

# The Labour Party

## Head Office

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Newcastle Upon Tyne NE1 6PA  
0345 092 2299 | [labour.org.uk/contact](http://labour.org.uk/contact)

Councillor Jo Bird



BY EMAIL ONLY



10 November 2020

Ref: A674976  
Case No: CN-6214

Dear Councillor Bird,

### Notice of investigation

Allegations that you may have been involved in a breach of Labour Party rules have been brought to the attention of national officers of the Party. These allegations relate to your comments on a Youtube video which may be in Breach of Chapter 2, Clause I.8 of the Labour Party Rulebook It is important that these allegations are investigated and the NEC will be asked to authorise a full report to be drawn up with recommendations for disciplinary action if appropriate.

We are currently at the investigatory stage of the disputes process and at no time during an investigation does the Labour Party confer an assumption of guilt on any party. You are not currently administratively suspended and no restrictions have been placed on the rights associated with your membership at this time.

However, the Party reserves the right to invoke its powers under Chapter 6 Clause I.1.A and Chapter 1 Clause VIII.5 to impose an administrative suspension in the future should the alleged misconduct continue or additional allegations of misconduct come to the attention of the Party.

It has also been determined that this case may be suitable for the use of NEC disciplinary powers under Chapter 1 Clause VIII.3.A.iii\* and Chapter 6 Clause I.1.B\*\* because it involves an incident which may reasonably be seen to demonstrate hostility or prejudice based on race, religion or belief.

This means that, upon the conclusion of this investigation, the NEC may impose such disciplinary measures as it sees fit. These measures include suspension from membership of the Party or from holding office in the Party; withholding or withdrawing endorsement as a candidate; and expulsion from membership of the Party.

Attached to this letter is the draft charge(s), the evidence pertinent to the case, and a series of questions which require your response. Upon receipt of your response, and any evidence you intend to rely on in your defence, the Party will be able to conclude this matter as quickly as possible.

**Please respond in writing to the London address at the top of this letter or by email to**

[disputes@labour.org.uk](mailto:disputes@labour.org.uk) quoting case number CN-6214 within 7 days of the date at the top of this letter.

The Party may consider an extension to this deadline if you are able to provide a clear and compelling reason to do so. The Party will also take reasonable steps to ensure that you have been given an opportunity to respond to these allegations. However, if you do not respond, the NEC is entitled to consider your case without a response.

**You should take this letter and your response seriously. Possible outcomes of the NEC disciplinary process could include your expulsion or suspension from the Labour Party.**

[REDACTED] is the email address that we will be corresponding with during the course of this investigation. If this email is incorrect please call 0345 092 2299 to update it.

The Labour Party's investigation process operates confidentially. That is vital to ensure fairness to you and the complainant, and to protect the rights of all concerned under the Data Protection Act 2018. We must therefore ask you to ensure that you keep all information and correspondence relating to this investigation private, and that do not share it with third parties or the media (including social media). That includes any information you receive from the Party identifying the name of the person who has made a complaint about you, any witnesses, the allegations against you, and the names of Party staff dealing with the matter. If you fail to do so, the Party reserves the right to take action to protect confidentiality, and you may be liable to disciplinary action for breach of the Party's rules. The Party will not share information about the case publicly unless, as a result of a breach of confidentiality, it becomes necessary to correct inaccurate reports. In that case we will only release the minimum information necessary to make the correction. **The Party may also disclose information in order to comply with its safeguarding obligations.**

The Party would like to make clear that there is support available to you while this matter is being investigated. There are a number of organisations available who can offer support for your wellbeing:

- You can contact your **GP** who can help you access support for your mental health and wellbeing.
- **The Samaritans** are available 24/7 – They offer a safe place for anyone to talk any time they like, in their own way – about whatever's getting to them. Telephone **116 123**.
- **Citizens Advice** - Provide free, confidential and impartial advice. Their goal is to help everyone find a way forward, whatever problem they face. People go to the Citizens Advice Bureau with all sorts of issues. They may have money, benefit, housing or employment problems. They may be facing a crisis, or just considering their options.  
<https://www.citizensadvice.org.uk/>
- If you have questions about the investigation process please contact the **Disputes Team**, whose details are included in this letter.

It is hoped you will offer your full co-operation to the Party in resolving this matter.

Yours sincerely,  
**The Governance and Legal Unit**  
The Labour Party

c.c. North West Labour Party

\* Where a determination has been made as a result of a case brought under disciplinary proceedings concluded at NEC stage under Chapter 6 Clause I.1.B below of these rules, to impose such disciplinary measures as it thinks fit including: formal warning; reprimand; suspensions from membership of the Party, or from holding office in the Party (including being a candidate or prospective candidate at any, or any specified, level) or being a delegate to any Party body, for a specified period or until the happening a specified event; withholding or withdrawing endorsement as a candidate or prospective candidate at any, or any specified, level (such disciplinary power shall be without prejudice to and shall not in any way affect the NEC's other powers to withhold endorsement under these rules); expulsion from membership of the Party, in which case the NEC may direct that following expiration of a specified period of not less than two nor more than five years, the person concerned may seek readmission to the Party on that basis that Chapter 6.I.2 is not to apply to that readmission; or any other reasonable and proportionate measure. (Chapter 1, Clause VIII.3.A.iii of the Labour Party Rule Book)

\*\* In relation to any alleged breach of Chapter 2 Clause I.8 above by an individual member or members of the Party which involves any incident which in the NEC's view might reasonably be seen to demonstrate hostility or prejudice based on age; disability; gender reassignment or identity; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, the NEC may, pending the final outcome of any investigation and charges (if any), suspend that individual or individuals from office or representation of the Party notwithstanding the fact that the individual concerned has been or may be eligible to be selected as a candidate in any election or byelection. The General Secretary or other national officer shall investigate and report to the NEC on such investigation. Upon such report being submitted, the NEC or a sub-panel of Disputes Panel may exercise its powers under Chapter 1 Clause VIII.3.A.iii (Chapter 6, Clause I.1.B of the Labour Party Rule Book)

**Please respond to the following questions to the email address outlined in your letter within 7 days of the date on page 1. Your response should include:**

- A written statement of representation in your defence to the draft charge(s) below.
- Any evidence you wish to submit in your defence to the draft charge(s) below.
- A written response to the questions contained in this letter.

**Your response should be submitted in writing to the Disputes Team by email or by post:**

**Email:**

[disputes@labour.org.uk](mailto:disputes@labour.org.uk)

**Post:**

Disputes Team  
The Labour Party  
Southside,  
105 Victoria Street,  
London SW1E 6QT

**Draft Charge**

1. Councillor Jo Bird (the Respondent) has engaged in conduct prejudicial and / or grossly detrimental to the Party in breach of Chapter 2, Clause I.8 of the Labour Party Rule Book by engaging in conduct which:
  - a. undermines the Party's ability to campaign against racism:
    - i. Item 1

**Please respond to these questions to the email address outlined in your letter within 7 days of the date on page 1.**

- 1) Please see the evidence attached overleaf. The Party has reason to believe that this is your Youtube account. Can you confirm this is the case?
- 2) At approximately 2 minutes 45 seconds in this video you state "*1 antisemite is 1 too many but the scale of the problem was dramatically overstated for political reasons.*" Please could you explain what you meant with this statement?
- 3) One of the aims and values of the Labour Party is to work for a just society that "*promotes equality of opportunity and delivers people from the tyranny of [...] prejudice.*" Do you believe that this statement is compatible with the aims and values of the Labour Party? If so, please explain why.
- 4) The aims and values of the Labour Party include acting "*in a spirit of solidarity, tolerance and respect.*" Do you believe that your this statement is compatible with the aims and values of the Labour Party? If so, please explain why.
- 5) The NEC Code of Conduct: Antisemitism and other forms of racism says "*any [...] use of language which [...] undermines Labour's ability to campaign against any form of racism is unacceptable conduct within the Labour Party.*" Do you believe this statement improves or undermines Labour's ability to campaign against antisemitism? Please explain why.
- 6) The NEC Code of Conduct: Antisemitism and other forms of racism says "*any [...] use of language which targets [...] members of ethnic or religious communities [...] is unacceptable conduct within the Labour Party.*" Do you believe your statement targets Jewish people, including Jewish members, as deliberately making up antisemitism complaints to undermine the Labour Party?
- 7) The Code of Conduct: Social Media Policy states that members should "*treat all people with dignity and respect*" and that "*this applies offline and online.*" Do you think your conduct has been consistent with this policy?
- 8) Chapter 2, Clause 1.8 of the Labour Party Rule Book provides:

*"No member of the Party shall engage in conduct which in the opinion of the NEC is prejudicial, or in any act which in the opinion of the NEC is grossly detrimental to the Party. The NEC and NCC shall take account of any codes of conduct currently in force and shall regard any incident which in their view might reasonably be seen to demonstrate hostility or prejudice based on age; disability; gender reassignment or identity; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation as conduct prejudicial to the Party: these shall include but not be limited to incidents involving racism, antisemitism, Islamophobia or otherwise racist language, sentiments, stereotypes or actions, sexual harassment, bullying or any form of intimidation towards another person on the basis of a protected characteristic as determined by the NEC, wherever it occurs, as conduct prejudicial to the Party. The disclosure of confidential information relating to the Party or to any other member, unless the disclosure is duly authorised or made pursuant to a legal obligation, shall also be considered conduct prejudicial to the Party."*

What is your response to the allegation that your conduct may be or have been in breach of

this rule?

- 9) Are there any further matters you wish to raise to the investigation?
- 10) Is there any evidence you wish to submit in your defence?

**Item 1**



(taken from <https://www.youtube.com/watch?v=eGnXTzUzn1s&feature=youtu.be>)