 and numerous other individual cases from this period. As an ongoing practice since autumn 2019, GLU staff have also reconsidered 2018 decisions when new complaints involving the same member arise, rather than considering the previous decision a final resolution to the pieces of evidence they involved. This has provided the party with further information on decisions that were, in retrospect, incorrect.

6.4.4. The case of Patricia Sheerin

Matthews had proposed that Patricia Sheerin be suspended on the basis of evidence in the “Palestine Live” report. He wrote:

Patricia has made various comments that have overtones of antisemitism. She has also shared material and made comments that appear to reflect antisemitic views such as: “Seems like the whole world is under Zionist Control” She also believes that Israel is linked to ISIS.

After the additional “Palestine Live” suspensions were re-raised with LOTO on 22 March 2018, LOTO staff responded asking to see the evidence on two cases before making a recommendation - Stephanie De-Sykes and Patricia Sheerin. Matthews then attached PDFs on De-Sykes and Richman, excerpts of the relevant pages from “Palestine Live”.¹⁵¹⁶

On Monday 26 March, Laura Murray asked Thomas Gardiner for his recommendations on these cases, which he sent that day.¹⁵¹⁷ For De-Sykes, Gardiner said “on balance I would recommend suspension”. For Sheerin, however, he wrote:

The posts seem to be mainly aimed at Israel and Zionists, with little, on the face of it, pointing towards Jewish people more widely.

- *The first post talks about the whole world “becoming under Zionist control” as a comment on a youtube video of a Ukrainian military officer talking about “Zionist occupation” of Ukraine.*
- *The second raises the question of whether Mossad was secretly responsible for a Russian plane crash, and therefore whether a condolence statement from the Israeli government was “gloating”.*
- *The third links to an article supposedly about an undercover Mossad officer being uncovered as the leader of an ISIS group.*

*These raise worrying use of conspiracy theories, which warrant investigation, but they seem to merit investigation without suspension, as none of these is directed against Jewish people generally, but rather against Israel.*¹⁵¹⁸

At 3pm, Murray then summarised these recommendations and sent them on to Matthews:

¹⁵¹⁶ Patricia Sheerin: PS 18

¹⁵¹⁷ Patricia Sheerin: PS 19

¹⁵¹⁸ Patricia Sheerin: PS 20

LOTO recommendations are that:

- *Stephanie De-Sykes – we would suggest that she is suspended and investigated, as tweets are targeting Jews rather than Zionism/ Israel.*
- *Patricia Sheerin-Richmond – we suggest you investigate but without suspension, as although her tweets are drawing upon conspiracy theories, they are just about Israel and no mention of Jews or Jewishness etc.*

Matthews said “Thanks Laura – we’ll action this today.”¹⁵¹⁹

Sheerin was then sent an NOI, investigated, and brought to an NEC Antisemitism panel in August 2018. The NEC Antisemitism Panel referred Sheerin to the NCC and placed her under administrative suspension. In March 2019 she then resigned from the party.

In spring 2019, these emails were leaked, and the proposal to investigate without suspension was heavily criticised.

The lack of agreed standards, training or guidance was clearly reflected in Gardiner’s recommendation which did not sufficiently account for the antisemitic nature of the “antizionist” conspiracy theories shared by Sheerin. Under our current decision-making matrix, this case would have merited suspension on the basis of this evidence.

However, GLU staff at that time had access to far more serious material shared by Sheerin which they did not share with Gardiner.

On two occasions in 2017, Sheerin was reported and even investigated for more extreme antisemitism, including Holocaust denial, but no action was then taken against her. None of this more extreme evidence was included in Matthews’ submission to LOTO.

Furthermore, as previously outlined, Gardiner’s view was only a recommendation, which GLU staff could question, challenge or even ignore, but did not.

This case was thus mishandled far more by the existing GLU staff at that time than Gardiner himself. Any view the Commission forms on this case must take these facts into account.

In March 2017 the Disputes team had identified 27 Labour members from David Collier’s report on antisemitism in the “Palestine Solidarity Campaign”, for

¹⁵¹⁹ Patricia Sheerin: PS 20a

investigation regarding antisemitism.¹⁵²⁰ However, no action on any of these cases was then taken in this period.

One of these individuals was Patricia Sheerin, and Hogan had saved more than eight additional pieces of evidence on her, in addition to the four pieces of evidence from the report. On 8 March 2018 Hogan had sent his "PSC investigations" spreadsheet to Matthews, in which Sheerin had the status "Investigate", assigned to Hogan, with "Done" in the column "Evidence gathered?".

Sheerin had also been reported for Holocaust denial in March 2017, and Withers-Green had forwarded this to Matthews asking if action should be taken. Matthews took no action.

The evidence from the PSC Report; Hogan's 2017 investigation; and the March 2017 complaint was stronger than that included in "Palestine Live". It included:

- written or suggested Holocaust revisionism;
- writing about "Zionists that control America";
- an Israel-Nazi comparison;
- sharing and supporting content from antisemites like Brother Nathanael;
- and more, that made very clear her repeated pattern of behaviour and beliefs.

After her suspension and lift in 2016, Sheerin had also repeatedly complained to GLU-GSO, about her case - asking for the "warning" to be retracted.¹⁵²¹ In January 2018, she emailed Sam Matthews personally, asking how long the "warning" would remain on her file. On 22 February 2018 she chased this to "Legal Queries", who forwarded it to "Disputes" - "Please take a look at the below email".¹⁵²²

However, although some of this additional evidence was used in her subsequent NOI, none of it was included in the summary or evidence sent to LOTO, which was simply an excerpt from "Palestine Live". This evidence was considerably more extreme than the evidence in other cases LOTO suggested suspensions and therefore it can be assumed that Gardiner and/ or LOTO would have recommended Sheerin's suspension if it had all been included.

Finally, after receiving the recommendation, Dan Hogan saved further evidence on Sheerin from her Facebook. This included:

- a screenshot of the final slide of the "Ukrainian general" video, where it spoke

¹⁵²⁰ PSC 2017: 180308 original PSC investigation re-forwarded, with page numbers.msg

¹⁵²¹ For example: Case: Patricia Sheerin: "170417 Complaint against member.eml"; "170328 RE Abuse on social media.eml"

¹⁵²² Case: Patricia Sheerin: "180222 FW Lifting of warning on my file.eml"

about “[zio]media channels controlled by God’s chosen fascists-oligarchs about daily Russian invasion”, with Stars of David with swastikas inside them next to allegedly Jewish owners of Ukrainian media.

- Sheerin expressing agreement with a comment about the “AngloZio-Nazi Empire” and “Anglo-Zionazi hell”, the “Zio middle east colony” and “ZioNazi illegal coupsters still committing heinous war crimes in Ukraine”.

Both this additional evidence, and the 2017 evidence, should have led to a revision of the decision (and a re-submission of the case to LOTO if it was felt necessary), but this did not happen.

Table of Sheerin Evidence: Palestine Live Report

Evidence	Source	Action
Asking whether the February 2018 crash of a flight near Moscow was “another Mossad attack?”	Palestine Live 2018	Submitted to LOTO Included in NOI
Sharing an article from “VeteransToday” as “Proof of Israeli link to ISIS”	Palestine Live 2018	Submitted to LOTO
Screenshot of Sheerin sharing a YouTube video of a Ukrainian general saying “Ukraine is under Zionist occupation”, writing “Seems like the whole world is becoming under Zionist control”.	Palestine Live 2018, PSC 2017	Submitted to LOTO Included in NOI

Table of Sheerin Evidence: PSC Report and 2017 Investigation

Evidence	Source	Action
Saying that a Congresswoman was “driven from office” for	PSC 2017, Saved by Dan Hogan 10 March 2017	Not submitted to LOTO

refusing to “sign the pledge to subjugate herself to the <u>Zionists that control America.</u> ”		
Sharing a video of “ <u>Mossad’s Fingerprints on Paris Attacks</u> ”, from “Brother Nathanael”, a Russian Orthodox antisemite.	PSC 2017	Not submitted to LOTO Included in NOI
Supporting “false flag” conspiracies about the 2005 London bombings	PSC 2017, Saved by Dan Hogan 10 March 2017	Not submitted to LOTO
Writing that there is not free speech in France, as “If you question the <u>official story of the Holocaust</u> you face criminal charges and imprisonment.”	PSC 2017	Not submitted to LOTO Included in NOI
Posting about a “rabid Zionist”	Saved by Dan Hogan 10 March 2017	Not submitted to LOTO
Sharing an article by Gideon Levy that says Israel “wraps Obama round its little finger”	Saved by Dan Hogan 10 March 2017	Not submitted to LOTO
Defending the meme about relocating Israel that Naz Shah had shared	Saved by Dan Hogan 10 March 2017	Not submitted to LOTO
Saying Ruth Smeeth was an Israel lobbyist - “Great performance. Give the woman an Oscar!”	Saved by Dan Hogan 10 March 2017	Not submitted to LOTO
Sharing a post from Ken O’Keefe’s Facebook group	Saved by Dan Hogan 10 March 2017	Not submitted to LOTO

that said "End Israel Restore Palestine"		
Sharing Norman Finkelstein on "Holocaust-mongers"	Saved by Dan Hogan 10 March 2017	Not submitted to LOTO Included in NOI
Sharing a meme of Tony Blair shooting himself, commenting "Just day-dreaming. If only..."	Saved by Dan Hogan 10 March 2017	Not submitted to LOTO Included in NOI
Sharing a video of "what Israeli Zionists think" and writing that "This is shockingly reminiscent of Nazi rallies in Germany in the 1930's".	Saved by Dan Hogan 10 March 2017	Not submitted to LOTO
Writing that some argue "narrative we have been fed is inaccurate and the <u>number of Jews exterminated in the camps was fewer than the 6 million claimed</u> ", and "To <u>research the holocaust and challenge the narrative</u> is not to deny it happened or that it was not absolutely dreadful".	March 2017 complaint, forwarded by Louise Withers-Green to Sam Matthews	Not submitted to LOTO

Table of Sheerin Evidence: 26 March 2017 further investigation

Screenshot of the end slide of the Ukrainian general video, about "[zio]media channels controlled by God's chosen fascists-oligarchs about daily Russian invasion", with Stars of David with swastikas inside them next	Saved by Dan Hogan 5pm 26 March 2017 Not specifically included in NOI
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to allegedly Jewish owners of Ukrainian media.	
Expressing agreement with a comment about the "AngloZio-Nazi Empire" and "Anglo-Zionazi hell", the "Zio middle east colony", and "ZioNazi illegal coupsters still committing heinous war crimes in Ukraine".	Saved by Dan Hogan 5pm 26 March 2017 Included in NOI
Asking whether crimes by the USA "could... be classified as a holocaust?"	Saved by Dan Hogan 5pm 26 March 2017
Sharing antisemite Gilad Atzmon on "Chilcot, Israel and the Lobby", as a "must read".	Saved by Dan Hogan 5pm 26 March 2017 Included in NOI

6.4.4.i. Comparison with other cases

Looking at other cases shows that Sheerin was an outlier more than it was the norm, and a product of inconsistency in decision-making.

In those “Palestine Live” cases themselves, for example, the content highlighted from Sheerin more clearly showed antisemitic antizionist conspiracism than the comments from Sykes. But because Sykes was specifically talking about Jewish people, Gardiner recommended suspension in her case but not Sheerin’s.

In the case of Martin James Roberts, meanwhile, Matthews had on 28 March 2018 submitted a recommendation of NOI for Roberts saying that Israel was behind 9/11. Andrew Murray and Laura Murray had agreed, though emphasising that it was, contrary to Matthews’ view, “clearly a conspiracy theory with very anti-Semitic roots”. On 6 April 2018, however, Goodyear submitted this case again, with the same evidence - probably in error. This time it was directed to Gardiner, with a recommendation of suspension, and Gardiner agreed. Gardiner therefore effectively “upgraded” a proposal Matthews had made just a week earlier.¹⁵²³

Regarding Neil Peter Davies, meanwhile, the evidence summary was:

In reference to a post about 9/11 he states: ‘it’s exactly what the Zionists want. World Chaos, constant wars make them lots of profit. No unity to fight them.’

He has also posted images suggesting Barrack Obama and Benjamin Netanyahu are connected to ISIS, which is clearly grossly offensive.

Gardiner agreed with the recommendation of a General Secretary Membership Rejection - removing Davies’ Party membership entirely. This was the correct decision, but clearly inconsistent with the Sheerin case, where Gardiner had recommended an NOI rather than a suspension for similar conduct.

¹⁵²³ March 18 change: TG Cases: “180406 AS Complaints - Martin James Roberts L1415722.eml”; “180328 LOTO, Martin James Roberts - AM.msg”; “180328 LOTO, Martin James Roberts - LM.msg”.

6.4.4.ii. Conclusion on Sheerin

The leaked emails on Patricia Sheerin have been presented as evidence that Thomas Gardiner or LOTO wanted to “let off” Labour members accused of antisemitism. The case warranted suspension and the recommendation of an NOI reflected a lack of training on this type of antisemitism. However:

- The decision to place Sheerin under investigation without immediate suspension did not “let her off”. An investigation was launched and Sheerin was suspended by the NEC five months later.
- Gardiner’s response was a recommendation in a consultation process initiated by Matthews, not an instruction.
- GLU had failed to act on evidence received and gathered on Sheerin more than twelve months previously. This evidence was more extreme and included Holocaust denial, but it was not shared with Gardiner.

6.4.5. Quality of decisions on antisemitism, March 2018 - June 2018

From April 2018 to June 2018, Gardiner was giving recommendations on behalf of GSO. Sophie Goodyear would send Gardiner cases with proposed actions, often proposed to her by IOs, and Gardiner would respond with his view.

The Labour Party is of the view that a minority of the recommendations of Gardiner in this period reflected a lack of training and expertise in antisemitism, or were inconsistent with his other recommendations and simply errors. This was also true of all the other staff working in GLU at the time, who had been hired by Sam Matthews or John Stolliday, and who, as documented, had previously made inappropriate judgements even on cases of Holocaust denial and other extreme antisemitism among Labour members.

It is, additionally, worth noting that Sophie Goodyear herself lacked training or any kind of decision-making matrix on antisemitism. Her own proposals were inconsistent, and were sometimes, in the view of the Labour Party, incorrect. In some cases, she clearly proposed action on cases based on her own lack of understanding of antisemitism, and Gardiner was correct to disagree. In other cases, Goodyear's initial recommendation was more appropriate and Gardiner's less so.

From spring 2018 onwards, particularly after Gardiner became Acting Director of GLU, there was a clear and concerted effort to get through the backlog of cases, some of which had built up under the previous GLU team, and to deal with cases swiftly and robustly. However, there was a need for staff guidance and training antisemitism, which had always been lacking in GLU, and which had often led to inconsistent and in some cases inappropriate decisions by the previous GLU team. The need for guidance was identified in 2018 and there were ongoing discussions between GSO and the Pears Institute for the Study of Antisemitism about training for staff, which came to fruition in 2019.

6.4.5.i. Staff guidance on decision-making

On the morning of 4 April 2018, Matthews advised staff in Complaints and Disputes on “Antisemitism Complaints Interim Process”:

1. *complaint arrives with the Complaints Team (CT)*
2. *CT allocate to the appropriate Investigations Officer (IO) for that region*
3. *If there is a prima-facie case to suggest that the allegations meet the definition of antisemitism adopted by the Labour Party, forward to me with a brief summary (if it's not clear from immediately looking at it).*
4. *I will raise with LOTO to consult with them on the next disciplinary steps*
5. *I will send you their answer when I get it and we need to action it as quickly as practicable. In almost all cases, this will be a letter with the evidence and questions attached in the first instance. The question is whether it is an administrative suspension or an Nol.*

Let me know if any of the above isn't clear. It looks a bit convoluted perhaps but experience from the last week or so isn't showing it is causing any significant delay.

Goodyear clarified further that Complaints would forward the complaint of antisemitism to a Disputes IO, the “IO makes decision as to whether there is a prima facie case”, and Complaints would then handle responding to complainants. This reflected the existing division between the Complaints and Disputes teams: Complaints were intended primarily to handle administration and correspondence with Complainants, while Disputes would make decisions on cases and further them.¹⁵²⁴

The only guidance Matthews provided staff was to ask whether there was “a prima-facie case to suggest that the allegations meet the definition of antisemitism adopted by the Labour Party”. Matthews would then raise with LOTO “to consult with them”, and the question would be “whether it is an administrative suspension or an Nol.”¹⁵²⁵

Immediately after he started in GSO, Gardiner asked Matthews:

could you send me any decision-making matrix or outline of thresholds that you/your team use for deciding on your recommendations?

Matthews responded, with Goodyear in copy, that “The tests that officers will apply before sending” are “Is there a prima facie breach of rule?” and “If yes – is it in the

¹⁵²⁴ March 18 change: “180404 RE Antisemitism Complaints Interim Process.eml”

¹⁵²⁵ March 18 change: “180404 RE Antisemitism Complaints Interim Process.eml”

immediate interests of the Labour Party to place the member under administrative suspension pending the outcome of the investigation?"

This is generally a more challenging question than the first as there are any number of factors which might place it in the immediate interests of the Party to restrict that member's rights, ranging from reputational considerations such as candidacy & press interest to safeguarding concerns for other members. In each case, Sophie will give you a steer on what the considered view from here is and why we have come to that view – obviously happy to answer questions on it.

Matthews then sent over some examples of recent cases, and elaborated on some mitigating and aggravating factors (posts being very old, or past disciplinary action having been taken).

It was clear from the discussion that there was no "decision-making matrix or outline of thresholds" in use.¹⁵²⁶

Matthews also noted that when judging whether there was "a prima facie breach of rule", in antisemitism cases "this is aided by the IHRA definition which is available here: <https://www.holocaustremembrance.com/working-definition-antisemitism>".

Gardiner asked:

On the IHRA definition, is the bare definition being used, or are the examples being used as well?

Matthews explained:

*On the IHRA definition – the examples derive from the definition, but it is the definition specifically that we are looking to apply here when deciding whether the particular matter is antisemitism.*¹⁵²⁷

This was correct, as in December 2016 the Labour NEC had adopted the IHRA definition, but without taking a view on the attached examples. As discussed in Chapter 5, this was due to concerns about one half of an example, and followed a Home Affairs Select Committee recommendation that IHRA should be adopted with caveats to ensure the protection of free discussion on the conflict in Israel-Palestine.

Goodyear had never previously been involved in making recommendations for action on antisemitism cases; her role was to manage the Complaints team in logging

¹⁵²⁶ March 18 change: 180405 RE Suspensions etc.msg

¹⁵²⁷ 2018-19: "180403 SM provides AS stats.msg"

complaints and corresponding with complainants. However, it appears that Matthews guided her and Investigations Officers (who often relayed recommendations to Goodyear), to favour suspensions.

Matthews' "AS Action Plan Draft", which he shared with Goodyear, said:

In almost all cases, [the agreed action] is either a Notice of Investigation for less serious cases, or an Administrative Suspension where it is more serious and/or deemed to be in the Party's immediate interests to do so.¹⁵²⁸

However, as Matthews said to Stolliday and Oldknow on 4 April 2018:

The [Investigation Officers] basically recommend suspension in almost every case which [meets] the bar for antisemitism.¹⁵²⁹

As detailed elsewhere in the report, this was a radical change in policy from Matthews - just a month earlier, GLU had been issuing NOIs to Holocaust deniers.

¹⁵²⁸ March 18 Change: "180403 Antisemitism Working Group - pre-meeting.eml"

¹⁵²⁹ March 18 Change: "180404 TG jobs.eml"

6.4.5.ii. Decisions: Review

A review of decisions taken in this period shows that:

- In the vast majority of cases, Gardiner agreed with Goodyear's recommendation.
- In some cases Gardiner's recommendation should have been stronger.
- In some cases Goodyear's recommendation was disproportionate or wrong, or should have been stronger.
- In some cases, staff decisions to take "no action", which were not sent to Gardiner, were wrong.
- Across the board, decisions would have been considerably - at times, dramatically - improved by the systematic social media searches we now conduct.

The Labour Party has re-examined and provided to the Commission all of the emails relating to Gardiner's recommendations from the first two weeks in his role, from 5 April 2018 to 18 April 2018. A table of these recommendations can be found below.

Date sent / response	Name	Prop-osal	Content	Response	Source
5 Apr 2018	Charley Allan (L0089375)	Susp.		NOI for Allan and Goldberg	180405 Re AS Complaint - Charley Allan L0089375.eml 180405 RE Discussion of complaint at the LCF.eml
6 Apr 2018	Edward Tully (L1391169)	Susp.		NOI	180406 RE AS Complaint - Edward Tully L1391169.eml 180409 RE AS Complaint - Edward Tully L1391169.eml
6 Apr 2018	Eddie Conduit (A475445)	Susp.		Agree - Suspend	180406 RE AS Complaint - Eddie Conduit A475445.eml
6 Apr 2018	Andrea	NOI		Agree - NOI	180409 RE AS Complaint -

	Kay Bloomfield (A806599)				Andrea Kay Bloomfield A806599.eml
6 Apr 2018	Anne Brunton (L1220099)	Susp.		Agree - Suspend	180406 RE AS Complaint - Anne Brunton L1220099.eml
6 Apr 2018	Mike Lees (A906339)	Susp.	Star Wars-style scroll video saying "far right groups such as JLM, Progress and Labour First meet in a Tory Masonic Hall to speak with the Grandmaster". Also saying JLM and Progress should bugger off and join Tories.	NOI "Can we send notice of investigation, with questions particularly focusing on the content of the video, especially the intended meaning of the masonic references, and the use of profanities?"	180406AS Complaint - Mike Lees A906339.eml 180409 RE AS Complaint - Mike Lees A906339.eml
6 Apr 2018	Andrew Adams (L1253421)	Susp.	Rothschilds, Jews worked with Nazis	Agree - Suspend	180406 RE AS Complaint - Andrew Adams L1253421.eml
6 Apr 2018	Martin James Roberts (L1415722)	Susp.	Same complaint as before	Agree - Suspend	180406 AS Complaints - Martin James Roberts L1415722.eml
6 Apr 2018	William Brown (A708628)	NOI		Agree - NOI	180406 AS Complaint - William Brown A708628.eml 180406 RE AS Complaint - William Brown A708628.eml
6 Apr 2018	David Walls (L0123960)	Susp.		Agree - Suspend "Don't want to cut across any procedures here but this looks very much like an open and shut case for suspension to	180406 AS Complaint - David John Walls L0123960.eml 180406 Re AS Complaint - David

				me" (AM) "This is definitely a case for suspension." (TG)	John Walls L0123960.eml
9 Apr 2018	Clive Perrett (L1406240)	NOI		Agree - NOI "I agree with you that a notice of investigation should be issued. This, and any questions should focus on the use of the phrase "laughing all the way to the bank", which appears to be using a common anti-Semitic trope and clearly requires explanation from him. The criticisms of Israel and Mossad do not appear in themselves to be motivated by anti-Semitism, and he hasn't actually singled Israel or Mossad out in this respect, since he levels the same "theory" about potential British and British intelligence service involvement in the cases."	180409 AS Complaint - Clive Perrett L1406240.eml 180409 Re AS Complaint - Clive Perrett L1406240.eml
9 Apr 2018 / 10 Apr 2018	Bob Long (L1521355)	Susp.		No action	180409 AS Complaint - Bob Long L1521355.eml 180410 RE AS Complaint - Bob Long L1521355.eml
9 Apr 2018	Stephen Cook (L1314158)	Susp.	Soros memes, "JSIL".	Agree - Suspend	180409 AS Complaint - Stephen Cook L1314158.eml 180410 RE AS Complaint - Stephen Cook L1314158.eml
9 Apr 2018	Julia Gallacher (L0147831)	NOI	BoD "witchhunt" as they "fear for the financial impact of Labour policies".	Agree - NOI	180409 AS Complaint - Julia Gallacher L0147831.eml 180410 RE AS Complaint - Julia Gallacher L0147831.eml
9 Apr 2018	Dorian Bartley	Press team raised		Suspend "The Netanyahu/ Hitler image would warrant a suspension IMO." (LM) "I think a Hitler/Netanyahu comparison would be grounds for suspension (obviously dependent on the content of the complaint, but can't imagine how it wouldn't warrant that, based on the Con	180409 RE Antisemitic posts by BAME officer in Lambeth.eml

				Home article posted below." (TG)	
10 Apr 2018	Michelle Harris (L0113429)	Susp.		Agree - Suspend	180410 RE AS Complaint - Michelle Harris L0113429.eml
10 Apr 2018	Henry O'Tani (L1333027)	Susp.		Agree - Suspend	180411 RE AS Complaint - Henry O'Tani L1333027.eml
11 Apr 2018	Steve Tiller (L1343794)	Susp.		Agree - Suspend "I agree with your recommendation to suspend. I am basing this primarily on the post which appears to downplay the holocaust." But as some evidence missing, "I think this one will need very careful review of the evidence."	180412 RE AS Complaint - Steve Tiller L1343794.eml
12 Apr 2018	Lorraine Mason (L1435123)	NOI		Agree - NOI	180412 RE AS Complaint - Lorraine Mason L1435123.eml
12 Apr 2018 / 17 Apr 2018	Susan Mackenzie (L1446430)	NOI	Zionist lobby conspiracism.	Agree - NOI "I agree with NOI, but it should be restricted to questions around what she meant with references to zionist financing of MPs etc. She could also be asked about whether she uses "zionist" as an insult and whether she understands the offence this could cause. Other than that, the other allegations seem misplaced, as it is clear from the very many tweets that she does not use "Zionist" as an interchangeable term with "Jew" - she in fact repeatedly says that the two should not be confused."	180407 Re AS Complaint - Susan Mackenzie L1446430.eml
16 Apr 2018 / 18 April	Alan Davies (A836775)	NOI		Agree - NOI "I agree with your recommendation for NOI. This should be on the basis of the newspaper. Defending another member or stating a belief in free speech surely can't in themselves be grounds for or part of disciplinary action, unless they contain breaches of rule within the posts."	180502 RE URGENT ATTENTION Complaint C0518.eml

16 Apr 2018 / 25 April 2018	Neil Peter Davies (L1750687)	GS Rejec t.	"In reference to a post about 9/11 he states: 'it's exactly what the Zionists want. World Chaos, constant wars make them lots of profit. No unity to fight them. He has also posted images suggesting Barrack Obama and Benjamin Netanyahu are connected to ISIS, which is clearly grossly offensive."	Agree - GS Rejection	180425 RE AS Complaint - Neil Peter Davies L1750687.eml
16 Apr 2018 / 19 Apr 2018	Claire Udy (L1434680)	NOI		Agree - NOI	180419 RE AS Complaint - Claire Udy L1434680.eml
16 Apr 2018 / 18 Apr 2018	Wes McLachlan (A141963)	NOI		Agree - NOI	180418 Re AS Complaint - Wes McLachlan A141963.eml
16 Apr 2018 / 18 Apr 2018	Joanna Stobbs (L1621650)	NOI		Agree - NOI	180418 Re AS Complaint - Joanna Stobbs L1621650.eml
16 Apr 2018 / 17 Apr 2018	Glyn Secker (L1408554)	NOI		No action - repetition of case	180417 Re AS Complaint - Glyn Secker L1408554.eml
18 Apr 2018	Jane Dipple (L1273851)	Susp.		Agree - Suspension	180418 RE AS Complaint - Jane Dipple L1273851.eml
18 Apr 2018	Peter Twohey (L1724762)	Susp.		Agree - Suspension)	180419 Re AS Complaint - Peter Twohey L1724762.eml

18 Apr 2018 / 19 Apr 2018	Gary Pride (L1678560)	NOI		Agree - NOI	180419 Re AS Complaints - Gary Pride L1678560.eml
18 Apr 2018	John Wilkinson (L0094024)	NOI		Agree - NOI	180425 RE AS Complaint - John Wilkinson L0094024.eml

From 5 April 2018 to 18 April 2018, 30 cases were submitted to Gardiner, who usually replied on the same day. Gardiner disagreed with Goodyear's recommendations in just 5 cases (16.7%). Gardiner agreed to or proposed 12 suspensions, 12 NOIs and 1 General Secretary Membership rejection.

Gardiner agreed to more suspensions in two weeks than GLU had initiated in almost 16 months.

In three of these thirty cases, Gardiner had recommended an NOI instead of a suspension; in one case he recommended no action instead of an NOI; and in one case he recommended no action instead of a suspension.

In the case of Charley Allan, the view of the Labour Party is that Gardiner appropriately recommended an NOI rather than a suspension. The available evidence suggests that Dan Hogan and Sam Matthews may have encouraged Goodyear and Gardiner to propose disproportionate action for factional purposes.

In the case of a suggested NOI for Glyn Secker, Gardiner suggested that Secker had already been investigated for the screenshots being raised, and no action should be taken. This was incorrect - GLU had simply dropped the previous investigation when lifting the suspension - but it appears to have been an honest mistake, and did reflect the paucity of the evidence provided. Gardiner simultaneously agreed a suspension for Steve Tiller, who is also a Jewish member of the party.

In the case of Edward Tully, the evidence was two tweets. In the first, he asked "Why do some people use (((brackets))) on their Twitter name". Someone responded that they had "[s]tarted as a subtle anti Semitic signifier. Then taken on by the same people to neutralize it as a weapon." Tully remarked "How very strange!" In the other tweet, Tully said "Here they come, the bracket people, standing up for Tories as usual". However, the complainant also noted that he had already deleted the tweet.

Megan McCann noted that Tully was “extremely vocal on twitter”, and then provided nine further screenshots to Matthews. These included Tully suggesting that people who attempt “to make political capital out of Holocaust Memorial Day” or “throw around false accusations of anti-semitism” should place their “head in between [a] toilet & the seat” and “bash your head in with the seat & repeat if necessary”, and writing “BREAKING: The Board of Deputies of British Jews & the PLP will decide who is to be the next leader of The Labour Party.”

McCann did not then attach that evidence in her email to Goodyear - it is unclear why - and Goodyear sent Gardiner the first two tweets about “brackett people” alone.¹⁵³⁰

McCann and Goodyear also cited the fact that Tully already had an “NEC Warning”, but this was a staff issued “warning and lift” after the 2016 leadership election. The evidence, provided on Gardiner’s request, was of Tully tweeting at three right-wing Labour MPs that they were “traitors”.

Gardiner responded:

Could this be a notice of investigation, with questions? In particular explanation needs to be sort about what was meant by "bracket people".

Goodyear replied: “Yep- we will action an NOI.”

Gardiner’s suggestion to NOI without suspension, rather than to suspend immediately, was reasonable on the basis of the evidence available to him. The use of brackets on Twitter is widespread by many non-Jewish people, such as journalist Dan Hodges, and it was not clear whether this was intended as a reference to Jewish people. Tully had also already deleted the tweet, and Gardiner’s was a suggestion with which Goodyear readily agreed.

The evidence that McCann gathered was much more significant, but this was not provided to Goodyear or Gardiner by either McCann or Matthews. Nor was it included in the NOI McCann then sent.¹⁵³¹

On 28 August 2018, an NEC Antisemitism panel decided to take no further action against Tully.

¹⁵³⁰ March 18 change: TG cases: “180404 Antisemitism- Edward Tully.eml”; “180404 FW Antisemitism- Edward Tully.eml”; “180405 Antisemitism- Edward Tully.eml”; “180406 RE AS Complaint - Edward Tully L1391169.msg”; “180409 RE AS Complaint - Edward Tully L1391169.eml”

¹⁵³¹ March 18 change: TG cases: “180410 Important- Letter regarding your Labour Party membership.eml”

On 1 October 2018, meanwhile, Harry Hayball (then employed by Momentum, later Senior Governance Officer in GLU) submitted a complaint about Tully, enclosing six screenshots including the main pieces of evidence McCann found. Tully now had reverse brackets in his Twitter name, and Hayball wrote:

The reverse brackets are to mock Jews, I believe, as outlined here:

*<http://nymag.com/selectall/2016/06/crafty-online-anti-semites-have-discovered-a-way-to-reverse-parentheses.html>*¹⁵³²

On 22 October 2018, Gardiner decided on a “No action”. On 7 November 2018, the Complaints team then inaccurately responded to the complaint, saying that:

I can confirm that our Disputes Team have issued Ted Tully with a reminder regarding his conduct.

*Further behaviour of this nature by Ted Tully may result in disciplinary action being taken.*¹⁵³³

This decision was influenced by the fact that the NEC had recently decided on “no action” in relation to similar evidence. However, the new evidence, though on a similar topic, was new and more serious, and should have led to a case.

On 2 August 2019 staff proactively investigated members mentioned in a Community Security Trust study into antisemitism in pro-Labour Twitter networks, “Engines of Hate”. Tully was flagged and on the basis of the totality of the evidence against him, including from further systematic social media searches, he was suspended immediately.

Based on the available evidence, the decision to NOI rather than suspend immediately in April 2018 was reasonable, and the primary error was by McCann and Matthews, in not providing the wider evidence that had been gathered. Tully was subsequently flagged again, but again, no further investigation was conducted. The proactive work and systematic social media searches undertaken in 2019, however, have led to his suspension.

Bob Long, meanwhile, was a case where instead of suspension, Gardiner recommended “no action”. The evidence on Long was two Facebook comments, in which he:

¹⁵³² March 18 change: TG cases: “181001 Ted Tully complaint.eml”

¹⁵³³ March 18 change: TG cases: “181107 RE Ted Tully complaint.eml”

- Criticised Labour MPs for joining the “EnoughIsEnough” demonstration alongside Tories, rather than asking “who benefits”;
- Said “aren’t the leaders of most of the Jewish community groups and representative groups also Tory Party member, or sympathisers or backers too? We could be looking at a biased attack on the left”, as the right are afraid of Corbyn, and so is Israel, “the closest thing to a fascist state that I can think of this side of China now.”
- And called the Labour MPs involved “turn-coats” “showing their true Tory colours”.

Gardiner noted that:

The description [Goodyear provided] of what he has said does not match up with the text of his actual posts. For example, he calls Israel "fascist". This is obviously insulting, but even if we were using the IHRA examples as our basis... these caution against Nazi comparisons of Israel, not all or any extreme political comparisons of Israel, precisely because of the particular obvious hurtful intent which is present in comparing any Jewish body specifically with the Nazis.

Goodyear reiterated that:

In my view the following quote:

‘Aren’t the leaders of most of the Jewish community groups and representative groups also Tory Party members, sympathisers or backers too?’ meets the following parts of the definition: ‘Antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews’ and ‘...toward Jewish community institutions..’

In my view as the following quote is used in a statement about Jewish community groups it strongly suggests that he is blaming Jewish people for the ‘genocide of Palestinians’:

‘...but also Israel are afraid of him coming to power as they rely on the right-wing sympathy of the Tories for backing in their genocide of the Palestinians and the land grabbing from the left’

Gardiner, however, maintained:

In these posts he is making crude points about individuals' political alignments, but he does not appear to be directing these in general at Jews, the Jewish community, or Jewish institutions. He does not say that all Jews are right wing, nor does he say that all those raising concerns about anti-Semitism are right wing. It seems he is referring to some senior officer holders in some organisations, some of whom have

publicly declared support for the Conservatives. He would of course be wrong if he says that anti-Semitism concerns have only been raised because of individual political alignments, and he would be wrong if he said that there are no Labour supporting or left wing office holders in the largest Jewish community organisations, as there are very many, and they clearly share many of the same genuine concerns about anti-Semitism. However, he has not said this, and we obviously can't read in things that he has not said.

On the basis of these screenshots (and in the absence of other evidence), I can't see that there are grounds for disciplinary action.¹⁵³⁴

Gardiner made valid and reasonable points. However, his responses missed the wider point that Long displayed some questionable, negative views towards Jewish communal organisations, which may have signified further problematic views. Long's case was definitely at the low end of the scale, and was something that GLU would never previously have taken disciplinary action on. But, resources permitting, it was worth investigating.

Upon reviewing these cases in February 2020, and conducting a systematic search of Long's social media, moreover, we found numerous pieces of evidence of a consistently espoused belief in the Rothschild antisemitic conspiracy theory; Long sharing an article that said that "Jewish Bolsheviks" had banned free speech in Russia; and even sharing of Soros conspiracy theories from far right sources. On this basis, Long has been suspended.¹⁵³⁵ This underlines how important these searches are, and how, although there were misjudgements, the biggest problem in 2018 was the continued lack of such searches.

Investigations Officers had occasionally conducted such searches in the past. But there was no systematic practice of this. For example, on 31 March 2018 a complaint was submitted about Julia Gallacher saying "This is an appalling witch-hunt by the Jewish Board of Deputies whose members fear for the financial impact of Labour policies if successful in the May council elections", providing a link to their Facebook profile. Martha Robinson from Complaints noted that the "Complainant didn't provide specific screenshots but I found some stuff which could be potentially, attached in the PDF." This included Gallacher sharing a meme saying "An anti-semite used to be a person who disliked Jews. Now it is a person who Jews dislike" and writing, while sharing an article from a left-wing Jewish group, that "Jewish Tories [were] out to discredit Corbyn".¹⁵³⁶ McCann, however, said:

¹⁵³⁴ March 18 change: TG decisions: "180409 AS Complaint - Bob Long L1521355.eml"; "180410 RE AS Complaint - Bob Long L1521355.eml"

¹⁵³⁵ March 18 change: TG decisions: "200303 Suspension Sign-off - CN-4683 Bob Long.msg"

¹⁵³⁶ 2018-19: "180405 FW Anti-semitic language by a party member on Facebook.eml"

*Please can you go back to the complainant and ask them for the evidence of anti-Semitism? I don't think we have time resources to browse people's Facebook profiles and I don't think that the evidence Martha found is enough.*¹⁵³⁷

With the increase in the number of cases GLU were actually acting on, this could arguably be seen as a rational approach, and the Party is under no obligation to search the social media of members subject to complaints. However, the Party believes that conducting these searches is the correct approach to this issue, and implementing this has considerably improved decision-making.

Another illustrative case was that of Allan Challenger. A complaint about Challenger concerned just one comment and a share of a cartoon. On 27 April 2018 McCann said "I think that this should be an NOI with questions about the picture", but then added:

Sorry! I just noticed that he already has an NEC warning. Maybe ask for suspension?

On 30 April Goodyear then emailed Gardiner recommending a suspension, writing:

Although the first post is a share, it is concerning because it appears to imply that Jewish people fund wars.

It is notable that Mr Challenger has been suspended previously for his conduct online- I have attached the letter and relevant screenshots. This resulted in a formal warning which I have also attached.

Due to the fact that he has had a warning for online conduct previously, I feel it would be proportionate to suspend.

A lack of training and guidance on antisemitism was evident here, because the cartoon, below, was a traditional anti-war cartoon in which the characters portrayed appear to be stereotypes of French waiters and British aristocrats, and did not display any of the features of antisemitic caricatures.

¹⁵³⁷ 2018-19: "180409 Antisemitism- Gallacher.eml"



The suspension and “formal warning”, meanwhile, was a 2016 “Validation” suspension - for calling John Woodcock MP a “fucking twat and a disgrace to the LP”, and retweeting a tweet that said Tony Blair was a “delusional bastard” for “saying the world is a safer place two days after ISIS killed 250 in Baghdad” - which was lifted immediately after the 2016 leadership election.

On 17 May 2018, Goodyear emailed McCann:

*Thomas has directed no action on this one. He says that the people depicted in the cartoon are not meant to be Jewish- if you would like to challenge this let me know.*¹⁵³⁸

Goodyear and McCann’s proposal was disproportionate, based on a low level of understanding of antisemitism and unreasonably citing, as basis for action, past disproportionate and factional actions taken by GLU. Again, moreover, it was clearly understood that the option of challenging Gardiner’s recommendation was available to other GLU staff.

In another case, forwarded to Gardiner on the same day as Challenger’s was, Gardiner “upgraded” an original proposal of Goodyear, from “no action” to NOI.¹⁵³⁹

On 25 April 2018, following a meeting with the Jewish Council of Scotland, Scottish Labour leader Richard Leonard had received a complaint of antisemitism against

¹⁵³⁸ March 18 change: TG decisions: “180430 AS Complaint - Alan Challenger L1161338.eml”; “FW: Antisemitism Complaint - Allan Challenger”; “180517 RE Antisemitism Complaint - Allan Challenger.eml”

¹⁵³⁹ Case: George McIrvine

Councillor George McIrvine. The post was a share of a meme saying “There are only 9 countries left in the world without a Rothschild central bank”, in relation to Donald Trump’s announcement of US air strikes in Syria. In a comment under the post, McIrvine indicated he thought part of the meme was “pants” but said “the point being made is ‘re the controls of banking”.

Scottish General Secretary Brian Roy explained the situation and sent this to GLU for action. Goodyear, however, responded:

I do not think these posts are antisemitic so will not escalate the matter to Thomas. As I understand it we have already looked at the rest of his social media and there is nothing further that amounts to antisemitism.

Asked to discuss the matter before responding, Goodyear reiterated:

the allegations have been considered and it does not amount to antisemitism so there will not be further action.

Roy then forwarded an email from Leonard, saying:

it is my clear view that the Facebook posting attached is anti-Semitic. I believe we have to take a firm lead in tackling anti-Semitism in the Party.

Roy copied in Leonard and asked: “Can I suggest we do at least an NOI?”

Leonard himself then argued:

If this is an anti-Semitic post, which I believe it is, it should be investigated thoroughly, and in these circumstances I think there is a case for suspension pending that investigation.

At this point, Goodyear decided to put the case through the process for review by Gardiner, who recommended an NOI:

my view is that this does warrant a Notice of Investigation, because of the reference to the Rothschilds, and to banking, which is often connected to common anti-Semitic tropes.

I don't think we can say it warrants a suspension. I note that you reviewed the evidence and were not of the view that it warranted NOI. It is not clear that the use of a potential trope was definitely intentional.

Goodyear then agreed with an NOI, and explained her earlier position:

From my point of view, the reason I recommended no NOI was because the evidence is one post that was a share (we don't usually act on these alone) and the individual had subsequently commented on the post suggesting he did not entirely agree with it. However considering Richard subsequently intervened to ask for an NOI I think it is the only conclusion.

In this case, Gardiner therefore advocated and agreed much stronger action than Goodyear had initially proposed. Earlier, on 20 April 2018, Gardiner had asked Goodyear "Do we consistently treat shares and retweets more cautiously than members' own posts?", and has she responded:

*Yes we are more cautious with re-tweets and shares as on re-tweet does not necessarily indicate support for those views. However where there is a pattern of re-tweets or with particularly offensive posts it can be useful to advise a decision.*¹⁵⁴⁰

The informal and often inconsistent policy of not acting on shares alone, discussed in Section 3.1.3, was ended not long after.

On 9 April 2018, meanwhile, Laura Murray forwarded to Gardiner a case reported on *ConservativeHome*, noting "The Netanyahu/ Hitler image" - an image comparing Hitler and Netanyahu, and "the master race" and "the chosen people" - "would warrant a suspension IMO." Gardiner agreed:

*I think a Hitler/Netanyahu comparison would be grounds for suspension (obviously dependent on the content of the complaint, but can't imagine how it wouldn't warrant that, based on the Con Home article posted below).*¹⁵⁴¹

By contrast, an inappropriate decision was taken in Phil Vasili's case.

On 10 April 2018 a Labour councillor had submitted a complaint about Vasili, attaching a dozen tweets. These included criticisms of "apartheid Israel", but also a variety of conspiracy theories including antisemitic ones. Vasili wrote, for example, "THIS IS WHY AND HOW POWERFUL ZIONISTS WHO CONTROL ISRAEL DID 9-11", sharing a video from an "Enlightened Gentiles Facebook group".¹⁵⁴²

¹⁵⁴⁰ 2018-19: "180420 RE AS Complaint - Lesley Harris L1449216.eml"

¹⁵⁴¹ March 18 change: TG decisions: "2018-19 - Guidance: "180409 Lambeth case.msg"

¹⁵⁴² 2018-18: Phil Vasili: "180410 formal complaint.eml"

Hogan appears to have saved some additional evidence from Vasili's social media profiles, and on 1 May 2018 recommended a suspension.¹⁵⁴³ Goodyear then sent this to Gardiner, but on 23 May 2018 he responded:

*I will be referring this to someone else in GSO, as I know the individual from my local Party, and therefore do not think I should be involved in this particular decision.*¹⁵⁴⁴

The complaint was sent instead to Kate Purcell, Senior Director of GSO, who had no role within the complaints and disciplinary process.

On 6 June 2018, Purcell emailed Goodyear regarding the case:

*Just to let you know that Thomas passed this on to me as he has recused himself from this case. I have looked at the evidence submitted and would recommend a letter with an informal warning.*¹⁵⁴⁵

Goodyear responded "Thank you Kate, we will action."¹⁵⁴⁶ She then emailed Hogan:

An 'informal warning' has been agreed on this one, I think this must be a reminder of conduct. Can you action please?

Hogan then appears to have discussed this with Goodyear, who then emailed him again:

*As requested, I attach the email in which Thomas responded to the Phil Vasili email, amongst other cases. I also attach Kate's response.*¹⁵⁴⁷

Hogan then emailed Matthews and Goodyear:

Sam, Sophie,

I really must protest about this.

The evidence attached shows the respondent posting antisemitic conspiracy theories that 'Zionists' were responsible for 9/11; about the Jewish Rothschild family having a deliberate strategy to destabilise the entire Middle East; that the Salisbury nerve agent attack was actually carried out Israeli intelligence.

¹⁵⁴³ 2018-18: Phil Vasili: "180501 RE Phil Vasili L1426172.eml"

¹⁵⁴⁴ 2018-18: Phil Vasili: "180523 Outstanding AS cases.eml"

¹⁵⁴⁵ 2018-18: Phil Vasili: "180606 RE AS Complaint - Phil Vasili L1426172.eml"

¹⁵⁴⁶ 2018-18: Phil Vasili: "180606 RE AS Complaint - Phil Vasili L1426172.eml"

¹⁵⁴⁷ 2018-18: Phil Vasili: "180606 Phil Vasili.eml"

This is antisemitic propaganda, inspired by the Protocols of the Elders of Zion. The evidence appears to demonstrate that Phil Vasili has propagated and believes this. Giving him an 'informal warning' appears completely inconsistent with other decisions, and gives me cause to question what 'zero tolerance' on antisemitism actually means.

Moreover, I am worried at the reputational risk were this outcome to be reported in the press. I expect that the complainant will be deeply upset when they are told that this conduct warrants only a slap on the wrist, and it's far from inconceivable that they might take to Twitter, or even go directly to the press, to complain.#

I hope this decision is looked at again.

*Best wishes,
Dan¹⁵⁴⁸*

There is no record of a reply from Matthews or Goodyear, or of this being raised with Thomas Gardiner or Kate Purcell. However, Vasili was not sent any Reminder or Warning at this stage - the decision simply was not implemented, although Hogan worked in GLU for a further four weeks, and Goodyear continued until the following year.

On 20 August 2018 Tim Dexter drafted and sent a RoC, commenting to Goodyear "It looks as though you asked Dan to send this out but I don't think this was ever done."
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The Labour Party agrees with the views expressed by Hogan in his email - this decision was, as he wrote, "completely inconsistent with other decisions", and the wrong decision.

Although it was correct for Gardiner to recuse himself as he had encountered Vasili in his local party, it should not have been sent to Purcell - who, though a Director, had no training or expertise in antisemitism and did not deal with antisemitism complaints in her role.

Phil Vasili had also been complained about in March 2017, with evidence including Rothschild conspiracies and Israel being behind 9/11. Withers-Green had identified Vasili and forwarded to Matthews:

¹⁵⁴⁸ 2018-18: Phil Vasili: "180606 RE Phil Vasili L1426172.eml"

¹⁵⁴⁹ 2018-18: Phil Vasili: "180820 RE Phil Vasili L1426172.eml"

A number of anti-Semitic tweets... Possibly a case¹⁵⁵⁰

However, no action had then been taken.

In 2019, a further complaint was submitted about Vasili. Staff investigated and recommended a suspension. Rather than refer a decision to Purcell again, however, the decision was taken on 30 October 2019 by two senior staff specialised in antisemitism, and Vasili was suspended.

A spreadsheet from 14 May 2018, meanwhile, showed 43 cases with a recommendation and a response from Gardiner. Gardiner had agreed with 1 GS Rejection, 19 proposals to suspend and 15 proposed NOIs. For 5 proposed suspensions he recommended instead an NOI, and for three proposed NOIs he recommended no action. For 35 of the 43 cases - 81% - Gardiner agreed with the recommendation.

Throughout this period, in most cases existing GLU staff and Gardiner were in agreement on the course of action to take, and a number of factors contributed to differences of opinion.

¹⁵⁵⁰ 2017 Investigate - no action: "170320 FW Tweet and compliance.msg"

6.4.5.iii. Mistakes at first stage

In this period there also continued to be mistakes at the first stage of investigation, which did not involve Gardiner, reflecting a lack of clear training or guidance on how to approach these complaints.¹⁵⁵¹

For example, as discussed in Section 3.1, McCann had judged that Andrew Paul Thompson's "posts are anti semitic", but decided on no action as his Facebook bio said "sharing without comment is not endorsement". This was despite the fact that numerous written comments were also included, such as him writing about a "pro Zionist cabal" in Labour, explaining why he "equate[s] Zionism with barbaric oppression and racism" and that "Zionism is racism" and claiming that Arab "are... Semitic". (Moreover, press enquiries just weeks later about Thompson being "let off", although forwarded to Goodyear and Matthews, did not prompt any review of the case decision, and it was only in summer 2019 that Thompson was investigated.)¹⁵⁵²

On 20 April 2018, meanwhile, a complaint was submitted about Paul Rippingale for antisemitism, citing a *Jewish Chronicle* investigation by journalist John Ware. After this was sent to him for investigation, Dan Hogan decided on a "no action", simply citing "insufficient evidence" without elaboration. On 14 June 2018 the same *Jewish Chronicle* article was submitted by another complainant, and Tim Dexter from Complaints asked Hogan:

Please can you advise whether Paul Rippingale below should be investigated for AS?

Hogan did not reply, and left work a week later. After the complainant chased on 2 October 2018, however, the Complaints team did some work to confirm Rippingale's identity, and saved some additional evidence on him. The case was sent to Gardiner, who on 15 October 2018 decided on an NOI. In July 2019, meanwhile, on further investigation, Rippingale was suspended.¹⁵⁵³

In this case, Hogan appears to have simply failed to investigate, work which Complaints staff later did. Meanwhile, Gardiner then issued an NOI, and on further complaints in 2019, the new team proposed (and Gardiner agreed) a suspension. This is another illustration of the general pattern of improvement in how complaints have been handled.

In April 2018, meanwhile, new Complaints Officer Tim Dexter failed to identify as a member Pete Moyes, reported by a Jewish member for antisemitism. Moyes had

¹⁵⁵¹ For example: 2018-19: "180515 KG on cases not sent to TG.eml"

¹⁵⁵² Case: Andrew Paul Thompson.

¹⁵⁵³ 2018-19: Paul Rippingale

joined in 2016, and there is only one “Pete Moyes” on the database. Moyes also had an existing case against him for antisemitism in “Members Centre” “GLU Tab”, having been reported and identified as making grossly antisemitic comments twice in 2017 (the case, forwarded by Louise Withers-Green, was not acted on by Matthews). This identification error was most likely due to the fact that there is a “Peter Moyes” on the database who was not a member, and searching “Peter” would not return a result of “Pete”. Louise Withers-Green had, however, managed to identify Moyes previously.¹⁵⁵⁴

Staff would also continue to decide on “no actions” and initially informal warnings, without consulting Gardiner.¹⁵⁵⁵

Some of these staff were new - Dexter, McCann and Robinson had all started in March 2018 - and improved over time and there were continual improvements throughout 2018 and 2019. For example in 2018, staff stopped lifting suspensions in favour of formal or informal warnings, as GLU staff had done routinely in previous years. From 2018 onwards, only NEC Antisemitism Panels could make such decisions.

¹⁵⁵⁴ Case: Pete Moyes. Moyes was reported again later in 2018 and suspended, following which his membership lapsed.

¹⁵⁵⁵ 2018-19: “180419 SG - warnings dont need to go through TG.eml”; “180807 RE New AS Process.eml”

6.4.6. Quality of decisions on antisemitism, July 2018 - March 2019

From April to June 2018, there were at times differing opinions between existing GLU staff and Gardiner about the appropriate course of action on a minority of cases. In some cases, Gardiner's proposals were inappropriate; in others, the existing staff's proposals were inappropriate. In the vast majority of cases all staff agreed, however, and most decisions were appropriate within the limitations of the evidence being considered.

In the second half of 2018, Gardiner became director of GLU. GLU in this period was dealing with far more complaints than ever before, as staff were investigating huge dossiers sent by the JLM and Margaret Hodge. This impacted the amount of time spent on deliberation, resulting in the quality of some decisions being reduced.

One notable case was that of Lesley Perrin. On 16 August 2018, a complaint was received about Perrin writing about "traitorous Labour MP's who support the Israeli Regime" and label supporters of the Palestinians as antisemitic - "pro-Zionist Labour MPS". Martha Robinson from Complaints conducted some further searches, using the search term "Jew", and found a variety of posts, including one about the "Israel lobby" and Israel's "puppet-Tory Party". Most shockingly, Robinson found that Perrin had shared a Holocaust denial video, which claimed that the number of "six million Jews" had been used repeatedly before the Holocaust. Perrin commented on it that "I believe the Holocaust did happen" but:

the REAL problem is the 6 million figure....

Perrin also referred to a "Red Cross" report on the victims, which appears to have been a reference to a further Holocaust denial myth.

Gardiner reviewed this case on 2-4 January 2019, along with 96 others, and decided on an NOI, but specifying that only the Holocaust denial screenshot should be used.

After an NOI was sent, Perrin responded insisting that "I do NOT in ANY way deny the Holocaust ever happened and I state that in my reply to Elspeth", whilst still maintainig:

The 6 million figure between 1915 - 1938 had been used many times BEFORE the 2nd World War, in many different newspapers and this I found confounding? ... Enough to share and hopefully discuss with friends on my timeline.

As Laura Murray later noted:

*In Lesley's response to her NOI, she said that she did not apologise for or regret sharing the post, and she re-stated her belief that the 6 million figure of Jewish people killed in the Holocaust should be questioned.*¹⁵⁵⁶

The report GLU staff prepared for the NEC noted that the respondent had "questioned the scale of the Holocaust", had "not acknowledged or apologised for this", and had not "shown contrition or a desire to better understand the issues surrounding anti-Semitism".¹⁵⁵⁷

GLU recommended that the NEC refer Perrin to the NCC. An NEC panel on 22 February 2019, however, decided to issue her with a "Reminder of Conduct". Disputes staff later recalled that "the reason the NEC AS Panel took this decision was because there was only one piece of evidence on the [Disputes Panel] report, even though it was a very serious bit of evidence."¹⁵⁵⁸

In June 2019, Perrin's Holocaust denial post was publicised in the media.¹⁵⁵⁹

Head of Complaints Laura Murray then created a new case. Murray requested the suspension of Perrin, noting that "Since [the NEC decision] we have received more complaints about this person with new evidence", including:

- *Further information about the video including its claim that the Holocaust "allegedly" happened*
- *Lesley Perrin's own words which state that the "6 million figure" was invented before World War 2*
- *Multiple posts sharing conspiracy theories about Rothschilds*
- *Lesley Perrin's own words referring to conspiracy theories about "Rothschild Zionists" the "Illuminati", and "the House of Rothschild creating one world government" eg. classical antisemitism about Jewish world government.*
- *Lesley Perrin's own words saying that there is a "real problem with the 6 million figure" and repeating the conspiracy theory that this figure was created prior to World War 2*
- *Lesley Perrin "liking" a comment which says "It would not be a Holocaust this time. It would be pest control."*

¹⁵⁵⁶ 2018-19: Lesley Perrin: "190612 lesley perrin.eml"

¹⁵⁵⁷ 2018-19: Lesley Perrin: "190612 lesley perrin.eml"

¹⁵⁵⁸ 2018-19: Lesley Perrin: "190612 lesley perrin.eml"

¹⁵⁵⁹ <https://www.thejcc.com/news/uk-news/labour-s-peterborough-candidate-signed-letter-opposing-ihra-antisemitism-definition-1.485060>

- *Further conspiracy theories about Jews*¹⁵⁶⁰

On this basis, a suspension was agreed, and in December 2019 an NEC panel used its new expulsion powers to expel Perrin.

A series of significant errors were made in this case:

- Perrin was subject to further social media searches, but these were limited, and did not pick up, for example, her support for conspiracy theories about “Rothschild Zionists”.
- Gardiner decided to issue an NOI rather than immediate suspension, although her comments questioning the scale of the Holocaust clearly warranted suspension.
- Gardiner instructed staff to focus on the most extreme evidence alone, although the other evidence would have demonstrated her pattern of thinking and belief.
- The NEC then made a poor decision, influenced in part by the belief this was a one-off comment.
- Although GLU had advocated that Perrin be referred to the NCC, and the decision was clearly wrong and based in part on how GLU had handled the case, no attempt was made to correct this.

By contrast, although Perrin had already received a “Reminder of Conduct” from the NEC, new team member Laura Murray collected the available evidence and advocated her suspension, and six months later Perrin was expelled under the NEC’s new powers.

GLU’s handling of the Lesley Perrin case contrasts with the previous Holocaust denial cases of Fleur Dunbar and Patricia Sheerin, discussed in Section 3.1. On 3 May 2016, Stolliday was alerted that Dunbar had just shared two posts of overt Holocaust denial and rebuttal of “Lies about Hitler”, which asserted that:

- The Holocaust did not happen and 6 million Jews were “all... well fed”.
- Hitler put Jews in camps “because they stabbed Germany in the back”.
- It was Jews, not Nazis, who believed they were a superior race.¹⁵⁶¹

Despite having previously been sent a dossier of forty pieces of antisemitic and Islamophobic posts by Dunbar, however, Stolliday responded to a request for suspension by saying that he doesn’t “like acting on material that is just “shared” as it

¹⁵⁶⁰ 2018-19: Lesley Perrin: “190612 lesley perrin.eml”

¹⁵⁶¹ Case: Fleur Dunbar.

doesn't necessarily imply endorsement", and asking if Dunbar could "be asked to delete and apologise", in which event no case would have been pursued at all.¹⁵⁶²

In March 2017, meanwhile, presented with a Holocaust revisionist comment by Patricia Sheerin similar to that of Perrin, Louise Withers-Green suggested to Matthews that "it probably doesn't add up to much but thought I'd check."¹⁵⁶³ Matthews, meanwhile, did not reply or take any action at all.

This illustrates how the handling of cases in 2018 was, despite errors, a significant improvement on what had happened previously. Gardiner authorised an NOI and GLU then recommended to the NEC that Perrin be referred to the NCC for expulsion - the error was in not suspending, and then allowing the NEC's poor decision to stand despite the fact that additional evidence existed which could have been provided to them.

The Perrin case was particularly egregious and far from typical. But it is representative of how various mistakes continued to occur in 2018, and how the new team formed in 2019 has worked to rectify such mistakes.

Indeed, a number of cases that received a "No Action" or staff reminder/warning in late 2018, such as Jeff Conibear (L1309463), Jack Critchlow (A912877), Mahmoud Reza Tashvishi (L1590653), have since received a suspension in 2019, while others have received NOIs.¹⁵⁶⁴

In general, these have been caused by a mixture of poor decisions, such as issuing a warning instead of an NOI, and a lack of social media searches beyond the evidence initially submitted.

¹⁵⁶² Case: Fleur Dunbar.

¹⁵⁶³ Case: Patricia Sheerin: "170329 sheerin holocaust.eml"

¹⁵⁶⁴ All three cases

6.4.7. Conclusions

In 2018 there was a significant increase in action from GLU, which was processing cases and taking action on antisemitism in a large-scale for the first time. This was accompanied by some significant improvements in the decision-making processes, including staff issuing suspensions for many serious cases, staff now taking action on shares, and staff no longer lifting suspensions or asking individuals to apologise and delete their posts.

However, these significant improvements did not mean that all of the decisions that were taken were correct and proportionate, and there were a number of cases where the decisions taken were clearly inappropriate. As in previous years, GLU's decision-making from March 2018 - March 2019 continued to be impacted by a lack of training and guidance for staff on antisemitism, by a lack of staff with expertise on this subject, and by a lack of systematic social media searches. As the next section will show, these issues were addressed in 2019.

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6.5.1. Summary

From March 2019 onwards, there were three main changes in regard to antisemitism decision-making in GLU:

- **Guidance.** Extensive guidance was produced setting out, in detail, how staff should judge cases involving antisemitism, and what outcomes would be appropriate.
- **Expertise.** Staff who specialised in antisemitism were recruited and appointed as the key people in all antisemitism investigations and decision-making.
- **Systematic social media searches.** Extensive social media searches were now conducted on all cases of antisemitism, and this led to a major escalation of first outcomes and strengthening of cases.

Part of the reason for these improvements lay in criticisms that had been made, by Labour MPs and people in the Jewish community, of decisions that had been taken previously: it became evident that the decision-making needed to improve, and be considerably tightened up to avoid errors.

6.5.2. Guidance

From summer 2018 onwards, large numbers of cases began to be processed by GLU staff, reviewed by the NEC and, to a much lesser extent, heard by the NCC. Three notable areas of improvement of GLU's practices and policies in this period included:

- Staff issuing suspensions in many serious cases of antisemitism, rather than simply NOIs;
- Staff taking action on likes and shares;
- And staff no longer favouring informal resolutions to cases, like asking individuals to apologise and delete their posts.

As this report has shown, this was a major departure from past practices..

However, it became increasingly clear that there was a need for detailed guidelines for staff to ensure consistent decision-making on cases.

As outlined previously, when Sam Matthews proposed that Thomas Gardiner, who was working in GSO, make recommendations on antisemitism cases, Gardiner asked to be provided with any guidance that GLU used in decision-making on antisemitism cases. Matthews responded that no such guidance existed but the IHRA definition was used for guidance.

The NEC Antisemitism Working Group, which began meeting in spring 2018, subsequently approved a Code of Conduct which sought to incorporate the IHRA text into comprehensive guidelines. This provided additional examples of antisemitism and language which would empower the NEC and NCC to take more robust action on antisemitism, but which also attempted to meet the Home Affairs Select Committee recommendations that the Committee had made to "ensure that freedom of speech is maintained". This Code of Conduct was adopted by the Working Group and subsequently approved by the NEC.

However, this was met with considerable opposition from Jewish communal groups who felt the Code of Conduct was attempting to amend the IHRA definition, and therefore to define the oppression Jewish people face on their behalf. Subsequently all of the 11 IHRA examples were adopted in full by the NEC in September 2018.

In February 2019 LOTO Stakeholder Manager Laura Murray and Labour Press Officer Georgie Robertson circulated a document to LOTO and GSO with proposals for tackling antisemitism, which included producing antisemitism matrices to guide consistent decision making on disciplinary cases.¹⁵⁶⁵ They cited the initial decision to

¹⁵⁶⁵ Outside GLU: "LM and GR AS strategy proposal 2019"

investigate but not suspend Kayla Bibby as an example of why guidance was clearly needed:

We've come under criticism in relation to decisions on some particular cases (e.g. recently on the Kayla Bibby case) where the sanctions have been considered to be too weak or where our decision making has seemed inconsistent.

...

We propose that we draft detailed guidance about what to look for at each stage of decision-making within the process and what types of content would warrant particular action/ sanctions, specifically in relation to antisemitism. We would work with GLU to produce this, enabling us to draw on their experience and expertise but without overloading them with a request to undertake this work themselves.

The “detailed guidance” they proposed would address:

- *On what basis it can be deemed by staff that insufficient evidence has been provided to meet the threshold for investigation*
- *The types of cases that warrant reminders of conduct*
- *The types of cases that warrant formal warnings*
- *The types of cases that warrant NCC referral*

On 14 February 2019, meanwhile, Deputy Leader Tom Watson collected a number of complaints from Labour MPs that they felt had not been adequately dealt with, and submitted them to Jennie Formby. Formby asked Nardell, Gardiner and Osei to “look into these cases” and update an attached spreadsheet with the case outcomes, “with date of decision and who made decision (staff, full NEC Disputes Committee, antisemitism panel)”. She noted:

I suspect we may find people asking us to revisit every case. I sincerely hope not as this will take up a lot of staff time but after the Kayla Bibby case today I'm afraid we do need to make sure appropriate decisions have been taken. I appreciate that decisions prior to AS panels being introduced may be less than perfect, but that's the whole point about the panels; they take collective responsibility, have expert advice in the form of Counsel and are an indication that we are improving what we do all the time.¹⁵⁶⁶

Nardell commented that:

¹⁵⁶⁶ 2018-19: “190419 FW Antisemitism complaints STRICTLY CONFIDENTIAL.msg”

this episode illustrates precisely the danger of political involvement in the disciplinary process. It cannot work while members of the plp and the leadership team attempt to involve themselves in individual cases, pressing for confidential information to which they know they are not entitled. This is precisely why the leader, quite rightly, is not involved in individual complaints and why his deputy would do well to take a leaf out of his book.

On 24 February 2019 Gardiner explained that GLU staff had “been working flat out” but would “get someone on this tomorrow”. Osei then provided the information the following day.

In March 2019 Jennie Formby was diagnosed with breast cancer, and had to take some time off work for treatment over the following nine months.¹⁵⁶⁷

On 9 April 2019, Formby returned to this discussion with Gardiner and Nardell - “I’m trawling through old emails and have found this one which I don’t think we’ve discussed.” She expressed her concern about a number of specific examples of antisemitism cases where it appeared an NOI had been issued instead of a suspension, or no action at all, where more significant action was warranted, and noted “I think we definitely need to use this spreadsheet to undertake some more training of staff who are making decisions”:

Looking at the spreadsheet I am concerned about some of the responses where there has been no action despite individuals being incredibly offensive and clearly in breach both of our Member Pledge and of our social media Code of Conduct. I suspect this may be because they’re being judged on whether or not they are antisemitic but we shouldn’t ‘no action’ anyone who is offensive.

Some are also inconsistent and people where complaints are very similar have had different outcomes.

Formby gave five examples of her “concerns”, including an individual who “has only had NOI rather than being suspended”, and another who had received “no action”. She then continued:

I won’t go on, there are many more that are clearly offensive and ignoring the ‘civility of discourse’ rule but I think we definitely need to use this spreadsheet to undertake some more training of staff who are making decisions. Again, I fully appreciate the massive pressure everyone is on but we cannot tolerate members being abusive as it is so corrosive, especially if they then carry it on into meetings which alienates

¹⁵⁶⁷ <https://www.theguardian.com/politics/2019/mar/25/labour-party-general-secretary-jennie-formby-diagnosed-breast-cancer>

members and most importantly, distracts from our number one priority of bringing people together to campaign for Labour.

I am sure there are explanations for some of this but we really do need to be scrupulous. I don't care who the targets are or how they behave, that's another discussion to have with the Whips where appropriate but we still need to tackle offensive language and behaviour.

Sorry to go on but this is important!

As these emails illustrate, while there had been many improvements to both decision-making and the disciplinary processes since spring 2018, there was an increasing awareness of the need for training and guidance for staff, the NEC and the NCC to ensure complaints were all dealt with consistently and robustly.

As outlined in Section 5, GSO had been in ongoing discussions with the Pears Institute for the Study of Antisemitism about providing such training. In March 2019 Birkbeck announced that the Pears Institute would be launching non-degree courses on antisemitism, including on the sources, development and contemporary forms of antisemitism taught at Birkbeck, and that the Labour Party had expressed an interest. The Party subsequently arranged for all GLU staff, as well as members of the NEC, members of the NCC, to have access to the course. This was a significant step forward in development and guidance for GLU staff, by providing expert and detailed training from an academic institution which specialises in antisemitism.

However, there was also a need for detailed guidance. In June 2019, Executive Director of Legal Affairs Gordon Nardell commissioned independent barrister Tom Gillie, advisor to the NEC Antisemitism Panels, to draw up an "Antisemitism Decision Making Matrix", which has been provided to the Commission. This matrix outlined each type of outcome available at each stage of the process:

- *INITIAL ASSESSMENT OF THE COMPLAINT: IS AN INVESTIGATION REQUIRED?*
- *ASSESSMENT AND RECOMMENDATION FOLLOWING INVESTIGATION*
- *THE NEC ANTISEMITISM PANEL STAGE*

It elaborated upon the appropriate circumstances in which certain outcomes are found, and other factors to consider. For instance, at the initial assessment stage, it notes:

- *A Reminder of Values is not a sanction but a method of raising awareness of the standards of measured and civilised discourse the Party expects among its members.*

At the assessment and recommendation stage, it stated:

- *Where appropriate the recommendation will deal with any acknowledgement/apology by the member that may make the case suitable for member agreement to education.*

At the NEC Antisemitism Panel stage, it lay out the conditions in which the NEC would refer a case to the NCC:

- *“The Antisemitism Panel considers that the member has committed (or there is a case to answer that he or she has committed) misconduct that is so serious that only the NCC can punish appropriately if the allegations are established (i.e. a sanction greater than an NEC Warning is required – typically suspension or expulsion).*
- *The Antisemitism Panel considers there is at least a case to answer, but there is a dispute about important facts in the allegation that the NEC disputes panel cannot determine: for example, where there are disputed accounts about off-line behaviour such as harassment or comments during a meeting; or where there is a lot of factual material in support of competing accounts of events that requires more careful consideration; or where the facts are particularly complex; or there is a dispute about interpretation or application of the Rules that the NCC ought to resolve.”*

This paper was adopted by the NEC and is used by NEC Antisemitism Panels to guide their decision-making on each case they judge. A much more basic flowchart had also been produced by Gillie in August 2018, to assist the first panels.¹⁵⁶⁸

However, more detailed guidance was needed about the specific types of social media content that warrant different outcomes. While the IHRA definition and examples were in effect and used by both the NEC and NCC in considering cases, as were the additional examples of antisemitism highlighted in the Code of Conduct, and the Antisemitism Decision Making Matrix was later also used by the NEC Antisemitism Panels, there was no specific guidance for staff at the first stage of decisions.

In April 2019 Laura Murray was hired as Head of Complaints, and the lack of guidance for staff was the first deficiency she identified in the process. That month she wrote the first-stage decision guidance for staff which has been provided to the

¹⁵⁶⁸ 2018-19: “180829 Flow chart.eml”

Commission: "Guidance for first-stage decisions on antisemitism".¹⁵⁶⁹ This guidance outlines the options available to the decision-maker (or recommendation-maker) at the first stage and lists ten questions the decision-maker should ask when determining the severity of the offensive conduct which is complained of:

1. *Is this a third-party complaint or not?*
2. *Is the complaint about an incident which happened online or in person?*
3. *Has this respondent had previous disciplinary action against them and if so, what?*
4. *If it is a social media incident, how many social media posts are offensive or represent a potential breach of the rules?*
5. *If it is a social media incident, were the offensive posts "retweets" or "shares", or do they include text written (or images created) by the respondent themselves?*
6. *If it is a social media incident, what is the context of the post?*
7. *If it is an in-person incident, what types of evidence do we have of the incident?*
8. *Who was the audience for the potential incident?*
9. *What is the position of the respondent?*
10. *Any other significant determining factors about the respondent to take into account?*

These questions invite the decision-maker to consider context, intent, evidence, risk, and any mitigating circumstances. Under each of these questions, the guidance describes how the different answers to these questions may impact your judgement of the complaint.

For instance, under the question "If it is a social media incident, were the offensive posts "retweets" or "shares", or do they include text written (or images created) by the respondent themselves?", it stipulates:

- *If the posts were "retweets" or "shares", they are more likely to be done unthinkingly and may not necessarily represent an endorsement of the views contained within them. However, where the content is obviously prejudiced, it will still be treated as a serious incident.*
- *If the posts are written directly by the respondent, or they are a "Share"/"Retweet" which contains additional text and commentary written by the respondent, they will be treated as more serious as demonstrate a greater degree of intention on the part of respondent.*

¹⁵⁶⁹ 2018-19: "1905 Guidance for first-stage decisions on antisemitism.docx"

On the question “if it is a social media incident, how many social media posts are offensive or represent a potential breach of the rules?”, further guidance is provided:

- *If it is a one-off post or online incident, there is a higher chance it was shared unthinkingly.*
- *If it is a repeated pattern of behaviour online, it suggests a persistent way of thinking which is likely to be prejudiced or problematic.*

This guidance was a vast improvement on the former GLU team’s blanket policy of “we can’t investigate shares or retweets” which, as outlined in Section 3.1, allowed for people to “share” Holocaust denial and other extreme antisemitic content and not have their conduct even considered for an investigation.

This guidance makes clear that all prejudiced content should be treated seriously and investigated. However, where content is of a less explicit or clear nature - for instance, someone sharing an article which appears to be non-controversial on the face of it, but has references to antisemitic conspiracy theories buried deep within - it should be considered that the respondent may not necessarily have been aware of this. No part of this guidance allows for antisemitic content to go unconsidered or uninvestigated, as happened in previous years.

In line with the recommendations of the Chakrabarti Report, the guidance also emphasises that “if the respondent holds an elected position, then higher standards of behaviour are expected of them”. It states that this is not just the case for MPs, MEPs, Lords, councillors, or candidates, but also that “elected officers at a local branch or constituency level” must also be held to high standards and that “the impact of their behaviour on other members of their branch and constituency must be taken in to account”.

The document also explains that “Jewish people and Israeli people are capable of sharing antisemitic content and ideas, just as women are capable of exhibiting sexism and BAME people are capable of exhibiting racism”. It continues: “however, if the content of the complaint does not contain offensive content, but does contain discussions around Jewishness, Israel or Zionism, it must be expected that Jewish people or Israeli people have greater freedom to discuss these issues”.

The guidance contains six tables, each pertaining to a different type of antisemitic discourse found in complaints the Labour Party receives:

1. *Money, power and influence;*
2. *Conspiracism;*

3. *Denialism;*
4. *Defensiveness;*
5. *Israel, Zionism, collective responsibility and dual loyalty;*
6. *Labour MPs and affiliates.*

In particular, tables 3, 4 and 6 refer to particular discourses which have developed within the Labour Party in relation to public discussion and media coverage around antisemitism in the party. These points address “the denial of antisemitism as either a problem in the Labour Party, British society or the world, or the minimisation of its seriousness” and defensiveness by Labour members on this issue translating as “extreme insensitivity to the issue of antisemitism and concerns about it, especially those of Jewish people”. Table Six, meanwhile, outlines how to respond to “criticism of Labour MPs, Labour activists, the Jewish Labour Movement or Labour Friends of Israel which rest on implicit or explicit antisemitic ideas of dual loyalty, collective responsibility, Jewish money and power, or unlikely conspiracy theories”.

Within the six tables, each column delineates a type of discussion found within those six discourses, while each row marks a different first stage outcome: “No Action”, “Reminder of Values”, “NOI” and “Suspension” row. Within the individual boxes, different types of specific content are listed which might meet the first-stage decision noted.

For instance, in the table on “Money, power and influence”, one column is dedicated to “Idea of Jewish world government”. Within this column, it provides the following examples next to recommended outcomes:

- No action:
 - Legitimate mention of the government of Israel without reference to its Jewishness
 - Legitimate mention of a Jewish individual or politician on factual and neutral terms without inflammatory or prejudiced language (eg. “George Soros campaigns for Britain to remain in the EU”)
- Notice of Investigation:
 - Sharing of articles or posts that have some language, which is not obvious within article, which alludes to/ imply the idea of a world government eg. “New World Order”, “Illuminati”, “Freemasons”
- Suspension:
 - Articles, posts or images which make obvious reference to ideas of global Jewish government eg. “New World Order”; “Illuminati”; “Freemasons”; “Zionist Occupied Government”

- Language which implies (or explicitly claims) the idea of “Zionists taking over the world”
- Images of Jewish people as puppet-masters or situated as above the planet and controlling it
- Images of the Star of David controlling the world
- Any references to global/ international Jewish political power/ world domination/ government, or secretive and shady Jewish power

A Labour-specific example is in the table on “Defensiveness”, which refers to specific forms of antisemitic discourse which have arisen as a result of many Labour members’ desire to defend other Labour Party members accused of antisemitism. One column is dedicated to “Defence of Marc Wadsworth”, and a suspension is recommended in cases where a defence of Marc Wadsworth involves “allegations that there is a Jewish war against black socialists such as Marc Wadsworth”.

These few examples cover only a small portion of the territory of antisemitic discourse found in antisemitism complaints the Labour Party receives. They demonstrate that the current guidance used is:

- Specific: The pieces of content included are very specific
- Detailed: Each piece of content has the imagery and language described within the table
- Clear: Each piece of content is clearly assigned to a different outcome
- Applicable: All of the content described is directly applicable to that which is seen in the antisemitism complaints received by the Labour Party.

For the above reasons, this guidance has proved an extremely useful tool for staff to use when making first-stage decisions. However, as with all guidance, it is impressed upon those following the guidance that each piece of content and conduct must be taken into account regarding the full context. In particular, where patterns of behaviour are detected, this may cause a particular piece of evidence to be considered as more serious than if it were a one-off.

This decision-making guidance illustrates the thinking behind GLU’s decision-making on antisemitism since Murray became Head of Complaints in April 2019, and has guided all decision-making since its creation in May 2019.

6.5.3. Expertise

In 2018-19 Thomas Gardiner, Director of GLU, gradually put together a senior staff team with specific knowledge of antisemitism and experience in tackling antisemitism on the left of politics.

In October 2018 Gardiner hired Patrick Smith as an Investigations Officer. In April 2019, Patrick Smith became de facto head of Disputes and was formally appointed Acting Head of Disputes in June 2019. When his predecessor vacated the role, a formal recruitment process took place in January 2020 and Smith was appointed Head of Disputes. From spring 2019 onwards, as Acting Head Smith checked all reports to NEC antisemitism panels and agreed GLU's recommendations, in consultation with Gardiner and, often, Harry Hayball or Laura Murray.

On 4 March 2019 Laura Murray, LOTO Stakeholder Manager, was seconded to GLU to help with a backlog of antisemitism complaints which had built up. After a formal recruitment process, Murray was appointed Head of Complaints on 12 April 2019, after Goodyear had vacated the role. From this point on, Murray would review and propose first outcomes on antisemitism cases, and would agree these with Gardiner.

When Harry Hayball joined in July 2019, as Senior Governance Officer working exclusively on antisemitism, he took over this work from Murray. From August 2019 onwards, decisions on "No Actions" and "Reminders" were taken by Hayball with input and spot-checking from Murray or Smith; decisions on antisemitism NOIs, or potential NOIs, were made by regular meetings of at least two of Hayball, Murray and Smith; and decisions on antisemitism suspensions by meetings of at least two of Hayball, Murray and Smith, and the Director of GLU Thomas Gardiner. With the exception of some urgent cases which are done by email, it was agreed that "all sign-offs are done in face-to-face meetings so people can point to the key evidence and explain their proposed outcome."¹⁵⁷⁰ This was decided on as a measure to improve the quality of decisions and the efficiency of decision-making.

The creation of the Senior Governance Officer role, and the decision to dedicate it solely to the improvement of the handling of antisemitism complaints demonstrates Gardiner, Murray and the Party's commitment to ensuring all antisemitism complaints are dealt with efficiently and robustly.

As we will now outline, Smith, Murray and Hayball joined GLU with the specific intention of helping to tackle antisemitism within the party and rebuild relationships with the Jewish community. This, and Gardiner appointing a senior staff team within

¹⁵⁷⁰ 2018-19: "1910 Guidance - Antisemitism first outcome investigations.docx"

GLU with expertise on antisemitism and experience of tackling antisemitism on the left, demonstrates the Party's commitment to dealing appropriately with this issue.

6.5.3.i. Patrick Smith, Head of Disputes

Patrick Smith was recruited as an Investigations Officer in October 2018. In May 2019, when the Head of Disputes went on long-term leave, he was appointed to the role of Acting Head of Disputes, and is now permanent in that role.

Smith had previously developed a deep understanding of the ways in which antisemitism on the left, having spent significant amounts of time challenging antisemitic comments in left-wing movements. For example, early in his political activism Smith had been a member of the Palestine Solidarity Campaign, but he left the organisation in 2008 after attending a meeting at which the local secretary argued that Israel should be destroyed. Smith also raised concerns about Jewish members in the University and College Union feeling unwelcome due to the nature of debates about Israel and Palestine within the union.

Smith was hired specifically because of his knowledge of antisemitism and the forms it takes on the left, and because of his record of confronting this.

6.5.3.ii. Laura Murray, Head of Complaints

In April 2019 Laura Murray was hired by Thomas Gardiner as Head of Complaints. Laura Murray had worked with the JLM and with Jewish communal organisations in her role as Stakeholder Manager in the Leader's Office. As this report has shown elsewhere, Murray had repeatedly chased GLU for action on cases. For example:

- asking when the second investigation into Ken Livingstone would be opened, and when the cases of Livingstone, Walker, Wadsworth and Greenstein would be resolved;
- asking if Jackie Walker's NCC hearing would be held before the end of July 2018;
- and urging Alan Bull's suspension.

Murray wrote to GLU about the concerns expressed by the JLM and Jewish communal organisations about the handling of antisemitism cases, and had developed a comprehensive understanding of antisemitism on the left through her work with Jewish stakeholders and by undertaking further education and training, including a Yad Vashem course on ancient and pernicious antisemitic tropes. As shown in Section 6.3, the media incorrectly attributed an assessment of the Patricia Sheerin case to Laura Murray.

In February 2019, prior to Laura Murray's recruitment by GLU, Murray and Press Officer Georgie Robertson circulated a document with proposals for tackling antisemitism. It said:

We believe that the Party can make further progress in four key areas to demonstrate our commitment to tackling this issue:

Political education programme

Educational videos and online materials

Tackling antisemitism in Labour-supporting social media spaces

Ensuring greater consistency and speed in decisions on, and conclusions to, cases

These four measures of course won't solve the problem alone, but they will further demonstrate the Party's commitment to doing everything we can to proactively tackle the problem, by addressing the cultural, as well as disciplinary, elements and tackling the root causes, not just dealing with the effects.¹⁵⁷¹

The document included a proposal to produce antisemitism matrices to guide consistent decision making on disciplinary cases, citing the initial decision to investigate but not suspend Kayla Bibby as an example of why guidance was clearly needed. After Laura Murray was hired as Head of Complaints, Murray produced this clear and detailed guidance to prevent inappropriate or inconsistent decisions.

Murray and Robertson's February 2019 document also made recommendations on proactively tackling antisemitism in Labour-supporting social media spaces:

- *Identify and take disciplinary action against leading antisemitic Labour Party supporters on social media who are the most prolific at posting in Labour-supporting Facebook groups and have large followings of Labour supporters on social media.*
- *Do more proactive work to engage with Labour-supporting social media groups and pages about helping to promote educational content on antisemitism and better monitor and report antisemitic content.*

While we must make it clear that we are not responsible for these Facebook groups, and we cannot be expected to police the internet, it is undoubtedly the case that key influencers on social media are deliberately promoting antisemitism to our members. We can identify them, take action against them if they are members, and even if they are not members, work with the digital community of Labour supporters to call them out, isolate them, and ensure they do not dupe Party members. A few

¹⁵⁷¹ Outside GLU: "LM and GR AS strategy proposal 2019"

Facebook groups in particular have become cesspits of antisemitic material and we can be more proactive about taking action against the individuals involved and working with our digital outrider community to spread the word to members about those particular groups.

Momentum have done a lot of this work, and Jennie Formby sent a letter to admins of Facebook groups with Labour and Jeremy in their titles last year. More of this work needs be seen to be coming from the Labour Party for supporters to engage with it more fully and be receptive. Harry Hayball, who has led on this work for Momentum (which has received widespread praise from Jewish organisations and prominent individuals), has provided a proposal to us which outlines what this work entails.

This work will have a positive impact in a number of ways:

- *It will be a concrete example of us fulfilling our promise of ensuring there is “no place in our movement for antisemitism”, by proactively tackling antisemitism within the social media ecosystems that our members and supporters engage with.*
- *It will protect our members from being inadvertently drawn in by the theories and ideas of conspiracy theorists and antisemites.*
- *This preventative work will in the long run result in fewer members sharing antisemitic materials and in fewer complaints to GLU.*

Harry Hayball also had been doing some of this work at Momentum. As outlined in Section 6.8, when Hayball started working in GLU he carried out this work in relation to Facebook groups with Laura Murray's support.

Murray and Robertson's document also made proposals on options for an education programme on antisemitism, for educational videos and online materials on antisemitism, and for creating a dedicated staff team to work on these areas full time to ensure that all of these objectives were achieved.¹⁵⁷²

The document also suggested measures to address the NCC's backlog, and provided a list of 25 extreme antisemitism cases which should be prioritised for NCC hearings. Murray was aware of these cases through her discussions with the JLM and Jewish communal organisations, who had raised concerns directly with Murray about the Party not having dealt with many of these cases. When Murray was appointed Head of Complaints, she was able to advocate that they be brought to the NCC or, after

¹⁵⁷² Ibid

September 2019, to NEC Discrimination Panels. Many of these individuals have now been expelled.

PalestineLive suspensions:

- *Elleanne Green + 2 others who were immediately suspended following publication of PalestineLive report*
- *David Birkett, L1625159*
- *Ron Brand, L1442182*
- *Rosemary Henke, L1620533*
- *Stephanie De-Sykes, A897178*

Other suspensions:

- *Alan Bull (Holocaust denial)*
- *Anthony Lehal (L1714411 - Islington North)*
- *Labour International member Christopher Crookes (L1361255) (Holocaust denial)*
- *Stewart Dunbar - A798451 (AS and abuse of Rachel Reeves)*
- *Michael Miller L1316867 (AS against Jon Lansman)*
- *Jonathan Morse A820522 (Holocaust denial)*
- *Roy Smart (L1617634) (exposed on social media - GnasherJew etc.)*
- *Ian Love (L1327871) (was in Sunday Times article)*
- *Craig Allaker (L1748710) (Scotland) Holocaust denial (may not be awaiting NCC as may have had membership rejected)*
- *Cllr Pam Bromley (L1209136) Was in Rossendale Free Press and Jewish press*
- *Town Councillor David Walls L0123960 - AS and abusive about Diane Abbott and to other MPs (Ronnie Campbell, Ian Lavery etc.)*
- *Dorian Bartley - BAME officer in Gipsy Hill branch, Lambeth (was in Conservative Home, Politics Home etc.)*
- *Silvana Kelleher (Council candidate in Lewisham)*
- *Michelle Harris L0113429 (Hastings council candidate, was in the media sharing David Icke posts etc.)*
- *Henry O'Tani L1333027 (Holocaust denial)*
- *Alan Davies A836775 (Editor of The Word newspaper which has had problematic antisemitic front pages)*
- *Laura Stuart - The woman behind GazaBoatConvoy Twitter that Adam Langleben complained about*
- *Irfan Javed (Labour's council candidate in Woodfield, Stevenage) in local news*

- *Dylan Strain*
- *Andrew Lee Thompson (on Twitter)*

6.5.3.iii. Harry Hayball, Senior Governance Officer (Antisemitism)

In 2018, Harry Hayball managed the digital, social media/video and online fundraising teams for Momentum, the Labour left group that grew out of Jeremy Corbyn's leadership campaign. From mid-2018 onwards, Hayball had led Momentum's work on tackling antisemitism, including leading on investigations into Momentum members who promoted antisemitism, and efforts to improve Momentum's disciplinary processes. This included producing a series of viral educational videos on antisemitism and the ways it can manifest on the left, and coordinating with Labour supporting Twitter accounts and Facebook pages to call out and monitor antisemitism within those online networks.¹⁵⁷³ As part of this work Hayball met with a wide range of stakeholders from JLM, Jewish communal organisations and the wider Jewish community about tackling antisemitism within the party and on the left, and studied the history of antisemitism on the left from works such as Steve Cohen's "That's Funny You Don't Look Antisemitic" and Dave Rich's "The Left's Jewish Problem".

Hayball's work was supported by and coordinated with staff in the Leader's Office. In August 2018, for example, the *Huffington Post* reported:

Jeremy Corbyn's allies are backing a new drive by influential leftwing social media accounts to call out anti-Semitism among those claiming to support the Labour leader.

Pro-Corbyn groups like Momentum, as well as individuals with large followings, have in recent weeks mobilised the Left to combat anti-Jewish tropes and propaganda on the internet.

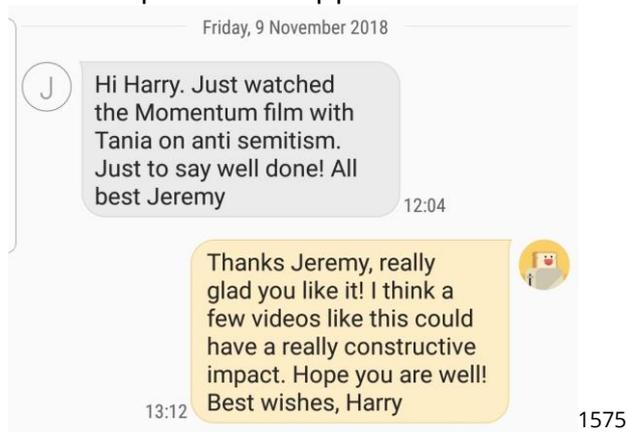
Those close to him have welcomed and encouraged the determined effort to root out the problem, but HuffPost UK understands that there is frustration in the leader's office that the online abuse continues despite the pushback.

*Corbyn's office hope this strategy will cause the party's base to take the issue more seriously and take a zero tolerance approach towards others who engage in anti-Semitism online.*¹⁵⁷⁴

¹⁵⁷³ See: <https://twitter.com/PeoplesMomentum/status/1092517455543615490>

¹⁵⁷⁴ https://www.huffingtonpost.co.uk/entry/leftwingers-mobilise-online-to-call-out-anti-semitism-by-fellow-corbyn-supporters_uk_5b88fda5e4b0cf7b003435d9

Jeremy Corbyn also offered his personal support:



From August 2018 onwards, Hayball submitted dozens of complaints to Labour about cases of antisemitism he had documented from social media posts by suspected Labour members. He expressed concern to Thomas Gardiner about antisemitic narratives circulating among members:

Hey Thomas, would we be able to meet soon? There are large numbers of Momentum/Labour members publicly commenting about Rothschild-Zionists controlling the world, and we are unsure of how to approach this, would be good to agree a strategy¹⁵⁷⁶

They met in November 2018, and Gardiner encouraged Hayball to apply for a role in GLU. On 2 January 2019 Gardiner then messaged Hayball inviting him to apply for the Senior Governance Officer role being advertised. Hayball responded that it was “probably too much of a career switch for me”.

In May 2019, however, Hayball discussed with Laura Murray the possibility of applying for the Senior Governance Officer role if it was focused solely on antisemitism. Gardiner encouraged Hayball to apply, and then offered him the role after an interview. Hayball started on 1 July 2019.

Hayball had made a significant number of antisemitism complaints to the party. He had also raised concerns directly with Gardiner about a particular case he felt had been mishandled, and made clear to Murray his frustration that Momentum was not taking more action on antisemitism. It was specifically because of his work on antisemitism that Gardiner and Murray encouraged Hayball to apply for the role of

¹⁵⁷⁵ Staff: Hayball: “181109 Jeremy Corbyn text.jpeg”

¹⁵⁷⁶ Staff: Hayball: “1811 TG HH message”

Senior Governance Officer focusing exclusively on antisemitism, including improving processes for dealing with antisemitism complaints.

The fact that Gardiner and Murray recruited Hayball illustrates again their commitment to tackling antisemitism, and their desire to build a team which understood the processes from the perspective of the complainant, which was self-critical, and which would strive to improve those processes.

6.5.4. Systematic social media searches

As the report has shown, before spring 2018 there had not been any systematic process of searching the profiles of members accused of antisemitism. This continued after April 2018, despite the other improvements introduced by new staff and by the NEC Antisemitism Working Group.

While there were further social media searches on some cases, this was not a process applied across the board. Staff were dealing with a large volume of complaints and were trying to progress these quickly. When a complaint was received, the content included in that complaint was usually the only content which informed the first stage decision on whether the evidence amounted to a breach of the rules, warranted a Reminder of Values, an NOI or a suspension. Moreover, often this was the only content which was included in the NOI and questions to the respondent, and therefore it was all that was included in reports to the NEC Disputes Committee, or later, the NEC Antisemitism Panels, and subsequently included in NCC bundles.

This resulted in a situation where cases could progress through the entire disciplinary procedure, taking many months, with only a minimal amount of evidence presented. In some cases this led to outcomes and sanctions from the NEC and NCC which it later transpired were not appropriate for those individuals, when their other social media conduct came to light.

As the new GLU team was built and capacity expanded, in July 2019 Hayball and Murray agreed that further antisemitism searches should be conducted systematically. This entailed limited searches, of a few key terms, as a “double check” on less serious complaints that were not expected to go to the NEC, and more extensive searches, with up to twenty search terms, on other cases.

Hayball and Smith worked on ways to automate these searches to make them more efficient for staff to conduct, and in September 2019 Smith produced a script, which functions as a bookmark in Google Chrome, which can launch all the required searches on a Facebook or Twitter profile with the click of a button. This saves an enormous amount of staff time, and ensures consistency in investigations.

In order to train officer-level staff on investigating antisemitism complaints, in September 2019 Hayball developed two guidance documents, both of which have been provided to the Commission. These documents, which work in conjunction with the guidance produced by Murray, detail how to conduct a “first outcome

investigation” which informs the “first stage decision” which is then made. They explain the approach taken by Hayball and other GLU staff from July 2019 onwards.

As the documents make clear, GLU’s approach to investigations in this period was influenced by past public controversies about inappropriate decisions on antisemitism cases taken by GLU staff, the NEC or the NCC, which would, in most cases, have been avoided if fuller checks had been conducted on the respondent, and that information then provided to decision-makers.

The first document, on “Antisemitism first outcome investigations”, explains:

The goal is to ensure we make the correct first outcome decision on a case, and fully inform the NEC and NCC regarding the individual. This is to avoid case decisions having to be revised in light of later revelations, and individuals going through the system multiple times, receiving reminders and warnings before ultimately suspension/expulsion – an extremely time consuming, and often embarrassing, process.

This is also to take into account that some complainants, particularly ordinary members of the party, may not have the time, ability or inclination to conduct thorough searches of the individuals they report. They may be better, from their own lived experience, at identifying an individual’s behaviour as “problematic” than they are at specifically identifying and recording the best examples. (They may also not even know what we consider to be the most damning examples.)¹⁵⁷⁷

It explains how to use the search button, and explains its role:

The search tool aims to standardise searches, and ensure that GLU staff further down the process know what searches have been conducted, informing decision-making and avoiding any later unnecessary duplication of work. The searches launch in descending order of extremity, to aid speedy review and decision-making.

The main goal of searches is to check for any evidence that would affect the case outcome (both first outcome and at NEC/NCC stage).

It emphasises that the process needs to be efficient:

*bear in mind that the goal is to check for evidence that would affect the case outcome (at first outcome or NEC/NCC), **not** to record a comprehensive overview of everything the respondent has said or done.*

¹⁵⁷⁷ 2018-19: “1910 Guidance - Antisemitism first outcome investigations.docx”

In line with Chakrabarti's recommendations in 2016, it urges to take into account the role the respondent is playing in the party:

take into account and note if they hold a position in the party – for example, councillor or CLP secretary. Someone in a leading or responsible position would be judged more strictly than an ordinary member, as a high standard of conduct would be expected.

The only circumstances in which it is advised not to conduct any searches, are where the case is “a clear-cut suspension, that would definitely lead to expulsion”, or where it is a clear-cut “no action”:

If there is really no case at all – for example, it is someone complaining about someone opposing antisemitism, or is just one share of a Guardian article downplaying antisemitism – no need to conduct further searches.

In all other circumstances, partial or full searches are advised. It further advises to take particular care of the nature of complaints, and that complaints from Jewish members of the Party should merit particular care:

Direct complaints from Jewish victims of antisemitism should merit further investigation, to ensure we get the right outcome. We absolutely want to avoid giving a Reminder or Warning to someone a Jewish member has accused of being antisemitic, who actually merits more significant action.¹⁵⁷⁸

The second document, on “Search terms - what to watch out for”, provides detailed explanation of the types of materials that the search terms may uncover. Again, it sets out that a core aim of investigations is to “[help] the NEC decide on borderline cases”:¹⁵⁷⁹

For borderline cases, these are some of the reasons that someone may get a lower sanction, which are worth considering when conducting your investigation. We don't want someone to receive a lower sanction when there is actually evidence that, if included and considered, would confirm the need for a higher sanction.

¹⁵⁷⁸ 2018-19: “1910 Guidance - Antisemitism first outcome investigations.docx”

¹⁵⁷⁹ 2018-19: “1910 Guidance - Search terms - What to watch out for.docx”

Reason	Counter
<i>The worst evidence is old</i>	<i>More recent evidence (even if less severe) showing continuing pattern of behaviour</i>
<i>If it's just shared or retweeted, they may not have read it fully, and may not agree with it</i>	<i>Evidence of written comments, or repeated similar behaviour, that indicate belief</i>
<i>Just one or two bad posts</i>	<i>Evidence (even if less severe) of consistent way of thinking and pattern of behaviour</i>
<i>Lack of understanding – didn't realise it was bad</i>	<i>Evidence of others raising the issue and them persisting</i>
<i>Just sharing for interest, not endorsement</i>	<i>Evidence of consistent way of thinking or pattern of behaviour</i>

The 1,600 document further explains how each search term should be used, and the types of materials that should be flagged.

For the search term "Holocaust", for example, it noted:

Sharing Holocaust memorial posts is not proof that someone is not antisemitic. People can genuinely memorialise the Holocaust but still have a wide variety of antisemitic beliefs. However, it can still be worth noting as an exculpatory factor, particularly if they do it a lot.

Problematic views regarding the Holocaust can include:

- *downplaying its importance*
- *arguing that Israel misuses the Holocaust to its own ends*
- *inappropriate sharing of Jewish people, such as Norman Finkelstein, speaking about the Holocaust in an aggressive or inappropriate way*
- *inappropriate emphasis on non-Jewish victims of the Holocaust, as if there is too much focus on Jews*

Holocaust revisionism includes:

- *any claim that Zionists or powerful Jews were complicit in the Holocaust (ranging from the claims of Havara collaboration with the Nazis, to conspiracy theories about Zionists not opposing the Holocaust in order to create Israel, or even orchestrating the Holocaust, helping bring the Nazis to power, etc)*
- *any questioning or downplaying of the number of Jewish victims, at all*

Most Holocaust deniers claim they are not deniers, and are merely questioning some of the numbers, or arguing that people died in different ways by different means. This is in fact the main form of Holocaust denial.

Others will say they are merely sharing for interest, curiosity or discussion. However, any Holocaust revisionism and denial – any claim that numbers are exaggerated, and less than 5-6 million – is a fundamentally antisemitic and neo-Nazi practice and, obviously, not a subject that any vaguely sane person should speculate about, let alone a Labour member.

The reason this amount of detail was provided was to cover all eventualities and prevent any cases such as Lesley Perrin occurring again. It would also have helped former GLU staff such as John Stolliday, Louise Withers-Green and Sam Matthews in their approach to, for example, the cases of Fleur Dunbar, Patricia Sheerin and Alan Bull.

For the search term “Zionist”, the guidance explains:

Antisemitic conspiracies about Jews often now use the term “Zionist”.

A fundamental belief to watch for signs of is that “Zionists”/the “Zionist lobby”/Israel control the US and UK or the world. Watch for: Zionists/Israel/AIPAC are behind all American wars; Zionists control Trump, Clinton, etc; Zionists control the financial system or banking; references to Zionist wealth or power; references to Blair, Clinton, Cameron, Johnson etc being Zionist puppets; etc.

Also watch for derogatory use of the term “Zionist”; demonisation of all “Zionists” as racists, pro-Netanyahu, killers of Palestinians; denial of all rights to Jewish people to self-determination; etc.

For “Mossad”, meanwhile, it is advised to look for:

- *Mossad did 9/11*

- *Mossad controlling events or politicians in Britain, America*
- *Mossad did Paris, Brussels and other false flag attacks*
- *Mossad created ISIS, and their leader is a Jewish Mossad agent*

18 search terms were used, a number which has now expanded to 20.

All staff working in Complaints and Disputes have since been provided with these guidance documents, and the search buttons.

6.5.5. Denialism

One area that has, from 2016 onwards, been particularly challenging for GLU to determine the appropriate course of action for, has been “denialism”. This is the term staff use to refer to a range of statements about the scale and severity of antisemitism in Labour that view disciplinary actions taken in antisemitism cases as part of a “purge” or “witchhunt”.

This idea that disciplinary processes have been used for factional ends against supporters of Jeremy Corbyn was borne out of the real experiences of Labour members during the 2015 leadership election and the 2016 leadership election. Thousands of members who supported Corbyn were suspended or auto-excluded, many on unfair or flimsy grounds. As noted elsewhere in this report, Adam Langleben, JLM Campaigns Officer in this period, who resigned from the party in spring 2019 over concerns about antisemitism, later recalled that it was these factional purges that created distrust among the membership and played a big role in creating the antisemitism crisis in Labour:

The blame I think, lies with the moderates who ran the Labour Party in the run-up to Jeremy Corbyn's election. In that, by creating an atmosphere where anyone who had tweeted that they once voted Green was expelled or suspended or their membership was revoked from the Labour Party, it enabled a conspiracy theory to develop around the idea that the Labour establishment was trying to stop people from taking part in Labour Party democracy. And I think that was the sort of root as to how this sort of antisemitic conspiratorial thinking started in the party.¹⁵⁸⁰

However, as both Jeremy Corbyn and Jennie Formby have stated on a number of occasions, and this investigation extensively documents, the antisemitism problem is real. A small number of Labour members hold antisemitic views, including some which are very extreme in nature. Moreover, there is a wider lack of wider understanding about antisemitism, which means that many members cannot recognise as antisemitic what Jewish members highlight.

The previous factional applications of disciplinary measures against supporters of Jeremy Corbyn have helped to fuel “denialism” narratives among some members.

Jeremy Corbyn and the Labour Party have been relentlessly demonised in recent years, with allegations ranging from Corbyn being a Czechoslovak communist spy to

¹⁵⁸⁰ Adam Langleben, appearing on “1: Labour's Institutional Antisemitism Crisis”, *Corbynism: The Post-Mortem*, podcast available online, starting at 11min 30sec:
<https://podcasts.apple.com/gb/podcast/1-labours-institutional-antisemitism-crisis/id1494568978?i=1000462927226>

“dancing a jig” on his way to a Remembrance Sunday service, riding a “Chairman Mao-style bicycle” and viewing the death of Osama bin Laden as a tragedy. This has encouraged a defensive attitude among many Labour members and supporters, who accurately view such allegations as smears by political and media opponents. For some members, antisemitism is just part of that story - something political opponents use to attack Labour. For many people in Britain, who have not thought about the issue in any detail, this may seem logical. Many of these members and supporters would also simultaneously condemn antisemitism and insist it must be dealt with, and cite the fact that Jennie Formby has in fact escalated action on antisemitism.

The extent to which Jeremy Corbyn, Jennie Formby, Iain McNicol and others have responded appropriately or sufficiently to the issue of antisemitism in Labour has been the subject of considerable public debate. Different perspectives have tended to fall along factional lines. For example, Labour members who support Jeremy Corbyn have highlighted the action taken under Jennie Formby, and how positively this compares to the action taken under Iain McNicol. Conversely, at a meeting of the Parliamentary Labour Party in February 2019 following the release of the first statistics on disciplinary cases relating to antisemitism, Lord Iain McNicol reportedly reassured the PLP “that there were proper processes for recording and considering all complaints prior to April 2018”, while a number of Labour MPs cast doubt on the statistics provided and Chris Leslie MP reportedly defended McNicol, saying “it’s clear they’ve tried to dump it on Iain McNicol, which is not right.”¹⁵⁸¹

Such debates and discussions about the effectiveness of different Labour responses to the issue of antisemitism, and how these have been portrayed and discussed in the media, will continue, and are clearly not, in themselves, issues to be addressed through disciplinary action.

In other cases, however, “denialism” narratives have clear antisemitic and conspiratorial undertones. These range from saying that Jewish people are only raising concerns about antisemitism because the Labour Party criticises Israel, to saying that Jews or Jewish concerns are privileged in Britain, or the “antisemitism smears” are part of an international “Zionist” plot, involving Mossad, the Rothschilds, and so forth.

As Jeremy Corbyn has said, denying that there is a problem of antisemitism within the Party contributes to, and is part of, the problem. Moreover, minimisation of the issue or dismissal of the concerns expressed by Jewish members can seem to be part of the same package as denialism which has antisemitic undertones: to some, all “denialism” can appear antisemitic.

¹⁵⁸¹ 2018-19: “190212 Notes from PLP meeting .eml”

However, it would be inappropriate and likely subject to legal challenge if the party treated individuals claiming that the issue of antisemitism has been exaggerated by the media, or indeed hypocritically used by politicians within the Conservative Party, as seriously as the Party does antisemitic comments.

For example, some may argue that Sam Matthews has appeared to downplay the issue of Islamophobia in the Conservative Party:

He has also been angered by claims that the BBC has prioritised an investigation while ignoring allegations of Islamophobia in the Tory Party.

"Of course both issues should be called out in the same vociferous way," he says. "The difference between the two though – and I say this before we know who the next Tory leader is – is that I don't believe Theresa May is an Islamophobe with an army of Islamophobic advisers around here.

"I do think the Labour Party is led by an antisemite though. This is a leadership issue. I do think Jeremy Corbyn is turning blind eye to antisemitism. That is why this is a bigger issue."¹⁵⁸²

Some Muslims may be offended or upset by the views expressed by some on the relative significance of these different forms of racism, and any potential suggestion that Theresa May and the leadership of the Conservative Party was not "turning [a] blind eye" to Islamophobia. However, this is not a matter for disciplinary action by the Labour Party, if those making these arguments do not use or draw on any Islamophobic rhetoric or discourse.

This is, similarly, true of the Labour Party members who defended Trevor Phillips, recently suspended following complaints alleging Islamophobia, or MPs who have defended colleagues accused of sexual harassment or assault, without themselves drawing on Islamophobic or sexist discourse.

One of the most delicate areas for GLU has been distinguishing between these different types of discourse and what types of action are appropriate, from "No Action" through to "Suspension". This is where the investigative searches of individuals' social media have been critical.

Firstly, these searches reveal if there is other evidence that makes it a clear-cut case - the member supporting conspiracy theories about the control of "Rothschilds" and powerful "Zionists", for example.

¹⁵⁸² <https://www.thejc.com/news/uk-news/jeremy-corbyn-has-done-more-to-inflate-antisemitism-than-any-political-figure-since-second-world-war-1.486310>

Secondly, the 20 search terms used range from extreme antisemitism on the one end, to different forms of “denialism” on the other. For example, they include “Greenstein”, to flag shares of offensive blog posts by Tony Greenstein, and “witchhunt”, as well as broad terms like “antisemitism” and “Jew”. This enables GLU to quickly form an accurate picture of how often the member in question is posting about this, the general tone of their posts and shares, whether they are crossing the line into the more problematic kinds of “denialism”, and whether they are acting aggressively or in a way that shows a discriminatory attitude towards allegations of antisemitism.

In the December 2019 document “Proposals for GLU work on Antisemitism”, the issue of “denialism” was discussed, and in particular the problem of dealing with members who advocate denialist narratives that do not necessarily have antisemitic elements, but who persistently insist on these narratives in a manner that undermines the Party’s opposition to antisemitism and alienates Jewish members.¹⁵⁸³

In a discussion on 21 January 2020, Laura Murray and Harry Hayball agreed that the formulation of “jeopardising the party’s fight against antisemitism, and making Labour spaces unwelcoming and exclusionary to many Jewish people” may appropriately cover this, enabling the Party to “clearly distinguish between people who’ve just shared an article or two downplaying the issue, and the people who spend their waking night and day aggressively campaigning on this”.¹⁵⁸⁴

At a meeting on Friday 24 January 2020, senior GLU staff (Gardiner, Murray, Smith, Hayball) then discussed this issue of individuals “Not crossing lines but persistent problematic behaviour. Brings Party into disrepute”, resolving to “put something in Matrix on this but be clear that this is sensitive/ contentious issue”. It was also reiterated that the antisemitism decision-making “matrix is [a] living document which can be added to and expanded upon.”¹⁵⁸⁵

Ultimately, it is a decision for the NEC and NCC how to proceed with cases that have followed from such reasoning, but GLU staff assess that this will improve decision-making on such cases.

The Party wishes to be transparent about its decision-making processes, and is open to critique and suggestions on how they should be improved. As this demonstrates, the Party is putting considerable thought, time and resource into its handling of this issue, and continually looking for ways to address gaps and improve how its disciplinary processes are functioning.

¹⁵⁸³ 2018-19: Further Reforms: “191219 GLU Antisemitism Proposals.pdf”

¹⁵⁸⁴ 2018-19: Further Reforms: “200121 HH LM message.PNG”

¹⁵⁸⁵ 2018-19: Further Reforms: “200104 Notes actions on AS processes.msg”

6.5.6. Impact of guidance and searches

The improved guidance on antisemitism, use of specialised staff and systematic social media searches have been transformative with regards to decision-making on antisemitism cases, and to building the most accurate case possible in an investigation, and therefore leading to the best and most consistent outcomes at NEC (or NCC) stage.

Staff have not systematically tracked what impact the searches have made. But the Labour Party estimates that at least a third of suspensions in 2019 became suspensions because of additional evidence found in these searches, and there has been a similar escalation from “Reminders” to “NOI”.

In some cases, where very limited evidence is provided by complainants - for example evidence of some forms of “denialism” but no antisemitic comments - case first outcomes have jumped from “Reminder” to “Suspension” on the basis of evidence uncovered by the social media searches, with the disciplinary case then revolving entirely around what GLU’s own investigations have uncovered.

The following examples demonstrate how this process has worked and the impact searches have made.

6.5.6.i. Glynn Smith

On 21 May 2019, a complaint was submitted regarding a Glynn Smith.¹⁵⁸⁶ The attached evidence indicated that Smith had a “denialist” view of Labour antisemitism, and was heavily critical of Israel and Zionism in a way that could be described as conspiratorial. But the materials provided were significantly below the bar for suspension.

GLU staff picked up the case and conducted their own searches on Smith’s social media profile. On 26 July 2019, this further evidence was uploaded to Smith’s case on Complaints Centre.¹⁵⁸⁷ Evidence uncovered included a comment in which Smith wrote, himself, that the “the Rothschild family (at the top of the NWO pyramid) financed the Third Reich, and Hitler was an illegitimate son of one of the Rothschilds”, and “Soros was an SS member when a youth, and proud of it. Planet Zion.”

¹⁵⁸⁶ Case: Glynn Smith: “Glynn Smith original complaint.msg”

¹⁵⁸⁷ Case: Glynn Smith: “Glynn Smith additional evidence.zip”

On the basis of this evidence, Smith was then suspended on 2 August 2019. After Smith was given opportunity to respond to the evidence, the case was put to an NEC Antisemitism Panel on 2 October 2019,¹⁵⁸⁸ where his case was referred to the National Constitutional Committee, the highest possible sanction at the time.¹⁵⁸⁹

It was shortly after this that the Party implemented new guidelines on fast-track expulsions, which were approved at 2019 Annual Conference. On 23 October 2019, Smith was again written to, this time enclosing draft charges for a new NEC panel.¹⁵⁹⁰ On 6 December 2019, the panel met, and Smith was expelled from the Labour Party.¹⁵⁹¹

6.5.6.ii. Gary Potter

The first complaint received regarding the conduct of Gary Potter, a member in North Thanet, on 13 June 2019 included screenshots of Potter accusing Britain's Chief Rabbi of failing to defend the Jewish community in the same way as Jeremy Corbyn; a piece from "peoplesbritain.co.uk" accusing him of making a "preposterous statement" about Jeremy Corbyn; and a repost of a tweet saying that Jeremy Corbyn "threatens the power and privilege of ruling elites."¹⁵⁹²

Further evidence included photos of a Neturei Karta protest against Zionism; and a *Middle East Eye* article titled "The Israel lobby is leading a witch hunt against Corbyn." A final post accused Luciana Berger of hypocrisy in not feeling welcome in the Labour Party any longer while accepting front bench posts.

All of these items raised concerns and certainly met the threshold for investigation, but not for administrative suspension.

Additional items found in social media searches, however, included:

- Multiple shares of the "Rothschild" conspiracy theory, accusing the family of funding Islamic State and Boko Haram.
- Potter saying Tom Watson had taken "Blood money," making him a "Zionist".
- A share of a quote from Hajo Meyer describing Zionists as "Nazi criminals."¹⁵⁹³

¹⁵⁸⁸ Case: Glynn Smith: "Smith, Glynn SUSP L1539220.pdf"

¹⁵⁸⁹ Case: Glynn Smith: "Smith, Glynn NCC L1539220.pdf"

¹⁵⁹⁰ Case: Glynn Smith: "SMITH, Mr Glynn L1539220 191023 NEC.pdf"

¹⁵⁹¹ Case: Glynn Smith: "Smith, Glynn L1539220 NEC Expulsion.pdf"

¹⁵⁹² Case: Gary Potter: "Gary Potter original complaint.msg"

¹⁵⁹³ Case: Gary Potter: "Gary Potter additional evidence.zip"

Additional evidence was uploaded to the case in August, and a suspension was enacted on 19 September 2019.¹⁵⁹⁴ On 10 October 2019 Potter resigned under suspension,¹⁵⁹⁵ and a note was left on his file to prevent him from rejoining.

6.5.6.iii. Margaret Tyson

The Party was alerted to the case of Margaret Tyson by a *Jewish Chronicle* article on 18 February 2019. Tyson had attacked her local MP, Luciana Berger, and made antisemitic statements on her Facebook page.¹⁵⁹⁶

An administrative suspension was imposed on 13 March 2019,¹⁵⁹⁷ and the case was brought before an NEC Panel on 23 April 2019.¹⁵⁹⁸ GLU recommended referral to the NCC, but the NEC chose to impose a Formal Warning instead.¹⁵⁹⁹

On 17 July 2019, however, shortly after Tyson's suspension was lifted, an email was passed from Tom Watson's office to the Complaints team regarding members sharing an offensive picture of Watson next to the Israeli ambassador with words overlaid stating: "I represent a foreign power, not my constituents."¹⁶⁰⁰

Tyson had added her own comment to the image: "Watson, what a complete and utter badturd. Judas, sold out for 30 pieces of silver."¹⁶⁰¹

On the basis of this, the Party enacted a new administrative suspension on 26 July 2019.¹⁶⁰²

The case was presented to another NEC Panel on 2 October 2019,¹⁶⁰³ and, noting the previous imposition of a warning, and the NEC chose to refer the case to the NCC.¹⁶⁰⁴ Tyson remains suspended pending a hearing of the NCC.

¹⁵⁹⁴ Case: Gary Potter: "Potter, Gary L1706787 SUSP.pdf"; "Potter, Gary L1706787 SUSP Qs.pdf"

¹⁵⁹⁵ Case: Gary Potter: "POTTER, Mr Gary L1706787 191010 Resignation Request.pdf"

¹⁵⁹⁶ Case: Margaret Tyson: "Margaret Tyson original complaint 1.docx"

¹⁵⁹⁷ Case: Margaret Tyson: "TYSON, Ms Margaret L1687638 130319 SUSP.pdf"

¹⁵⁹⁸ Case: Margaret Tyson: "TYSON, Margaret L1687638 - Report.pdf"

¹⁵⁹⁹ Case: Margaret Tyson: "TYSON, Ms Margaret L1687638 WARN.pdf"

¹⁶⁰⁰ Case: Margaret Tyson: "Tom Watson complaint.msg"

¹⁶⁰¹ Case: Margaret Tyson: "Margaret Tyson additional evidence.zip"

¹⁶⁰² Case: Margaret Tyson: "TYSON, Ms Margaret L1687638 SUSP.pdf"

¹⁶⁰³ Case: Margaret Tyson: "TYSON, Ms Margaret L1687638 Report2.pdf"

¹⁶⁰⁴ Case: Margaret Tyson: "TYSON, Ms Margaret L1687638 NCC.pdf"

6.5.6.iv. Helen Collins

Helen Collins' case was another passed from Tom Watson's office to the Complaints team, for having shared the offensive picture of Watson on 17 July 2019.¹⁶⁰⁵

On receiving this complaint, the team conducted an investigation into each member who had shared or liked the image. While the image itself had antisemitic undertones, further evidence would be required to support significant disciplinary action or impose an administrative suspension, and officers undertook this additional work with that in mind.

Helen Collins was one of the respondents who had shared the image, and social media searches revealed she had shared:

- multiple Rothschild conspiracy posts
- a website repeating Recep Erdoğan likening Israel to Nazi Germany
- and a post stating that Boris Johnson was "In their pay" when he made a speech praising Zionism.¹⁶⁰⁶

This additional evidence was collated on 25 July 2019 and, after sign-off, a suspension was enacted on 15 August 2019.¹⁶⁰⁷ Collins remains under administrative suspension having been referred to the NCC on 2 October 2019.^{1608 1609}

6.5.6.v. Susan Luckman

Susan Luckman was another case brought to the Party's attention by Watson's 17 July 2019 email.¹⁶¹⁰

Luckman is a member in Birmingham who had shared the image, and was identified from her social media page. Further searches of her Facebook uncovered:

- conspiracy theories relating to the Rothschild family's alleged "master plan" to set up a "New World Order"

¹⁶⁰⁵ Case: Helen Collins: "Tom Watson complaint.msg"

¹⁶⁰⁶ Case: Helen Collins: "Helen Collins additional evidence.zip"

¹⁶⁰⁷ Case: Helen Collins: "Collins, Helen SUSP L1738862.pdf"

¹⁶⁰⁸ Case: Helen Collins: "Collins, Helen - L1738862 - AS Investigation Report.pdf"

¹⁶⁰⁹ Case: Helen Collins: "Collins, Helen L1738862 NCC.pdf"

¹⁶¹⁰ Case: Susan Luckman: "Tom Watson complaint.msg"

- personal attacks on the daughter of Margaret Hodge, who is described as a “Zionist Millionaire”
- a post likening Zionism to Naziism and “Master Race fascism.”¹⁶¹¹

Luckman was suspended on 1 August 2019,¹⁶¹² and her case was presented to the NEC on 02 October 2019.¹⁶¹³ She was referred to the NCC, the highest possible sanction at the time.¹⁶¹⁴

6.5.6.vi. Simon Pantry

A complaint related to Simon Pantry was received on 10 July 2019,¹⁶¹⁵ enclosing a range of evidence of Pantry attacking Tom Watson for his contact with the Israeli ambassador; supporting suspended MP Chris Williamson; and a quote from the Israeli politician Sulamit Aloni describing antisemitism accusations as “a trick” by the Israeli government.

Further investigation found:

- multiple examples of Rothshild conspiracy theories.
- George Soros conspiracy theories.
- descriptions of Tommy Robinson as a “Zionist shill”.
- allegations that “Islamist” terrorists are in fact Israeli agents.
- Explicit reference to the “Jewish owned media.”

Pantry was suspended when the party uncovered this evidence, and is awaiting an NEC panel to consider his case.¹⁶¹⁶

6.5.6.vii. Fariquain Shah

A complaint was initially raised about Fariquain Shah on 24 July 2019 by a member of staff in the Party’s Eastern Regional Office, following his application to stand as the Party’s Police and Crime Commissioner (PCC) candidate.¹⁶¹⁷

¹⁶¹¹ Case: Susan Luckman: “Susan Luckman - additional evidence.zip”

¹⁶¹² Case: Susan Luckman: “Luckman, Susan SUSP L1634063.pdf”

¹⁶¹³ Case: Susan Luckman: “Luckman, Susan - L1634063 - AS Investigation Report.pdf”

¹⁶¹⁴ Case: Susan Luckman: “Luckman, Susan NCC L1634063.pdf”

¹⁶¹⁵ Case: Simon Pantry: “Simon Pantry original complaint.msg”

¹⁶¹⁶ Case: Simon Pantry: “Pantry, Simon L1229437 SUSP.pdf”

¹⁶¹⁷ Case: Fariquain Shah: “Fariquain Shah original complaint.msg”

Evidence included sharing a *Russia Today* post accusing Israel of “harvesting organs” of dead Palestinians, a conspiracy theory post about Jacob Rothschild inheriting patents after the MH370 plane crash, and a post about the Israel-Palestine conflict accusing the Israeli state of genocide.

After an initial look at the provided evidence on 31 July 2019, an NOI was being considered and the Internal Governance team were also asked to provide the evidence to the selection committee, to consider whether or not Shah should remain on the PCC shortlist.¹⁶¹⁸

However, at 14:47 that same day the Governance Officer looking into the case conducted further social media searches, and the decision was taken to suspend Shah.¹⁶¹⁹ The suspension letter was sent out at 17:49 that day, enclosing evidence including Rothschild conspiracy posts; a conspiracy theory article claiming the British Royal Family are Jewish; and allegations that Islamic State were part of a Jewish conspiracy.¹⁶²⁰

In October 2019,¹⁶²¹ it was resolved that Shah’s case would be one of the first to be presented to an NEC panel using the Party’s new expulsion powers,¹⁶²² and Shah was expelled from the Labour Party on 6 December 2019.¹⁶²³

6.5.6.viii. Joyce Duncan

The Party was first made aware of Joyce Duncan’s conduct due to her appearance in David Collier’s report “The British Labour Party: Obsession and radicalisation”.¹⁶²⁴ GLU combined the information on Duncan contained in Appendix A with evidence taken from the Party’s searches of Duncan’s social media account to decide on a suspension the same day.¹⁶²⁵

Duncan’s suspension letter included evidence of social media posts about the “racist Zionist mafia,” personal abuse of Labour MPs, for example referring to Jess Phillips as a “traiterous bitch,” and Rothschild conspiracy theories.

¹⁶¹⁸ Case: Fariquain Shah: “Fariquain Shah NOI & selection committee.msg”

¹⁶¹⁹ Case: Fariquain Shah: “Fariquain Shah suspension decision.msg”

¹⁶²⁰ Case: Fariquain Shah: “SHAH, Fariquain SUSP L1310439 310719 SUSP.pdf”

¹⁶²¹ Case: Fariquain Shah: “SHAH, Mr Fariquain L1310439 191030 NEC.pdf”

¹⁶²² Case: Fariquain Shah: “SHAH, Mr Fariquain L1310439 DP Report.pdf”

¹⁶²³ Case: Fariquain Shah: “Shah, Fariquain L1310439 NEC Expulsion.pdf”

¹⁶²⁴ Case: Joyce Duncan: “Collier appendix A.pdf”

¹⁶²⁵ Case: Joyce Duncan: “Joyce Duncan additional evidence.zip”

Her case was put before the NEC on 2 October 2019,¹⁶²⁶ and the NEC resolved to refer the case to the NCC,¹⁶²⁷ the highest possible sanction at the time. On 7 October 2019, Duncan resigned from the Party,¹⁶²⁸ and a note was left on her file to prevent her from re-joining.

6.5.6.ix. Andrew McKay

Another case considered from Collier's report was that of Andrew McKay, who featured in the main report under the Facebook pseudonym "Uriha Q. Scroate".¹⁶²⁹ McKay was another example where both relatively limited evidence and difficult identification in the initial report meant that staff - who had already made a proactive attempt to bring forward cases from Collier's blog - went on to do additional evidence-gathering in order to progress the case.¹⁶³⁰

McKay was suspended on 8 August 2019¹⁶³¹ for statements including:

"Israel, is a nation founded on hate and terrorism"

"they (Jews) are not 'special' they deserve nothing 'Extra' they have no more rights than you! Or I. Does that make me an antisemite?"

"The Jewish membership IN TOTAL is 0.08% of the Labour vote LESS THAN 1%, and yet they have the undisputed right to select our candidate for upcoming election!"

On 8 January 2020 McKay was informed that the NEC Antisemitism Panel had decided to refer his case to the NCC.¹⁶³²

6.5.86.x. John Adrian Adams

John Adrian Adams was another case included in "The British Labour Party: Obsession and radicalisation" by David Collier, featuring in Appendix B.¹⁶³³ The case was picked up by GLU immediately after the report was published on 5 August 2019, and staff

¹⁶²⁶ Case: Joyce Duncan: "Duncan, Joyce - L1694656 - AS Investigation Report.pdf"

¹⁶²⁷ Case: Joyce Duncan: "Duncan, Joyce NCC L1694656.pdf"

¹⁶²⁸ Case: Joyce Duncn: "Joyce Duncan resignation.msg"

¹⁶²⁹ Case: Andrew McKay: "Collier report.pdf"

¹⁶³⁰ Case: Andrew McKay: "additional evidence.zip"

¹⁶³¹ Case: Andrew McKay: "MCKAY, Mr Andrew L1327368 080819 SUSP.pdf"

¹⁶³² Case: Andrew McKay: "MCKAY, Mr Andrew L1327368 NCC.pdf"

¹⁶³³ Case: John Adams: "Collier appendix B.pdf"

compiled additional evidence.¹⁶³⁴ Additional posts found included Adams describing Tom Watson as a “Zionist sponsored quisling,” attacking Margaret Hodge as a “Zionist agent,” and stating that the BBC is “Zionist controlled.”

On 13 August 2019 an administrative suspension was imposed.¹⁶³⁵

Adams was informed on 8 January 2020 that his case would be referred to the NCC.¹⁶³⁶

¹⁶³⁴ Case: John Adams: “John Adams additional evidence.zip”

¹⁶³⁵ Case: John Adams: “ADAMS, Mr John L1705661 130819 SUSP.pdf”

¹⁶³⁶ Case: John Adams: “ADAMS, Mr John L1705661 NCC.pdf”

6.5.7. Comparison with 2016 leadership election

In 2019, the Labour Party suspended 298 people in relation to allegations of antisemitism. This is more than four times as many antisemitism-related suspensions than took place during the 2016 “Validation” process.

A comparison with this process is illustrative. In 2016, only one antisemitism-related search term, “Zio”, was used, and this returned many false positives such as discussions of “Zionism”. Some of the tweets and retweets flagged were low-level or inoffensive, and almost half of these suspensions - 33 of 69 - were lifted immediately after the election. GLU-GSO also released information implying that antisemitism was a major cause of the suspensions, when all antisemitism related cases made up just 6.4% of the total. This helped to build a culture in parts of the party that saw antisemitism allegations primarily as a factional tool.

GLU's approach in the 2016 leadership election was to trawl social media looking for materials that could be used to justify action, and this process was aimed at supporters of Jeremy Corbyn. Posts were often taken out of context or distorted to justify suspension, including by citing low-level social media activity like retweets or even “likes” of Facebook pages. This further fuelled distrust among members in the Party's disciplinary processes.

By contrast, GLU now conducts searches where a complaint of antisemitism has been received, or GLU staff have flagged an individual as a cause for concern, and there are reasons to believe further searches may be necessary to establish what the first-stage decision on the case should be. The purpose of searches is to establish whether or not the individual has engaged in antisemitic language or conduct, not to build a case against the individual, and certainly not to misrepresent their social media activity.

GLU's guidance notes that staff should take into account that “If it is a one-off post or online incident, there is a higher chance it was shared unthinkingly” and consider if there is a “repeated pattern of behaviour online”, as well as the difference between types of social media conduct, such as “retweets” or tweeting something with an accompanying comment. Moreover, it explicitly says:

Often individual comments within larger online conversations are complained about. Removing a comment from it's context can give it a new meaning. Without seeing the context of the whole conversation, it is difficult to make a judgement on an individual comment. We should encourage complainants to present us with the whole conversation in which the comment took place.¹⁶³⁷

¹⁶³⁷ 2018-19: “1905 Guidance for first-stage decisions on antisemitism.docx”

The purpose of the extensive social media searches GLU conduct is to acquire sufficient information to ensure that informed and accurate decisions can be made, by GLU, the NEC and the NCC. In order to aid this, the Party uses up to 20 search terms for antisemitism, specifically designed to flag offensive conduct whilst generating as few false positives as possible. Extensive guidance has also been created in order to ensure relevant information is not missed, and to avoid irrelevant information being collected. These processes are conducted for all antisemitism cases, without regard to any of the members' other views and preferences in relation to internal Labour Party and factional politics.

This contrast is stark, and demonstrates how far the Labour Party has come in the past two years in developing its disciplinary processes, and in particular its disciplinary processes in relation to antisemitism.

6.5.8. Rectifying past errors

The current GLU team have encountered, and this investigation has revealed, a number of patterns regarding the processing of complaints.

First, as documented in Section 3.2, the Party has discovered that large numbers of people suspended in 2018 and 2019 were actually initially reported in 2017 - but though they were usually clearly identifiable and the complaints well documented, no action was taken, or the complaints were mishandled and then no further action pursued.

Second, those cases that were actioned before March 2018 were given an NOI only, not a suspension. In 2018-19 the Party has generally prioritised bringing suspension cases to the NEC, as the more serious cases, and this has meant some of those people remaining under NOI for extreme conduct that should have merited a suspension. Since realising this, a number of these cases have been rectified through suspensions in 2019. In particular, when new complaints are received suspension is always considered as an option, rather than accepting an earlier decision as final. Although this can lead to some duplication of work, staff believe it is important to be clear that decisions remain open to review in the light of new evidence.

Third, another pattern, present for a noticeable minority of cases, has been:

- In 2016-17, mishandled or ignored entirely.
- In 2018, despite significant improvements in dealing with cases, there were still mistakes made in some decisions, many of which were due to lack of further searches.
- In 2019, a complaint against the member is raised again, and systematic searches reveal extensive evidence of antisemitic conduct. The respondent is suspended, and in some cases then expelled by NEC Panels using their new powers from November 2019 onwards.

As the problems in 2018 and the lack of action before then have become more apparent over the course of 2019, GLU has reviewed numerous cases and brought more appropriate decisions. GLU has also conducted historical audits into past mistakes which, as discussed in Section 6.8 and elsewhere, have led to past decisions being reversed, or action being taken on cases that were previously ignored.

6.5.9. Conclusions

From March 2019 onwards, the long-planned further expansion of GLU, the recruitment and appointment of specialised staff, the detailed guidance on antisemitism that they have produced, and the new practice of conducting systematic social media searches, have had a transformative impact on the Party's handling of antisemitism complaints and allegations of antisemitic conduct from Labour members.

This report will now examine some of the other problems that have been encountered over the years, and the steps that the Party has progressively taken to address or overcome them.

6.6. Problems encountered and solutions found

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6.6.1. Summary

This report has explored how decision-making processes on antisemitism have changed (Sections 6.4 and 6.5), including the impact of the extensive social media searches GLU now conducts (Section 6.5) and the successive reforms to the roles of the NEC and NCC (Section 6.2).

This section examines a number of other areas, not already discussed, where the Party has identified flaws in GLU's processes and practices, and then outlines the efforts that have been undertaken in 2018-19 to address them:

- **Indefinite suspensions.**
From April 2018 onwards, the Party has taken steps to address suspensions which continue indefinitely without work to progress the case, making sure those cases are brought to the NEC for a decision. There are currently no suspensions which date back before 2018.
- **Staff decisions and informal resolutions.**
Staff practices from 2015-17 of ending cases with informal resolutions like members deleting offensive posts and apologising, or with the issuing of informal staff warnings, have been ended. Except in cases of mistaken identity, only the NEC can choose to lift a suspension and issue a warning, and since January 2019 NEC Formal Warnings, issued for lower level breaches of the rules, can only be issued by the NEC itself.
- **Delays in decision-making, lost cases and delays in implementing decisions.**
Throughout 2015-19, there have often been delays in decisions being made or implemented, and cases consequently being "lost". Progressive changes across 2018 and 2019 to how GLU logs both antisemitism cases and the actions taken at every step of their progression, mean that cases can never, now, be "lost", while reforms to sign-off processes have been undertaken to reduce bottle-necking and aid efficiency in decision-making.
- **Identification methods.**
In 2016-18, GLU staff sometimes struggled to match social media accounts to Labour members, and at times misidentified people as not being Labour members. In 2018 practices improved in this respect, and in 2019 these methods were codified and further developed, to the point where staff can now identify the account holders of anonymous social media accounts.

- **Role of regions and CLPs.**

Until 2018, antisemitism cases could be handled by Regions and CLPs, and were often “pushed down” from GLU to the local level. Investigations that were centrally agreed would also be furthered by Regional staff, who lacked both appropriate training and a sense of urgency. As a result, inappropriate decisions were sometimes taken, and cases would generally linger for long periods without any work being done, if not being lost entirely. In 2018 all cases involving protected characteristics were brought back into the centre, to be handled by specialist, trained staff in a tracked way, and at 2018 Annual Conference a rule-change was passed to ensure that Regions and CLPs refer all such cases back to GLU.

The reforms made over the previous two years underline how far the Party has come in developing effective disciplinary procedures as regards to antisemitism, and demonstrate the Party’s continuing commitment to review and reform its practices where necessary.

6.6.2. Indefinite suspensions

One issue the Party has grappled with throughout this period - and, indeed, for many years before Jeremy Corbyn's election as Labour leader - has been seemingly indefinite suspensions, as cases were initiated but then simply not progressed.

Already on 3 May 2016, Oldknow was expressing concern about suspensions "which are outstanding – and have been for some time", noting that "Justice delayed is justice denied...."¹⁶³⁸

On 12 May 2016, GLU listed 95 suspended members:

- 53 from 2016
- 26 from 2015
- 9 from 2014
- and 8 from 2010-13.¹⁶³⁹

Already in June 2016, GLU staff had recognised this problem. In Stolliday's first draft of new disciplinary procedures, shared on 21 June 2016, he emphasised that suspensions would not be open-ended, suspension letters would include the evidence for which the members were accused, and investigations would proceed at a reasonable timescale, with first contact within a week and an interview conducted within a month. In addition, Stolliday argued that:

*All suspensions still in place after six months should be reviewed, with a presumption that they should be lifted if evidence is not provided as to why it is necessary to keep them in place.*¹⁶⁴⁰

Instead, the opposite happened, and the large number of suspensions then initiated in the 2016 leadership election, and lack of progress on cases in 2017, meant that significant numbers of people remained under "administrative suspension pending investigation" for years more, while their cases made no progress.

After the change in General Secretary and then staffing in 2018, effort was made to resolve some of these "historic suspensions", with old cases among those prioritised for review and taking to NEC Disputes.¹⁶⁴¹

¹⁶³⁸ Pre-2016: "160503 outstanding suspensions, going to regions.eml"

¹⁶³⁹ Pre-2016: "160515 all suspensions.msg"

¹⁶⁴⁰ Pre-2016: 160621 Disciplinary procedures.eml

¹⁶⁴¹ 2018-19: "181115 Historic Suspensions.eml"

As Nareser Osei, who had worked in the Disputes team from autumn 2017 and became Acting Head of Disputes in April 2018, noted regarding historic suspensions, in January 2019:

*Work had begun since last April to clear the hundreds of these so thank you both for all your hard work on this!*¹⁶⁴²

Therefore, work had only “begun” in April 2018 to “clear the hundreds” of existing cases where members had been suspended, most of which dated back to the 2016 leadership election.

By January 2019, there were still 75 members whose suspensions dated to before 2018, including 28 from 2016, 4 from 2015 and 2 from 2013-14.¹⁶⁴³ Work has continued on this, and as of March 2020 there are no suspensions dating back before 2018.

¹⁶⁴² March 18 change: “190123 Suspensions Clearing! .eml”

¹⁶⁴³ March 2018 change: “190123 Suspensions Clearing! .eml”

6.6.3. Staff decisions and informal resolutions

This investigation has shown that until spring 2018 staff regularly simply lifted suspensions and issued informal warnings, ending investigations, or would act on a complaint by issuing an informal warning at the beginning. In 2015-16, GLU's preference was for the vast majority of cases to be resolved informally, with, for example, apologies and/or staff imposed warnings. If a case was not deemed serious enough for expulsion, GLU preferred it be dealt with in this manner.

Initially, the practice was that the role of the NEC was simply to pass on decisions to the NCC, and it was not viewed as an intermediary stage that would make decisions. This was just existing practice, however, and the NEC had the power to issue warnings, as it did for one antisemitism-related case in July 2016, for example.

By mid-2016, GLU staff were drafting guidelines for disciplinary procedures that would include other actions by the NEC, including issuing warnings. GLU rarely progressed cases expected to lead to such outcomes, however - the preference, when such cases were actually being dealt with, remained informal resolution.

In addition, until the NEC agreed new disciplinary procedures in early 2017, there was no category of "investigation without suspension". GLU's alternative to "suspend and investigate" was to opt for informal resolutions, such as having respondents delete offending materials and apologise, or be sent "warnings". In many cases, the preference after "suspend and investigate" - often decided on due to media publicity - was also to lift the suspension with an informal resolution or warning.

GLU's general practice was thus to opt for an informal resolution, if a case was not deemed to meet their extremely high bar for taking a case through to the NCC for expulsion. Suspensions were often initiated for other reasons, such as to deal with disputes in CLPs or because of media publicity, and the tendency was, again, to lift them later with an informal resolution, with only rare cases deemed worth taking through to the NCC.

Moreover, as the process for expulsion was arduous, involving essentially an individual trial organised by the party, the bar was set very high. As Matthews outlined in February 2017 for the remaining "Validation" cases, for example: "Set a high bar for what we think would be a successful NCC case and issue warnings to those who do not meet that bar."¹⁶⁴⁴

This approach, and the lack of guidance on how to approach cases of antisemitism (and other types of cases, such as Islamophobia cases), resulted in a number of

¹⁶⁴⁴ 2016: "170202 SM Validation Plan.msg"

individuals being “let off” without being taken through the disciplinary processes, who should not have been, as GLU staff at times seem to have failed to appreciate the severity of the conduct being presented to them.

As numerous cases documented throughout Section 3.2 show, many of these decisions taken by staff were inappropriate. The case of Nigel Sidebottom from February 2018 (Section 4.2), is also revealing, as is the case of Ruhul Amin from a year earlier.

On 22 February 2017, a Labour staff member forwarded a complaint about Amin directly to Matthews, relating to social media conduct which included sharing a video of a “Jewish rabbi telling the truth about Hitler”. In this video, the “rabbi” claimed that the Russian Revolution was created by Jews; described Rockefeller gloating about 9/11 in 1967, implying a long-standing global conspiracy; and described Jews as imitating Nazi oppressors.

Two weeks later, Matthews forwarded the email to Investigations Officer Westerman: “Could you take a look at this and let me know what you think?” He replied:

Hmm. They're awful in content but it's a few shares rather than any of his own text. Probably not NCC-able given what we have been taking? Potentially scope for a warning?

Matthews then replied to Craft:

Apologies for the delay on this. Have laboured over it a bit – and completely agree that the content he is sharing is awful.

Under the new guidelines, shares alone would not normally be grounds for action (save for a warning/reminder of conduct). Would you consider that a satisfactory outcome?”

Craft replied “Thanks - warning fine”. Matthews then asked Withers-Green to draft a “very sternly worded reminder of conduct”, which was sent a few days later.¹⁶⁴⁵

Under Labour’s current decision-making matrix, this case would have merited investigation under administrative suspension. The lack of guidance was clear, and also the influence of the idea that staff should only bother progressing cases that were “NCC-able”, by which expulsion was meant, although the NCC could issue any sanction it chose, such as an extended punitive suspension, and the NEC could issue official warnings.

¹⁶⁴⁵ Case: Ruhul Amin

In recognition of the issues inherent to such an approach to disciplinary matters, since Jennie Formby became General Secretary, these practices have radically changed.

From mid-2018, staff have not taken any decisions to lift suspensions, except in cases of mistaken identity, and any such decisions have to be taken by the NEC.

However, staff did initially continue to issue “NEC Formal Warnings” themselves, as a delegated power from the NEC.

The problem this presented was that this has often been understood as “letting someone off”, particularly as the respondents have not gone through any formal process beyond this initial decision, or been previously informed they were under investigation. In addition, “NEC Formal Warnings” currently serve as a “last warning” from the NEC, with repeat conduct meriting much stronger action. These staff-issued warnings, however, do not appear to have been understood by the NEC in the same manner.

With the large volume of cases being handled in 2018, pressure on resources contributed to a continuation of this policy of staff issuing warnings or not progressing less serious cases, in order to focus on results for more serious or already existing cases, as had been the staff’s approach in 2016-17 and previously.

In light of the problems that were arising from these decisions, however, it was decided that staff should no longer take such decisions, and this was implemented in January 2019.

Staff can issue a “Reminder of Values” for conduct that does not amount to a breach of the rules or merit progressing to the NEC, but where a member should nevertheless be reminded to behave in a respectful and comradely manner. However, all suspensions and NOIs must be taken to the NEC. Apart from in cases of mistaken identity, staff cannot end investigations, or lift suspensions, once they have progressed to that stage. This ensures that cases are always fully investigated and handled properly, with decisions taken by sub-committees of the governing body of the Labour Party, and resource constraints cannot lead to staff simply ending investigations or lifting suspensions.

6.6.4. Delays in decision-making

One issue that the Party has continued to experience is delays in decision-making on antisemitism cases.

As has been seen, it was only in February-March 2018 that GLU started dealing with antisemitism complaints it had received on any significant scale. Previously, numerous cases sent to Matthews for action or sign-off had simply gone without reply, without cases being logged or actions being taken.

The increase in the number of cases being actioned in 2018 was enormous. In 2017, GLU had issued 10 suspensions and 24 NOIs. In 2018, GLU reviewed 551 complaints, agreeing action for 428 of them, including 98 suspensions and 195 NOIs - an almost tenfold increase in suspensions and NOIs. At times, in a single day more suspensions and NOIs were being signed-off than were enacted in all of 2017.

The scale of cases now being handled brought challenges, however. At first, concerned about the damage being done to Labour's relationship with the Jewish community, Laura Murray and Andrew Murray responded extremely promptly to all cases sent for recommendations, mostly on the same day. From 4 April 2018, Thomas Gardiner took this role and was initially able to respond with similar promptness. As Gardiner became integrated into GLU-GSO, however, there were bottlenecks at this stage, with delays in signing off decisions on cases.

Large numbers of decisions were being signed off on a regular basis, but some cases would experience significant lags and delays, and rather than a consistent process of regular sign-off, the tendency was for cases to build up and then a large number to be processed and signed-off in one go.

This issue began to appear already in May-June 2018. In the first half of May 2018, Gardiner took some leave and time-off-in-lieu (TOIL), during which time he responded on urgent cases, but a backlog of non-urgent cases built up.¹⁶⁴⁶ On 11 May 2018, for example, Goodyear emailed Gardiner, then on leave, noting that there were 23 cases outstanding.¹⁶⁴⁷ A spreadsheet from 14 May 2018 indicated that Gardiner had reviewed and signed off actions on 43 cases recently, but 26 proposals were still awaiting response, the earliest dating back to 19 April 2018. On 11 May 2018 Gardiner then responded on 11 cases, and on 23 May on a further 21.¹⁶⁴⁸

¹⁶⁴⁶ 2018-19: "180517 RE AS cases.eml"

¹⁶⁴⁷ 2018-19: "180511 AS Complaints Outstanding.eml"

¹⁶⁴⁸ 2018-19: "180325 Outstanding AS cases.eml"

In the second half of 2018 these delays were aggravated by the departure of three key staff, and increased responsibilities for Gardiner, while the number of complaints being investigated rose:

- Thomas Gardiner became Acting Director of GLU, with his responsibilities expanding considerably to include management of the Heads of both Complaints and Disputes, and also Internal Governance and External Governance.
- The majority of the Disputes team, and several staff in Internal and External Governance left their jobs.
- There were delays in the process of hiring to fill vacancies, including the new Governance Officer roles authorised by Jennie Formby.
- GLU investigated several major dossiers of complaints, from JLM and Margaret Hodge MP, and the number of complaints continued to rise.

On 25-26 July 2018, Gardiner, Goodyear and Osei signed-off 69 decisions for actions on antisemitism cases from a JLM dossier. In an email on 11 October 2018, however, Martha Robinson listed antisemitism cases with decisions awaiting action, or awaiting decisions. She requested updates on 42 cases that already had decisions, and listed 119 cases as awaiting decisions.¹⁶⁴⁹

On 11 October 2018, Goodyear emailed Gardiner regarding 111 cases awaiting decisions:

*Just to make you aware the list below details all the AS cases that are still awaiting decisions, there are 119. Shall I schedule some time tomorrow to look at them?*¹⁶⁵⁰

Gardiner responded:

Yes please. Can we do it in the morning, and try to crack through as many as possible? I am presuming some of these are quite basic cases, which we should be able to [dispense] with very quickly, but obviously I could be wrong about that.

Gardiner and Goodyear then arranged to meet.¹⁶⁵¹ It is unclear if the meeting happened, but eight days later the figure was 23 fewer.

On 19 October 2018, Goodyear then emailed Gardiner “a list of names relating to outstanding AS cases. There are currently 96”. Attached was a spreadsheet with 96

¹⁶⁴⁹ Systems and tracking: “181011 AS complaints awaiting action or decision.eml”

¹⁶⁵⁰ Systems and tracking: “181011 AS Cases.eml”

¹⁶⁵¹ Systems and tracking: “181011 RE AS Cases.eml”

names listed.¹⁶⁵² Two hours later an “updated list” was sent to TG, containing 70 cases, indicating that 26 had received decisions on that day.¹⁶⁵³

By 13 December 2018, however, the list of outstanding cases had again grown to 101.¹⁶⁵⁴ Goodyear noted that some of these had “had a decision previously, but new evidence has since been submitted”.¹⁶⁵⁵ Goodyear commented that day:

*I agree there needs to be a new process. I think it would be helpful to put all the documents that need to be reviewed in a folder so it is easier to work out which are still outstanding and remove them from the folder as they are done. Let me know what you think.*¹⁶⁵⁶

On 2-3 January 2019, Gardiner then emailed back decisions on 77 cases, and requested case files for the remainder, plus any new cases.¹⁶⁵⁷

Goodyear responded:

*There are quite a lot still to be processed from the complaints inbox. I've asked Martha to focus on getting through as many as possible tomorrow and she will send them directly to you.*¹⁶⁵⁸

On 4 January 2019, Gardiner then emailed complete decisions for the 101 cases, noting:

*This should clear the backlog of pre-Christmas cases and hopefully make the initial process more manageable for the time being.*¹⁶⁵⁹

Between March 2019 and September 2019, a significant backlog of emails was worked through, and considerable progress was made on getting down the number of cases without decisions. As the team was fully formed, the inbox was fully cleared of antisemitism complaints, and by July 2019 several times more cases being logged, investigated and receiving agreed actions every week than new complaints were coming in. Further effort to improve sign-off processes was made in July and August 2019 onwards:

¹⁶⁵² Systems and tracking: “181019 Outstanding AS Cases.eml”

¹⁶⁵³ Systems and tracking: “181010 updated FW AS cases.eml”

¹⁶⁵⁴ Systems and tracking: “181213 RE AS cases.eml”

¹⁶⁵⁵ Systems and tracking: “181213 decisions.eml”

¹⁶⁵⁶ Systems and tracking: “181213 RE AS cases.eml”

¹⁶⁵⁷ Systems and tracking: “190103 RE AS decisions.eml”

¹⁶⁵⁸ Systems and tracking: “190103 more decisions.eml”

¹⁶⁵⁹ Systems and tracking: “190104 RE AS decisions.eml”

- Rather than emailing proposals, in-person meetings would be held.
- Sign-off meetings for suspensions would be held on a weekly basis, on Wednesday mornings, and be attended by Hayball and other senior GLU staff - Gardiner, Murray and/or Smith. The aim would be to clear each week's cases that week.
- Hayball would make notes in the "AS Cases Log" for each case, with both the proposed decision and an overview of the evidence and/or reasoning behind that proposal. This would ensure that the reasoning behind the proposal remained clear and accessible to all involved, even if there was some lag before the case was discussed at sign-off meetings.

This considerably improved the sign-off process, as the person who had conducted the investigation and was proposing the decision was able, with notes, to quickly explain what each case involved and the reasoning behind the proposed decision, rather than senior staff having to individually review the case themselves.

However, Gardiner was not able to attend many of these meetings due to having to attend other meetings in his capacity as Director, and his attendance was required for signing-off suspensions.

Beginning in October 2019, this process therefore began to be further devolved, and on 24 January 2020, it was agreed that just two of four senior GLU staff would be required to sign-off a suspension.¹⁶⁶⁰ This ensures that decisions are properly checked and agreed by more than one senior staff member, but no single individual can become a bottle-neck. It has considerably smoothed and improved the sign-off process for suspensions.

Until September 2019, considerable progress was made in reducing the number of cases awaiting logging or decision. In July 2019 the complaints inbox was clear of any outstanding antisemitism complaints, and in August 2019 it was calculated that it was taking approximately two weeks for new complaints to be logged and acted on. However, this progress has been impacted since, by the 2019 General Election, work for the EHRC, work on further reforming existing processes and most recently by coronavirus.

GLU is currently in the process of training junior GLU staff in antisemitism investigations and decision-making, and the intention is to hold regular meetings with junior staff, several times a week, to review and sign-off their proposed decisions. All GLU staff have attended the Pears course on antisemitism, discussed in Chapter 5, and are being trained on use of the guidance documents. Training is also an ongoing

¹⁶⁶⁰ 2018-19: "200104 Notes actions on AS processes.msg"

process - for example, all Complaints and Disputes staff will shortly be watching an online version of Marlon Solomon's one-man show on antisemitism, "Conspiracy Theory: A Lizard's Tale". Over time, it is hoped that the need for input and spot-checking from senior staff will reduce, further reducing bottlenecks whilst maintaining consistency and quality in investigations and decision-making.

6.6.5. Lost cases and delays in implementing decisions

Prior to March 2018, many antisemitism complaints were “lost”. They were not logged anywhere, and even most cases sent to Matthews for action simply sat in his inbox. This happened even with cases where GLU staff had identified the members and proposed action.

There were also issues in a significant proportion of the cases that GLU did make a decision on, like in the cases of Ron Brand and David Birkett from “Palestine Live”, where Hogan failed to implement the agreed suspensions - described by Matthews as “urgent” action “at the request of leader’s office” - or to log the cases anywhere, resulting in their cases being lost for a year.

In July 2016, for example, Mark Stubbs was reported to the party by a branch chair, with his name and address identified, for writing that Zionists “have at their disposal the use of a nearly universally subservient media”. Stolliday noted this was “Pretty clear cut racism from my [point of view]”, and “I’ll hand it over to Sam and Kat as the experts in this stuff”. They then agreed a suspension, and, upon realising he was a new member, Matthews submitted him for a GS Rejection, in the new “Validation” system. In “Validation” it was subsequently rejected as “bad evidence”, though it is definitely the same person.¹⁶⁶¹

Further complaints were submitted about Stubbs in August 2016 and June 2017, the latter forwarded directly to Matthews, but both were ignored.¹⁶⁶² Stubbs lapsed in 2018, and we have now added “Refer to GLU” to his profile in case he tries to rejoin.

After the 2016 leadership election, meanwhile, some effort was made to address complaints submitted during the election but not yet covered. By 28 November 2016 Ben Westerman had gone through 96 cases from such emails, noting “I’ve only gone for the very worst.” Westerman was proposing “Further action” for 23 cases (of which 4 involved antisemitism); no actions for two; and warnings for 72. By 17 February 2017 Westerman had followed up and issued NOIs for all four antisemitism cases where he had proposed action.¹⁶⁶³ Having now spot-checked 25 of the 72 cases of his proposed “warnings”, however, it appears that none of these 72 warnings were ever enacted.

Again, this was a consequence of the failure to implement and follow processes, and the failure to maintain a system for managing cases.

¹⁶⁶¹ Case: Mark Stubbs

¹⁶⁶² Case: Mark Stubbs.

¹⁶⁶³ See Section 3.2. We have not undertaken an examination for other categories.

On 8 April 2017, meanwhile, Tom Watson's Chief of Staff Alicia Kennedy submitted to Oldknow and Stolliday cases of online abuse about Tom Watson in a pro-Corbyn Facebook group, including one person commenting "guillotine??" in response to a question of how to deal with Watson. Louise Withers-Green then identified the members involved, and on 11 April 2017 Matthews informed Oldknow and Stolliday that they planned to send four "Formal Warnings" to members. Oldknow then reported that list of actions as "what we have done" to Kennedy.

On 13 April 2017, Withers-Green sent the four warning letters to Matthews, who forwarded them to Oldknow and Stolliday, noting they would go out on Tuesday, and asking if they wanted to "run them past Tom's office to check they still want them to go out". This was, presumably, interrupted by the general election. We have no record of any further action being taken on these cases. (On 4 March 2018, the "guillotine" member lapsed.)¹⁶⁶⁴

Norma Ferrie, meanwhile, was reported in November 2017 for writing Holocaust denial on Twitter:

WW2 was political, no Jews were killed because of their faith, the Zionist caused WW1 and WW2 it was about money and power. Same as today.

Regional Director Emma Foody contacted Matthews asking to issue a NOI, to which Matthews responded "Yes. What a despicable comment". Disputes officer Dan Hogan then collected evidence and drew up an NOI, which he shared with Matthews and Foody. No further action appears to have been taken, however, perhaps due to confusion as to whether Region or GLU was due to implement it. Ferrie's membership has since lapsed, and in July 2018, on receipt of further complaints, "Refer to GLU" was added to her profile.¹⁶⁶⁵

Similarly, in February 2017 Matthews had agreed with Withers-Green that a case should be pursued against Peter Stanway, reported for directly antisemitic comments about Jews being "special". Hogan was assigned to work on this, but no action was then taken. After being discovered in our historical audits, Stanway has been suspended.

In other cases, there were considerable delays between decisions being taken, and the agreed action actually happening. For example, In October 2017, on being chased directly by a regional staff member, Matthews had an NOI drafted for Andrew Chatterjee, who had been subject to repeated complaints about antisemitism (such as calling John Mann MP a "shabbat goy") since April 2017. It appears that either regional

¹⁶⁶⁴ Case: Tom Watson Cases.

¹⁶⁶⁵ Case: Norma Ferrie.

staff or central GLU then forgot to send it, however, and nothing was done until a complainant re-raised the case in April 2018.¹⁶⁶⁶

One cause of these delays and lost cases was that there was no accessible means of tracking what decisions were made, and which had been implemented. In 2017, there was no log of decisions, and they were simply made over email, and transferred to those implementing them over email, usually on an individual basis. For senior or junior GLU staff to check what decisions had been made and which had been implemented, they would have needed to re-find those individual emails, and then check those peoples' statuses on Members Centre individually. Even there, however, the lack of logging meant they would only be able to check whether or not the member had a status of "under investigation" or "suspended". We have been unable to find any case of GLU staff doing this, or particularly chasing up to check if decisions have been implemented. (And on the contrary, in the few cases of, for example, Stolliday checking if a past decision had been implemented, he did so by emailing a subordinate, not checking Members Centre.)

Moreover, although Complaints Centre had been in operation since November 2017, it was not until April 2018 that the Disputes team began logging cases that had come directly to them, bypassing the Complaints team.¹⁶⁶⁷

This continued to present a problem under the first team after Jennie Formby started. This was now no longer a question of implementing two or three decisions a month, but up to a hundred. Moreover, issues were exacerbated by core staff leaving at short notice, and gaps having to be filled by temporary legal assistants or seconded staff.

From July 2018 onwards, cases were increasingly systematically logged in "Complaints Centre". But "Complaints Centre" does not contain an easy facility for recording or monitoring many key steps of the disciplinary process. It has, for example, no overall tracking or reporting pages, and although you can record a "recommendation", this is just a plain text field, viewable only by accessing individual cases, and the field is not provided in data exports.

In April 2018 Complaints staff had also begun an "Antisemitism Cases Log" spreadsheet to record cases in line with the MacPherson principle, and this was systematically used from summer 2018 onwards. However, Disputes officers - who actually implemented the decisions involved - each had their own spreadsheets which did not interact with the Complaints team's spreadsheet. These were, moreover, individual spreadsheets as there was no Disputes "master spreadsheet".

¹⁶⁶⁶ Case: Andrew Chatterjee (not done)

¹⁶⁶⁷ 2018-19: "180416 SG notes numbers.eml"

As before, decisions continued to simply be transferred by email, usually as a list of cases with decisions. Although cases were now being properly logged and recorded, it thus continued to be difficult to check up and monitor when decisions were implemented. Cases were handed over from Complaints to Disputes, and not it was not technically within the purview of Complaints to check whether Disputes had actually implemented the decisions - their role largely ended once the decisions were made. The Head of Disputes themselves lacked a means to easily check which decisions had been implemented. This could only be done by asking Disputes officers individually to check their spreadsheets, or through using Members' Centre. And with decisions simply passed around by email, it was not difficult for some to get missed or not acted on for a while.

As a record of cases, the "AS Cases Log" spreadsheet was also very limited. No dates were recorded at all; cases were in alphabetical rather than chronological order; and cases were stored in, and moved between, different tabs in the spreadsheet depending on the type of decision they received. The spreadsheet was also an Excel file that was stored on a drive and shared between staff by email, rather than, as it is now, a shared file on a OneDrive, accessible by relevant staff online.

With significant staff turnover in Disputes and the lack of permanent staff, rather than legal secondees, in the team, delays in implementing agreed actions increasingly became an issue. On 11 October 2018, for example, Robinson from Complaints emailed Disputes staff asking for updates on decisions that did not appear, from her individual checking of Members Centre and emails, to have been implemented, which included two suspensions and 19 NOIs.¹⁶⁶⁸

On 7 November 2018 Robinson again emailed Disputes:

I'm in the process of going through our anti-Semitism spreadsheet and following up on cases, and I'm starting off with those where the decision is NOI, as that's the biggest area.

I think with all the staff changes, there have been cases which have fallen through the cracks, so I'm hoping to get it all straightened out. I've assigned all these cases to Patrick or Dan based on the region...

... please also let us know as soon as an NOI or a Suspension is sent. Or if you do a few in one go, send us a list of the ones you've done. Again, this is to keep records up to date and so we can inform complainants as quickly as possible.

¹⁶⁶⁸ Systems and Tracking: "181011 AS complaints awaiting action or decision.eml"

She enclosed a list of “cases where the decision from Thomas/Nareser was NOI, but the NOI hasn’t been sent” - numbering 33 in total, and that she had assigned them each to new Disputes officers Smith or Howl. She noted that “some of these cases are really old”, long pre-dating the two new Disputes officers’ employment.¹⁶⁶⁹

That day, Head of Disputes Osei responded asking staff to “hold off on this”, then emailing Robinson that:

*It isn't appropriate to send emails like this given new staff already have some apprehension about workload.*¹⁶⁷⁰

On 10 December 2018, Disputes Officer Patrick Smith emailed Osei:

a number of NOIs attached. They are for AS cases that had an NOI written, but never went out.

Eight NOIs were attached, six of which had appeared in Robinson’s November email, and four in her August email.¹⁶⁷¹ Some of these had been written by Lioko Mabika in autumn 2018, but then had not been sent, and had been temporarily lost after Mabika’s sudden departure.

The second team under Jennie Formby identified this issue and have taken steps to rectify it. The issue was particularly noted in summer 2019 when the team was operating fully, and ongoing reviews of processes stepped up by Hayball, a senior staff member hired to work on antisemitism and improving our antisemitism processes.

In July-September 2019 a series of reforms were made to rectify this issue. Due to the limitations of both Complaints Centre and Members Centre, and the challenges inherent in purchasing and transitioning to any new complaints CRM, this was resolved principally by building out the “Antisemitism Cases Log” into a more comprehensive log of relevant activity on antisemitism cases:

- Past cases on Complaints Centre but not the log, were added to the log. (And vice versa.)
- Dates of actions at each step of the process were progressively added: Date Received, Date Logged, Date Decision Proposed, Date Signed-off, Date Enacted. Disputes officers were instructed that the new process was that they must update “Date Enacted” in the log as soon as the action is taken. This ensures

¹⁶⁶⁹ Systems and Tracking: “181107 AS NOI cases.eml”

¹⁶⁷⁰ Systems and Tracking: “181107 RE AS NOI cases.eml”

¹⁶⁷¹ Systems and Tracking: “181210 NOIs - for approval.eml”

that up to date information is held in one place, and is easily accessible. Any case which has a "Date Signed-off" but no "Date Enacted" shows a decision that has been made but not yet enacted, and thus all cases not yet implemented can be easily found by a simple filter.

- The statuses of several hundred cases logged over the previous year were progressively individually checked, and the above dates retroactively added, in order to find any case decisions which had not yet been implemented, and to provide an accurate picture of how long each step was taking. As well as checking Members' Centre and Complaints Centre, SAR email searches were conducted to provide some of this information.
- Instead of decisions being emailed, Disputes officers were now simply informed when decisions had been made. To access new decisions Disputes officers can simply download a copy of the "AS Cases Log", and filter for cases assigned to them with a decision signed-off, but no "Date Enacted".
- The "Antisemitism Statistics System" spreadsheet, developed in autumn 2019, pulls through all relevant data from the "AS Cases Log" into a stats page, and reports the number of cases at each stage in the process - for example, cases with decisions that are not yet enacted.
- Staff then made an effort to ensure that, alongside new cases, previous decisions that had not been enacted yet were highlighted and acted on.

This new system has meant that:

- Cases and decisions cannot get lost or misplaced.
- Staff involved should continually be aware of any decisions that have been made and not yet enacted.
- Senior staff can easily check on the status of decisions being enacted, and if desired filter them by individual staff member.

The Labour Party's goal is to win power in Britain through parliamentary elections, and it is inevitable that party staff will at times be seconded to other teams for urgent work, particularly in elections. When GLU staff are seconded elsewhere, which has only happened during general elections, this can contribute to lags in cases being logged, decisions being made, and decisions being implemented. Critically, however, with GLU's current system cases cannot be lost, at any step of the way.

The fundamental problem in the past with cases being forwarded but not acted on, or decisions being made but not enacted, was that they were then "lost", and there was no way of knowing which cases had been acted on and which hadn't. To find out which decisions had not been enacted in a given time period, for example, would

require accessing emails from that time period and then conducting a manual review of every single case on both Members' Centre and Complaints Centre.

By contrast, the status of every case is now easily accessible to staff. Cases cannot be lost, and even if resources have to be temporarily assigned elsewhere during a general election, or for other high priority GLU work, although there will be some delays as a result, all cases will still progress as intended.

In December-January 2020, after GE2019, a further review of processes was conducted. It was observed that cases being transferred from Complaints to Disputes involved a significant duplication of work: Complaints officers had investigated and now understood a case often involving dozens of pieces of evidence, but then Disputes officers also had to work to understand that case. Often, due to lack of clarity or communication, the same work like social media searches would be repeated. It was noted that Complaints was better staffed than Disputes, but more of the work of a case landed in Disputes, and this, and the practice of transferring large numbers of decisions on a regular basis, was one cause of lags in decisions being implemented.

On 24 January 2020 it was agreed that the distinction between the two teams would be abolished, and Complaints officers would now carry cases through from start to finish. This would eliminate any duplication of work, and remove delays in implementing decisions, as a given person would be responsible for carrying that case through the entire process.¹⁶⁷²

GLU is in the process of implementing this reform, and are confident that it will significantly reduce lags and delays going forward, and make the process of investigating and acting on complaints considerably more efficient.

¹⁶⁷² 2018-19: "200104 Notes actions on AS processes.msg"

6.6.6. Identification methods

In the past, GLU staff do not appear to have had any guidance or training on how to identify members from reports, and in many of the cases we have come across in our historical audits of antisemitism cases, they appear to have made basic errors at this key first stage.

For example, in autumn 2017 GLU became aware of antisemitic posts by Michael Lee, including repeated written and shared Holocaust denial; calling Jews “cockroaches”; saying “never trust anything a Jew says”; and sharing a post that “Jews admit organising White Genocide”. Provided a link to his Facebook profile, in September 2017 GLU administrator Shockness initially failed to identify him: “there were too many others with the same name in order to decipher which ones it would be”. Upon a subsequent report in October 2017, Disputes officer Dan Hogan then matched him to a member - but the wrong one. This was despite Lee’s Facebook profile clearly identifying his location as Mitcham, from which only the correct match was possible.

The wrong Michael Lee was then sent an NOI, which was lifted a few days later when he provided evidence it was not him. Despite the extremity of the evidence, the public attention the case had already received and Lee’s posts clearly identifying him as a Labour member, however, no further attempt was made to match his profile to the correct member. (This case was uncovered in autumn 2019 by our historical audits, and Lee was suspended in September 2019 and expelled by an NEC panel in December.)¹⁶⁷³

As detailed earlier, in February-March 2018 Complaints staff also made basic errors that are quite hard to understand, like not identifying a Labour councillor and a member of Labour’s governing NEC as Labour members, or the “National Socialist” Paul Hinshelwood, for whom there was one match on the Labour database.

When this was highlighted in press reports, Matthews suggested “[putting] together a checklist/guide” for staff on how to identify members, confirming that no such checklist or guide existed.

We are not aware of any such guidance being produced at this time, and similar mistakes continued to be made.

On 27 March 2018, for example, Martha Robinson from Complaints responded to complainants that the team could not identify Michael Calderbank as a Labour member, although he was a CLP secretary and known figure on the Labour left, an

¹⁶⁷³ Case: Michael Lee.

easy match from his Facebook profile.¹⁶⁷⁴ This and similar responses prompted a story in *The Times* claiming that Labour was “letting off allies of Jeremy Corbyn accused of anti-semitism by claiming that leading activists in the firing line are not even members of the party”, even though this appears to have been a genuine mistake by a staff member in GLU, which had nothing to do with the Leader’s Office or Calderbank’s support for Corbyn.¹⁶⁷⁵

In late March 2018, LOTO spokesperson James Schneider asked Matthews to provide information on six Labour councillors *The Telegraph* said had previously been “let off” regarding antisemitism, including Andrew Slack, and Councillor who the Party had failed to take action against in 2016. Matthews responded:

Andrew Slack appears to have joined the Party in 2016 and was initially rejected for being a paid up member of the Green Party but later admitted in the November.

Two members at the time met the search criteria “Andrew Slack”. Members’ Centre records identifies who is or is not a councillor, but Matthews reported back on the wrong individual, who, having only just been admitted to the Party in 2016, could not have been a councillor then.¹⁶⁷⁶

In February 2018, meanwhile, PLP Secretary Dan Simpson, emailed Stolliday and Matthews a screenshot of an antisemitic tweet by Shahb Mossavat. Three days later, he emailed to chase a response. Stolliday forwarded email from Simpson, who is Jewish, to Emilie Oldknow, writing “he needs to fuck off”. He then responded to Simpson that Mossavat was not a Labour member. Simpson replied with a screenshot from Members Centre, showing that Mossavat was an active Labour member. Stolliday attributed the error to Labour software. Five days later, after Simpson chased again, Mossavat was sent an NOI (without questions attached).¹⁶⁷⁷

Over the course of 2018 GLU’s methods for identifying people gradually became more systematic. These methods were developed individually by staff members, however, and were not written down. Individual errors did still occur. In February 2019, for example, John Arthur Thatcher was reported to the party for antisemitism, a case reported by LAAS in 2017 but ignored by Matthews at the time. Complaints Officer Tim Dexter, however, responded that “I can inform you that this person is not a member of the Labour Party.” Thatcher was, however, very easily matchable from his

¹⁶⁷⁴ Identification: “180327 unable identify calderbank.msg”.

¹⁶⁷⁵ <https://www.thetimes.co.uk/article/labour-finds-a-way-to-let-off-anti-semite-jeremy-corbyn-allies-vgmqq32mf>

¹⁶⁷⁶ Case: Andrew Slack: AS012

¹⁶⁷⁷ Final Summary: Shahab Mossavat

Facebook profile, which gives his quite unique international location, and had previously been matched by Louise Withers-Green in August 2017.¹⁶⁷⁸

On 20 March 2019, Laura Murray, then seconded into the Complaints unit, wrote up guidance for the current process for matching members, based on explanations from Dexter. The document she produced outlines an array of methods to try to match a social media profile to a membership record, including examining Facebook “check-ins”, any reviews of local restaurants, photos that might indicate a location, and looking at family members that have revealed their location.¹⁶⁷⁹

This guidance was shared with new team members from that point on, and has been continually developed over the course of 2019. As outlined in a document provided to the Commission, staff methods for identifying members now include:

- Identifying individuals’ birthdays, from their public posts.
- Searching terms like “My MP” or “pub”.
- Searching “join Labour” to find the date they joined the party.¹⁶⁸⁰

The key identification searches can now be automatically launched by a specially created button, ensuring speed and consistency.

Since July 2019, staff have also found a method to identify the real names of people running anonymous social media accounts, a method staff then used to, for example, take action against individuals running anonymous accounts highlighted in the Community Security Trust’s report “Engines of Hate”.¹⁶⁸¹

These improvements have made a considerable difference to the team’s ability to identify as members individuals being reported, while the creation of written guidance ensures that these techniques can be passed on to new team members.

¹⁶⁷⁸ Case: John Arthur Thatcher.

¹⁶⁷⁹ 2018-19: “190320 process for logging AS complaints.eml”

¹⁶⁸⁰ 2018-19: “Member identification.docx”

¹⁶⁸¹ 2018-19: “Member identification.docx”

6.6.7. Role of regions and CLPs

As we have seen, both Constituency Labour Parties (CLPs), run by local Labour members, and Labour regional staff had previously played a key role in handling complaints, including antisemitism complaints.

In 2015-17, as outlined in Section 3.1, antisemitism cases would still be referred down to CLPs for action, even when, as in the case of Fleur Dunbar, the CLPs and Regions themselves were requesting that GLU intervene.

It is clearly inappropriate for local members and volunteers, with no training or expertise, to handle such matters, and in September 2018 a rule-change was brought in to eliminate the ability of CLPs to handle cases involving protected characteristics, including antisemitism.

Previously, Regions also handled almost all investigations, with GLU staff just being involved in sign-off of decisions.

Regions did not have specific staff working on complaints. Instead, they were handled by existing staff, usually the Regional Directors or Deputy Directors, alongside their other responsibilities. Unsurprisingly, progressing investigations rarely seems to have made it to the top of their priorities. As Creighton reported on 9 June 2016, for example, investigating officers on current suspensions were “mainly regional staff whose main priorities are now relating to the referendum”, so he was “not certain how many will be completed” by the following month, and “wouldn’t be able to give... any information” about likely outcomes.¹⁶⁸²

Among other things, GLU do not appear to have conveyed any urgency to Regions in dealing with cases. Progress that did happen often came when central GLU staff chased up, but this only took place irregularly, and there do not appear to have been any expected standards about the timeframes in which these processes should be concluded.

For example, on 17 May 2016 Buckingham emailed the Regions and Nations providing lists of “current administrative suspensions” in each region “and the progress info we currently hold on them”. She explained that at the next NEC Disputes Committee on 5 July, she would need to “give a full account of our progress on all our suspensions”, with “a progress report on every single one.”¹⁶⁸³ On 28 June she emailed to “remind you that I need any reports on disciplinary investigations that you have cooking by tomorrow midday at the latest”, and elaborated on precisely what kind of information

¹⁶⁸² Case: Ken Livingstone: KL080

¹⁶⁸³ Pre-2016: “160520 RE Suspensions - regional staff investigate.eml”; “160622 RE Suspensions.eml”.

she needed.¹⁶⁸⁴ With a tight deadline, a comparatively significant proportion of cases were actually progressed in those few weeks.

This was more of the exception than the rule, however.

On 8 November 2016, for example, the remaining “Validation” cases were distributed between Regions (142 cases - 62%) and GLU (88 cases - 38%), with the aim of resolving the bulk of them by January 2017. In the following 12 weeks, however, just 17% of the cases were apparently resolved (18 by GLU and 20 by Regions), and in February GLU had to initiate a new process, requesting updates on all cases with Regions and bringing those that had not progressed back to GLU.¹⁶⁸⁵ More were then resolved, but significant numbers still remained suspended.

As discussed in Section 3.2, most cases thereafter languished, with little progress being made either centrally or regionally. GLU brought just three antisemitism cases to NEC Disputes in October 2017, and another three in January 2018.

There was often confusion about whether central or regional staff were responsible for individual cases. With assignments to GLU or Region often done simply by spreadsheet, there was plenty of scope for error, and either side mixing up who was responsible for it.¹⁶⁸⁶ More generally, it is not clear what systems, if any, Regional staff maintained for managing work on cases, and, though they would act on new cases arising, raising them with GLU centrally, they often only seemed to act on older, pre-existing cases when GLU raised them.

When periodic effort was made to progress such cases, there would consequently be exchanges back and forth between GLU and Regions, with GLU listing cases they “thought” Regions were managing and enquiring about their progress, and Regions requesting lists from GLU of cases they were supposed to be acting on.

For example, on being reminded on 28 June 2016 that GLU would need progress reports for NEC Disputes soon, Fiona Stanton, North Regional Director, asked “Can we get a list of outstanding suspension so I defo can give you where we are on each”. (The list, of four, was then provided.)¹⁶⁸⁷ Similarly, on 12 July 2017, London’s Deputy Regional Director asked Matthews for “a current list of suspended members please”. After being chased three weeks later, Matthews responded with a list of “those we think you are investigating”.¹⁶⁸⁸ In February 2017, meanwhile, Matthews’ action plan

¹⁶⁸⁴ Pre-2016: “160628 RE Disputes.eml”

¹⁶⁸⁵ 2016: “170202 SM Validation Plan.msg”

¹⁶⁸⁶ For example: Regions: “170801 GLU-nation confusion - Kenneth Cairns.eml”

¹⁶⁸⁷ Pre-2016: “160628 RE Disputes.eml”

¹⁶⁸⁸ Regions: “170801 region-GLU London lists.msg”

for dealing with 122 “Validation” suspensions still with regions began with emailing Regional Directors “a list of those who I think are currently still sitting with them and [asking] for an update on each case”.¹⁶⁸⁹

The case of Alan Bull appears to have been plagued by confusion as to whether Region or GLU were taking action, as well as the general non-responsiveness of senior GLU staff. When this case was raised in July 2017 GLU drafted an NOI which Region confirmed they were happy with, but it was not sent until a week later when the complainant contacted Stolliday directly. Further evidence was, at times, sent to GLU centrally, who failed to forward it to Region, and vice versa. A report on the case was then prepared shortly before the January 2018 NEC Disputes - but pulled upon realising some of this key evidence had been missed. Later in January 2018, Matthews explained to Region that cases would be centralised going forward, and new Investigations Officer Megan McCann would be handling theirs. In March 2018, however, McCann then realised that Bull still had not been dealt with, having mistakenly thought he had already progressed to NCC. Finally, on 22 March 2018, following press enquiries and LOTO urging action, Bull was suspended.¹⁶⁹⁰

At every step of the way, there was a lack of process, and confusion, as to who was handling cases and how.

This applied to even the most basic parts of the process. For example, NOIs and suspension letters were all prepared by GLU centrally, but there does not seem to have been any policy on whether they would be actually sent by GLU or Regions, and, at times, confusion over who was responsible for this meant letters were never sent. Without any system of tracking what actions were being implemented, these cases were simply lost into the ether. This is illustrated well by the cases of Andrew Chatterjee and Norma Ferrie, discussed earlier.

Nor does there seem to have been, for example, any process for transferring relevant evidence to Regions - they were simply cc-ed on the relevant emails - and is not clear what systems, if any, Regions maintained for storing and managing related evidence and documentation. Instead, investigation into cases has often shown Regional staff re-contacting GLU months after cases were handed to them, requesting the original documentation.

For example, on 8 April 2016 Choudhry Shahzad was suspended for “pro-Hitler antisemitic tweets”, after Jeremy Corbyn personally forwarded to Iain McNicol a report he had received from Gideon Falter of the “Campaign Against Antisemitism”. Falter’s request “could you let me know when you expect to have a result?” prompted a

¹⁶⁸⁹ 2016: “170202 SM Validation Plan.msg”

¹⁶⁹⁰ Final Summary: Alan Bull

simple “No” from Creighton, however (though this response was only sent internally).¹⁶⁹¹ Nothing further happened in the case until 8 August 2016, when the Deputy Regional Director emailed Stolliday, concerning five cases including Shahzad:

*We’re doing some of these interviews this week and next. I assume the evidence and letters were sent to [Regional Director Dan Simpson] initially but as he is away could you forward to me please.*¹⁶⁹²

It seems clear that a case of a Labour member being reported personally by the leader of the Labour Party, for extreme antisemitism and support for Adolf Hitler, should have been a priority case. Nothing happened for four months, however, and Regional staff did not appear to have had any system for saving evidence and progressing cases.

Many cases were also handled by Regions or CLPs without any reference to GLU. In October 2016, for example, East Midlands Regional Staff were made aware of media reports about allegations of antisemitic social media conduct by Andrew Slack, a Labour councillor in Chesterfield. The case was simply handled through an apology, however, without any reference to GLU.

In February 2017 Jeremy Newmark, Chair of the Jewish Labour Movement, raised this case in a discussion between Stolliday, and then sent a follow-up email linking to news reports containing the evidence. Stolliday does not appear to have responded to Newmark’s email or taken any action. Although the case was again raised to Matthews and Hogan in March-April 2018, following media enquiries, no case was logged or action then taken, until spring 2019 when the case was again examined and Slack was suspended.¹⁶⁹³

In February 2014, similarly, a former Labour councillor raised concerns with McNicol at an event, about issues in Thanet Labour Party. He then followed up with an email, outlining concerns about several Labour councillors, including one, former Chair of Thanet Council Doug Clark, who he said “has a record of anti-semitic remarks”.

Clark had previously been accused by a local Jewish councillor of referring to Holocaust Memorial Day to his wife, who was also Jewish, as “the Jews’ do”, as well as making other comments about their religion and attitude to Christmas and “subjecting him to a physical and verbal assault”. The local ethical standards officer

¹⁶⁹¹ Case: Choudhry Shahzad: “160408 Re Fw Antisemitic Labour Activist 7.eml”

¹⁶⁹² Case: Choudhry Shahzad: “160808 RE Suspensions.eml”

¹⁶⁹³ Case: Andrew Slack

considered his “Jews do” remark “offensive and disrespectful” but no further action was necessary.¹⁶⁹⁴

McNicol responded simply:

Good to meet you on Monday

*Have noted what you say but it has been dealt with at a local level and they are all focussed on the forthcoming elections.*¹⁶⁹⁵

From late 2016 onwards, in light of the huge numbers of cases generated and the considerable expansion of the GLU team, GLU took more of a central role in progressing investigations, and in January 2018 Matthews began bringing cases in from the Regions. This was escalated after Jennie Formby became General Secretary, and by autumn 2018 all cases had been brought back in from the Regions.

The role of Regions in investigating or handling antisemitism complaints has therefore been entirely eliminated, and instead all complaints relating to protected characteristics must be forwarded up to GLU, for specialised staff to work on them in a consistent and tracked manner.

In recognition of how poorly the role of Regions in such complaints had functioned, at the September 2018 Annual Conference, a rule-change was passed specifying that all complaints relating to protected characteristics must be handled centrally.

¹⁶⁹⁴ <https://www.kentonline.co.uk/kent/news/boards-report-on-councillors-b-a37669/>

¹⁶⁹⁵ Pre-2015: “140212 RE Thanet Labour Party Problems.eml”

6.6.8. Conclusions

Extensive reforms to practices across 2018 and 2019 underline how far the Party has come in developing effective disciplinary procedures as regards to antisemitism, and show the Party's continuing commitment to review and reform its practices where necessary.

As discussed elsewhere, in December 2019 a further review was conducted of a number of GLU's practices and procedures, and a range of reforms were then agreed to improve efficiency across different aspects of the team's work. GLU is currently in the process of implementing these reforms.

This investigation will now look at how two prominent cases from 2019 were handled - Chris Williamson and Asa Winstanley - before exploring some of the more proactive measures to combat antisemitism the Party has undertaken over the last two years.

6.7. Prominent cases

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6.7.1. Summary

This section explores two prominent cases handled by GLU in 2019.

The first, Asa Winstanley, is significant primarily because of the role Winstanley has played in promoting “denialist” narratives about the problem of antisemitism in the Labour Party, including narratives that undermine and attack Labour’s Jewish affiliate, the JLM; demonise it and other Jewish community organisations as “proxies” of Israel; and undermine and attack the Party’s efforts to combat antisemitism.

The second, Chris Williamson, was a case that gained considerable media attention across 2018 and 2019, and is the most significant individual case handled by the Party in this period, as he was a Labour MP, and was suspended and ultimately removed as an MP by the Party due to his comments and conduct in relation to the issue of antisemitism in the Labour Party.

6.7.2. Asa Winstanley

On 7 March 2019 Asa Winstanley was suspended following complaints about Winstanley's tweets, including accusing JLM of being an "Israeli embassy proxy", suggesting that JLM displays dual loyalty, and saying "the way the @peoplesmomentum twitter account has been pushing the "Labour antisemitism crisis" smear campaign recently, it may as we'll rename itself to "Momentum Friends of Israel".¹⁶⁹⁶ In July 2019 GLU prepared a list of cases for upcoming NEC panels and GLU's recommendations. The recommendation on Winstanley was that he be referred to the NCC.¹⁶⁹⁷

GLU received further complaints about Winstanley, including calling Louise Ellman "Labour Friends of Israel officer @LouiseEllman", again promoting a trope about dual loyalty.¹⁶⁹⁸ In August 2019 the Party found more evidence on Winstanley as a result of their investigation, such as saying that Ken Livingstone's comments about Hitler and Zionism were "stating a historic fact" and continuing to portray Jewish Labour MPs and Jewish Labour members as being more loyal to Israel than the UK. This included an allegation that Jon Lansman "would expel everyone in the Labour Party if that's what it took" to defend "Israeli lies about 'left-wing antisemitism'" painting Lansman as a malevolent and powerful figure whose loyalties lie with Israel. Winstanley had also tweeted saying Jeremy Corbyn's article in *The Guardian* about tackling antisemitism within the Party, which included examples of some of the most extreme cases, was a "thoroughly delusional article" by Corbyn, demonstrating Corbyn's "suicidal embrace of JLM, which is a proxy organisation for Israel".

Due to the 2019 General Election, Winstanley's case was not brought to an NEC panel until February 2020, when Winstanley was written to with the additional evidence the Party had found as a result of its investigation and informing Winstanley that his case would be taken to an NEC Discrimination Panel, which would have the power to expel, as recommended by GLU.¹⁶⁹⁹ Winstanley resigned from the Party the same month.

Winstanley, who writes for Electronic Intifada, applied for a press pass to attend the Party Conference in September 2019, despite being suspended from the Party. When the Party rejected this application¹⁷⁰⁰ Asa Winstanley complained, as did the National

¹⁶⁹⁶ Case: Asa Winstanley: "AW017"

¹⁶⁹⁷ Case: Asa Winstanley: "AW036"

¹⁶⁹⁸ Case: Asa Winstanley: "AW029"

¹⁶⁹⁹ Case: Asa Winstanley: "WINSTANLEY, Asa L1517458 20200204 NEC"

¹⁷⁰⁰ 2018-19: "190815 Winstanley Conference pass rejection.msg"

Union of Journalists, arguing that he was seeking to attend in his capacity as a journalist, not as an individual member.¹⁷⁰¹

However, all members who are suspended are informed that this means they cannot attend any Party meetings, including Annual Conference. Members are contractually bound by the terms of their membership for as long as they are Party members. This includes being bound by the terms of any suspension, meaning a suspended member is contractually obliged not to attend our Conference for as long as the suspension remains in place. This covers any eventuality such as the type of pass or accreditation for a Labour Party event.

The Party had previously conducted checks to ensure that individuals who are suspended cannot attend Conference as delegates or as observers. However, 2019 was the first year that the Party conducted these checks across all types of passes including press passes and commercial passes. These had not been conducted in previous years as it is not a requirement to be a member of the Party to apply for these types of passes.

On 7 August 2019 Georgie Roberson, Press Officer, wrote to Vanessa Graham, Acting Director of Commercial Development, Thomas Gardiner, Director of GLU, Laura Murray, Head of Complaints and Rich Simcox, Head of Rebuttal Communications, saying:

I just wanted to pick up on the discussions over the last few days about suspended members and expelled/auto-excluded members.

I thought it might be helpful to check what checks are done through the existing processes so we can see if there's any gaps that GLU and comms can fill in by providing lists of names.

Currently, when people apply for a conference pass, are they checked on the membership system? So it would show up if someone was suspended and if someone was previously expelled? And if so, is this done just for delegates or for visitor / commercial / press passes as well? So, for example, if a suspended member applied for a visitor pass, or someone we previously expelled applied for a commercial pass, or if a suspended member applied for a press pass?

Thomas Gardiner, Director of GLU, responded proposing that he and Vanessa Graham have a discussion to “work out a method for checks to be done on eg. commercial passes, which will not be as straightforward as for member passes”.¹⁷⁰²

Following these discussions, on 18 September 2019, Harry Hayball, Senior Governance Officer, requested that Conference Services provide the list of attendees across all types of passes so that GLU could cross-check this against all members who were

¹⁷⁰¹ “NUJ condemns Labour Party’s press accreditation refusal”, *Union News*, 03/09/19
<https://www.union-news.co.uk/nuj-condemns-labour-partys-press-accreditation-refusal/>

¹⁷⁰² 2018-19: “190814 Suspended and expelled members Conference pass applications.msg”

suspended, had been expelled from the Party, had resigned from the Party while undergoing disciplinary procedures, or had serious cases against them were still at the decision-making stage. This was provided, decisions were fast-tracked where necessary, and the information was used to ensure that such people could not attend Labour Conference.¹⁷⁰³

¹⁷⁰³ 2018-19: "190918 Suspended, expelled, resigned Conference check.msg"

6.7.3. Chris Williamson

Former Labour MP Chris Williamson had engaged in a pattern of behaviour, in which he engaged in conduct which was widely regarded as offensive and as baiting the Jewish community. As a Labour MP, complaints about Williamson were forwarded to the Whip's Office, the system for such complaints at the time. Williamson was consequently reminded of the conduct expected of him as an MP by both the Chief Whip and LOTO Political Secretary Amy Jackson on a number of occasions across 2018 and early 2019.¹⁷⁰⁴ Jennie Formby also personally warned Williamson of "how inappropriate it is for him as an MP to publicly campaign with people who are either in the process of being disciplined or who have gone through the process and been expelled".¹⁷⁰⁵

One of the final incidents the Whips raised with Williamson was, in February 2019, Williamson booking a room in Parliament for a screening of "WitchHunt", a film about Labour's disciplinary case against Jackie Walker.

On 26 February 2019 Jennie Formby also wrote to Williamson asking him to cancel the room booking. In the evening, after Williamson had agreed to cancel it, Formby wrote to him, saying emphasising this was not just a reputational issue for the Party, but was also "completely inappropriate":

Dear Chris

*Thank you for this. Just to be clear, whilst the timing made it even more unhelpful, it would be completely inappropriate for any MP to book a room for an event such as this.*¹⁷⁰⁶

That night it emerged Williamson had told a Sheffield Momentum meeting that the Party had been "too apologetic" about antisemitism, resulting in complaints being received.¹⁷⁰⁷

The following day, Director of GLU Thomas Gardiner wrote to Formby and LOTO Political Secretary Amy Jackson to clarify whether the Governance & Legal Unit and the NEC would handle complaints against Williamson rather than the Opposition Whip's

¹⁷⁰⁴ See: 2018-19: "180802 Re Your Complaint.eml"; "180817 RE Complaint of Anti Semitism against Chris Williamson MP.eml"; "180817 RE Formal Complaint.eml"; "180817 RE Recent BBC Newsnight appearance of Chris Williamson.eml"; "181122 Ian Austin.eml"; "190104 RE Complaint re Chris Williamson MP.eml"; "190112 RE Urgent Chris Williamson MP.eml"; "190128 RE Urgent Chris Williamson MP.eml"; "190205 RE Urgent Chris Williamson MP.eml"

¹⁷⁰⁵ 2018-19: "190227 Amy Jackson email on Chris Williamson.msg"

¹⁷⁰⁶ Case: Chris Williamson: "0039"

¹⁷⁰⁷ Case: Chris Williamson

Office. (As this report has shown, LOTO was informed of complaints about elected representatives such as Labour MPs, as was the case during Ed Miliband's leadership too).

Formby replied confirming that GLU should consider the Williamson complaints, and that Williamson should face action in relation to his membership, not just in his role as an MP:

Independent of anything whips are doing so in addition to that, I believe that as a minimum we need to issue an NOI in relation to a compilation of complaints against CW that are bringing the party into disrepute.

*Thomas I'll ring in a minute*¹⁷⁰⁸

Gardiner and Formby agreed that the case may be dealt with that day.¹⁷⁰⁹ A discussion followed between Formby, Jackson and Anjula Singh, Director of Communications, to decide on a press line on the matter. Singh's words were agreed:

*My team is urgently dealing with this issue and due process will be followed*¹⁷¹⁰

After the evidence on Chris Williamson had been compiled, Formby wrote to Gardiner, Murphy and Jackson to express her view that a suspension should be enacted:

As per our numerous discussions today, I have reviewed the various complaints that have been received against Chris.

Several of these, if taken as an isolated incident, may have resulted in no action, a reminder of values or an NOI with a potential first written warning (what used to be 'reminder of conduct).

However, taken together they add up to a pattern of behaviour that is not only reckless, it has brought the party into disrepute. I would also add that I personally spoke with Chris only two weeks ago and asked him to stop aligning himself with Labour Against the WitchHunt and speaking about antisemitism in the way that he is, because as an MP he does not have the privilege of behaving in the same way as an ordinary lay member does. This is an important issue; our NEC Disputes Committee and the smaller NEC Sexual Harassment and Antisemitism panels take into account the position an individual holds when determining whether they should know better when they have decided how to act.

¹⁷⁰⁸ Case: Chris Williamson: "0077"

¹⁷⁰⁹ Case: Chris Williamson

¹⁷¹⁰ Case: Chris Williamson: "0078"

The complaints that I am aware of - and there may be more - are:

- 1. In direct contravention of me telling him it is completely inappropriate for him as an elected MP to campaign with Labour Against the WitchHunt against the democratically agreed rules and procedures of the Party, he used his position as an MP to book a room for them, and did so at one of the most sensitive and difficult times in our history*
- 2. He retweeted a tweet from a Holocaust denier about Venezuela. When he was told by our press team that the original tweet came from a Holocaust denier, he refused to take it down*
- 3. He tweeted in support of Gilad Atzmon without taking any time to check why he was being refused a platform, when it was clear to anyone who took less than a minute to check that it was because of his history of antisemitism*
- 4. He addressed a public meeting organised by Momentum Sheffield and said that we are too apologetic about antisemitism.*
- 5. At the same meeting, he boasted about singing 'Celebrate good times come on' outside Joan Ryan's office when she resigned*
- 6. He was recorded at another meeting (I'm unclear which one) condemning people who supported Ruth Smeeth in the Marc Wadsworth case as 'white privileged'*
- 7. He liked a Skwawkbox article criticising the BoD and saying 'blow me down with a feather' on the same weekend of the Pittsburgh Synagogue shootings*
- 8. In September he participated in a demonstration against the NEC alongside Labour Against the WitchHunt when the NEC was determining whether or not to adopt the IHRA definitions/examples. He also gave television interviews.*

I am sure there are more, but these are just those that I'm immediately aware of or have been reminded of today.

As I have said above, many of these as individual issues would not amount to much more than a warning, some a reminder of values. However, as an MP, and one who is very conscious of the fact that he readily attracts media attention, he is absolutely aware of the fact that when he says things they will be heard and noticed and will be used to criticise the party. It is irrelevant that he thinks criticism of his actions is unfair and unjustified; the reality is that he KNOWS it will attract criticism and will be used against us.

I therefore think urgent consideration should be given to suspending him for the following reasons:

- *The sheer volume of different actions that have resulted in complaints*
- *The fact that he knows how much criticism each one of these actions has attracted and the problems they have caused both to the party and to our leadership team*
- *That despite the fact I personally told him how inappropriate it is for him as an MP to publicly campaign with people who are either in the process of being disciplined or who have gone through the process and been expelled*

The last two weeks have been incredibly difficult both for the leadership and for our party at a time when we should be concentrating on defeating the Tories over Brexit, starting our campaigning in the local elections and gearing up for one, possibly two by-elections.

The damage being done by one individual is significantly hampering our ability to do these vitally important things so Thomas, would you please discuss with your team and advise as a matter of urgency.

My view is that whatever action we take needs to be done today.

LOTO Political Secretary Amy Jackson replied agreeing that action should be taken that day:

I agree something needs to be done today.

People from all sides of the Party are absolutely furious with him and the longer it goes on the longer it seems like we are being reluctantly dragged into a decision.¹⁷¹¹

At 16:14 Formby replied to Gardiner copying Jackson, Murphy and Robertson confirming the decision to suspend Williamson. By 16:52 Gardiner had drafted the suspension letter and sent it to Formby. At 16:55 Formby sent the letter suspending Williamson from membership of the Labour Party.¹⁷¹²

Chris Williamson's case was prepared for review by an NEC Antisemitism Panel, with a recommendation that his case be referred to the NCC. However, the panel decided the outcome for Williamson would be a formal warning, meaning his suspensions would be lifted.¹⁷¹³

On 27 June 2019, Keith Vaz, who had sat on the panel, contacted Formby to inform her that his decision of the 25 June could not stand, as he had been ill:

¹⁷¹¹ 2018-19: "190227 Amy Jackson email on Chris Williamson.msg"

¹⁷¹² Case: Chris Williamson

¹⁷¹³ Case: Chris Williamson

Further to our conversation, as you know yesterday I was asked to serve at short notice on an Anti -Semitism Panel as a Panel Member had pulled out. I agreed and went urgently to Southside despite having medical treatment that day, which continued after the meeting.

Comments in relation to one of the individuals under consideration was selectively leaked to the media. There were five people in the room. I do not consider this had anything to do with your Officers. The result of the breach of confidentiality means that every one of the individuals under consideration yesterday could potentially mount a legal challenge.

The disciplinary process involved extremely serious matters .The process needs to be fair to all and to be seen to be fair and all must be treated equally and no favour should be shown to anyone.

In my view , having served on the NEC for 15 years I consider the decisions the Panel made yesterday cannot stand. In order to ensure complete integrity of the process either a new Panel should be convened or all the cases from yesterday should be referred to the Disputes Committee for reconsideration. ¹⁷¹⁴

Jennie Formby wrote to the NEC to inform them that the issues raised in Keith Vaz's letter would be on the agenda for the next NEC Disputes Committee.¹⁷¹⁵ At the meeting, on 9 July 2019, the Committee Chair, Claudia Webbe argued that, in light of Keith Vaz's letter, the decisions from the panel meeting could not stand and proposed that a new panel be convened to review the cases:

In the light of the letter that went to the NEC from Keith Vaz on Friday, the 28th of June, that indicates that there was a defect in the decisions taken at the antisemitism panel on the 26th of June, we are asking today's Disputes Panel to take a decision. That is decision is: Should we reconstitute a new panel to hear all of the cases heard by that panel? This can be done within the next week depending on panel member availability.¹⁷¹⁶

This was agreed and it was decided that Williamson's suspension remain in place pending this ongoing process.¹⁷¹⁷ On 19 July 2019, a new panel was convened to reconsider all the cases which were heard previously on 25 June 2019, which decided to refer Chris Williamson to the NCC and that he would continue to be suspended pending that process.

¹⁷¹⁴ Case: Chris Williamson: "0157a"

¹⁷¹⁵ 2018-19: "190628 Formby email to NEC about Williamson.msg"

¹⁷¹⁶ Case: Chris Williamson: "0176a"

¹⁷¹⁷ Case: Chris Williamson: "0176a & 0176b"

Chris Williamson challenged this decision in court. On 10 October 2019 the court announced its ruling, upholding Williamson's suspension from the Party and saying the disciplinary case must run its course. Williamson therefore failed to overturn the Party's disciplinary action against him and the court found in the Party's favour on the substantive issue. The only point on which Williamson was successful was a minor technicality. The court agreed that the Party has the power "to reopen decisions where the original decision of a panel was flawed", but found that this should have been ratified by the NEC's organisational committee, not just the disputes committee – two bodies which are in fact made up of the same people.¹⁷¹⁸

On 5 November 2019, the NEC considered the endorsements of candidates for the General Election. The NEC decided to not endorse Chris Williamson, which meant he could not stand as a Labour Party candidate in the election. Williamson resigned from the Party and stood against Labour as an independent candidate. Labour members who backed his candidacy have been investigated and auto-excluded from the Party.

¹⁷¹⁸ <https://www.casemine.com/judgement/uk/5da43eff2c94e03615774b5c>

6.7.4. Conclusions

The cases of Asa Winstanley and Chris Williamson have been highly controversial in the Labour Party and for the public at large, for a variety of reasons. Although individual decisions will of course be subject to debate and different interpretations, in both cases the Party has taken decisive action to oppose misconduct in relation to antisemitism, including against a Labour MP.

This report will now turn to examine the wide range of proactive actions on antisemitism that the Party has increasingly undertaken across 2018 and 2019.

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6.8.1. Summary

In 2018-19 GLU staff have taken an increasingly proactive approach to issues of antisemitism in the Labour movement, including regarding people who are not Labour members, illustrating the Party's proactive commitment to opposing antisemitism in the Labour movement.

This has included investigating large dossiers submitted by, for example, the JLM, and public reports made by organisations like the Community Security Trust; staff proactively logging and investigating incidents they have seen themselves on social media; staff reaching out to Jewish members of the Party to encourage them to submit formal complaints about conduct they have witnessed; and staff historical audits of past complaints that were mishandled.

In total, 127 antisemitism cases were created proactively by staff in 2019, which led to 83 of the 597 NOIs and suspensions that year (13.9%).

Historical audits into past cases previously missed or mishandled have led to 18 suspensions from cases that should have been dealt with in the late 2016 to February 2018 period, almost twice as many were initiated by GLU staff at the time. (This is in addition to the many people reported in this period who were reported again in 2018-19 and received action.)

Jennie Formby has also taken a proactive approach towards antisemitism being promoted towards Labour members on social media. Formby has written to Facebook groups to either moderate and report antisemitic content or shut down the groups, and since autumn 2019 GLU had been in contact with Facebook to request that a number of groups and pages be shut down, and individuals removed from the platform. GLU has submitted more than 250 pieces of evidence to support these requests, though so far Facebook has only acted on one group and a few individuals.

Finally, half of all antisemitism complaints the Party receives come from one individual complainant. Although this individual's complaints are mostly of a low quality, the complainant emails the party continuously and is sometimes abusive to both Labour supporters and staff, every complaint this person submits is fully investigated.

This proactive and diligent approach underlines the Party's sincere commitment to oppose antisemitism in the Labour movement and the extensive resources the Party has assigned to this work.

6.8.2. Staff-initiated cases and historical audits

In 2018-19, GLU staff have taken an increasingly proactive approach to issues of antisemitism in the Labour movement.

The first example of GLU proactively considering a dossier of antisemitism allegations, rather than simply individual complaints, was in March 2017, after David Collier's "PSC Report" was flagged to Dan Hogan (Investigations Officer) by a Labour activist he knew. GLU then investigated and identified 27 Labour members from the report. The investigation was then dropped and never picked back up, however, and only one of those members faced any action from GLU in the following year.

The next case was on 7-8 March 2018, when GLU examined Collier's "Palestine Live" report, on the direct request and insistence of James Schneider, LOTO Head of Strategic Communications.

Subsequently, although GLU requests that people submit individual complaints, GLU has examined a number of similar dossiers. In July 2018 the JLM submitted a large dossier of screenshots of antisemitism on Facebook, from which GLU identified and decided on appropriate actions in relation to 69 members. Later that year dossiers from Margaret Hodge were treated in the same way, although one dossier contained very few Labour members.

In July-August 2019, meanwhile, GLU proactively investigated all Labour members identified in the Community Security Trust's report "Engines of Hate", and David Collier's latest report. Most of the Labour members identified were already going through, or had already been through, Labour's disciplinary processes, but investigations of these reports still led to ten new cases (six of which received an immediate suspension). GLU also investigated several dozen individuals that Tom Watson reported for liking or sharing a meme about him that had antisemitic overtones, identifying 20 members. In each of these cases, systematic social media searches were conducted on every individual member identified, and they led to 5 suspensions, 4 NOIs and 10 Reminders of Values. Watson had submitted evidence relating to only one post, so most of the suspensions and NOIs were a result of the additional materials uncovered by GLU staff.

In July 2019 GLU also developed a method for identifying who runs anonymous Twitter accounts, and Facebook accounts that use fake names. This was then proactively used to uncover Labour members running anonymous Twitter accounts that promote antisemitism. One such member, Caroline Wilde, received an immediate

General Secretary membership rejection on 8 August 2019, as she had only recently re-joined the Party.

In other cases, staff have created cases themselves when they have seen antisemitic content on social media from individuals they identify as Labour members. Unfortunately, it has not always been systematically recorded when staff were the initiators of a case. However, GLU records show that at least 127 antisemitism cases were created by proactively staff in 2019, including 83 out of 2019's 597 NOIs and suspensions (13.9%). This represents a major change in GLU's approach. Rather than just investigating individuals reported to the Party, as standard working practice GLU staff now proactively watch out for prejudicial conduct from Labour members, and then investigate and take action accordingly.

This includes cases that have resulted from the historical audits staff have undertaken whilst conducting this investigation, conducted using Labour's "Subject Access Request" email search tool from summer 2019 onwards. From complaints initially ignored in 2017, these historical audits have led to at least 29 entirely new cases being logged, 19 of which received immediate suspensions. The new GLU team has thus initiated almost twice as many suspensions from complaints that should have been acted on in the late 2016 to February 2018 period, and were not, than the old GLU team themselves initiated in that period.

For the rest of the cases reported in this period, which did not receive action at the time, the members involved have since lapsed or resigned, the cases were picked up in February-April 2018 during the transition between McNicol and Formby, or, in many cases, the members involved were reported again in 2018 or 2019 and received appropriate action.

These cases have been referred to and detailed at various places throughout this report, and many of them are of an extreme nature, involving, for example, Holocaust denial.

In addition to picking up these cases that were not actioned in 2017, staff historical audits have also enabled GLU to re-discover cases that were acted on at the time, but were then lost entirely due to them not being logged anywhere.

For example, Philip Foxe was sent an NOI by Dan Hogan on 12 April 2017, following complaints from a number of Jewish members of the Party, including Andrew Gilbert, a prominent Jewish Labour supporter, which were raised directly with Iain McNicol's office. However, although the case was chased by regional staff in July 2017, Hogan did not log the case in either Members' Centre or, later, Complaints Centre. Having

discovered the case in historical audits, staff have now logged the case appropriately as antisemitism, and agreed an autoexclusion on the basis of expressed support for the Green Party, evidence which was in Hogan's possession in April 2017.¹⁷¹⁹

Staff maintain an openness to reviewing more recent decisions, too. Whereas in, for example, 2017, GLU staff had declined to investigate new complaints of similar conduct regarding members who had already been through disciplinary processes, in the light of concerns about some past decisions by GLU, staff now check all evidence and do not treat previous decisions as definitive in relation any given individual.¹⁷²⁰

Finally, GLU staff have also increasingly proactively reached out to Jewish members of the party who have highlighted abuse on social media, inviting them to submit evidence to the party or investigating incidents they have highlighted online, leading to a number of further suspensions and NOIs.¹⁷²¹

¹⁷¹⁹ Case: Philip Foxe.

¹⁷²⁰ See, for example: Final Summary: Luke Cresswell.

¹⁷²¹ See, for example: 2018-19: "191023 Re Facebook posts investigation.msg"; "200203 RE Responses to your e-mail.msg"

6.8.3. Facebook groups

In September 2018 Jennie Formby wrote to all the administrators and moderators of self-identified Labour-supporting Facebook groups who were identifiable as Labour members about how they could better moderate the content within those groups to ensure that antisemitism and other forms of prejudice were not tolerated. This had been advocated by JLM. Although these groups are not run by the Labour Party and have no Labour status, the Party took proactive action to try to tackle antisemitism within them, and urged administrators to report any antisemitic or abusive content to the party.¹⁷²²

This resulted in some improvements. For example, admins of the largest group increased their proactive challenging and removal of antisemitic content. However, this was not true of all groups.

One of the groups of particular concern to the Party is a supposedly “pro-Labour” group set up in 2010, five years before Jeremy Corbyn became leader, where one individual in particular, Mossabir Ali, who was expelled from the Labour Party for flagrant antisemitism, has been exposing its members to a drip-feed of antisemitic content. Leftwing groups and individuals (such as Momentum, Jeremy Corbyn for PM, Owen Jones and others) called this out in 2018, and, rather than requesting it improve its moderation, Formby had written to the admins of this group demanding they remove the Labour name or shut the group down.

In August 2019, staff in Labour’s Governance and Legal Unit conducted further investigation of admins of these Facebook groups, and then initiated contact with Facebook about these groups. In October, Party staff met Facebook to discuss the antisemitic content in these groups with a view to Facebook removing or moderating these groups. Staff provided Facebook with four reports totalling 100 pages, relating to 11 Facebook groups and several Facebook pages. These reports included 250 pieces of evidence of the antisemitic content being shared, and identified the key individuals spreading prejudice within these online networks.

On 14 November 2019 Jennie Formby emailed Facebook to chase for action following the meeting between Facebook and Harry Hayball, Senior Governance Officer, and Patrick Smith, Head of Disputes, the previous month. Jennie Formby said:

Our team have investigated and documented numerous breaches of Facebook’s community standards. These include:

¹⁷²² Outside GLU: “180910 Jennie Formby Facebook group letters.msg”

- *Gross and repeated antisemitism, promoted by the admins of the groups and pages themselves, both inside the groups and on their own personal accounts.*
- *Impersonating Labour and misusing the Labour and Jeremy Corbyn brands to attract members/followers - although the individuals involved have either never been Labour Party members, or in a few cases have been expelled or suspended from the Party.*
- *The same individuals having multiple personal Facebook accounts to run the groups, at times with fake names to avoid identification.*

As the reports show, the content involved is of a very extreme nature, and the repeated posting of such content should meet the thresholds for action set by Facebook.

I understand Facebook's rules regarding brand impersonation may not be grounds for action alone. However, it is highly likely that the vast majority of people would have joined groups with "Labour" or "Corbyn" in the name out of a desire to support the Labour Party.

The Labour Party is the party of equality and anti-racism. It causes the Party - and in particular our Jewish members - great distress that such groups, which pose as groups made by Labour Party supporters and legitimise themselves using the Party's name, have become fertile breeding ground for the sharing of antisemitic ideas.

The reports attached show the admins and creators of such groups explicitly promote antisemitism. The "Labour" named groups created by Mosabbir Ali in 2009 and 2011 are a good example of this. In some cases, the key individuals involved have co-opted others as admins or moderators of the groups/pages. However, as we outline in the reports, the groups are fundamentally run and defined by their creators, and as such should be removed from the platform as a whole, rather than passed to other admins.¹⁷²³

Jennie Formby stressed "I would be very grateful if Facebook would be able to take prompt action on this".

A month later, in December 2019, Facebook closed down one of the Facebook groups that the Labour Party had provided evidence about, "Truthers Against Zionist Lobbies", which Rachel Riley had also submitted evidence about. Facebook also took action against a number of individuals the Party identified.

On 12 December 2019 Facebook staff replied to Formby's email:

¹⁷²³ 191114 Jennie Formby email to Facebook.msg

You flagged a number of individual profiles, pages and four groups of concern to us. After thoroughly reviewing the content that you flagged, we have removed an entire group ('Truthers ...'), one page ('Evil Zionists') and multiple individuals from the platform. We have removed or made unavailable multiple other pieces of content. Some of the content that you flagged does not violate our Community Standards.

We also discussed that there are some kinds of hate speech – speech which highlights harmful stereotypes – where we feel that there is more work that needs to be done to improve our policies and enforcement. This work continues and we look forward to working with our external partners as we move forward with these policy changes.¹⁷²⁴

However, the Labour Party had asked for action on all of the 11 groups we reported and all of the individuals the Party had identified. In each of these cases, admins were using the groups to push extreme antisemitic content, including towards Labour-supporting audiences and these individuals either are not Labour Party members, or had been expelled or suspended by the party.

Labour Party staff have repeatedly pressed Facebook to take action on these groups. Staff from Labour's Governance and Legal Unit met Facebook for the second time on 11 February 2020, and provided them with more evidence, including on the large Facebook page "Britain is the People", which promotes a range of conspiracy theories, including antisemitic conspiracy theories.

Harry Hayball, Senior Governance Officer, emailed Facebook the same day to thank them for the meeting, and to reiterate the points he and other GLU staff had made in the meeting. He said:

We think the case is particularly clear-cut for those we discussed today: Mosabbir Ali's network; "Gail Clark"/"True Socialism"; and Rita Allison, who was the other admin of "Truthers Against Zionist Lobbies" and still runs many groups now "Marino Robles" has been removed.

We appreciate you can't take these decisions yourselves, but think the evidence is quite overwhelming that Facebook's internal criteria has been met, and the groups and in many cases individuals should be removed from the platform.

In light of our discussion about laws and customs in different countries, it is also worth noting that:

¹⁷²⁴ 191212 Facebook response to Jennie Formby.msg

- People have been arrested and investigated in the UK for antisemitic content of a much lower grade than that which we are highlighting here.
- We are reporting the highlighted individuals to the police.
- Alison Chabloz was convicted and sentenced to 20 weeks imprisonment in the UK for “sending an offensive, indecent or menacing message through a public communications network”, in relation to Holocaust denial songs: <https://www.bbc.co.uk/news/uk-england-derbyshire-47230443>.
- I believe we can confidently say that all UK political parties and significant civil society groups would agree that this hate speech should not be on Facebook – there is a consensus across British society on this.

I hope that is all useful in arguing the case internally that these groups and individuals should be acted on. If anything else would help please do let us know.

If you could let us know a timetable of when we would hear back about decisions on these groups, we would really appreciate it.¹⁷²⁵

Facebook had assured Labour they would re-examine the reports again, but in March 2020 Facebook responded that they would, with a few exceptions, not be taking action against the other groups, pages and individuals reported by Labour. Facebook said:

We should note at this stage that whilst profiles or pages are not typically removed with one violation of our policies, and in some cases the profiles listed below did not meet the required thresholds for removal, any content that we found during the course of these investigations that violated our policies has also been removed.

1. Mosabbir Ali

- 1. The team thoroughly investigated all the profiles you flagged to us. Following the investigation, all of the profiles have been actioned bar his main profile. Action in these cases can include a number of processes including requiring the account holder to provide more information to verify their identity, or outright removal.*

2. Tracy Kelly Network

- 1. The team investigated the profiles you flagged to us and has actioned all 9 of them as a result of the investigation. This means they have all been disabled for violating our terms of service. Please alert us if you become aware of any accounts owned by this individual.*

¹⁷²⁵ 200211 Labour reports to Facebook.msg

2. *The pages you flagged have other admins not linked to the Tracy Kelly network of accounts. They have been reviewed but have not been removed at this time.*
3. *The 6 profiles you flagged to us individually*
 1. *None of these profiles meet the thresholds for removal at this time.*

Harry Hayball, Senior Governance Officer, forwarded the email to Jennie Formby, Laura Murray, Head of Complaints, and Georgie Robertson, Press Officer, and said:

It's very unsatisfactory:

- *They've removed Mosabbir Ali's fake profiles, but not his main one and not the large groups he controls*
- *They haven't removed the large pages that Tracy Kelly set up, because she added other admins*
- *They aren't acting on any of the other groups we have flagged – they in fact haven't commented at all on the vast majority of groups we re-reported, which they are not removing*

Essentially, they just aren't acting on the gross antisemitism and impersonation of Labour for grooming purposes, beyond removing the 1 group they acted on after Rachel Riley tweeted, and removing some fake profiles (a very basic infringement of Facebook's terms and conditions).

The criteria which Facebook has outlined to the party - such as the admins posting the offensive content and for the offensive content to specifically show hostility towards Jews - have been met in the cases Labour has outlined. Labour also requested that action be taken against Mossabir Ali specifically. So far, however, Facebook has only taken action on one group, "Truthers Against Zionist Lobbies" - immediately after Rachel Riley publicly tweeted about it but over a month after Labour reported it (and apparently more than two years after CST reported it).

It is notable that, in his recent documentary "Confronting Holocaust Denial", David Baddiel met Facebook's Head of Policy Solutions, Baron Richard Allen, who was previously a Lib Dem MP and is still a Lib Dem peer. Allen defended Facebook's position of not banning Holocaust denial from the platform because they do not wish to censor "things that different people get wrong."¹⁷²⁶

¹⁷²⁶ <https://inews.co.uk/news/media/david-baddiel-confronting-holocaust-denial-bbc2-punch-bloke-face-1421924>

6.8.4. Abuse from complainants

In 2019, half of all antisemitism complaints, and a third of all antisemitism cases, came from one individual.¹⁷²⁷

This person's complaints are typically poorly evidenced and submitted in a format that hinders investigation. This individual repeatedly emails about the same cases, cluttering the Complaints inbox and taking staff time, as staff always have to check whether a case already exists or not, and whether or not all the evidence the complainant is providing has already been logged.

A large proportion of the people this individual complains about are either not Party members or are already in the disciplinary process, something the complainant has been told repeatedly.

The complainant is often rude and abusive in their replies to staff responding to his complaints. The Party is also aware that the complainant uses similar language towards people, including Labour members, on social media.

As a good employer and the Party of workers' rights, the Labour Party operates a "Dignity at Work" policy which maintains that all staff must be able to carry out their work without experiencing abuse or harassment. This same complainant regularly emails targeting one staff member in GLU and making unfounded and offensive allegations about this staff member's character.

This not only has an impact on this staff member's working environment, but can also have an impact on the wider team, who regularly read such comments about their colleague and feel anxious that this individual may send emails making similar comments about them and other staff in the team in future.

However, GLU staff have nevertheless invested considerable resources in ensuring that all this complainant's complaints are logged and investigated. Staff consider all complaints of antisemitism that have been raised with the party, even when the complainant is not a Party member or uses abusive language themselves.

¹⁷²⁷ For evidence cited in this section, see: 2018-19: Ben Santhouse.

6.8.4.i. Quality of complaints

The quality of the complaints submitted by this same individual - almost always screenshots of streams of Facebook posts, without identifying which comments are being complained about and why - are often poor quality.

The complainant often has no knowledge or evidence that the individual is a party member and rarely provides any evidence pertaining to their location, details that are essential for identifying a member. When compared to complaints submitted by others, this person's complaints are sparse in detail, and result in staff spending much longer trying to identify individuals as Labour members than normal.

In addition, this complainant appears to have a poor understanding of antisemitism, and what kinds of conduct the party can act on. For example, they regularly submit complaints about people sharing Jewish-related articles, with the comment "They're not Jewish". However, it is not antisemitic to, for example, simply share a Guardian letter in which Jewish people express support for Corbyn, regardless of whether one is Jewish or not.

In addition, the complainant does not use search features on social media, and instead scrolls down to periods of time he has identified as involving large amounts of discussion about antisemitism, most notably autumn 2018 during the IHRA controversy. This results in extensive screenshots of, for example, members simply supporting the Code of Conduct proposed, but not making any antisemitic comments.

Many of the suspensions and NOIs which have been imposed on individuals following complaints from this complainant have actually been a consequence of the additional social media searches GLU staff have conducted, which have revealed much more serious evidence of antisemitism than that submitted. This demonstrates the additional investigatory work that is often required by staff following complaints, and the importance of systematic social media searches by staff on all complaints the party receives, rather than only reviewing the evidence provided by complainants.

In autumn 2019, a staff member had a long conversation with this complainant, lasting more than forty-five minutes, in which they attempted to assure them that their complaints were all being investigated, and urged them to comply with requests to submit complaints in the required format. The staff member also explained that many of the screenshots they submitted did not constitute a breach of the rules, and recommended that they should instead use search terms that related to antisemitic conduct, and focus on clear-cut cases.

In early February 2020 the same staff member reiterated:

in a great many of your cases, the core case actually results from extra research – additional searches on their Facebook profiles – conducted by me and our team here. In some cases, for example, you have submitted someone with screenshots of them sharing a few articles discussing the issue of antisemitism in Labour, including from the Guardian; but our searches have uncovered extreme antisemitism such as Holocaust denial.

As we discussed on the phone before, I would really urge you to use Facebook's search features when making a complaint, rather than scrolling down the person's timeline. The screenshots below show the process – put an antisemitism-related term into the search bar, hit enter, then select "choose a source" under "POSTS FROM", and select the name of the person you are complaining about. On a phone, you can go to someone's profile, hit the three dots on the right, and select "search profile".

This enables you to find clearer-cut evidence about the person you are complaining about, which ensures speedier and better action.

Likewise, if you focus on clear cut cases, this will reduce bogging down of our systems and staff time, a huge amount of which has gone into processing emails that you send.

However, this did not result in an improvement in the quality of the complaints submitted by this individual or the supporting evidence he provides.

In October 2019, an audit of the number of emails the complainant had sent was conducted, and was referenced as part of the letter sent to them that month:

We have done a brief audit of your recent complaints to us between the 7th October and 16th October. During that period, you have emailed us a total of 92 times. 55 of the emails sent by you were following us having already told you that your complaints had been logged and were being dealt with. We responded to you 44 times in that period.

In total, the Party has received 2,083 emails from this complainant. His emails have resulted in 451 complaints being logged, comprising 22.2% of all antisemitism cases the Party has logged since spring 2018.

The disparity between the number of emails this complainant sends and the number of complaints logged is due to duplicate complaints, complaints about people who are not Labour members and the responses the complainant sends to GLU's replies to their complaints. Duplication of complaints result in a great deal of staff time being misspent, the time spent checking if an individual has been complained about before is much the same as logging a completely new complaint.

The complainant has been advised of this, but frequently complains about individuals numerous times. For example, he complained about Maureen Anne Fitzsimmons 29 times. These complaints continue to be made, with clear frustration from the complainant, despite the party being clear and consistent that we cannot give updates on cases to third party complainants. Once a third party complainant has received feedback that their case has been logged they will not receive any more information about the progress of the case. The complainant has been told this a multitude of times yet still continues to repeat complaints they feel are not being dealt with properly.

The volume of this complainant's emails, and the amount of the time it takes to identify the individuals in their complaints, results in a disproportionate amount of staff time being spent on poor quality complaints that frequently result in no action being taken because the individuals were not members or were unverifiable. Staff time is then spent continuing to reply to repeat complaints instead of dealing with new complaints from other complainants. Staff subsequently had to inform the complainant that they would not be able to reply to each of his emails and repeat complaints because of the pressure this places on staff time, resulting in a diversion of GLU resources, but that they would continue to log and investigate each of his new complaints and any new evidence he provides in relation to ongoing cases.

6.8.5. Conclusions

Currently, half of all antisemitism complaints the Labour Party receives come from one individual, who is trawling social media for evidence. This illustrates how the development of the antisemitism issue in Labour is so integrally related to social media, and the ability to document people's views in ways that simply were not possible, or understood, a few years ago.

It also underlines the challenge in assigning appropriate staffing to this issue. If this complainant had not started submitting complaints in late 2018, then the number of complaints received in 2019 would have halved. If another complainant starts doing this, the number of complaints could again double.

Above all, the manner in which the Party has addressed this complainant complaints, and handled this individual as a complainant, demonstrates the Party's sincere commitment to addressing all complaints, and staff's absolute clarity that there is no place for antisemitism in the Labour Party. In 2017 GLU seem to have dismissed well-evidenced complaints from LAAS as "spam", without any particularly good cause, and simply not processed them. Throughout 2019, by contrast, the GLU team has invested considerable resources in not just processing, but also further investigating, complaints from an individual who is highly abusive towards Party staff and Party members and submits large numbers of poorly formatted and poorly evidenced complaints.

The Party's approach to this issue directly contradicts any suggestion that the Party is not treating complaints of antisemitism seriously.

On the contrary, the Party has increasingly taken a wide range proactive measures to combat antisemitism across 2018 and 2019, including investigating large dossiers and public reports, investigating complaints ignored before 2018 or mishandled at any point, proactively initiating large numbers of cases, and sending extensive documentation to Facebook to request that it act on antisemitism being promoted in ostensibly Labour-supporting social media spaces.

7. Conclusion

This document tells an unhappy story. It is important to state that the fundamental issue it highlights is the existence of antisemitic ideas within our society, and the ways in which these have manifested within the Labour Party and on the left of British politics. It cannot be repeated too often that antisemitism has no place in society, nor in any democratic political organisation, least of all one committed to anti-racism and equality for all.

This report addresses one important aspect of that broader problem, but it should not obscure the bigger picture – that the eradication of this hateful ideology which has caused so much death and misery requires political leadership and education from all parties, including ours.

We have shown here that, when antisemitism first began to emerge as a problem that needed to be addressed urgently in the Labour Party, our structures were not equipped to deal with it. The system for handling complaints and investigating them, and for taking disciplinary action against offenders, were dysfunctional. This was far too slow to change. The processes were ill-equipped for dealing with even a small number of complaints, relating not just to antisemitism but to all types of misconduct or prejudice, let alone the increase in complaints that resulted from party membership rising to unprecedented levels.

The research undertaken has also revealed two further specific problems.

The first is that, while political disagreement is normal in any democratic political party, an abnormal intensity of factional opposition to the Party leader during this time inhibited the proper functioning of the Labour Party bureaucracy, including the Governance and Legal Unit. This had an impact on the handling of complaints and disciplinary investigations, amongst many other areas of work.

The second is that Party management was for several years unequal to the task of effectively supervising existing procedures and transitioning to more robust and efficient systems. Whilst an opposition to antisemitism and to members who exhibit antisemitic conduct was evident, rigorous and far-reaching reforms necessary to bring the Party's procedures up to standard were not undertaken early enough.

Prior to March 2018, LOTO and Jeremy Corbyn himself had little to no oversight over the disciplinary process. Relations in general between LOTO and Labour HQ were

extremely strained, and it was difficult to receive any accurate or helpful information about the running of the organisation due to the blockages in these lines of communication. Specifically in relation to GLU, the working relationship was generally more obstructive than it was constructive; information received by LOTO was inaccurate; and there was an explicit resistance to cooperation.

During this period, LOTO had little information about the handling of antisemitism cases (except extremely high-profile ones), other than through what they gleaned through the media. Contrary to claims that there was pressure from LOTO towards GLU (for example, to not enact suspensions) during this period, there was very little contact between the two offices. The “unwritten guidelines” from LOTO, which are referenced in the JLM submission to the Commission’s investigation, simply did not exist, and all of the evidence shows that LOTO could not exercise any authority over GLU. Indeed, if LOTO had been in a position to exercise such authority, the use of disciplinary processes for factional ends in the 2016 leadership election, would not have taken place, and the lack of cooperation documented during the 2017 general election could not have happened, as well as a range of other actions outlined in Chapter 2.

In the transitional period between Iain McNicol and Jennie Formby’s tenures as General Secretary, when GLU staff such as Sam Matthews initiated the emailing of antisemitism disciplinary cases to LOTO staff, decision-making authority never lay with LOTO staff, nor should it have. This was always a responsibility that lay with GLU. Although this consultation resulted in a 7,200% increase in suspensions compared to GLU’s previous rate of action, the short period when LOTO staff were consulted was not requested, desired or sustainable, and the incoming General Secretary Jennie Formby soon put a halt to it.

Over many years and leaderships, cases of significant reputational risk have involved consultation with LOTO, but this does not happen anymore, and only in cases involving elected officials, such as MPs or other high-profile elected representatives, are LOTO and/or the Parliamentary Labour Party Whips Office kept informed.

Since 2018, particularly since Jennie Formby became General Secretary in April 2018, there has been a steady, if imperfect, rate of improvement. Gradually all the reforms put into place have yielded results, as is exemplified by the statistics on the number of cases handled and how many are resulting in disciplinary action. For example:

- The tenfold increase in suspensions and NOIs from 2017 to 2018, and twenty-five fold increase between 2017 and 2019.

- The ninefold increase in the number of cases brought to NEC panels in the second half of 2018 compared to the first half, with more cases being brought in six months than in the previous two and a half years.
- The tenfold increase in the number of cases brought to NEC panels between 2017 and 2019.
- The huge increase in the number of cases brought to expulsion, from 0 in 2016 and 1 in 2017, to 10 in 2018 and 45 in 2019.

The Commission will also have considered the extensive written guidance which now exists for staff, NEC and NCC members, and the education which they receive. The results of this are apparent in the consistency and appropriateness of decisions which are now made, at all levels.

The new “fast-track” expulsion process, proposed by Jeremy Corbyn and approved at last year’s Annual Conference, has been transformational with regards to the speed with which the Party can deal with members who have exhibited clear-cut antisemitic views. For instance, a member sharing extreme antisemitic content online was expelled within ten days of a complaint about them first being received by the Party, while others have been expelled within twenty days of the Party receiving a complaint.

The Party is also now taking proactive and wide-reaching action to remove any influence of antisemites from the Labour Party. For example, GLU staff have met with Facebook a number of times to ask them to close down those groups which pose as “Labour supporting”, but have antisemitic content shared within them. GLU staff are using resources such as a Community Security Trust report published last year, and issues raised on Twitter, to proactively create disciplinary cases. GLU staff initiate their own investigations into antisemitic social media conduct from Labour members that they find online, rather than only acting on individuals reported to the Party, and, since summer 2019, staff have been conducting historical audits of previously mishandled or “lost” cases, in the light of the new guidance and procedures, to ensure that all complaints, historic and new, are now properly handled.

Finally, the following findings should be emphasised:

1. There is no evidence that, at any point in GLU’s history, antisemitism complaints were treated differently to any other complaints – the problems outlined affected all complaints about whatsoever subject. Whilst the #MeToo movement and allegations concerning MPs involved in sexual harassment led to a new specifically-tailored process for such complaints, a new specific process was then introduced for antisemitism complaints too.

2. There is also no evidence that any individual working for the Labour Party, former or current, has been motivated by antisemitic intent, nor that any complaints were ever treated less favourably because they came from a Jewish complainant or were concerned with allegations of antisemitism.
3. There is evidence that the lack of robust processes, systems, training, education and effective line management had a significant impact upon the thorough, consistent and expedient handling of all complaints. There is also evidence that there was previously much larger scope for human error, without safeguards in place to allow for correction of them.
4. The evidence demonstrates that, particularly from spring 2018 onwards, the Party has introduced appropriate processes, systems, training, education and effective line management to ensure antisemitism complaints are dealt with swiftly and robustly. These safeguards ensure that the past mistakes in the handling of antisemitism complaints cannot be repeated now.

We believe this report demonstrates an unprecedented level of openness, honesty and transparency in confronting our own past shortcomings. Our overriding objective regardless of anything else is to eradicate the virus of antisemitism from our Party and make our Party a safe and welcoming home for Jewish members.

Never Again.