

Party Support Handbook

The Rule Book - Section F

Disciplinary Rules

Introduction

1. These Rules do not replace the registered Rules of Co-operative Party Ltd and shall at all times be consistent with the registered Rules. In the event of any inconsistency, the registered Rules of the Co-operative Party Ltd. shall apply.

Disciplinary Rules – scope

2. The NEC shall take such measures as it feels necessary to see that all Party members and officers conform to the relevant Constitution, National Rules or Standing Orders of the Party. Such powers shall include:
 - In relation to any alleged breach of the relevant Constitution, National Rules or Standing Orders of the Party by an individual member or members of the Party the NEC, or the General Secretary on behalf of the NEC, may pending the final outcome of any investigation and charges (if any), suspend that individual or individuals from office or representation of the Party, notwithstanding the fact that the individual concerned has been or may be eligible to be an official candidate in any election or by-election. The Secretary or other National Officer shall investigate and report to the NEC on such investigation. Upon such report being submitted, the NEC may instruct the General Secretary or other National Official to formulate charges against the individual or individuals concerned and present such charges to the NEC for determination.
 - In relation to any alleged breach of the Party's National Rules and Standing Orders by a member or group of members, the NEC, or the General Secretary on behalf of the NEC, may, pending the final outcome of any investigation and charges (if any), suspend that individual or individuals from membership of the Party. The Party Secretary or NEC Representative shall investigate and report to the NEC on such investigation. Upon such a report being submitted the NEC may instruct the Party Secretary or other National Official to formulate charges against the individual or individuals concerned and present such charges to the NEC CPDC for determination.
3. A suspension of a member whether by the NEC in pursuance of these Rules or by the CPDC in imposing a disciplinary penalty, unless otherwise defined by that decision, shall require the membership rights of the individual member concerned to be confined to participation in their own Branch meetings and activities as an ordinary member only and in ballots of all individual members where applicable. A suspended member shall not be eligible to seek any office in the Party, nor shall he/she be eligible whilst such suspension is in force for nomination to any panel of prospective candidates nor to represent the Party in any position at any level.
4. When a person applies for readmission to the Party following an expulsion by the NEC or CPDC on whatever basis or automatic exclusion under the membership rules, the application shall be submitted to the NEC for consideration and decision. Such applications shall not normally be considered by the NEC until a minimum of five years has elapsed since the member's expulsion. The decision of the NEC shall be binding on the individual concerned and on the Party relevant to the application.

Action by the Society Party, Voluntary Party and Branch Party

5. It shall be the duty of the Society Party, Voluntary Party and Branch Party to take full steps to enforce the Constitution, which governs them, and similarly to safeguard the programme, policy and principles of the Party. A Society or Voluntary Party shall take such actions as it deems necessary for such purposes in accordance with the following provisions:
6. Any complaint or allegation made concerning a breach of the Constitution, National Rules or Standing Orders of the Party should be made in writing to the Secretary of the Society Party, Voluntary Party or Branch Party, as appropriate, by a member of the Society Party, Voluntary or Branch Party. Such complaint or allegation will state that this complainant wishes disciplinary action to be considered. Upon such a complaint, the relevant Secretary shall refer it to the Executive Committee of the Party Council/Voluntary Party for consideration at the next appropriate meeting.
7. The Executive Committee of the Party Council shall decide by resolution whether the complaint calls for referral to the NEC.
8. The Secretary shall, immediately following the decision of the Executive Committee, contact the General Secretary of the Party to inform the NEC.
9. Where the Society Party Council/Voluntary Party refuses to admit an individual into membership of the Party then this individual shall have the right to appeal to the NEC of the Party. Notice of any appeal shall be given to the General Secretary of the Party within 14 days of any refusal and the NEC, upon hearing such an appeal, shall have the power to confirm, vary or reverse the decision of the Society Party Council/Voluntary Party; such decision being final and binding on the Society/Voluntary Party concerned and the applicant(s).

Action by the NEC

10. Where a determination has been made as a result of a case brought under the Party's Rules, the NEC may impose such disciplinary measures as it thinks fit whether by way of reprimand or suspension from holding office in the Party, or being a delegate to or from any Party body, or expulsion from membership of the Party or removal or qualification of any right of membership.
11. At its discretion, the NEC may refer cases directly to the CPDC to determine.
12. In cases determined by the NEC, the member(s) shall have the right of appeal to the CPDC.

Procedural Guidelines in Disciplinary Cases brought before the CPDC

13. Letters should be sent to each individual charged giving notice of the hearing. These should enclose the charge or charges together with particulars of each, and a summary of the evidence concerning each, together with the documentary evidence to be relied upon.
14. The person charged shall be written to at the last notified address and required to advise the Secretary of the CPDC within 14 days whether he/she intends to contest the charge or not. Should that person fail to respond, a reminder shall be sent advising again that failure to respond shall be deemed to be an admission entitling the CPDC to proceed with the case and to impose the appropriate sanction.

15. Each member of the CPDC or any panel thereof should have, prior to the hearing, before him/her, separately for each individual charged, the charge or charges together with any written statement by that individual and any witness statements supplied by that individual or to be relied upon by the presenter.
16. The procedure for each individual should be as follows:

Witnesses

17. Should any individual wish to apply to the CPDC or any panel thereof for it to hear the oral evidence of witnesses on his/her behalf, such application should be made in writing no later than 14 days before the date of the hearing; and the CPDC or any panel thereof should consider as soon as practicable after the application is made, but in any event no later than four days before the date of the hearing, whether fairness to the individual requires that such an application be acceded to, whether in whole or in part, having regard to the following:
 - The reasons given in support of the application
 - The issue or issues or otherwise to which the witnesses are said to have relevant evidence to give.
 - The evidence already given in writing by the individual making the application.
 - Whether that individual has availed himself/herself of the opportunity to submit to the CPDC or any panel thereof, in support of his/her application, a witness statement containing the evidence of the witness whom the individual is now applying to the CPDC or any panel thereof to hear orally. The content of any such witness statement and any other considerations that appear to the CPDC or panel thereof to be relevant to determining whether fairness to the individual requires that any witness the subject of such an application be heard by the CPDC or panel thereof orally.
18. The individual should be informed forthwith by the Secretary of the CPDC of the outcome of his/her application.

Accompanying Friend

19. Any individual charged should have a right at the hearing concerning him/her to be accompanied by a member of the Party of his/her choice, who may not address the CPDC or any panel thereof in the course of the proceedings.

Representation

20. Any individual charged shall have a right to be represented by their advocate of choice but any costs incurred by this advocacy shall be borne by the individual charged and not by the Party.
21. Each individual's case should be dealt with separately, except where the same charges are being brought by an organisation and the individuals concerned have agreed to be heard collectively.
22. At the conclusion of the hearing of the case against each individual, the hearing against the next individual should proceed as an entirely separate hearing.

23. The presenter should open and present the charge by making a short oral presentation explaining the particulars and evidence relied upon and calling any witnesses in support of the case.
24. After opening and presenting the charge or charges the panel should invite the individual(s) to reply, which he/she may do in writing, orally, or both and by calling witnesses to give evidence in accordance with the ruling on the application referred to above.
25. The presenter, the individual charged and any witnesses may be subject to questions from the presenter and individual, as appropriate, and from any member of the CPDC, or panel thereof, relating to the charges as particularised and on no other matters.
26. The presenter and the individual charged shall be given the opportunity to make a further statement at the end of the hearing of the charge, during which neither shall introduce any new material.
27. At the conclusion of the hearing for each individual there should be a period for consideration by the CPDC or panel thereof, followed by a vote on the question whether the charge or charges or any of them be found proved. Such question to be determined, if need be, by a simple majority vote.
28. If the CPDC or panel thereof finds the charge, or any or all of the charges, to be proved then the meeting should reconvene. The individuals should be informed of the above finding and should be invited to address further the CPDC or panel thereof (whether orally, in writing, or both) by way of mitigation on the disciplinary action to be taken against him/her.
29. Before addressing the CPDC or panel thereof the individual should be informed by the Chair of the meeting that one of the options to be considered may be that of expulsion from the Party. At the conclusion of an address by an individual in mitigation, members of the CPDC or panel thereof may question the individual on that issue.
30. At the conclusion of the address in mitigation and any questions to the individual there shall be a period for further consideration by the CPDC or panel thereof followed by a decision on the disciplinary action to be taken. Such decision shall be taken, if need be, on a simple majority vote.
31. No member of the CPDC or panel thereof may vote on the charge against any individual or on any disciplinary action to be taken unless he/she has been present for the whole hearing of the charge or charges against that individual and the address in mitigation by that individual or his/her advocate.
32. The presenter of the case shall not have a vote on the CPDC or any panel thereof nor shall he/she participate whilst the CPDC or any panel thereof is considering the case against any individual or disciplinary action to be taken.
33. Decisions in cases shall be announced by the CPDC or panel thereof as it considers fit and such decisions shall be final.