

rs21 complaints and disciplinary procedures

These were agreed by the rs21 all member assembly on 11 September 2021 and can be found via <https://rebrand.ly/rs21-complaints-disciplinary>.

1) Introduction

1.1 This document sets out how rs21 will deal with complaints about members and any disciplinary action that may result. It will not be used to deal with issues of sexual violence or domestic abuse, which are handled using separate guidelines (<https://rebrand.ly/rs21-SV-DA>).

1.2 This document is not a substitute for a culture of respect. Building a culture of respect should be a continuing priority for rs21, as a practical task and a fundamental socialist principle. A robust culture of respect will have a positive impact on all rs21 discussions, decisions and actions, and will make resorting to these procedures necessary less often.

- a. rs21 is a collective of revolutionary socialists who believe in changing the world. We want to see the working class take power.
- b. Some kinds of behaviour make it harder for rs21 to work as a group or to influence the people or campaigns that we want to work with. Therefore rs21 has to have complaints and disciplinary procedures. The procedure which follows is not intended to copy the courts or workplace policies. Rather it is intended as a guide to the sorts of decisions that the group needs to make, so that we can advance the interests of the working class and of rs21.

1.3 These procedures come into play when someone feels that our organisational culture has failed to prevent behaviour which harms one or more people, conflicts with our principles, harms the movement or the organisation. The procedures exist to protect the political and organisational integrity of rs21 rather than being punitive. Political integrity is paramount - there is no point protecting our organisational integrity at the expense of our political principles. We want to encourage robust debate, but avoid the use of inappropriate behaviour to achieve political outcomes - this is part of our commitment to a democratic organisation. Actions taken as a result of the procedure aim to address harm and achieve change but we recognise the limitations of our resources.

1.4 These procedures are operated by an elected [Complaints Group](#) (CG) which is separate from and independent of the central leadership of the organisation (the Steering Group) and paid workers for rs21. The CG and any investigatory panel it sets up will take their decisions fairly, considering the politics of rs21 at all times. They will not favour individuals just because they are long-standing members of rs21 or have played positive roles in past campaigns. They will reach their decisions in good time, bearing in mind the limits of resources available to a group of volunteers.

1.5 The Steering Group (SG) has no power to expel or suspend members except by following these procedures as any other member or group of members would. The SG has no power to overrule any decision of the CG.

2) Informal resolution

2.1 Most issues are dealt with informally by comrades challenging poor behaviour and arguing through why this is a political problem. This approach is encouraged but it is not a requirement - it will not be appropriate in all situations. When an issue is raised, the CG may suggest attempts at informal resolution before taking further action. It is entirely voluntary for any party to attempt informal resolution. Where there are political issues involved, it may be appropriate for someone with authority in the organisation (e.g. a Steering Group member, organiser) to speak with the member informally.

3) Support

3.1 A complaints process can be daunting or stressful for anyone involved.

3.2 We want to disperse responsibility for supporting comrades throughout the organisation but the CG should consider in each case what support those involved may require.

3.3 All parties have the right to be accompanied through the process, to provide emotional support as well as advice. The intention is not that the accompanying person should answer on behalf of parties in the process - we are not looking for an adversarial or legalistic role, but to help a member to get heard and have a fair process.

4) The Complaints Group

4.1 A Complaints Group (CG) of five rs21 members, no more than three of which can be men, will be elected by a regular All Member Assembly, with a term of office of one year, to the nearest regular All Member Assembly. Steering Group (SG) members and paid workers for rs21 cannot serve on the CG.

4.2 The CG is responsible for operating these procedures.

4.3 No decisions of the CG may be changed by the SG. They can only be altered by the CG themselves or by an rs21 All Member Assembly.

5) Confidentiality, privacy and data protection

5.1 People have a right to expect that the privacy of their private matters should be respected except insofar as is necessary for legitimate purposes. This is important to give individuals the confidence to use these procedures. There is a general expectation of confidentiality during the application of these procedures but this should not cut off support or risk the appearance of a cover-up. rs21 will avoid misusing confidentiality requirements to disempower or deny support to individuals, particularly those who may have been harmed by a member's behaviour or the organisation's response to it.

5.2 The CG is responsible for deciding specific confidentiality and/or anonymity requirements (what is confidential, who to, and for how long) for each case and communicating them to those with access to relevant information. A CG decision on confidentiality can only be overturned by an All Member Assembly.

5.3 Those with access to information relating to the application of these procedures must ensure it is processed in accordance with data protection principles and legislation (in particular the rights of data subjects) as well as rs21's own policies on information security. These requirements include the need to hold, transmit and destroy personal information securely.

6) Making a complaint

6.1 If you wish to make a complaint you can email rs21CG@protonmail.com. Emails sent to this address will be seen by all members of the CG. If you do not wish to make your complaint via this route, for example if your complaint involves someone who would see the email or someone close to them, you can approach any member of the CG directly. A list of their names is included in the description of the rs21 members' Facebook group, as well as in the reports from the All Member Assemblies where they are elected.

6.2 Any member or group of members (including the Steering Group), or any non-member can make a complaint. Raising a complaint means making a commitment to engage with the process. Anonymous complaints are discouraged because they can make it harder to reach a satisfactory outcome but will be accepted if they relate to behaviour unacceptable to rs21 as an organisation and don't relate to interpersonal behaviour.

6.3 The CG should consider what updates it is appropriate to share with complainants in each case. Non-member complainants cannot be given the same access to an ongoing complaints process as members for privacy reasons.

7) Receiving a complaint

7.1 When a complaint is made, any CG member who would be perceived to be involved or unusually close to those who are involved must not take part in the process for that case at all. The remaining CG members must, if practicable, co-opt eligible rs21 members to bring the total number dealing with that complaint back up to five.

7.2 The CG will acknowledge receipt of the complaint and provide a copy of these procedures to the complainant.

7.3 The CG will decide whether the complaint is:

- a. About sexual violence or domestic abuse, in which case it should be dealt with under the relevant guidelines, not these procedures
- b. Above a certain level of severity (e.g. criminal allegations which, if proven, would be likely to lead to imprisonment), in which case no investigation must take place

There is no appeal against such a decision.

In the case of a complaint too severe to investigate, the CG must decide whether it can take action without investigation. In these circumstances, the CG has all the powers set out under [Outcome](#) below, including a power to simply expel the member without investigation.

7.4 The CG will check the name of the member complained about against the list provided by the Organiser of those subject to complaints within the last three years (see [records of complaints](#)). If the member is on the list, the CG will obtain from the Organiser the relevant case summary.

7.5 The CG will decide whether the complaint is unsuitable to investigate because the allegations (even if true) would not be severe enough to require action to be taken. In this case, if the complainant is a member, they have the right to appeal to an All Member Assembly. The CG may decide to suggest [informal resolution](#) or [mediation](#).

7.6 The CG will decide whether the complaint is unsuitable to investigate because it is an attempt to resolve a complaint with a substantial political component which is better handled through political debate, such as at an All Member Assembly. In that case, the complainant has the right to take the issue to an All Member Assembly, which has all powers at its disposal, up to and including expulsion.

7.7 The CG should consider in each case what support those involved may require, but we want to disperse responsibility for supporting comrades throughout the organisation.

7.8 The CG will consider what attempts at [informal resolution](#) have taken place and decide whether it is appropriate to suggest an attempt before proceeding. If the complainant wishes to make an attempt then these procedures stop, but the complainant can resubmit their complaint at any time.

7.9 The CG will decide whether to ask all parties whether they wish to attempt [mediation](#), giving a reasonable deadline for a response. In this case the CG will have to provide a copy of these procedures and information about the complaint to the member complained about. It will be made clear that mediation is entirely voluntary. If mediation begins then these procedures stop, but the complainant can resubmit their complaint at any time unless an outcome has been agreed in the mediation process. Note that the CG may decide to suggest mediation at a later stage of the process if it believes that would be appropriate.

7.10 If the CG decided not to investigate, it will provide its reasons to the complainant.

7.11 If the CG decides to proceed with an investigation, it must:

- a. Decide whether to suspend the person subject to the complaint from rs21. Suspension will not be treated as automatic but can only be decided by the CG where justified by a particular case. Suspension while these procedures operate is not a sanction and does not imply a presumption of the outcome. If the CG decides to suspend a member of rs21, it may do so for up to three months. Suspension ends when the outcome of the complaint is decided, unless suspension is part of the outcome. The three month suspension may be extended by agreement with the suspended member. It may also be extended by the CG, but any such decision must be reported to the next All Member Assembly, which has the power to overturn it. Note that if further information becomes available, the CG could decide later in the procedures that suspension was appropriate.
- b. Decide whether the identity of the complainant should be kept confidential from the member subject to the complaint. This should only be in exceptional circumstances as it could impede the ability of the member to respond effectively to the complaint.
- c. Consider whether abbreviated or partially anonymised names should be used during the process as an added measure to protect members' confidentiality.
- d. Seek from the complainant a summary of the complaint (limited to no more than 500 words) and make that summary, along with a copy of these procedures, available to the member subject to the complaint, inviting them to respond at the same length. In both cases the CG will specify a reasonable deadline.

8) Investigatory panel

8.1 If an investigation is required for a particular complaint, the CG will appoint an investigatory panel of three rs21 members. The panel may include any rs21 members (including CG members but not SG members or paid workers for rs21) who would not be perceived to be involved in the case or unusually close to those who are. If the complaint includes a complaint of discrimination then the panel should be selected, so far as is possible, in a spirit of equality and anti-discrimination. For example, it would usually be appropriate to include a majority of women on a panel dealing with sexism.

8.2 The CG should not interfere with or monitor the work of the panel, but should check in from time to time on what stage an investigation is up to if it is prolonged. This will help the CG provide updates to the parties as appropriate. The panel or any party may raise any process problems with the CG if they wish.

9) Investigation

9.1 Depending on the nature of the complaint, the panel may then invite either party to provide a longer statement, including potentially the statements of witnesses or other evidence. If one party is asked to provide extra details, the other party will be given one equal opportunity to respond.

9.2 The panel may conduct investigations of its own, rather than relying solely on information provided by the parties, but they must impartially seek evidence in relation to the arguments of all parties. This is most likely in cases where the person who has made the complaint is merely drawing the organisation's attention to a member's behaviour rather than being harmed by or involved with it. In all cases the relevant parties must be given the opportunity to respond to any relevant evidence obtained.

9.3 In general, all documents provided to the panel will be provided to both parties before the investigation hearing. The panel must consider what (if any) redaction is necessary to protect the confidentiality of individuals who are not party to the hearing or information which is not relevant to the case. An individual unhappy with redaction can appeal to the CG whose decision is final.

9.4 The panel will check with the parties whether they wish to be accompanied and who by.

9.5 The panel will organise a hearing, which will generally be in person, but the panel could decide to conduct it online. At the hearing, the panel will decide whether questions should be asked. If they are, then all questions will be asked by members of the panel. Either party can suggest questions for the panel to consider. There will be no "cross examination" of the person subject to the complaint by the complainant or vice versa. In normal circumstances it will, however, be appropriate for each party to be present while questions are asked and to listen to the answers.

9.6 The panel may ask either party to provide further evidence as a result of the hearing. If this happens the other party will be given the opportunity to comment on it.

10) Recommendation

10.1 Following its investigation, the panel will communicate all the information gathered and their findings to the CG, recommend an outcome and provide a rationale for it. Any dissenting opinion must be fully included.

11) Outcome

11.1 The CG will consider the information, findings and recommendations from the panel and decide an outcome. If clarification of the information from the panel is required or the CG does not intend to follow the recommendation from the panel, the CG must meet with the panel before making its decision.

11.2 As outlined in the [introduction](#), the purpose of outcomes is to protect the political and organisational integrity of rs21, rather than being punitive.

11.3 The outcome could include, for example, taking no action on a complaint, actions intended to change the future behaviour of the member, actions to prevent future harm, asking either party to apologise to the other formally in writing, suspending a person from membership for a limited period of time, issuing an oral or written warning, or requiring a person to give up a role within rs21 or an rs21 branch, or expelling a person from rs21 permanently.

11.4 Any decision to suspend or expel will apply immediately. The outcome must specify timescales for all other actions.

12) Communicating and reporting the outcome

12.1 The CG will decide on a case by case basis what information relating to the complaint should be kept confidential, who to, and for how long. It will usually be appropriate to waive confidentiality over any political components of disputes. It will usually be appropriate to include in its report the name of a member who is subject to a personal / behavioural complaint that is upheld.

12.2 The CG will communicate the outcome and its reasons to the panel and both parties.

12.3 Where an investigation has taken place or the CG has decided actions as part of an outcome, the CG will report a summary of the case to the SG and the Organiser. If the CG decided to omit some confidential information, it will give the reasons in its report.

12.4 Where mediation has taken place the CG will only inform the SG of the number of mediations and how many of them were successful in reaching an agreed outcome. The exception to this is where the agreed mediation outcome included it being lodged with the CG.

12.5 The CG will report a summary of the case to the next regular All Member Assembly but this will not be included in the report of the assembly.

13) Records of complaints

13.1 All records from the investigation and decision-making process must be retained until the opportunity to appeal is complete. SG members must not keep records of complaints reported to them. Members who cease to be on the CG must not keep any records of complaints. CG members, panel members and other participants in the process must not keep any records of complaints after the regular All Member Assembly to which the case is reported, except when an appeal is ongoing.

13.2 The Organiser is responsible for maintaining records of CG reports (in all cases including names, even if these are not included in the reports of the case), including where no action was taken after investigation and where mediation outcomes are voluntarily lodged with the CG but not cases where no investigation was held or actions taken. After each regular All Member Assembly the Organiser must provide CG members with the list of names of members subject to investigation or actions within the previous three years, with no further detail. The Organiser must securely destroy records of CG reports after they no longer have to be reported to the CG. When a member ceases to be Organiser they must not keep any records of complaints - they must be passed on to their successor.

13.3 Destruction of records should include all relevant paper notes, received and sent emails, messaging and electronic documents.

14) Appeal

14.1 Any member of rs21 can ask the All Member Assembly at which a case is reported to reconsider a decision taken by the CG. The confidentiality requirements decided for that case must be respected by all those involved. An individual can waive their own anonymity unless doing so would identify other parties whose identity has been kept confidential, but not other confidentiality restrictions.

14.2 It will be up to the All Member Assembly to decide the procedure it will follow, but the All Member Assembly will not itself conduct an investigation or hearing.

15) Appendix: Mediation

15.1 Building a healthy culture is the most important way to protect the political and organisational integrity of rs21. When comrades don't behave in line with that culture, it is usually dealt with informally by comrades explaining the impact of behaviour, talking through the politics etc. Some conduct requires the formal approach of the disciplinary and complaints procedure.

15.2 Mediation offers an alternative where comrades aren't able to resolve matters informally but where a formal complaints procedure isn't the only appropriate option. If mediation isn't successful, comrades still have the option of using the formal complaints procedure.

15.3 What is mediation?

15.3.1 Mediation is where an impartial third party, the mediator, helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of facilitating the process of seeking to resolve the problem but not deciding the outcome.

15.3.2 Because it is outcome-focused and less formal than a complaints process, it can often be less stressful for those involved. It is more likely than a formal complaints process to rebuild working relationships rather than harm them.

15.4 When is mediation appropriate?

15.4.1 Mediation will only be used if all parties agree to it.

15.4.2 It can be used to address a range of issues including relationship breakdown, personality clashes, communication problems, bullying and harassment.

15.4.3 Mediation shouldn't normally be a "first resort", nor should it be expected that comrades should opt for mediation rather than submitting a formal complaint if that is what they want (mediation should never be imposed on anyone) - comrades are encouraged to try to resolve issues directly, but sometimes this isn't practicable.

15.4.4 Mediation is unlikely to be appropriate if:

- a. Either party is looking for their issues to be investigated or for a decision on right or wrong
- b. The parties don't between them have the power to resolve the issues
- c. The issues or potential outcomes impinge significantly on other people, or the wider rs21 politically or organisationally
- d. Either party could face difficulties making a free and informed choice (e.g. undue pressure, challenges related to language or understanding)
- e. The process could cause avoidable harm to either party

15.4.5 Mediation might not be appropriate where there is a major discrepancy in, for example, power, age or experience, which would dramatically skew the relationship between the parties.

15.5 What is the process?

15.5.1 How to arrange mediation in rs21?

15.5.1.1 While comrades may often informally apply approaches that are similar to mediation, this document is about formal mediation facilitated by rs21. Only when mediation is facilitated by rs21 can there be any organisational guarantees of confidentiality.

15.5.1.2 The process will be initiated by:

- a. One or more parties to an issue contacting the Complaints Group to request mediation
- b. The Complaints Group receiving a complaint and, where appropriate, suggesting the parties could consider mediation as one of the options available. The Complaints Group will never "recommend" or mandate mediation.

15.5.1.3 Mediation will only go ahead if the Complaints Group and all parties think mediation is appropriate.

15.5.2 Who carries out mediation?

15.5.2.1 The Complaints Group will identify one or more potential mediators from amongst rs21 members and seek to agree a suitable mediator with the parties. Only if a mediator is agreed will mediation go ahead.

15.5.2.2 The mediator should not be involved in the subject matter of the mediation and should act impartially.

15.5.2.3 Skill set

15.5.2.3.1 This describes the range of skills, competencies and knowledge/experience that make up the mediator skills set – not all of these are essential, and it is unlikely that every mediator will possess all those listed. Many of the specific skills needed will depend on the context, and most mediators develop their skills set as they build up their experience.

15.5.2.3.2 Qualities:

- a. empathetic
- b. impartial
- c. approachable
- d. non-judgemental
- e. calm
- f. patient
- g. dispassionate
- h. honest
- i. creative
- j. credible
- k. flexible
- l. integrity
- m. supportive

15.5.2.3.3 Desirable knowledge/experience:

- a. Knowledge of the mediation process
- b. Understanding of rs21 policies, organisation and practices
- c. Knowledge of the rs21 complaints/disciplinary procedures and the Sexual Violence / Domestic Abuse guidelines
- d. Understanding of power, inequality and oppression
- e. Experience of facilitating informal groups

15.5.2.3.4 Skills and competencies:

- a. active listening
- b. oral, written and non-verbal communication
- c. questioning
- d. reasoning
- e. observing
- f. summarising
- g. problem-solving
- h. reflecting
- i. building rapport
- j. facilitation
- k. reframing
- l. objectivity
- m. information analysis
- n. planning
- o. time management
- p. conflict management
- q. negotiation
- r. following procedures
- s. organising
- t. generating options

15.5.2.4 Training

15.5.2.4.1 rs21 could consider arranging training to build up a pool of potential mediators.

15.5.3 Confidentiality

15.5.3.1 Before mediation starts, the mediator and all parties must agree that what is said within the mediation will be confidential unless jointly agreed otherwise as part of the outcomes. The mediator cannot be involved in deciding or be called as a witness in any complaint/disciplinary hearing on the matters that were discussed in the mediation. However, all participants retain the right to use the complaints and disciplinary procedure or the sexual violence and domestic abuse guidelines in relation to any behaviour which takes place within the mediation itself. In this case, any relevant confidentiality requirements of those processes apply.

15.5.3.2 Confidentiality can help all parties engage with the process more openly and less defensively. Any breach of confidentiality would be handled through the disciplinary procedure.

15.5.3.3 Confidentiality does not mean that comrades are prevented from discussing the issues themselves (as opposed to what is said within mediation) with other comrades. This could be important to get advice or emotional support. However, comrades are encouraged to minimise such discussions, which could undermine the mediation process.

15.5.3.4 Unless agreed otherwise, the mediator will only report back to the Complaints Group whether or not the mediation resulted in an agreed outcome.

15.5.4 The mediation process

15.5.4.1 The mediator needs to think carefully about how best to carry out a particular mediation. It is likely to include the following steps:

- a. Talk to each party separately to explain the mediation process, discover what they hope to achieve through mediation, and confirm that they want to use mediation and accept confidentiality
- b. Consider whether the issue is suitable for mediation
- c. Talk to each party separately to discuss the issues further and generate ideas for possible resolutions
- d. Facilitate a meeting with the parties together, which could include acknowledging other parties' experiences and feelings, and discussing potential resolutions
- e. Document the outcomes and give both parties time to consider and agree them.
- f. If no agreement is reached, remind the parties of the availability of the formal complaints procedure
- g. Remind the parties of the confidentiality rules and invite them to send feedback on the process to the Complaints Group
- h. Report back to the Complaints Group only on whether or not the mediation produced an agreed outcome

15.5.5 Accompaniment

15.5.5.1 Other than in exceptional circumstances (e.g. for support in relation to a disability, language barriers), participants in a mediation will not be accompanied. The mediator is responsible for deciding whether exceptional circumstances apply. This should not be an adversarial process, though it can certainly be a challenging one. Part of the role of the mediator is to facilitate the mediation in a supportive way and be alert to the wellbeing of all parties.

15.6 What are the results?

15.6.1 The result could be that there is no agreed outcome. This could be in circumstances where the airing of the issues has been enough to allow the parties to move on, or where a party wishes to use the formal complaints procedure. Parties do not have to decide as part of the mediation process.

15.6.2 The result could be an agreed outcome. Outcomes should be in writing and signed by all parties, and countersigned by the mediator. Each party should keep a copy, but unless agreed otherwise, the mediator should not. All other notes and records of the mediation process must be destroyed once an outcome is agreed or the process is terminated.

15.6.3 Though the responsibility for any agreed outcome lies with the parties, not the mediator, a mediator should not sign off any outcome which goes against the political principles of rs21 or if seriously uncomradely behaviour appears to be ongoing.

15.6.4 As part of the agreed outcome, the parties should consider what, if anything, they wish to communicate to anyone else. For example, where one comrade has behaved badly towards another, they might agree to lodge the agreed outcomes with the Complaints Group and that they could be taken into account should the bad behaviour recur. Or it might be necessary to inform some other comrades of some outcomes in order to implement them. In some circumstances the parties might agree fuller information about their issues and the mediation process which could be used for training purposes.

15.7 Feedback to the Complaints Group

15.7.1 It is desirable if the parties and the mediator can provide feedback to the Complaints Group on their experience of the process for organisational learning. The CG may provide a template for this. Feedback can help improve future mediations, the choice of mediators, and this document. Feedback should relate *only* to the mediation process and *must not* reference any of the content, which would be a breach of confidentiality. Feedback will not be shared with other parties or the mediator unless the person providing it gives explicit consent.

15.8 More information

15.8.1 Though not all of it is relevant or appropriate, there is useful material in the [ACAS guide to mediation](#).