



**On 21 July 2020 Constituency Labour Party representatives on the National Executive Committee (NEC) sent a letter to Martin Forde QC about the inquiry which he is leading into the leaked report.**

Dear Mr Forde,

We are Constituency Labour Party representatives on Labour's national executive committee, directly elected by Labour members.

We are writing with regard to the inquiry's call for evidence. The call for evidence suggests that your inquiry will focus on point three of the terms of reference (the culture of the party), and that it will not investigate the content of the leaked report (point one of the terms of reference) because you claim the content of the report is already being investigated by the Labour Party and you do not wish to "duplicate" this investigation.

To the best of our knowledge, this is not true. As NEC members, we are not aware of any Labour Party investigation into the content of the report and it would be entirely inappropriate for the Labour Party to investigate this matter as it clearly requires independent assessment. The NEC was clear on this point.

The terms of reference agreed by the NEC for your investigation state that:

*The Panel shall investigate and report on:*

*1. The truth or otherwise of the main allegations in the report (the panel shall determine which are the most significant allegations which require investigation but they shall include 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).*

This specifically mandates the panel to investigate the allegations made in the leaked report, including contents of the report relating to racist, sexist and other discriminatory culture in Party workplaces, the attitudes and conduct of senior staff in the Labour Party and their relationships with the elected leadership of the party.

We are aware that the party has suspended some individuals over allegations in the leaked report which could constitute a breach of the party's rules. However, this handful of individual disciplinary cases in no way constitutes an investigation into the contents of the report, or even an investigation into the main allegations made in the report.

Many of the central and most concerning allegations made in the leaked report would not necessarily lead to disciplinary action against individuals, and, we believe, are not being considered at all as part of the party's current disciplinary processes relating to a handful of individuals.

Firstly, extremely serious allegations were made in the leaked report about the potential misuse of funds during the 2017 general election. The party's governance and legal unit investigates breaches of membership rules by individuals, and the report did not make allegations about which individuals were responsible for this, which means the party will not yet have brought disciplinary action against those involved. This is one of the most damning revelations in the leaked report. Your inquiry has a clear duty to investigate this allegation, investigate how much of the party's funds were channelled into this secret 'key seats'/'Ergon House' project, who signed this off, and whether or not full information on spending was provided to the Electoral Commission in 2017. Given that this would have involved potential serious misconduct by former senior staff and that this information was, according to the report, deliberately hidden from the leaders' office at the time,

this clearly falls within point one in the terms of reference, which the NEC has specifically mandated your inquiry to investigate.

Secondly, the report includes further allegations of sabotage, undermining the elected leadership of the party, and about staff working against Labour election victories. These are again extremely serious allegations which are not being investigated by the Labour Party and must be investigated by you and the inquiry panel, as stipulated in point 1 in the terms of reference. As far as we are aware, the investigations undertaken by the party only relate to breaches of membership rules, not potential breaches of employment contracts. The report alleges that some staff worked against the party's core organisational objective – to win elections. Again this is content within the report that must be investigated by you and the panel.

Thirdly, the report makes very concerning allegations about serious failures under Iain McNicol's administration to deal with complaints of antisemitism and Islamophobia, alleging that hundreds of complaints were simply ignored, and the report argues that factionalism played a significant role in these failures. The report also alleges factional abuse of the disciplinary process, most notably during the 2016 leadership election, which undermined members' faith in the party's disciplinary processes. The allegations made in the leaked report relate to issues that have been aired widely in the public domain, including in a Panorama programme last year, and it is vital that the accuracy of the claims made in the leaked report be investigated. These central allegations made in the leaked report are not being investigated by the party, or the EHRC, and must be investigated by you and your panel, in line with point one in the terms of reference.

NEC members have discussed this matter with members of Angela Rayner's office, who confirmed that the disciplinary processes relating to a handful of individuals named in the leaked report do not preclude your inquiry investigating the contents of the report, and that they were not aware that your inquiry was considering not investigating the contents of the leaked report. We have copied Angela Rayner into this letter.

We have also copied in Keir Starmer and we note that he has given assurances to black members and voters who are distressed about the racism exposed in the leaked report, that the contents of the report are being fully investigated by this inquiry. This means fully investigating all allegations in the leaked report concerning racism, Islamophobia and antisemitism, in addition to cultural and institutional problems within Labour Party workplaces which have fostered or tolerated racism.

Indeed, although we do not know which individuals who were named in the leaked report are currently being subject to disciplinary action, based on the information we have received, we believe that these cases relate to racist, sexist or abusive language exposed in the leaked report. Therefore, the current investigations into these individuals being conducted by the Labour Party overlap far more with point three in the terms of reference on culture (which is the part of the terms of reference your call for evidence says your inquiry will focus on), than they do with point one.

We are extremely concerned that the panel may have been misled or that there may have been a misunderstanding about what the Labour Party is investigating. We, on behalf of the wider membership, are deeply concerned that these central allegations must be investigated by the inquiry panel, as set out in the terms of reference agreed by the NEC when we commissioned this inquiry.

Could you please confirm that your inquiry will be investigating the contents of the leaked report, including the main allegations made in the report, including 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? We also ask that you please confirm that these main allegations include the three areas we have set out in this letter.

Given the public interest in this matter and the deep concerns among thousands of Labour members that the shocking contents of the leaked report will not be fully and thoroughly investigated, we will be making this letter public for transparency.

Yours sincerely,

Huda Elmi  
Jon Lansman  
Yasmine Dar  
Rachel Garnham  
Darren Williams  
Ann Henderson