

Independent Investigation Terms of Reference

1 Introduction

1.1 The Equality and Human Rights Commission (“the Commission”) amongst others has raised concerns about complaints of discrimination, including on the grounds of “Islamophobia”, against the Conservative and Unionist Party (“the Party”) (itself, and / or through its employees and / or agents) and / or by Party Members or Party Representatives. Further, it has been alleged that there has been a failure by the Party to investigate such complaints adequately or at all.

1.2 The Party takes all allegations and complaints of discrimination (including on the grounds of alleged Islamophobia) extremely seriously and believes it takes appropriate steps to investigate such matters and take appropriate action against Party Members and/or Party Representatives who are found to have acted contrary to the Constitution of the Party and/or its Code of Conduct for Party Representatives (“the Code of Conduct”) and/or its Code of Conduct for the Leadership and Management of Volunteers (“the Volunteer Code”). The Party has engaged in dialogue with the Commission about the Commission’s concerns and has agreed to undertake an independent investigation, the scope of which is set out below.

1.3 The independent investigation will consider and report upon:

1.3.1 The nature and extent of complaints against the Party, Party Members, Party Representatives and/or Volunteer Leaders (whether made formally or otherwise) of alleged discrimination^[1] because of a protected characteristic^[2] (including religion or belief and specifically Islam) or of indirect discrimination, since 2015. The independent investigation will also consider and report on any complaints of harassment (as defined in paragraph 4 below) and/or victimisation during the same period; and

1.3.2 How the Party has investigated and dealt with such complaints, including any sanctions applied by the Party in circumstances where complaints have been investigated and upheld.

2 The Chair

2.1 For the purpose of the independent investigation and to ensure independence and impartiality, the Party has appointed Professor Swaran Singh as Chair.

2.2 The Chair shall obtain evidence and such other information as appears relevant to him and do so in a manner to be determined by the Chair upon his appointment and/or at any other time during the course of the independent investigation. Such evidence and/or other information may be obtained from:

2.2.2 Complainants; and

2.2.3 Such other sources as the Chair determines to be appropriate, effective and proportionate for the purposes of the independent investigation.

2.3 In addition, the Chair will investigate relevant formal complaints of discrimination and any harassment and/or victimisation complaints that have been alleged against the Party, Party Members, Party Representatives and/or Volunteer Leaders since 2015.

3 Scope

3.1 In undertaking the independent investigation, the Chair will look at such issues as he considers appropriate, which shall include (but are not limited to) the following:

3.1.1 The nature and extent of complaints of discrimination (including any harassment) and/or victimisation that have been alleged against the Party (itself and / or its employees and / or its agents), Party Members, Party Representatives or Volunteer Leaders, including complaints raised with Constituency Associations and / or Area Management Executives (whether made formally or otherwise), since 2015;

3.1.2 Whether the Party's Constitution, Code of Conduct (together with the related investigatory and disciplinary processes) and the Volunteer Code have enabled or enable the Party to deal efficiently, effectively and in a timely manner with complaints of discrimination (including religion or belief and specifically Islamophobia) and any harassment and/or victimisation;

3.1.3 Whether appropriate sanctions have been and / or could be applied in circumstances where, either: (a) Party employees and / or Party agents, Party Members, Party Representatives or Volunteer Leaders have been suspended and / or resigned from membership of the Party prior to any investigation having been carried out or sanction imposed for the alleged conduct in question; or (b) such complaints have been investigated and upheld; and

3.1.4 Whether the Party has responded to complaints in a timely, efficient and effective manner.

3.2 The independent investigation will be conducted in private throughout its duration.

3.3 The Chair will publish a report of his findings and may make recommendations to the Party as he considers appropriate, including in respect of any recommended actions or steps (such as training) that the Party could take in view of the Chair's findings.

4 Interpretation

4.1 For the purposes of these terms of reference the following definitions apply:

4.1.1 '*The Act*' means the Equality Act 2010;

- 4.1.4** '*The Code of Conduct*' means the Code of Conduct (including the Social Media Complaints Rules) (adopted by the Party in November 2017, updated in December 2017 and July 2018) and operative at the material time);
- 4.1.5** '*The Commission*' means the Commission for Equality and Human Rights (known as the Equality and Human Rights Commission);
- 4.1.6** '*The Constitution*' means '*the Constitution of the Conservative Party*' adopted by the Party (first published in February 1998, subsequently amended and operative at the material time);
- 4.1.7** '*discrimination*' means direct discrimination or unjustified indirect discrimination (as defined in the Act) because of a protected characteristic and/or as defined in The Code of Conduct;
- 4.1.8** '*employee*' has the same meaning as in the Act;
- 4.1.9** '*harassment*' shall have the same meaning as defined in the Act and/or as defined in The Code of Conduct. For the avoidance of doubt, "harassment" falling within the scope of the independent Investigation relates solely to harassment under the Act and under the Code of Conduct, and does not include harassment under the Protection from Harassment Act 1997, the Crime and Disorder Act 1998, the Protection of Freedoms Act 2012 or under any other statute or statutory instrument or code of conduct, or harassment at common law howsoever arising;
- 4.1.10** '*The Party*' means the unincorporated association called the Conservative and Unionist Party, as governed by the Constitution;
- 4.1.11** '*Party Member*' has the same meaning in the Constitution and Code of Conduct;
- 4.1.12** '*Party Representative*' has the same meaning in the Constitution and Code of Conduct;
- 4.1.13** '*Protected act*' has the same meaning as in the Act;
- 4.1.14** '*Protected characteristic*' has the same meaning as in the Act;
- 4.1.15** '*Protected religion or belief characteristic*' includes Islam;
- 4.1.16** '*Religion or belief discrimination*' means direct discrimination or unjustified indirect religion or belief discrimination (as defined in the Act) because of the protected religious characteristic;
- 4.1.17** '*The Volunteer Code*' means the Code of Conduct for the Leadership and Management of Volunteers;
- 4.1.18** '*victimisation*' means victimisation (as defined in the Act) where the protected act relates to the protected characteristic and/or as defined in The Code of Conduct; and
- 4.1.19** "*Volunteer Leaders*" bears the same meaning as that provided in the Code of Conduct for Conservative Party Representatives and Volunteers.

² See Equality Act 2010, section 4.