Dear Ms Gill

Jewish Voice for Labour (“JVL”)

1. We write on behalf of JVL (“our client”), in response to your letter of 16 August 2022.

2. The purpose of this letter is to:
   a. alert the EHRC to what appears to be misleading reporting by the Party in respect of its complaints handling process and to request further information regarding the backlog of complaints dealt with by the Party;
   b. reiterate concerns our client has previously raised, that the Party is subjecting Jewish members to differential treatment from non-Jewish members when dealing with complaints; and
   c. request that the EHRC continue to monitor the Action Plan in light of the Party’s ongoing failures.

3. We will deal with each of the above issues in turn.

Backlog of complaints

4. Our client is concerned about recent reports by Party officials, that the Party’s complaints backlog has been dealt with effectively.

5. By way of example, on 5 July 2022, the NEC Complaints and Disciplinary Committee (“CDC”) held a meeting, which was reported on by Ann Henderson, formerly of the CLP Section. Ms Henderson’s notes have been published on the Campaign for Labour Party Democracy website.¹ According to Ms Henderson’s report (“the July 2022 report”):

¹ [https://www.clpd.org.uk/2022/07/17/nec-report/](https://www.clpd.org.uk/2022/07/17/nec-report/)
“The meeting heard that the backlog of unresolved complaints received before May 2021 (total 7,090 cases) had been cleared by 22nd June, with special teams of staff allocated to do so; 99% had now been concluded.”

6. The July 2022 report also noted that “the EHRC is happy with progress” the Party has made in its disciplinary processes, which suggested that the EHRC has been provided with further information, as part of the monitoring process, as to how the Party is clearing the backlog of complaints.

7. We note that the Forde Report (published on 19 July 2022) stated that, as of May 2021, there was a backlog of 7,090 unresolved cases, while as of March 2022, there were 554 active cases. It follows that between May 2021 and March 2022, at least 6,536 complaints were resolved. Yet Labour’s March 2022 NEC Disciplinary Statistics update² (“the Disciplinary Statistics”) accounted for at most 891 of these.³ That leaves at least 5,645 complaints apparently unaccounted for in the Party’s published disciplinary data.

8. An NEC member, Luke Akehurst, tweeted the following on 12 November 2022, which purports to account for the discrepancy between the number of cases the Party has processed, and the number of cases referenced in the Disciplinary Statistics:

“The rest were dealt with by staff but didn’t require determination by NEC panels - e.g. about non-members or ppl who resigned or expelled for something else, duplicates where many ppl complain re same incident, weren't breaches of rule, person couldn't be identified etc etc.”⁴

9. We would be grateful for responses to the following questions:

   a. Please confirm the number of pre-May 2021 complaints that have been resolved;

   b. Please confirm the number of pre-May 2021 complaints that remain outstanding;

   c. Please confirm the number of pre-May 2021 complaints that were dealt with by staff and on what basis they did not require determination by NEC panels (please break down by category e.g. by reference to the categories referred to in Mr Akehurst’s tweet, and provide a total for each);

   d. Please confirm how many pre-May 2021 complaints relating to antisemitism: have been resolved; remain outstanding; and were dealt with by staff (and also by reference to the categories referred to in 9c.).

³ This figure is calculated on the basis that at page 2 of the Disciplinary Statistics, it is stated that between 21 May 2020 and March 2022, the NEC panels determined 784 investigations and on page 9, it is stated that a further 107 cases have been concluded by NCC panels since March 2020.
⁴ https://twitter.com/lukeakehurst/status/1591370256559538178
Differential treatment of Jewish members

10. The EHRC will be aware of our client’s concerns that the Party has been unfairly targeting Jewish members with particular beliefs and initiating disciplinary action against them in relation to allegations of antisemitism, and we refer you to our client’s 5 August 2021 submissions. Our client has publicly reported on this subject many times and now encloses, at Annex 1, statistics relating to 59 Jews who are subject to such allegations.

11. The cases in Annex 1 indicate that Jewish JVL members are 33 times more likely to be investigated for allegations of antisemitism than other Party members and 43 times more likely to be subject to a case involving complaints of antisemitism.

12. As noted above, the Party has informed NEC members that, of the 7,090 complaints dating back to before May 2021, “99% had now been concluded”. JVL is concerned about and surprised by this claim because it bears no relation to their experience of complaints before May 2021, in which their members are either complainants or respondents, or to the continuing and mounting backlog since May 2021. Indeed, a large proportion of complaints involving JVL members, including those which date back to before May 2021, have not been resolved.

13. This is reflected in reporting on behalf of the Party. At an NEC meeting on 29 November 2022, Ann Black stated (emphasis added):

“A second obstacle to focusing on the general election is continuing delays in resolving complaints, with some members still waiting well over a year. I do not suggest that the party should lower its standards, but I agree with Forde that only exceptional cases should extend beyond nine months, and I believe that administrative suspensions should be used more sparingly.”

14. Jess Barnard, another NEC member reporting on the same meeting stated (emphasis added):

“An NEC sub-committee was formed to review other recommended responses to Forde from the Party. Some are concerning, like the refusal to commit to update respondents on the progress of complaints. Members have been left waiting months or years, often on spurious grounds.”

15. Our client does not have the statistics to consider whether, as well as being disproportionately targeted for allegations of ‘antisemitism’, Jewish Party members are experiencing particularly long delays in receiving any response. However, our client is concerned that the Party may be deliberately delaying resolving cases so as to prevent those cases being subject to subsequent review by the Independent Review Board (“IRB”).

16. In light of this, our client is concerned that JVL members involved in complaints have been treated differently and in particular that they are disproportionately less likely to be resolved by the Party.

17. In this respect, our client draws attention to Annex 2 enclosed (which is provided by our client on a confidential basis), which outlines the Party’s unacceptable delays in
dealing with complaints both made by and concerning Jewish members. Whilst this is by no means an exhaustive list, Annex 2 demonstrates that where JVL members are the complainants, there has either been no response from the Party or an unsatisfactory outcome, such as a refusal to investigate.

18. Please note, Annex 2 is not for wider publication; however, our client considers that it should be shared with the IRB so as to enable an independent audit.

19. Our client wishes to draw attention to the following cases in particular:

**Stephen Marks**

a. The EHRC will already be familiar with Mr Marks’ case as details were provided to the EHRC on 5 August 2021 (‘Annex 2 Stephen Marks’s story: The singling out of a Jewish NCC member’). Mr Marks has been suspended from the Party since July 2021. His case has been raised by the Executive Committee of Oxford Labour and his MP. His MP understood that his case would be heard in November 2022 but there has been no further information from the Labour Party to date. Mr Marks has told our client that the manifest injustice arising from the delay of over 18 months in dealing with his case has had an irremediable impact on him.

**George Wilmers**

b. Another example concerns George Wilmers. He received a Notice of Investigation ("NoI") on 31 July 2019 and responded on 5 August 2019. He was subject to a second investigation and received a second NoI on 13 December 2021, to which he replied on 19 December 2021. Despite complying with the Party’s request to respond within a week of each NoI, Mr Wilmers received no reply from the party for 6 months to the first NoI and 14 weeks to the second NoI. The Party’s eventual replies did not refer to Mr Wilmers’ responses and ignored their content. Mr Wilmers was informed in a letter of 20 June 2022 that he was suspended from the Party for not attending training on antisemitism. As a 77 year old Jewish academic, Mr Wilmers found this deeply insulting.

**Diana Neslen**

c. The EHRC will already be familiar with Ms Neslen’s case, following receipt of our client’s submission of 5 August 2021 which included information about Ms Neslen at Annex 1 and the Party’s failure to look into the complaint Ms Neslen lodged against others in Annex 2. In addition, our client updated the EHRC on Ms Neslen’s complaint against the Party for bullying and harassment, on 10 May and 3 August 2022.

d. Following our later update to the EHRC of 19 July 2022, we note that in the EHRC response of 16 August 2022, it was confirmed that “where it is appropriate and necessary”, the EHRC will raise individual Party member complaints that concern allegations of a systemic nature with the Party as part

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of the monitoring process. It was confirmed that this approach had been applied in Ms Neslen’s case. Our client is very concerned by the Party’s failure to investigate or respond to her serious complaint about her treatment by the Party. In light of the ongoing delay in her case, we would be grateful for further information regarding the EHRC’s interactions with the Party and any response received. It should be noted that Ms Neslen is aware of this correspondence and is happy for our client to make this request on her behalf.

20. The cases listed in Annex 2 include appeals against suspension or expulsion. It is not clear to our client whether the Party considers such cases to be resolved once the initial disciplinary sanction has been imposed.

21. In light of the above, we would be grateful for a response to the following questions:

   a. Please confirm whether cases involving JVL members are being processed differently by the Party and if so, on what basis.

   b. Please confirm whether the Party is treating cases as ‘resolved’ once they have imposed a disciplinary sanction but whilst the case is still under appeal.

22. Lastly, our client wishes to raise what it considers to be callous behaviour on the part of the Party, in failing to acknowledge the death of the late Michael Howard in November 2021. This was exacerbated by the Party’s failure to respond to Mr Howard’s appeal of 2 March 2021, which was chased on several occasions and renewed by Bindmans on behalf of his widow Dee after his death. Dee referred to the injustice shown to her late husband in her own investigation and also did not receive any response.

   Ongoing monitoring by the EHRC

23. Our client is grateful to you for confirming, in your email of 6 December 2022, that the EHRC will continue to monitor implementation of the Action Plan “into the early part of the new year” and until the EHRC is satisfied with its implementation.

24. Our client considers that, in light of the issues raised in this correspondence, monitoring of the Party is still required and the Action Plan has not yet been fully implemented. Our client requests that the EHRC take this correspondence and the enclosed Annexes into account when making its assessment about the importance of continuing to monitor the Party.

25. Any queries in respect of the above should be forwarded at the above address.

Yours sincerely

Bindmans LLP