

HR

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Revision status

Each document has an individual record of amendments. The current amendments are listed on this page.

On issue of revised or new pages each controlled document should be updated by the copyholder in the department.

Amendment Date	Issue no. Discarded	Insert Issue no	Page	Section(s) involved	Amendment
08/07/2020	1	1.1	All	All	Following discussions with HR.
14/07/2020	1.1	1.2	All	All	Following discussions in the stakeholder group
19/10/2020	1.2	2	All	All	Revisions following review of members' whistleblowing policy
26/10/2020	2	2.1	All	All	Amended following comments from AfCom representative

Governance

This policy will, when subject to review, be consulted upon with the Green Party employees and will also be required to be approved by the appropriate Governance body. Any issues regarding matters of policy should there be any concerns regarding this policy will be considered by the appropriate Governance body.

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1. Purpose

The Green Party is committed to encouraging a climate of openness and dialogue endorsed by positive working relationships between management and employees. The Party promotes an environment where employees feel able to raise concerns which are in the public interest in a responsible way without fear of victimisation. The Party will always encourage employees to raise the issues informally with their line managers first but that if they have concerns that their fears / suspicions would not be dealt with, or had been ignored previously then they should think about raising a whistleblowing complaint if it falls under the criteria as specified in Section 3.

This policy provides information, guidance, and a procedure for “Whistleblowing”, when employees want to raise concerns at work. Employees may have concerns which do not fall under this policy or do not meet the criteria of “Whistleblowing”. In such instances, employees are encouraged in the first instance to speak to their line manager, any other senior manager, the chair of GPEx or one of the chairs of GPRC to determine the most appropriate way to resolve the issue.

This policy sets out the Party's position and provides guidance on how employees can “whistle blow” about something that is, or could result in, a danger to employees, members of the Party, the public or other colleagues; professional misconduct; or financial malpractice, whilst maintaining the appropriate level of confidentiality and respecting the rights of employees, members of the party, and members of the public.

The Party has introduced this policy to enable all employees to ‘raise concerns’ safely so that such issues are raised at an early stage and in the right way. The Party is committed to dealing responsibly, openly, and professionally with concerns raised. Any employee “whistleblowing” will be supported by the Party and their managers and protected from negative repercussions from “whistleblowing”. Any employee(s) who “whistle blows” honestly, regarding public interest and are not themselves acting illegally, maliciously or for personal gain, will not be penalised for doing so.

2. Scope

This policy applies to all employees on Party contracts of employment, and those staff who work within the Party in the provision of services but who are not the Party's employees.

3. Public Interest Disclosure Act

"Whistleblowing" is the term used when an employee passes information concerning wrongdoing. The legislation associated with “whistleblowing” is the Public Interest Disclosure Act, 1998 (PIDA), which sets out specific disclosures of information which are categorised as “qualified disclosures” and provides protection to employees against dismissal or adverse treatment in employment as a consequence of making

the disclosure, within certain procedural requirements which are set out in this document.

When making a “qualifying disclosure”, the whistleblower will be protected if they reasonably believe two things:

Firstly, that they are acting in the interests of the Party, or the general public interest.

Secondly, that they have a reasonable belief that disclosure tends to show past, present or likely future wrong doing falling into one or more of the following categories:

- Failure to comply with an obligation set out in law;
- A breach of specific legislation such as that coming within the framework of health and safety laws or equalities laws or similar;
- An actual criminal offence such as fraud;
- Miscarriage of justice;
- Covering up wrongdoing;
- Damage to the environment;
- That the health or safety of any individual has been, is being or is likely to be endangered.
- That the office environment has been, is being or is likely to be damaged; or
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Under PIDA, a disclosure may be made to:

- The employer or other responsible person (e.g. Chief Executive)
- A legal adviser
- A Minister of State
- A prescribed regulator
- Any other person when it is reasonable to do so

4. Procedure for Making an Allegation

4.1 Informal Procedure

Employees are encouraged to raise any concerns that could be considered as “whistleblowing” to any appropriate line manager or a senior manager in the Finance department to ensure a speedy resolution. Managers will consider the issue seriously and fully, offering any support as appropriate. Managers should also check whether the person raising these concerns is doing so openly or confidentially.

Feedback should be provided to the employee on any action taken (if necessary/ appropriate) with an explanation provided to the person who “whistle-blower” in a timely manner.

4.2 Formal Procedure

The formal reporting procedure should be applied when an employee feels that the outcome of the informal process has not reached a satisfactory conclusion, or, for whatever reason, feels unable to report or resolve matters through their line management.

Formal whistleblowing allegations should be made to one of the Prescribed Persons within the Party.

The Prescribed Persons are the CEO, the Chair of GPEX and either of the Co-Chairs of GPRC.

The Party recognises that the choice of person to whom an employee 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 whistleblower believes that management is involved it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation direct to one of the other named Prescribed Persons.

If a Prescribed Person receives an allegation they will consider the allegation and may discuss it with any of the other Prescribed Persons, unless it concerns that person.

4.3 Reporting

The Party recognises that the decision to make an allegation can be a difficult one. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to the Party and/or to the General Public.

The Party will take appropriate action to protect a whistleblower who makes a serious allegation in the reasonable belief that it is in the public interest to do so, from any reprisals, harassment or victimisation.

4.4 Confidentiality

All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests. However, if the matter is subsequently dealt with through other Party procedures such as SOPD, decisions over confidentiality will then fall under those procedures.

Similarly, if the allegation results in court proceedings then the whistleblower may have to give evidence in open court if the case is to be successful.

The Party will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation of the allegation.

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 evidence.

4.5 Anonymous Allegations

This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Prescribed persons.

In exercising discretion to accept an anonymous allegation the factors to be taken into account are:

- 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

4.6 Allegation

Whether a written or oral report is made it is important that relevant information is provided by the whistle blower including:

- The name of the person making the allegation and a contact point (unless it is anonymous).
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the Prescribed Person they have reported to, to establish that there are reasonable grounds for the allegation.

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

4.7 Action on receipt of an Allegation

The Prescribed Person will record details of the allegation on the Whistleblowing Register, gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation:
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower

If the Prescribed Person makes an assessment based on the initial investigation that the whistleblowing complaint does not require further investigation, they must discuss their findings with the other Prescribed Persons (unless they are the subject of the allegation) before further action is taken, which may include dismissal of the allegation. When the other Prescribed Persons have been previously involved, the Party may wish to discuss the findings with an independent third party.

If a further investigation is needed, the Prescribed Persons will appoint a team to assist them in the investigation, as appropriate, depending upon the nature and seriousness of the allegation.

The investigators will ask the whistleblower for their preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

The investigators will follow the guidelines in Appendix 1.

If the allegation relates to fraud, potential fraud or other financial irregularity the Treasurer will be informed within 7 calendar days of receipt of the allegation. The Treasurer will determine whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence it will immediately be considered by the Co-Chairs of GPRC together with the on-call GPRC councillors and a decision will be made as to whether to inform the Police.

If the allegation concerns suspected harm to a child or young person, the Safeguarding policy of the Party will be used and the appropriate authorities will be informed immediately.

If the issue is around suspected harm to a vulnerable adult, the Safeguarding Policy will be followed.

4.8 Timetable

An acknowledgement of the allegation in writing within 10 working days with

- An indication of how the Party propose to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistleblower support mechanisms
- Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, clearly the Party will be unable to communicate to the whistleblower what action has been taken.

The Party will not be able to inform whistleblowers of any matters which would infringe the duty of confidentiality owed to others.

The Party will always strive to handle all matters fairly and properly.

4.9 Support

The Party will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower 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.

The Party accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

4.10 Responsibility for the Procedure

The CEO and Co-Chairs of GPRC have overall responsibility for the operation of this procedure, for determining the administrative processes to be followed and the format of the records to be kept.

5. Actions arising from whistleblowing investigations

5.1 Disciplinary procedures

If the outcome of whistleblowing procedure suggests that an employee's behaviour is a cause for concern, the issue will be considered under the Party's disciplinary procedure.

In addition, where appropriate, the Party will refer significant fraud, criminal negligence or any ongoing criminal activity which poses a danger to the wider public, to the local law enforcement agencies with a view to initiating criminal prosecution. Consideration should be given to the local context and the consequences in terms of human rights of initiating criminal prosecution against the individuals involved. In every case, the final decision whether or not to prosecute should be taken by the CEO with the agreement of the Co-chairs of GPRC.

5.2 Changes to systems of controls

Any whistleblowing 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.

5.3 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.

5.4 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.

5.5 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.

5.6 Victimisation, reprisal, or reproach

All allegations of victimisation, reprisal, or reproach as a result of "whistleblowing" in good faith under this policy and in line with the PIDA, will be investigated and could lead to disciplinary action.

5.7 Untrue Allegations

This policy is intended to enable and encourage employees to raise genuine "whistleblowing" issues about possible wrongdoing at work without fear of reprisal and to reassure employees that such matters will be dealt with seriously and effectively by the Party. No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. Management will assume that all protected disclosures are raised in good faith. However, in the event that a disclosure is frivolous, malicious, or vexatious, the complainant raising it may be subject to disciplinary action in accordance with the Disciplinary Policy and the Anti-Bullying and Harassment Policy.

6. Register

A register will be kept by the CEO/Complaint's Manager of all whistleblowing allegations which will record the following details:

- The name and job title of the whistleblower
- 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

The Register will be confidential and only available for inspection by GPRC.

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 whistleblowing allegations made since the previous GPRC meeting. The report will be in a form which does not identify whistleblowers.

7. Reporting externally

The main purpose of the Whistleblowing policy and procedure is to give employees the opportunity and protection they need to raise concerns internally. The Party would expect that, in almost all cases, raising concerns internally would be the most appropriate action for employees to take.

If it may be in the public interest and employees reasonably believe the information and allegations are substantially true, they can consider raising the matter with the appropriate regulator (for example FSA, Ofsted etc), where relevant.

An employee who has made use of this procedure and still wishes to consult their local MP or contact the media is strongly advised to seek informed advice (e.g. from legal source or a trade union representative) before doing so. Whilst some wider disclosures to the media are protected under PIDA, the circumstances under which they are protected are tightly defined.. If staff are personally approached by a member of the media, they must direct the inquiry to the communications team.

Any employee who is considering making a disclosure of confidential information because they consider it to be in the public interest, is advised to seek specialist advice (e.g. from professional organisations, trades unions etc.) before taking action.

8. Monitoring and Review

The policy will be reviewed on an ongoing basis to reflect any changes in the law, demographics, and internal business requirements.

In particular, the HR team will monitor the implementation of this policy by each protected characteristic, and they will then review this policy in accordance with the results shown by the monitoring.

The policy will be reviewed on an ongoing basis to reflect any changes in the law, demographics and internal business requirements. Any minor changes to the policy, following any HR reviews, will be discussed and communicated via the Joint Negotiating Committee or equivalent.

Any substantial changes to the policy will be done through the Joint Negotiating Committee or equivalent. Policies changes will be consulted or negotiated with the Union as per the current Trade Union Recognition Agreement.

The Party will process any personal data collected in accordance with its Data Protection Policy. Data collected will be held securely and accessed by, and disclosed to, individuals only for the purposes of providing the necessary support.

Appendix 1: Guidelines for the investigation team

By consultation between the Prescribed Persons, arrangements must be made for a comprehensive investigation of the issue.

In circumstances of protected disclosures regarding financial malpractice, one of the Prescribed Persons 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.

Investigation Team

Investigations may be completed by appropriately experienced independent Party staff, or by independent third parties. If any criminal activity such as fraud has financial implications it is recommended that a person with suitable financial skills and experience is a part of the investigation team. An 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.

In the case of a fraud allegation, the Prescribed Persons will not be involved in the investigation directly as they will be the ones to review the investigation report and be involved in the decision on any disciplinary action to be taken. The investigation team should comprise at least two members. If a translator is required, this should be an independent translator.

Safeguards for reporting must be applied in all cases therefore when conducting their investigation, investigators must be alert not to act in a way or reveal documents or other information that will allow others to guess that there is a whistleblower involved or to work out who they might be.

Investigation

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 Prescribed Persons should be kept informed of any major developments.

The investigating team may discover further or conflicting evidence regarding the allegation during their investigation. For example, they may discover that evidence has been falsified, or that fraudulent activity was more extensive than previously thought. This should be raised with the Prescribed Persons, so that they can consider whether to take appropriate action such as to widen the remit of the investigation or take disciplinary action against the complainant.

(A confidentiality clause must form part of any investigatory interview notes sign-off statement. Breaches of confidentiality may result in disciplinary action for employees or active volunteers of the Party. To maintain confidentiality, disclosure of details of the allegation being investigated should be appropriate to the situation and to the person being interviewed, whilst not misleading the witness in any way.)

Where external expert advice is required, for example the opinion of a lawyer, this advice should be summarised in an appendix to the investigation report.

Investigation Report

The conclusion of all whistleblowing investigations must be documented. The Investigation Report will contain all details relating to the investigation and a timeline of all the events which took place. The Report will also include the transcripts of any interviews undertaken and any legal advice received as an Appendix. The report may also contain the recommendations of the investigation team on the course of action to be taken.

The Investigation Report will be sent to all the Prescribed Persons (unless they are the subject of the allegation) who will agree the appropriate action to be taken.

The person(s) who initially reported the suspicions should be informed of the outcome of the investigation but this should be done only once the report and proposed course of action has been finalised.