

Speaking Out – Policy and Procedure

1. Scope

- 1.1. This Policy applies to all members of the Green Party of England and Wales.
- 1.2. Staff employed by the Party have a separate Whistleblowing Policy, available in Staff Resources on SharePoint.¹

2. Purpose

- 2.1. The Party recognises there are times that our procedures for working together fail us. Our Philosophical Basis says that we look for non-violent solutions to conflict situations, which take into account the interests of minorities and future generations in order to achieve lasting settlements.
- 2.2. This Policy sets out how members can speak out about issues that concern them **regarding the Party's internal working practices**. This can concern malpractice by individuals or Party bodies or fraud.

3. Introduction

- 3.1. All organisations face the risk of things going wrong or unknowingly harbouring malpractice.
- 3.2. By encouraging members to speak out the Party aims to address and learn from situations where things have gone wrong.
- 3.3. Each year, a record of the improvements put in place by the Party in response to speaking out will be included in the Green Party Regional Council (GPRC) Co-Chairs report to the AGM. Any member who wishes may put questions to the co-chairs which may be addressed at the AGM.

4. When to use this Policy

- 4.1. In line with our Philosophical Basis, we believe that issues should be resolved through dialogue between the individuals affected. You are encouraged to seek

¹ Whistleblowing by employees or more properly “Making a declaration in the public interest” brings with it protection under the law via the Public Interest Disclosures Act 1998. These protections only apply to employees.

to address your issues with the individuals concerned in the first instance. Our Alternative Disputes Resolution Committee is available to help facilitate this conversation via coordinator@drc.greenparty.org.uk.

- 4.2. If you believe the Party's Constitution or Code of Conduct or Policy on Harassment, Bullying and Discrimination has been breached or someone has otherwise brought the Party into disrepute, then the disputes and complaints process should be used which is available [here](#).
 - 4.3. If your concerns relate to a child, young person or adult at risk being at risk from actual or potential harm then Safeguarding Policy should be used which is available [here](#).
 - 4.4. **You should use this Policy only when you have concerns that there is malpractice in the Party.** 'Malpractice' refers to actions which may be:
 - Illegal, improper or unethical
 - Possible fraud or misuse of party funds
 - 4.5. This Policy should not be used for personal grievances. If you have concerns regarding how another member has behaved towards you then you ought to consider whether they have acted in breach of any of the policies outlined at paragraph 4.2 such that you could appropriately raise your concerns with the Party via the Party's disputes and complaints process.
5. **Protection of those speaking out**
- 5.1. The Party recognises that making allegations under this Policy is difficult and takes a personal toll on the person raising the issues.
 - 5.2. No action via the disputes or complaints process will be taken against a member who uses this Policy to make allegations of malpractice where they reasonably believe that (i) the information they are disclosing is substantially true and (ii) it is in the Party's interest to make the allegations even if they are not substantiated by an investigation.
 - 5.3. Action may be taken against a member who uses this Policy to make allegations if, following an investigation into the allegations made, it is concluded that the allegations were made without a reasonable belief that the information being disclosed was substantially true and/or without a reasonable belief that it was in the Party's interest to make them e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of collective interest.

6. Making an allegation

- 6.1. Allegations should be made verbally or in writing to one or more of the following people: the Chief Executive (ceo@greenparty.org.uk), the Chair of Green Party Executive (chair@greenparty.org.uk) or the Co-Chairs of GPRC (gprccochoairs@greenparty.org.uk). These are the “named people”.
- 6.2. The Party recognises that the choice of person to whom a member makes an allegation may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the member making the allegations believes that members of the staff management team is involved it could be inappropriate to raise it directly with the CEO. The member may then make an allegation direct to one of the other named people.
- 6.3. If all of the named people are suspected of malpractice the allegation should be made to your GPRC representative/s. Their details are available on the [GPRC Page](#). They are then also a “named person”.
- 6.4. When making an allegation you should include:
 - Your name and contact details (unless it is anonymous);
 - The background and history of the allegation (giving relevant dates and names and positions of those who may be witnesses to your allegations);
 - The specific reason for the allegation. Although you are not expected to prove the truth of any allegations, you will need to provide enough information to the named person/people you have contacted to establish that there are reasonable grounds for the allegation.
- 6.5. If you have a requirement for reasonable adjustments to use this Policy please contact ceo@greenparty.org.uk to discuss how you can be supported.

7. Confidentiality

- 7.1. All allegations will be treated confidentially and every effort will be made not to reveal the identity of the member making the allegation, unless they request otherwise. If the matter is subsequently dealt with through other Party procedures such as disputes and disciplinary, decisions over confidentiality will then fall under those procedures.
- 7.2. Similarly, if the allegation results in court proceedings then the member may have to give evidence in open court if the case is to be successful.

- 7.3. The Party will not, without the member's consent, disclose the identity of the member to anyone other than the named people (except for any named person included in the allegation/s) or a person involved in the investigation of the allegation.
- 7.4. It should be understood, however, that an investigation of any malpractice may need to identify the source of the information and a statement by the individual may be required as part of the investigation.
- 7.5. As the Party will seek to protect the identity of the member so the member making the allegation is required to respect the confidentiality of the Party. Members with concerns about malpractice in the Party are required to use this Policy rather than putting their concerns into the public domain. Members raising their concerns in public who have not first used the party's processes may be considered to have brought the party into disrepute, where the disputes and complaint process will apply.

8. Anonymous Allegations

- 8.1. Members are encouraged to speak out in their own name as anonymous allegations may be difficult to substantiate.
- 8.2. Anonymous allegations will be considered at the discretion of the named persons.
- 8.3. When considering an anonymous allegation the named people will take into account:
 - The seriousness of the issue raised;
 - The credibility of the allegation; and
 - Whether the allegation can realistically be investigated from factors or sources other than the complainant.

9. Action following receipt of an allegation

- 9.1. Any named person who receives an allegation under this Policy may discuss it with all or some of the other named persons, so long as they are not a party to the allegation.
- 9.2. The named person who receives the allegation will provide a simple acknowledgement within two working days of receipt. A record will be made on the Party's Speaking Out log (see paragraph 13 below).

- 9.3. The named person who receives the allegation may make any initial investigations on the allegations as they see fit for the purpose of deciding how the allegations ought to be dealt with.
- 9.4. Within 5 working days of the receipt of the allegation, three of the named people will meet to discuss the allegation (any named person included in the allegation/s to be excluded). They will conclude whether it is an allegation to be dealt with under this Policy, or if the member should be advised of another party process, or if the allegation requires no further investigation. In the event that more than one of the named people are included GPRC representative/s will be asked to join the conversation to make it a meeting of three people.
- 9.5. If the allegation relates to fraud, potential fraud or other financial irregularity the Treasurer will be informed within 5 working days of receipt of the allegation. The Treasurer will determine whether the allegation should be investigated and the method of investigation.
- 9.6. If the allegation discloses evidence of a criminal offence it will be reported to the appropriate Police service as promptly as feasible.
- 9.7. If the allegation concerns suspected harm to a child or young person or an at risk adult the Safeguarding policy of the Party will be used and the appropriate authorities will be informed immediately.
- 9.8. Within two working days of this meeting the member will be advised in writing of the decision on their allegation.
- 9.9. If it is concluded that the allegations need to be investigated the named persons may appoint a team to assist them in the investigation. In some instances, where the Party considers it appropriate to do so, an external investigator will be appointed.

10. Support

- 10.1. Someone making an allegation may be accompanied by another member of the Party of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another policy or procedure the right to be accompanied will at that stage be in accordance with the relevant policy or procedure.

- 10.2. The person accompanying the member must respect the confidentiality of the member making the allegations, including disclosures made during any meetings or interviews they attend with the member.
- 10.3. The Party will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a member making an allegation is required to give evidence in criminal or disciplinary proceedings the Party will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

11. Guidelines for the investigation team

- 11.1. The named people will agree how a comprehensive investigation will be conducted. A terms of reference for the investigation will be prepared and shared with the member making the allegation/s.
- 11.2. When an allegation concerns fraud or misuse of party funds, one of the named people must consult with the Party Treasurer and/or Auditor regarding the investigation process, approval of investigation, terms of reference (TOR) and any other relevant legal documentation.
- 11.3. Investigations may be completed by appropriately experienced members, Green Party staff, or by a third party.
- 11.4. Any investigation is required to be done without regard to any person's relationship with the Party, position or length of service including time in public office or as a public elected official.
- 11.5. Best endeavours should be made by anyone investigating to preserve the confidentiality of the member making the allegation/s. Anyone being interviewed for the investigation will be required to keep the conversation confidential.
- 11.6. The purpose of the investigation is to establish the facts. All work of the investigation team should be documented, including transcripts of interviews conducted. The investigation should be held in a timely manner and the named people should be kept informed of any major developments.
- 11.7. The investigating team may discover further or conflicting evidence regarding the allegation/s during their investigation. For example, they may discover that evidence has been falsified, or that fraudulent activity was more extensive than previously thought. If this occurs the named people should be advised so that they can alter the terms of reference.
- 11.8. If external expert advice is required, for example the opinion of a lawyer, this advice should be summarised in an appendix to the investigation report.

12. Investigation Report

- 12.1. The Investigation Report will contain all details relating to the investigation and a timeline of all the events which took place. The report may also contain

the recommendations of the investigation team on the course of action to be taken.

- 12.2. The Investigation Report will be sent to all the named persons (unless they are the subject of the allegation) who will agree the appropriate action to be taken.
- 12.3. The member(s) who initially made the allegations should be informed of the recommendations of the investigation, but this should be done only once the report and proposed course of action has been finalised.
- 12.4. Sometimes the need for confidentiality may prevent specific details of the investigation or any recommendations or action taken as a result from being shared.
- 12.5. Any information about the investigation should be treated as confidential.
- 12.6. The following actions may arise from an allegation under this Policy:

Disciplinary procedures

Any party member who, in the course of their volunteering or work for the Party, is found guilty through the Courts of fraud, criminal negligence or any ongoing criminal activity which poses a danger to the wider public, has violated the Party Code of Conduct and will be expelled automatically (but may retain the right to appeal) according to the Party disciplinary processes.

The Party will refer fraud, criminal negligence or any ongoing criminal activity which poses a danger to the wider public, to the appropriate police service with a view to initiating criminal prosecution.

Changes to systems of controls

Any investigation is likely to highlight where there has been a failure of supervision and / or a breakdown or absence of control. The course of action required to improve systems should be documented in the investigation report and implemented when this report is finalised.

Recovery of losses

Where the Party has suffered loss, full restitution will be sought of any benefit or advantage obtained and the recovery of costs will be sought from individual(s) or organisations responsible for the loss.

If the individual or organisation cannot or will not make good the loss, consideration will be given to taking civil legal action to recover losses. This is in addition to any criminal proceedings which may result.

Donor and regulatory reporting

The Party complies with requirements in relation to fraud reporting when it comes to donations. All investigators should make themselves aware of the requirements of the law of England and Wales in relation to donations to political parties.

In cases of fraud or suspected fraud, details of the case should be reported to the relevant people as set out above, including the Party's Auditor. The Auditor will prepare the required reporting for the relevant regulatory body. This may include a suspected fraud notification report prior to the investigation commencing and/or a fraud investigation conclusions report. These reports will be submitted to the regulatory body by the relevant person.

Application to Suppliers, Contractors and Consultants

Contracts with these third parties should make explicit reference to the existence of this Policy and should require suppliers, contractors and consultants to report any frauds that arise in their dealings with the Party or that in any way involve our resources. All contracts with partners and consultants should either include a copy of this Policy as an attachment or clearly specify where a copy can be obtained.

13. Speaking Out Log

- 13.1.** A register will be kept by the CEO/Head of Governance of all member allegations made under this Policy which will record the following details:
- The name and status (e.g. elected member) of the member
 - The date on which the allegation was received
 - The nature of the allegation
 - Details of the person who received the allegation
 - Whether the allegation is to be investigated and, if yes, by whom
 - The outcome of the investigation
 - Any other relevant details
- 13.2.** The Register will be confidential and only available for inspection by GPRC.
- 13.3.** The CEO in collaboration with the Co-Chairs of GPRC will report to each GPRC meeting on the operation of the procedure and on the allegations made since the previous GPRC meeting. The report will be in a form which does not identify the person making the allegation.

14. Effective Date

- 14.1. This Policy will come into effect immediately upon approval by the GPRC.
- 14.2. Any persons part of the approval process who are currently subject to a whistleblowing complaint or having made one themselves should declare their interest or be recused.
- 14.3. The Policy cannot be used retrospectively for Whistleblowing complaints made prior to the effective date of this document.

15. Review of this Policy

- 15.1. In the interests of maintaining best practice, the contents of this Policy will be reviewed by the GPRC every three years from the current date of review which is 2023.
- 15.2. In the interim, the CEO and the Party ruling bodies are authorised to make adjustments as may be required by changes to statutory obligations. Revision will also need approval by the GRPC or any new Council that acts in place of GPRC.