

Public Interest Disclosure ('Whistleblowing')

What this policy covers

The School constantly strives to safeguard and act in the interest of the public and its employees. It is important to the School that any fraud, misconduct or wrongdoing, by employees or other agents, is reported and properly addressed.

This policy applies to all employees and all other agents of the School, who are encouraged to raise concerns in a responsible manner. The School prefers that a concern is raised and dealt with properly, rather than kept quiet.

Your responsibilities

You are encouraged to bring to the attention of the School any practice or action of the School, its employees or other agents that you reasonably believe is against the public interest, in that the practice or action is:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- an attempt to conceal information on any of the above

Any individual raising legitimate concerns will not be subject to any detriment, either during or after employment. The School will also endeavour to ensure that the individual is protected from any intimidation or harassment by any other parties.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work, which should be raised under the School's Grievance Procedure.

Procedure

In the first instance, you should raise any concerns you have with your manager. If you believe your manager to be involved, or if, for any reason, you do not wish to approach your manager, then you should raise it with a more senior person in the School.

Any matter raised under this policy will be investigated promptly and confidentially. The outcome of the investigation, as well as any necessary remedial action to be taken, will be confirmed to you. If no action is to be taken, the reason for this will be explained to you.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you raise any concerns under this policy, the School is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment. Any such incidents will be dealt with under the School's Disciplinary Procedures.

Escalating your concern

If you are dissatisfied with this response, you should raise your concerns in writing directly with a more senior person in the School.

If, after escalating your concerns, you believe that the appropriate remedial action has not been taken, you should then report the matter to the proper authority. These authorities include:

- HM Revenue & Customs
- the Financial Conduct Authority
- the Health and Safety Executive
- the Environment Agency or Scottish Environmental Protection Agency
- the Information Commissioner

This list is not intended to be exhaustive, and you must take care to ensure you contact the proper authority in relation to the particular concerns you have.

If you are unsure as to the appropriate authority, advice can be sought from Public Concern at Work which is an independent Whistleblowing Charity. Their contact details are at the end of this policy.

If you raise a false allegation and you are found to be culpable, or in any way involved in the wrongdoing, or if you raise a concern maliciously or in a manner not prescribed in this policy, then you may be subject to disciplinary action up to and including dismissal without notice for gross misconduct.

You should not disclose to a non-relevant third party any details of any concern raised in accordance with this policy, and you must not, in any circumstances, publicise your concerns in any way.

Independent advice

Independent advice and support can be obtained from Public Concern at Work (Independent Whistleblowing Charity):

Email address	whistle@pcaw.co.uk
Tel	Tel:020 7404 6609
Website	www.pcaw.co.uk

References

Employment legislation has highlighted the need for employers to ensure that references, offered on behalf of the School, contain accurate, factual information and do not include comments which could be construed as discriminatory or negative. The legislation applies to references for previous employees as well as existing personnel. Data protection legislation must be followed at all times and the School's Data Protection policy offers further and clear guidance.

Your responsibilities

In order to comply with all legislation with regard to providing references the following guidance should be followed in dealing with requests for School references for existing or previous employees. Any information given about another employee that is produced on the School's letterhead, other School stationery or with the declaration under the name of Maira House Girls School is defined as a School reference. This guidance is also required to be followed whether the reference is for a potential new position or for any other purpose (i.e. mortgage applications, etc.):

HODs and Senior Managers are key contributors to collating and preparing information for references. No other person in the organisation is permitted to provide a written or verbal reference on behalf of the school.

Copies of all requests for School references should be forwarded to the Principal or the relevant member of the Senior Leadership Team so that factual details can be provided from employee files before the Head of Department produces any reply.

HODs and Senior Managers dealing with the reference requests for current employees should ensure that the individual to whom the request for the reference relates has given his/her consent for a reference to be provided.

The reference should explain the following:

- the dates of the employee's employment with the school
- the employee's job title
- a short description of the employee's key job duties and level of responsibility
- whether or not the individual held responsibility for staff, money, equipment and/or operations, etc.
- any specific extra responsibilities the employee held

The author of the reference must not provide personal opinions about the employee's performance or conduct. It is the responsibility of the author of the reference to ensure that the information provided is true, accurate, fair and not misleading.

A disclaimer should be included in the reference making it clear that while the information provided is, to the best of the Schools knowledge, completely accurate the School cannot accept any liability for decisions based on it.

Once the reference is completed the information should be checked with the Principal before being forwarded to any prospective employer. The reference must be marked 'Private and Confidential - for Addressee Only'.

Copies of all completed School references should be passed to the Principal before submission.

The author of the reference may allow the employee to see the draft reference before it is provided to any prospective employer but this is not obligatory.

If the author of the reference receives an enquiry from any prospective employer for clarification to the written information previously provided, the author must ensure that they do not go beyond the content of the written reference previously given. If the enquiry is dealt with over the telephone a written record of the information provided must be made at the time of the conversation.

An employee or ex-employee can bring a claim for unlawful discrimination where the employer may have provided an adverse reference for a reason linked to one of the protected characteristics i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

An ex employee can make a civil claim for loss of earnings if they are refused a potential job due to an inaccurate or defamatory reference.

Employees and job applicants have the right of access to information held about them by an employer under Section 7 of the Data Protection Act 1998. Although individuals have no legal right under the act to obtain access to a job reference from the organisation that gave it no such exemption exists once the reference is in the hands of the organisation to which it has been provided. Therefore a job applicant about whom references have been obtained and placed on file would have a right to access them. In these circumstances however the employer is entitled, under the Data Protection Act 1998, to decline to disclose the reference if it reveals the identity of another individual (example, the author of the reference) unless either that individual's identity can be concealed or the individual has consented to the disclosure of the reference.

All School references must be provided in writing and not given verbally over the telephone or in person. We will try to respond quickly to urgent requests.

