

**GUIDELINES FOR
CONSERVATIVE
ASSOCIATIONS
UNDERTAKING THE
SUSPENSION OR
EXPULSION OF A MEMBER
OF THE CONSERVATIVE
PARTY**

**To be read in conjunction with the
Constitution of the Conservative Party
(as amended April 2009)**

January 2014

Foreword

The exercise of discipline, while inevitably a negative feature of our activities, is vital in keeping the Party fighting-fit for national, European and local elections.

For that reason it is vital that every one of us involved in running of the Party from top to bottom have plain, simple guidelines from which to work.

I am extremely grateful to my colleagues on the sub-committee of the Disciplinary Committee who have been working hard to produce this short and very helpful summary for several months. I must make special mention of the detailed and painstaking contributions of Marcus Booth, one of the legal members of the team, and the final rounds of meticulous editing undertaken by Stephen Phillips and David Comerford.

I commend these Guidelines to all members of the Party.

Simon Mort OBE
Chairman
Disciplinary Committee
The Conservative Party
England, Wales & Northern Ireland

18 January 2014

CONTENTS

Introduction	p.1
Suspension of a Member	p.2
Procedures to be followed when considering a motion to expel an individual from membership of the Conservative Party	p.3
The Appeal Procedure	p.5
Sample Letter A - Letter to a suspended member	p.7
Sample Letter B - Letter to an individual facing a motion to expel	p.8
Sample Letter C - Letter to Executive informing them of the hearing	p.9
Sample Letter D - Letter of expulsion to be sent after the Executive meeting	p.10

Introduction

The purpose of these guidelines is to establish procedures to be followed when a Conservative Association is considering the suspension or expulsion of a Conservative Party member.

These guidelines are consistent with the Constitution of the Party and reflect the current framework which the Board has established.

When considering the proposed suspension or expulsion of a Party member, the Association should ensure that it is familiar with the following sections of the Constitution of the Conservative Party (as amended April 2009):

1. Rules 3, 54, 55, 56, 57, 58, 59
2. Schedule 6 (Further Rules of the Party), Clauses 3, 4, 5, 13, 23, 28
3. Schedule 7 (Rules of the Conservative Party Constituency Associations), Mandatory Rules 3.1 – 3.10

The Officers and the Executive Council of the Association are advised to work closely with the Party's professional field staff throughout the process.

The Association must ensure that the essential elements of natural justice are observed. These include

1. The right of the member to be heard by an unbiased tribunal and to have the opportunity to answer the charges raised;
2. The right of the member to receive notice of the charges of misconduct or the basis upon which it is considered that the declared opinions or actions of the individual are inconsistent with the objects of the Conservative Party;
3. The right of the member to appeal to the Party's Disciplinary Committee.

Every effort should be made to resolve the situation before expulsion procedures are started. The Chairman of the Association should explore every reasonable option which should include, but not be limited to, a cooling down period, independent arbitration or the use of a conciliator.

A conciliator can be any experienced member of the Party either at a local or national level.

If appointed, the conciliator will, as far as practicable, seek to reconcile areas of disagreement and establish if there are any grounds on which alternatives to expulsion can be explored.

Suspension of a Member

Before beginning the process of expulsion the Association should consider whether the member should first be suspended. This provides a mechanism whereby the member concerned can be immediately but temporarily removed from the Party, pending the occurrence of an action e.g. formal expulsion proceedings, an investigation, a police investigation or a criminal trial. Suspension must not be used as a disciplinary sanction in itself.

The Chairman of the Association should summon an emergency meeting of the Management Team to consider the immediate suspension of the individual member pending a hearing at the Executive Council.

If at that meeting it is decided by a majority vote that the individual should be suspended, he or she must be informed in writing within 24 hours (**Sample Letter A**). The individual must also be advised that they will have an opportunity to be heard at either the next regular meeting of the Executive or earlier if a special Executive is to be convened to deal with the matter (whichever is earlier within the following eight weeks).

Any member suspended from the Party may not participate in any Conservative Party activity including attendance at meetings, campaigning activities or social events.

Procedures to be followed when considering a motion to expel an individual from membership of the Conservative Party

The member should be given at least 14 days notice of the meeting of the Executive Council. See **Sample Letter B**.

The members of the Executive Council should be given at least 14 days notice of the meeting of the Executive Council. See **Sample Letter C**.

The Composition of the Executive Council

The membership of the Executive Council must be checked thoroughly to ensure that it is properly constituted and that only those entitled to attend and vote at the Executive Council may do so. It is the responsibility of the Chairman of the Association to ensure that the Executive Council is properly constituted.

The responsibility for the integrity and completeness of all correspondence in this process, including the retention of all relevant paperwork, lies with the Chairman of the Association. It is strongly recommended that correspondence to the member facing a motion to expel should be sent by recorded delivery.

Sample Letter B must include a statement setting out full and specific details of the charges and circumstances. It is not enough to require a member to “explain his or her conduct.” The phrase “bringing the Party into disrepute” should not be used as it is unspecific and not an explanation in itself. The charges will be the basis of the hearing and they cannot be added to or amended at any time after the letter has been served on the member.

Chairing the Executive Council

In order to ensure impartiality, the Executive Council must not be chaired by the Chairman of the Association, other officer or member of the Association nor any other person connected with the relevant member or the circumstances relating to the case. The Area Chairman should therefore be invited to take the chair. If he or she cannot for whatever reason, a senior member of the voluntary Party unconnected to the matter should be invited.

If the item is part of a regular agenda of the Executive Council Meeting, the Chairman of the Association may take the chair for the remainder of the meeting, but must relinquish it for this item.

If a conciliator has been appointed and involved in the matter, he or she may attend but not participate at the meeting of the Executive Council. In the event of an appeal against the decision to expel, the conciliator may be invited by the Chairman of the Disciplinary Committee to submit their observations of the conduct of the Executive Council.

Procedure

At the meeting of the Executive Council, the Chairman of the meeting should invite a representative of the Association (probably the Chairman of the Association, but not necessarily so) to put to the meeting the charges laid against the individual member

and explain to the meeting why it is considered necessary that he/she should be expelled.

Should the relevant member fail to appear before the Executive Council, having given no reasonable explanation, the Executive Council may consider the motion to expel and vote on the matter in their absence.

The individual must have the opportunity to respond, being given a similar length of time.

The Association should sum up its case and the individual member should then respond.

Following the meeting of the Executive Council, the Chairman should write to the individual member within two working days informing them of the decision and, if the motion was confirmed, informing the individual member of their right of appeal (**Sample Letter D**).

Minutes of the meeting must be taken and approved by the Chairman of the meeting ideally within two working days.

The Association must write immediately to the Secretary to the Board of the Conservative Party. If the expelled Member is a Councillor the Association must also write to the relevant Group Leader of the Conservative Council Group.

Witnesses

Where witnesses are to be called, they should remain outside the room until required to give evidence, after which they should remain in the room. The member facing a motion to expel should remain in the room throughout the hearing and each party must be allowed the opportunity to cross-examine the other's witnesses

Voting

The members of the Executive Council must vote by secret ballot on the motion to expel. In the event of a tie, the Chairman should not give a casting vote. In these circumstances the individual member will remain a member of the Association as the Executive Council is required to obtain a majority in favour of expulsion.

Appeal

If the individual member wishes to appeal against the decision to expel, notice should be sent to The Secretary to the Disciplinary Committee at Conservative Campaign Headquarters, 4 Mathew Parker Street, London, SW1H 9QH within 28 days of the receipt of the letter.

The Appeal Procedure

Any person expelled from membership of the Party by a majority vote of an Executive Council may appeal to the Party's Disciplinary Committee.

The Disciplinary Committee will consist of three or more senior members of the voluntary Party. The Chairman of the Disciplinary Committee, as appointed by the Board of the Conservative Party, will chair the Committee. The Secretary to the Board of the Conservative Party or a person appointed by the Chairman of the Committee will act as Secretary to the Committee but the decision makers will be Committee members only.

All proceedings shall be confidential and no person shall disclose any details, information or documents to any third party.

In the event of an oral hearing, the proceedings will be informal and the strict rules of evidence shall not apply. The Committee may adopt any method of procedure it considers reasonable, fair or necessary. This may involve the disclosure of all written documentation submitted by either party to the other. Evidence will not be taken on oath. Conflicts of evidence will be decided by the Committee on the balance of probabilities.

Although it is recognised that conversations in relation to suspension or expulsion proceedings may take place with the Party's professional staff, the only statements or communications that may be relied upon by any party are those in writing e.g. letters, emails or formal notes of telephone conversations.

The Committee may deliberate in private at any time.

The Committee may notify those with an interest in the matter of its decisions, advice and recommendations at the hearing or reserve its decision until a later date, when a written notice may be sent to relevant parties.

The Committee shall have discretion to make its decision public where it considers it necessary to do so but shall only do so after considering any representation on this issue.

The Chairman of the Disciplinary Committee shall, at his absolute discretion, determine who shall or shall not be invited to give oral evidence in any appeal hearing.

In the unlikely event that any person may consider it desirable to be legally represented, the Chairman of the Panel shall determine whether any person may be legally represented.

Any person appearing before the Committee may (should they feel the need for moral support) be accompanied by a friend or colleague with whom he or she may confer, but who may not address the Committee nor answer any question on his or her behalf. A friend or colleague may act in a personal capacity only and be bound by the rules relating to the confidentiality of the proceedings as set out above.

The Chairman of the Disciplinary Committee shall have absolute discretion to exclude from the hearing, or from any part of it, any participant whose conduct is disrupting or likely to disrupt the hearing, or is likely to prevent another person from giving evidence or making submissions freely.

The Chairman of the Disciplinary Committee shall have absolute discretion to amend these procedures where he considers it appropriate, necessary or reasonable to do so.

Sample Letter A

Letter to a suspended member

Dear [name],

At a meeting of the Association's Management Team held on [], it was determined that your membership of the Conservative Party be suspended pending formal expulsion proceedings.

You will have an opportunity to be heard at the next meeting of the Executive Council. I will write to you with details in due course.

Any member suspended from the Party may not participate in any Conservative Party activity including attendance at meetings and social events.

Yours sincerely,

[Association Chairman]

Sample Letter B

Letter to an individual facing a motion to expel.

Dear [name],

The next Executive Council of [association] will be considering your membership of the Conservative Party for the following reason[s]:

[reasons for expulsion]

This meeting will be held at [place] on [date and time] and this item of the agenda will be chaired by an independent Chairman. If you would like to attend, please could you let [name] know in advance of the meeting. Please could you also make me aware in advance of the meeting if you intend to bring legal representation of any kind. Please also acknowledge receipt of this letter by signing the enclosed copy and returning in the SAE enclosed herewith.

Yours sincerely,

[Association Chairman]

Notes

The statement of reasons for expulsion must be specific. It is not enough to require a member to explain his/her conduct, and should not include the phrase bringing the Party into disrepute. These charges shall be the basis of the hearing and will not be added to at any time after the notice has been sent.

It is recommended that this letter be sent by recorded delivery and posted not less than sixteen days before the date of the hearing to be received by the individual at least 14 days in advance of the meeting.

Sample Letter C

Letter to Executive informing them of the hearing

Dear [name]

The next Executive Council of [association] will be considering the membership of the Conservative Party of [individual's name] for the following reason[s]:

[reasons for expulsion]

This meeting will be held at [place] on [date and time] and this item will be chaired by an independent Chairman. An agenda for the meeting is enclosed.

Yours sincerely,

[Association chairman]

Notes

The reason(s) for expulsion in this letter and the agenda should exactly match those on the letter sent to the person who is being expelled (Sample Letter B).

This letter should also be sent at least 16 days in advance of the meeting in order to be received by the Executive Committee members at least 14 days in advance of the meeting.

Sample Letter D

Letter of expulsion to be sent after the Executive meeting

Dear [name],

As you will be aware, the Executive Council of [association] met on [date] to discuss your membership of the Conservative Party.

I write to inform you that the Executive Council has decided that your membership should be terminated for a period of at least [duration] and has informed the Membership Department at Conservative Campaign Headquarters. Your expulsion is from the Conservative Party and all Associations. Any application for membership after this time period will be assessed by the Executive Council.

If you would like to appeal against this decision, you may apply in writing to The Secretary of the Disciplinary Committee, Conservative Campaign Headquarters, within 28 days of receipt of this letter who will then supply you with the appropriate procedures.

Yours sincerely,

[Association chairman]

Notes

This letter should be sent out within two working days of the Executive Council.