

Fabian Society complaints procedure

The Fabian Society expects its members to abide by the spirit and letter of its rules, bye-laws and code of conduct and to exhibit our shared values of solidarity, tolerance and respect at all times. We encourage people to report behaviour by our members that may constitute a breach of our rules or code of conduct or that does not reflect our shared values. We take all such reports seriously and look to investigate and resolve these matters in the most appropriate way.

Definition of a complaint

A complaint is any expression of dissatisfaction with the behaviour or action demonstrated by a Fabian Society member (or a participant in a Fabian Society activity) which also evidences a breach of our rules and/or conduct requirements. It includes raising concerns informally as well as following a formal complaint procedure.

Who can raise a complaint?

Any individual or group of people can complain about the behaviour or actions of a Fabian Society member (or participant in a Fabian Society activity). You do not have to be a member yourself to complain.

You will be a *complainant* if the behaviour or action was directed at you. You will be a *third party* if the behaviour or action was directed generally, or at someone other than you. For example, if a discriminatory statement was posted on Twitter, naming you, and you complained to us about it, you would be treated as a complainant. If the discriminatory statement named other people (or was just a general statement) and you complained to us, you would be treated as a third party. It makes no difference to how we deal with a complaint whether it is raised by a complainant (someone directly affected), or a third party (someone indirectly affected). The only difference is that if you raise a complaint as a third party, we will be unable to provide any ongoing information for confidentiality and data protection reasons.

The society will also investigate breaches of its rules, bye-laws, policies or code of conduct where there has not been a complaint, or a complaint has been withdrawn, where the society has reason to believe that a serious breach of its rules and standards has taken place. Except for the absence of a complainant or third party, the procedure in this document will be followed.

Who and what can you complain about?

We only consider complaints about our members, employees or people who have participated in activities or projects organised by the society. We understand that you may not know whether the person is a Fabian Society member. As long as you have good reason to think that they are a member, you should submit a complaint. We will tell you if they are not a member once we have undertaken a check.

You can complain about anything a member (or participant in an activity) has done or expressed that you think breaches Fabians Society rules or conduct requirements. In most cases this means activity organised by, or associated with, the Fabian Society; and to relationships between people that take place in the context of their Fabian Society membership or participation in Fabian activities. It also covers conduct not directly associated with the Fabian Society where it undermines the society and its reputation or automatic disqualifies an individual from membership (see code of conduct).

What can't you complain about?

Political disagreements or editorial differences are not covered by our code of conduct. We value free speech and diversity of opinion. You can only complain about what people have said or written when this is relevant to our code of conduct (eg bullying, harassment or discrimination).

You can't complain about organisational actions taken by the Fabian Society using this policy. If you want to complain about the conduct or procedure of the society, a unit of the society or an affiliate of the society you can make a complaint to the executive committee. If you are not satisfied with its response you can submit a motion to a general meeting of the society. You can also make a whistleblower complaint if you believe illegal, unethical or dangerous behaviour has taken place, using the society's whistleblower policy. For further information contact the general secretary.

You can't complain about a Fabian Society decision to take disciplinary action against you or another member. Neither can you complain about a complaint that's been made about you.

If you make a complaint about something that involved risk or harm to children or adults at risk, in the first instance we will handle your complaint using our safeguarding policy rather than this policy.

We don't expect people to need to raise multiple complaints about the same behaviours or incidents. If we think your level of complaint reporting is disproportionate, we will let you know and ask you to stop. If you raise complaints that are considered trivial or vexatious, we will ask you to stop and may restrict your ability to complain.

The complaint process

You should raise a complaint by emailing the general secretary, or if your prefer by emailing the chair or another nominated officer of a section of the society (eg the Young Fabians).

If this person is involved in the behaviour you are concerned about you should contact an alternative senior employee or a member of the society's executive committee. If no other person is suitable, you should approach the chair or treasurer of the society.

There are three stages in our complaints process. They do not have to be followed sequentially. It is for you to decide which approach you want to take.

1. Confidential advice

A confidential conversation may provide you with the information necessary to decide on the way forward. It may help you to understand the society's standards and expectations and whether they have been breached; understand this complaints procedure and the options available to you; and decide on what action to take. In particular talking to someone else may help to identify whether to follow the informal or formal process, or to take no further action.

This conversation may also identify whether you have support needs arising from the incident you are complaining about. The society will consider what support you may need, irrespective of whether you wish to take the matter further. Where we believe a criminal offence may have taken place, you will be encouraged to report the incident to the police and we will provide appropriate on-going support in this process.

Confidential advice will be provided either by the person who received the initial complaint, or by another representative of the society with appropriate skills and knowledge.

2. Informal process

In certain circumstances problems may be resolved easily through discussing the situation with the person or people who you are complaining about, providing this is acceptable to you. This could involve one or more of the following options:

- You can raise the problem yourself informally with the person or people responsible, if you feel
 able. You should explain clearly to them why you think their behaviour is wrong and the effect it is
 having. A representative of the society should be informed of this action, even if you are happy to
 raise the issue yourself.
- A representative of the society can raise the problem informally with the person or people
 responsible. In this conversation members can be reminded of the society's rules and standards
 and told about the effect of their behaviour on you.
- A representative of the society or appointed third party can offer informal mediation between you and the person or people responsible, if you feel comfortable with this process. Alternatively, they can act as an observer at any meeting.

As part of this process the general secretary can issue an informal warning to the person being complained about.

Although this is an informal process, a written note should be kept of the concerns raised and the actions taken. Where any representative of the society is involved in a meeting, that person shall arrange for a record to be taken and circulated.

3. Formal process

Where an informal approach is unsuccessful; or where the society decides that the charges are sufficiently serious to require a formal process from the outset; or where the individual has chosen to go straight to the formal stage of the procedure, the following arrangements will apply.

Formal complaints should be addressed to the general secretary by email, marked private and confidential. You should state clearly that it is a formal complaint, outline the nature of the allegation, and where possible, include description and dates of behaviours. If your complaint relates to digital communications or social media, we ask that you send us recordings, screenshots or links. You will receive an email acknowledgment to tell you that the complaint has been received.

We will assess your complaint to make sure that it relates to a Fabian Society member or a participant in a Fabian Society activity. If it doesn't, then we will let you know. If it does, then we will assess it in more detail to see if it is something that we can, or should, be investigating.

- Occasionally we will decide not to investigate the complaint you have raised. This might be
 because there is insufficient evidence of the behaviour complained about, that no rules or
 standards would have been breached by the behaviour complained about or where a member
 has resigned from the society.
- Complaint investigations may be suspended if the complaint is subject to any of the following
 procedures or similar: safeguarding of vulnerable adults and/or children; court proceedings;
 criminal investigation or proceedings; standards investigations by a regulator; an investigation by
 the Labour Party.
- Where there is evidence of criminal activity we will usually inform the police. We may also inform
 the Labour party where we believe the person complained about is a Labour party member and
 the allegation is a serious breach of the party's rules and standards and could be better
 investigated by the party in the first instance. If action is not taken by third parties we will continue
 to investigate.

Whatever we decide, we will let you know and explain our decision.

After the complaint is assessed and accepted, it will be investigated fairly and in full by an appropriate person appointed by the executive committee who is not directly involved in the matter being investigated. The complaint will be dealt with confidentially, and as quickly as possible, however investigations can take some time. All parties should respect the confidentiality of the process throughout.

All parties involved will be informed that an investigation has been initiated, including the individual who the allegation is against. Everyone will be provided with the opportunity to provide their own written and/or verbal statement. In any meeting people may ask for another member or friend to be present for moral support. Reasonable time will be provided for preparation. Further desk-based inquiries may also take place.

Once the investigation is completed, the investigating officer will refer the complaint to the general secretary for decision in three circumstances:

- If it is clear that the complaint is unsubstantiated or malicious and that the complaint should be rejected
- If it is clear that a member has behaved in a way that automatically excludes them from membership (eg has been expelled from Labour party membership)
- Where the person being complained about is not a member of the Fabian Society. The general secretary may exclude an individual from participation in some or all Fabian Society activities, or from applying for Fabian Society membership on the basis of a reasonable belief that the society's rules, standards or terms and conditions have been breached.

In all other circumstances, a report including a recommendation for the outcome shall be sent to the parties affected and to a panel consisting of at least three members of the executive committee. The panel will be appointed to review the evidence, reach conclusions and agree any disciplinary action. After receiving the report all parties will be entitled to make written statements to the panel. If the complaint involves witnesses and cannot be determined using a written report and accompanying evidence alone then parties may be asked to speak to the panel. Where the panel is required to reach conclusions regarding contested facts, it must satisfy itself on a 'balance of probabilities'. A written decision will be completed, and held confidentially, and provided to both parties involved.

How investigation conclusions are reached

Conclusions are reached by weighing up all the evidence available. In order to get to this point, the investigating officer will:

- Confirm their understanding of the complaint(s) raised
- Examine the evidence supplied at the outset
- Determine what further evidence/information they will need
- Approach the person raising the complaint, the respondent (the member being complained about)
 and any other third parties who may be able to provide the further information required and
 request it
- Consider the evidence and information against the complaints raised
- Consider how serious any breach of rules or standards has been, what the effect has been and what the recommended sanction should accordingly be

Breaches to rules or standards can be moderate, significant or serious. This, alongside the effect that the rule breach or conduct has had, will be taken into account when deciding what the outcome or sanction on the member should be.

What are the possible outcomes?

Occasionally a member will resign their membership during our investigation. If that happens then we won't be able to complete a full investigation as the person complained about will no longer be a member of the Fabian Society. This can also happen if we discover that their membership has lapsed. In this instance, if there is sufficient evidence, the general secretary may bar the person from attending Fabian Society events or reapplying for membership.

We may decide that – considering all the circumstances and available evidence - we will take no further action. This might be where the complaint is unfounded or unsubstantiated. Any complaint found to be malicious or untrue may result in further action against the instigator and will be held on record for future reference. No action will be taken against individuals who have made an unsuccessful complaint in good faith.

Other outcomes of a complaint investigation might be:

- Compulsory training (failing to participate is a further breach of the code of practice)
- An informal warning (identical to the warning in the informal process)
- A formal warning. This will stay on their membership record for a period of at least 12 months and can inform outcomes of any further upheld complaints.
- Restrictions on membership for a defined period of time (eg preventing someone from holding office, standing in internal elections or representing the society)
- Suspension of membership for a defined period of time
- Expulsion from the society (with a minimum period before they can reapply for membership)
- Auto-exclusion (ie if a member does something which means they are no longer eligible to be a member)

The more serious the behaviour or conduct that has been deemed to have breached our rules or standards, the more serious the sanction is likely to be.

The outcome of the complaint will be confidential except for those immediately involved. All parties must respect this. In serious cases the Fabian Society may share the outcome with the Labour party, a regulator or statutory authority on a confidential basis and in compliance with privacy laws.

Appeal

Either party may appeal the decision to the society's Executive Committee within 10 working days of the decision. The committee may in turn decide to appoint an appeal panel, consisting of three different members, to hear the appeal on its behalf. Both parties will have the right to make a verbal statement to the panel and may be accompanied by another member or friend to be present for moral support. This decision of the appeal hearing will be final.

Suspension upon receiving a complaint

When we receive a complaint, we will assess whether the member complained about should be suspended. This could mean full suspension of all membership rights, or suspension as a representative or officer of the society. An administrative suspension does not indicate a person's guilt, it is a neutral act.

Factors we will take into consideration are:

- Is the accusation so serious that failure to suspend could bring the society into disrepute?
- Could the situation be exacerbated by further incidents during the course of the investigation?
- Might the complainant or other members need to be protected from the accused (eg sexual harassment, intimidation or violence)?
- Is there clear *prima facie* evidence (eg video or audio recording; social media screenshots) to suggest that the respondent may be guilty of a significant breach of our rules or standards?

For any of the above, we are likely to fully suspend membership, pending investigation.

- Does the accused hold a position of additional responsibility or leadership in the society?
- Could the investigation be compromised by access to the society's resources (e.g. membership lists, funds, influence)?
- Is the member known to be subject to investigation or disciplinary action by the Labour Party?

For the above, we are likely to suspend as an officer or elected representative, and/or bar the individual from standing for office, provided none of the first three conditions are also met.

If none of the above conditions are met, or if the complaint is not credible, evidenced or appears malicious, it is unlikely that the member will be suspended.

A short suspension of up to 6 weeks can be applied during the informal complaint process. Suspensions during a formal complaint process can last for the entire duration of the process (including any appeal).

Fabian Society finance and general purposes committee, April 2022