

Ryders Hayes School

A Primary Learning Academy



Whistleblowing Policy

Ryders Hayes School
Gilpin Crescent
Pelsall
Walsall
01922 683008
postbox@ryders-hayes.co.uk

Author: Sally Miner
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Mission: At Ryders Hayes School, children and staff will strive to:

'Do the right thing to be the best you can be'... 

Vision: *To nurture and facilitate the growth of our pupils and their learning; equipping them with the skills and attributes to embrace the challenges of a rapidly changing world. To enjoy success for today and be prepared for tomorrow, by instilling the values of:*

Character: *qualities of the individual essential for being personally effective in a complex world including: grit, tenacity, perseverance, resilience, independence, reliability and honesty.*

Citizenship: *upholding British Values, thinking like global citizens, considering global issues based on deep understanding of diverse values with genuine interest in engaging with others to solve complex problems that impact human and environmental sustainability*

Collaboration: *the capacity to work interdependently and synergistically in teams with strong interpersonal and team-related skills including effective management of team dynamics, making substantive decisions together, and learning from and contributing to the learning of others.*

Communication: *entailing mastery of three fluencies: digital, writing and speaking tailored for a range of audiences, through early, high-quality back and forth interaction.*

Creativity: *having an 'entrepreneurial eye' for economic and social opportunities, asking the right questions to generate novel ideas and explore possibilities, demonstrating leadership to pursue those ideas into practice.*

Critical Thinking: *critically evaluating information and arguments, reflecting upon them, seeing patterns and connections, constructing meaningful knowledge and applying it in the real world.*

Ryders Hayes is a Gold Rights Respecting School and as such strongly believes in and promotes the United Nations Convention on the Rights of the Child. All our policies exemplify these rights and our practice aims to ensure that the following rights are adhered to.

Article 3: The best interests of the child must be a top priority in all things that affect children.

Article 12: Every child has the right to have a say in all matters affecting them, and to have their views taken seriously.

Article 13: Every child must be free to say what they think and seek and receive all kinds of information, as long as it is within the law.

Article 14: Every child has the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights of parents to give their children information about this right.

Article 19: Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Article 28: Every child has the right to an education. Primary education must be free. Secondary education must be available for every child. Discipline in schools must respect children's dignity. Richer countries must help poorer countries achieve this.

Article 29: Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and their environment.

Article 30: Every child has the right to learn and use the language, customs and religion of their family, regardless of whether these are shared by the majority of the people in the country where they live.

Article 36: Governments must protect children from all other forms of bad treatment.

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1. Introduction

- 1.1 The Governing Body is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.
- 1.2 This policy has been implemented following consultation but not agreed with the recognised trade unions. It has been formally adopted by the Trust Board
- 1.3 This policy does not form part of any employee's contract of employment or other contact to provide services and it may be amended at any time.

2. Scope and purpose

- 2.1 The aims of this policy are:
 - (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - (b) To provide staff with guidance on how to raise concerns.
 - (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 2.2 This policy applies to all employees of Ryders Hayes School, Trustees, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

3. What is whistleblowing?

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there are wrongdoing or dangers at work. This may include:
 - (a) criminal activity;
 - (b) miscarriages of justice;
 - (c) danger to health and safety;
 - (d) damage to the environment;
 - (e) failure to comply with any legal or professional obligation or regulatory requirements;
 - (f) bribery;
 - (g) financial fraud or mismanagement;

- (h) negligence;
- (i) breach of our internal policies and procedures (including our Code of Conduct);
- (j) conduct likely to damage our reputation or financial wellbeing;
- (k) unauthorised disclosure of confidential information;
- (l) unethical behaviour
- (m) the deliberate concealment of any of the above matters.

3.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should refer to the schools Grievance Procedure.

3.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at 3.1 above (for example, a breach of our internal policies), you should discuss with a member of the Ryders Hayes School leadership team which route is the most appropriate.

3.5 If you are uncertain whether something is within the scope of this Policy, you should seek advice from a member of Ryders Hayes' leadership team.

3.6 If your concern is in relation to Safeguarding and the welfare of pupils at Ryders Hayes School, you should consider whether the matter is better raised under The School's Child Protection Policy and in accordance with the arrangements for reporting such concerns, ie via the Designated Safeguarding Lead, although the principles set out in the is policy may still apply.

4. Raising a whistleblowing concern

4.1 We hope that you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree on a way of resolving your concern quickly and effectively.

4.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with:

- (a) Sally Miner, Executive Head Teacher and Jasvinder Paul, Head Teacher are the members of the Senior Leadership Team who are responsible for managing whistleblowing complaints.
- (b) The Chair of Trustees

4.3 Contact details are set out at the end of this policy.

- 4.4 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.5 If your concerns are about allegations of abuse by the Head Teacher, then allegations should be reported to the Executive Head Teacher, and if allegations are about The Executive Head Teacher then these should be reported to The Chair of Trustees, who will liaise directly with the designated officer(s) at the local authority. You may consider discussing any concerns with the School Designated Safeguarding and Pastoral Lead and make any referral via them.
- 4.6 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

5. Confidentiality and data protection

- 5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offers a confidential helpline. Their contact details are given at the end of this policy.
- 5.3 Where we receive anonymous complaints we will make a determination about whether to investigate based on:
 - (a) the seriousness of the issue raised
 - (b) the credibility of the concern; and
 - (c) the likelihood of confirming the allegation from other sources
- 5.4 As part of the application of this policy, Ryders Hayes School may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to

the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our (Workforce Privacy Notice), our (Retention and Destruction Policy) and in line with the requirements of Data Protection Legislation.

6. External disclosures

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Public Concern at Work holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively the list is available from the Department for Business, Energy & Industrial Strategy¹.
- 6.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

7. Investigation and outcome

- 7.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) will collate findings on the matter and may make recommendations for change to enable us to minimise the risk of future wrongdoing. This will be sent to the Head Teacher and/or Trust Board for their action.
- 7.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

¹

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>

- 7.4 If we conclude that a whistleblower has made false allegations maliciously, or with a view to personal gain, the whistleblower may be subject to disciplinary action.
- 7.5 The law explicitly prohibits reprisals and introduces safeguards to prevent the whistleblower from being suspended, demoted and intimidated. Those assisting whistleblowers, such as facilitators, colleagues, relatives are also protected.
- 7.6 A disclosure which is made in self-interest may also be made in the public interest. Before disciplinary action is taken the school will have to provide evidence that a disclosure was made for self-interest only.

8. If you are not satisfied

- 8.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4.2. Alternatively you may contact the Chair of Trustees or our external auditors (if appropriate). Contact details are set out at the end of this policy.

9. Protection and support for whistleblowers

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 4.2 immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action. In some cases, the whistleblower could have a right to sue an individual personally for compensation in an employment tribunal.
- 9.4 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

10. Review of policy

- 10.1 This policy is reviewed every three years by Ryders Hayes School Full Trust Board in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

11. Contacts

Whistleblowing Officers Head Teacher	Jasvinder Paul 01922 683008 j.paul@ryders-hayes.co.uk
Executive Head Teacher	Sally Miner 01922 683008 s.miner@ryders-hayes.co.uk
Chair of Trustees	Connie Beirne c.beirne@ryders-hayes.co.uk Or email: e.harrington@ryders-hayes.co.uk
Ryders Hayes' School external auditors	Feltons 0121 236 1810
Confidential counselling hotline	Walsall Talking Therapies 0800 953 0995
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk
Department for Education	Telephone: 0370 000 2288 Website: www.gov.uk/government/organisations /department-for-education
Ofqual	Telephone: 0300 303 3344 Website: www.gov.uk/government/organisations /ofqual