Take the Forde Report's recommendations seriously

Richard Kuper, 22nd September 2022

Martin Forde QC's inquiry into the leaked Labour Report that appeared in April 2020, finally made its findings public on July 19, 2022, after a delay of almost two years.

The inquiry looked at, among other things, "the extent of racist, sexist and other discriminatory culture within Labour party workplaces, the attitudes and conduct of the senior staff of the Labour party, and their relationships with the elected leadership of the Labour party".

The Report is damning in its findings and wide-ranging in its recommendations.

Despite the Report's insistence on wide consultation as part of its stress on the need to change the party culture (see below), *the party membership is to have no meaningful input into framing a response*.

Motions on the subject to the annual conference starting in Liverpool on Sunday September 25 have been ruled out of order on the spurious grounds that they relate to "organisational" matters. A meeting of the National Executive Committee on Tuesday Sept 20 was presented, according to a report from retiring NEC member Mish Rahman, with a set of recommendations under three headings:

- 45 recommendations completed
- 79 recommendations in progress or to be further analysed
- 41 recommendations which will not be progressed

None of these is adopted as yet and apparently an NEC working group will be formed after conference to address the reports recommendations.

Promised consultations with important groups of members have not taken place. We find this secretive way of making decisions on crucially important matters totally unacceptable.

As of now, we have no way of knowing which recommendations are approved for acceptance, what the "further analysis" entails, nor why 41 recommendations have been completely shelved. We can only hope these were not the ones of most urgent concern to members affected by the party's dysfunctional disciplinary procedures and its embedded hierarchy of racisms.

Blaming Jeremy Corbyn

Starmer's references to Forde to date seem to be confined to a brief interview on BBC Radio Merseyside on Monday 25 July, in which he claimed that Forde showed "how dysfunctional the Labour Party was under Jeremy Corbyn", that he "didn't need the report to tell me we needed to take action" and that he had "been taking action in those intervening two years".

But the Report was only finalised this year and it makes crystal clear that it regards many of the changes made since Starmer took over as totally inadequate for dealing with the problems identified.

Most commentators, including ourselves initially, underplayed or ignored the recommendations, even though they make up a substantial proportion of the report. Of its 138 pages, more than 20 pages are actually headed "Recommendations" and there are many references to recommendations at other points in the text too.

The Guardian for example produced an "explainer", Key takeaways from the Forde report on Labour factionalism, which failed to mention that the recommendations even existed. Likewise Novara Media's otherwise useful Six Key Takeaways From the Forde Report Into Labour's Civil War.

As we approach the annual conference where motions about the Forde Report have been banned, here is a brief summary of its recommendations. They are explosive simply because, in presenting best practice and sensible advice on how to structure political debate in a pluralistic, progressive, diverse organisation that wants to respect all its members, they

demonstrate how far this diverges from the current leadership's conception of how the party should function.

The recommendations focus mainly on four areas

1. Reform of party culture (which includes education and training programmes)
2. Reform of the Party's disciplinary processes
3. Social Media Policy
4. Recruitment and Management of Staff

All should be the subject of widespread discussion within the Party, and will certainly be on the agenda at meetings on the fringe of conference such as "Act on Forde", where we will be represented by Diana Neslen, one of those Jewish members who have suffered from the current regime. Black members will make their dissatisfaction plain at a protest outside the conference hall on Sunday afternoon.

We intend to focus here on the first two areas, as those of most direct concern to ordinary members.

Recommendations on The Culture, Structure and Practices of The Labour Party Organisation

The Report discusses this area at length in Section E (pp.101-114), and covers some aspects again in Section F. The "Summary of findings and conclusions" at that start of Section E includes the following points. These are *direct quotes* (pp.101-102), leaving no doubt that there are serious problems requiring urgent action from the current leadership:

- there will always be disagreements about policy or strategy but we would have expected them to be dealt with in a comradely – or at least respectful – manner and in an environment which permitted healthy debate.
- we have been shocked to find the existence of a toxic atmosphere, which appears to have been fuelled by an entrenched factionalism, but also by some worrying discriminatory attitudes including racism and sexism exhibited amongst some senior staff.

- a tendency on all sides of the Party to dismiss any challenge to the behaviour of a person from the same faction as a bad faith, factionally motivated attack
- the overall effectiveness of the Party has been affected by these issues and a "monoculture" at HQ leading to "groupthink",
- Simply adopting a "zero tolerance" approach will not resolve these issues. Although disciplinary action and expulsions may be appropriate in extreme cases, in many instances a meaningful educational and awareness building programme will be more effective.
- Training on antisemitism has been introduced but we consider the format to be sub-optimal. Ideally, education and training on issues concerning discrimination and other cultural issues should consist of facilitated reflection, rather than taking a lecture format. It should also be underpinned by fundamental ethical principles and focussed on building skills such as deep listening and full engagement with different perspectives.
- There should be more support for locally developed education programmes.
- There will need to be a full consultation leading to revised Codes of Conduct
- [on Loto and HQ clashes]: Better differentiation between LOTO and HQ; avoidance of the duplication of their roles; better informal cooperation and ensuring that HQ and regional staff regard their role as being to serve the best interests of the Party as a whole (in part akin to that of the civil service) – rather than to pursuing the narrower objectives of strands within the Party – are required to prevent a future recurrence of these issues.

Forde says that fixing these deep-seated problems "needs to be an urgent priority for the Party" and does not see this as *an optional extra.* Forde states:

We consider that this needs to be an urgent priority for the Party. Not only is it a moral imperative for any employer, let alone a progressive Party, but our findings in Section C make it clear how cultural issues have led to, amongst other issues in Party workplaces: "groupthink"; a breakdown in communication between LOTO and HQ; delays in addressing major issues (such as antisemitism complaints); unnecessary staff turnover; a culture of leaks and associated lack of trust across the workplaces; and duplication of effort. None of this is conducive to a functional organisation. (E4.8)

Forde adds: "A good start would be for the political leadership to share with staff their vision of what the Party should be, and encourage debate within the Party around this vision." (E4.5) We look forward to action on this eminently sensible recommendation.

On race and racism

Martin Forde and his panel found that "there are serious problems of discrimination in the operations of the Party and that "concerns that the attention to the surge of cases relating to antisemitism and the importance they appeared to play in the interfactional conflict meant that the Party was in effect operating a hierarchy of racism or of discrimination with other forms of racism and discrimination being ignored". They described this as "an untenable situation"(p.81)

Their Report endorsed the conclusion of a roundtable consultative meeting held to the effect that

> "different sorts of racisms manifest in different sorts of ways, they have different narratives, they have different tropes, they have different slurs. And obviously different minority groups have different experiences. They sit differently – economically, socially and the rest of it – but what unites it all is that racism is wrong for the same reasons. In that sense it's an ethical problem." -– for that reason [we] have recommended that the ethical case be placed front and centre in a programme of education and training." (E5)

So Codes of Conduct need to be revised "following wide consultation" (E6.4) and there needs to be cultural growth within CLPs to break down a culture of "aggressive debate" [for instance by consensus conferences, genuine dialogue and "deep listening" (E7.1)].

We've already commented on Sections E8 "Education and training" and E9 "Training for members, staff, offices and CLPs on antisemitism and other discriminatory behaviour" but must stress their importance, not just for JVL as an organisation but for the party as a whole if it is ever to deal seriously with these issues. Remember, many members have been disciplined on the grounds that their words or actions have interfered with the party's "ability to combat racism" – but the only form of racism ever alluded to in our experience had been antisemitism.

On the training on antisemitism run by the Jewish Labour Movement:

> "we were not convinced the format and content of those early sessions really addressed the problem they were designed to address, which is multifaceted, and in relation to which there is a number of legitimate approaches that exist within the Party and the Jewish communities respectively. The sessions were largely didactic, top down and one dimensional – with little participation beyond the people presenting. This does not provide a space in which difficult issues, such as attitudes towards Israel, can be safely explored, in a nuanced way, and does not encourage deep reflection (E9.2)

Rather, Forde endorses the Pears Institute approach to education and training – not reflected in the training currently on offer:

- "an evidence-based and academically credible education programme to build stronger awareness of the politics, history and culture of antisemitism as one form of racism";
- "an antisemitism awareness training programme delivered by skilled trainers, focusing on avoiding antisemitic behaviour";
- the development of online resources in support.

On the need for all forms of racism to be treated with equal seriousness Forde is adamant:

> "a parallel approach is needed with regard to Islamophobia and that, as above, both forms of prejudice and discrimination need to be integrated into a broader ethical anti-racism education programme alongside education on other protected characteristics." (E9.13)

On the exclusion of what JVL has to offer, the report sparked outrage from the Jewish Chronicle, the Board of Deputies of British Jews and others by saying:

> "we do recognise that there are other voices [than the JLM] amongst Jewish communities and Jewish members of the Party. Hence we are disappointed that there has been a refusal to engage at all with Jewish Voice for Labour's proposals for antisemitism education and that CLPs are, we are told, not even allowed to enlist their help. "

Recommendations on Reform of the Party's disciplinary processes

Section F has a lot to say on this topic and in its opening paragraph says "We would expect the Party to implement the core recommendations as soon as practicable."

(So much for Starmer saying the Report is about what happened two years ago!)

The report states explicitly (p.92), "further reform of the party's disciplinary system is required" particularly with regard to "the use of lengthy administrative suspensions, and sanctions on individual members deemed to have supported newly proscribed organisations." And, in response to evidence and allegations received, it was clear that there must be no more "interference with due process and the 'fixing' of that process for factional advantage based on the politics of the member accused (or the member initiating the complaint)." [p.93]

While many of the detailed recommendations are quite technical, they are framed by a clear set of principles, outlined on p.116. To summarise, these state:

1. The Party's disciplinary system should be professional and impartial, separate from the rest of the Party's organisation.
2. It needs a competent head "capable of designing, overseeing and implementing a fair and transparent system".
3. Proper records should be kept at every stage of the process.
4. There should be an initial assessment of any complaint received which can also decide if interim action is needed. Such power should be implemented with "particular caution before imposing an administrative suspension that would adversely affect the prospects of the person so suspended in any impending s/election process". And if such action is taken it must be accounted for in writing to complainant and respondent.
5. Factionalism must be seen to be avoided. Allegations should be screened initially by two people ("case examiners") , one of whom is a lay member drawn from a pool that is "broad and diverse – in both the demographic and ideological sense – so as not to be subject to accusations of factional discrimination"
6. Cases should be referred to a full hearing an NEC Panel only if both case examiners conclude that (i) there is a realistic prospect of a full hearing finding the allegation(s) proved and (ii) the appropriate sanction falls outside of their sanctioning powers.
7. It should be public knowledge, posted on the Party website as to how hearings are conducted, what sanctions can be imposed etc

The contrast between the existing regime over which Starmer and David Evans have presided for more than two years, and a decent, "gold standard" disciplinary system laid out in the detailed recommendations on pages 116-124, could not be more striking.

Starmer's claim that Forde is old hat and that we should move on is wrong, cynical and in direct violation of the principles Forde himself outlines for what a democratic Party should look like.

It is high time the Forde recommendations became central to our campaigns for reform of the Labour Party.

APPENDIX – EXCERPTS FROM THE 2022 ANNUAL REPORT

The report that will be presented to next week's conference is dazzling in its complacency and failure to acknowledge the Forde Inquiry's findings.

Party Chair Annaliese Dodds:

Our new Independent Complaints Process has been up and running since April, and procedures for dealing with sexual harassment and discrimination of all types have been totally overhauled. while Codes of Conduct against Anti-Black Racism and Afrophobia, and against Islamophobia, are now in place.

General Secretary David Evans:

resolving longstanding challenges such as a backlog of complaints that stretched back years; continuing to implement the EHRC action plan; and making our party more diverse and inclusive at all levels so every Labour Party member can contribute their talents to Labour winning.

EQUALITIES

Equalities was a strong focus for activity in 2021-22 as we implemented our action plan in response to the Equalities and Human Rights Commission report. As part of our response, we implemented antisemitism training across the Party. However, many of our actions such as the development of an Independent Complaints process and the introduction of unconscious bias training for all those involved in recruitment, serve the purpose of strengthening our overall approach to equalities and strengthen the way the Party deals with all protected characteristics. Unconscious bias training has also been rolled out to the NEC, the Shadow Cabinet and the PLP.

EQUALITIES: BAME

We also adopted new codes of conduct on Islamophobia and anti-Black racism, which were developed with groups such as the Labour Muslim Network, Runnymede, the Labour BAME staff network and Diversity Trust to ensure that they have the trust and the confidence of Muslim and Black, Asian and minority ethnic communities. Labour was proud to adopt the APPG on British Muslims' definition of Islamophobia in 2019.