



ANNEXE TO THE CONSTITUTION OF THE WELSH LIBERAL DEMOCRATS APPEALS PANEL

October 2021



PROCEDURAL RULES OF THE WELSH APPEALS PANEL

Jurisdiction

1. The Appeals Panel deals principally with appeals on constitutional matters only, i.e. on the basis of natural justice, breach of the Constitution and unfairness, an example may be an allegation of vote-rigging. Many disputes are outside the jurisdiction of the Panel. For instance any candidate selection disputes would go at first instance to the appropriate Candidates Appeals Committee - unless the selection involved a breach of the Constitution.
2. The Panel should not hear allegations of a breach or unfairness that has not occurred or where another remedy exists that has not been exhausted. [An example was where a Party member approached the Federal Appeal Panel with an allegation that a selection panel who had not reached its decision had acted unfairly. However until a decision had been reached no appeal could be brought and in that example other remedies would then exist before the matter came before the Federal Panel].

Appeal

3. The procedures adopted must be patently fair open and transparent. If there is any dispute about this, the Welsh Appeals Panel can be appealed to the Federal Appeals Panel but ONLY on a matter of breach of natural justice.

Complaint Procedure

4. The Chief Executive's Department of the Party should receive the complaint. They act as a first filter passing on the appropriate complaints to the appropriate bodies. Any complaint should be marked specifically for the attention of the Welsh Appeals Panel and should be passed onto the Chair of the Panel promptly or, in his/her absence, to the Deputy Chair.

Initial Assessment

5. The Chair of the Appeal Panel will assess the complaint, initially for jurisdiction, ie is it a complaint that the Panel can hear. If necessary she/he will seek assistance of other members to decide jurisdiction. Once jurisdiction has been decided the Chair will select a three person panel to meet and deal with



the appeal, one of whom will be appointed as the panel chair; this will necessary involve liaison with the Chief Executive's Department for administrative backup. No member of the Local Party of the parties to the dispute should sit as a member of the Panel.

Pre-hearing Matters

6. The Chair, in consultation with the Panel, will decide on the procedure and timetable in respect of the complaint. In difficult cases a Pre-Hearing Review may be necessary (with or without the complaining parties) to decide format and if any investigations are necessary. In some cases, investigations may be carried out by appointing independent persons to submit reports to the panel and not done by the members themselves. The procedure and timetable must be adhered to.

7. The parties to the complaint will be required to put their complaint and submissions down on paper, which will be circulated to the other parties involved for their reply and vice versa. There may then be (if directed) an oral hearing in which final submissions are made and questions asked, thereafter the Panel will reach a decision. No decision will be announced at such a hearing. The Parties shall be informed that they will receive a decision in due course (once the report had been agreed).

8. In dealing with any complaint the Panel will have regard to Human Rights Act 1998 and in particular to Article 6 of the European Convention of Human Rights.

Report

9. Once the Panel has reached a decision, the Chair of the panel should prepare a report, which must be circulated to the other members of the Panel for amendment/agreement. The final version should then be sent to the parties and circulated to all members of the Welsh Appeal Panel and for information to the Chairperson of the Federal Appeals Panel. The Chief Executive's Department shall be informed of any decision.

Report to Conference

10. The Report will be a matter of record. A sanitised version giving the facts but not identifying the parties* would normally be sufficient to go before Conference



(*in the interests of protecting the parties from unnecessary publicity), together with any recommendations that have been made. Another safeguard may be that this is done during a session of Conference where members of the press are excluded.