

MOUNTVIEW

WHISTLEBLOWING POLICY

Introduction

Mountview is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and the standards in public life set out in the reports of the Nolan Committee.

It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. The policy set out in this document is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by Mountview; nor may it be used to reconsider any matters that have already been addressed under harassment, grievance or disciplinary procedures. Once it is in place, it is reasonable to expect individuals to use this policy rather than air their complaints outside of Mountview.

Normally any concern about a workplace situation should be raised with the individual's immediate line manager. However, it is recognised that because of the seriousness and sensitivity of some issues, together with the knowledge of who the individual thinks may be involved in wrongdoing, this may be difficult or even impossible.

The Public Interest Disclosure Act (PIDA) 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns, provided they do so in a responsible way; and this would normally involve following internal procedures initially where they exist.

What is a Whistle-Blower?

According to GOV.UK, a whistle-blower is a worker who reports certain types of wrongdoing, which is usually something seen at the workplace, but not always.

In order to be considered as whistleblowing, the wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. the general public, and not just those associated with Mountview (staff or students). A whistle-blower is protected by law and should not be treated unfairly or lose their job because they 'blow the whistle'. Individuals can raise concerns at any time about an incident that happened in the past, is happening now, or is believed will happen in the near future.

Concerns raised might relate to:

- Financial malpractice or impropriety or fraud;
- Failure to comply with Mountview's legal obligation or with its policies, procedures or regulations;
- Dangers to health and safety or the environment;
- Criminal activity;
- Academic or professional malpractice;
- Improper conduct or unethical behaviour; and
- Attempts to conceal any of the above.

Whistleblowing law does not cover personal grievances, for example bullying, harassment or discrimination, unless the particular case is in the public interest.

This policy is designed to offer protection to Mountview's employees who disclose such concerns, provided the disclosure is made in good faith and in the reasonable belief of the individual making the disclosure that it tends to show malpractice.

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The individual will also be protected if he or she makes the disclosure to an appropriate person or body (see Section 3 below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure.

Mountview recognises that the decision to make a disclosure under its Whistleblowing Policy is not an easy one. Individuals considering a disclosure should take note of the following guidance:

- Make any objections to illegal, unsafe or unethical practices promptly so as to avoid any misinterpretation of the motives for doing so;
- Focus on the issues and proceed in a tactful manner to avoid unnecessary personal antagonism which might distract attention from solving the problem;
- Be accurate in any observations and claims and keep formal records documenting relevant events;
- Members of staff may also wish to seek confidential legal advice.

Who to tell and what to expect

If you discover wrongdoing, you should inform someone promptly.

Most concerns can be dealt with informally and your first step should be to report your concern to your line manager, Head of Department, or any member of the Executive team.

You do not need to have firm evidence of malpractice before raising a concern; however, you are required to have reasonable grounds for believing that the relevant matter of concern does exist or has arisen. It is important that you explain as fully as you can the information or circumstances that gave rise to your concern, providing as much supporting evidence as possible.

If you have been unable to resolve your concern informally, report your concern to the Chief Operating Officer (COO). It is helpful if you provide a summary of your concern, as much supporting evidence as possible and if you let us know how you think the matter might best be resolved. Please inform the COO at the outset if you want them to keep your name confidential and if you have any personal interest in the matter.

We prefer that you raise your concern in writing; however, if this is not possible you can speak with the COO instead.

If your concern relates to the COO, report your concern to the Principal. If your concern relates to both the COO and the Principal, report it to the Chair of the Compliance & Risk Committee, via the Executive Assistant. In these cases, the person you report your concern to replaces the Designated Officer in 'How we will respond to your concern' below.

As mentioned above, we encourage you to identify yourself when you raise a concern. If you give your name, we will do all we can to protect your identity. We will treat all disclosures in a confidential and sensitive manner and we expect you to respect the confidentiality of the process too.

How we will respond to your concern

The Designated Officer will liaise with the other members of the Executive team as necessary to decide:

- whether the concern raised is in the public interest and eligible to be considered under this Policy
- whether to refer the matter to another procedure
- whether to undertake an investigation

The Designated Officer will inform you of their decision and any further action.

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If the concern is to be considered under this Policy, the Designated Officer will take such steps as they regard as appropriate in handling that concern. This will normally comprise of an informal review, an internal audit review or an investigation.

Investigations

If an investigation is appropriate, the Designated Officer will nominate one or more person/s to conduct the investigation and establish all the facts. These could be internal staff, or external eg a trustee, an expert in the area.

The Designated Officer will decide on the scope and timescale of the investigation referring to the nature of the concern raised and other factors they consider relevant. We aim to complete investigations as speedily as possible.

We expect you to provide reasonable cooperation with us in such an investigation, which may include giving evidence about the concern you have raised. The Designated Officer will communicate with you about the timescale of the investigation and may invite you to an interview with the investigator/s.

We will usually tell the subject/s of your disclosure that a concern has been raised and the evidence supporting it and they will be given the opportunity to respond. In some circumstances (e.g. where there are wellbeing concerns relating to the subject/s of your disclosure or where their work may be impacted by the investigation) we may also inform their line manager. If you have asked to remain confidential, we will not tell either the subject of the disclosure or their line manager your name.

The investigator/s will provide the Designated Officer with a report including their findings and any recommendations. Based on this report, the Designated Officer will decide either that there is no case to answer or that further action is required. The investigator/s' recommendations may (without limitation) include one or more of the following:

- a further investigation by the Designated Officer or nominee either singly, in a group, or as part of a Board of Enquiry set up for the purpose
- an internal investigation by the Compliance & Risk Committee, or some other Committee of the Board of Trustees, and/or external or internal auditors appointed by Mountview
- that the matter be reported to the Office for Students, the Office of the Independent Adjudicator, the Department for Education, the National Audit Office, or some other public authority
- that the matter be reported to the Police

Appeals

If the Designated Officer decides that there is no case to answer or you disagree with the outcome of the investigation, you may appeal in writing to the Chair of the Compliance & Risk Committee (via the Executive Assistant) within 10 working days of receipt of the outcome, clearly stating your reasons for the appeal.

The Chair of the Compliance & Risk Committee will consider only whether due process has been followed. If the Chair of the Compliance & Risk Committee finds that due process has not been followed, they will refer the matter to the Chair of the Board of Trustees for consideration and a final decision.

Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly, and by using this Policy, you will help us to achieve this.

Note: If the malpractice remains ongoing after the matter has been dealt with through this Policy, you can raise it with an outside body such as the Office for Students or Charity Commission.

Contact Protect for free, confidential whistleblowing advice, on 020 3117 2520, whistle@protect-advice.org.uk

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If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, the investigation shows that an individual has made malicious or vexatious allegations, and particularly if they persist in making them, disciplinary action may be taken against the individual concerned.

Making a claim anonymously or confidentially

We strongly encourage you to put your name to any report that you make. While Mountview offers the option of reporting whistleblowing incidents anonymously, anonymous reporting makes it very difficult for allegations to be fully and adequately investigated. If you choose to remain anonymous, you will not be able to receive updates on the progress of your report and whether any action has been taken.

Concerns expressed anonymously are much less powerful, but they may be considered at Mountview's discretion.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Mountview will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential, so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Unfair treatment after whistleblowing

Mountview accepts that it has an obligation to ensure that staff who make a disclosure without malice and in good faith are protected, regardless of whether or not the concern raised is upheld. A member of staff who has made a disclosure and who feels that, as a result, they have suffered adverse treatment should submit a formal complaint under the grievance procedure detailing what has been done to them. If it appears that there are reasonable grounds for making the complaint, the onus will be on the person against whom the complaint of adverse treatment has been made to show that the actions complained of were not taken in retaliation for the disclosure.

If it is determined at first sight that a member of staff may have suffered adverse treatment as a result of their disclosure, a further disclosure may take place and disciplinary action may be taken against the perpetrator in accordance with Mountview's disciplinary and grievance procedures.

Any claims of unfair dismissal must be raised within three months of the individual's employment ending.

Further Information

Further information and advice can be obtained from the Advisory, Conciliation and Arbitration Service (ACAS), Citizens' Advice, the whistleblowing charity Protect, or a trade union as well as the following sites:

<https://www.gov.uk/whistleblowing>

<https://www.acas.org.uk/whistleblowing-at-work>

<https://protect-advice.org.uk/>

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