

MOUNTVIEW

WHISTLEBLOWING POLICY

What is a Whistleblowing?

Whistleblowing involves the reporting of certain types of wrongdoing, usually in a work setting. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public, and not just yourself or those directly associated with Mountview (staff or students).

Whistleblowing is different to raising a grievance, as a grievance will typically relate to how you, specifically, are being treated rather than relating to the treatment of others. Grievances, for example bullying, harassment or discrimination, will be managed under Mountview's Grievance Policy & Procedure (staff) or Non-Academic Concerns & Complaints Policy (students).

A whistleblower is protected by law (The Public Interest Disclosure Act 1998 and The Employment Rights Act 1996) 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.

Example of concerns that might be raised as whistleblowing include:

- 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
- Sexual harassment (unwanted conduct of a sexual nature, as defined in the Equality Act 2010)
- Academic or professional malpractice
- Improper conduct or unethical behaviour
- Attempts to conceal any of the above.

Who can make a whistleblowing disclosure?

Anyone can make a whistleblowing disclosure, though only certain categories of person are protected by the Employment Right Act. This policy applies to all staff including temporary, casual and agency staff. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, can also use it.

Who to tell and what to expect

If you discover or suspect 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.

If you have been unable to resolve your concern informally, report your concern to the Chief Operating Officer (COO). 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.

Mountview will accept anonymous whistleblowing disclosures, but please be aware that anonymous disclosures are very difficult to investigate thoroughly. See below for more information.

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

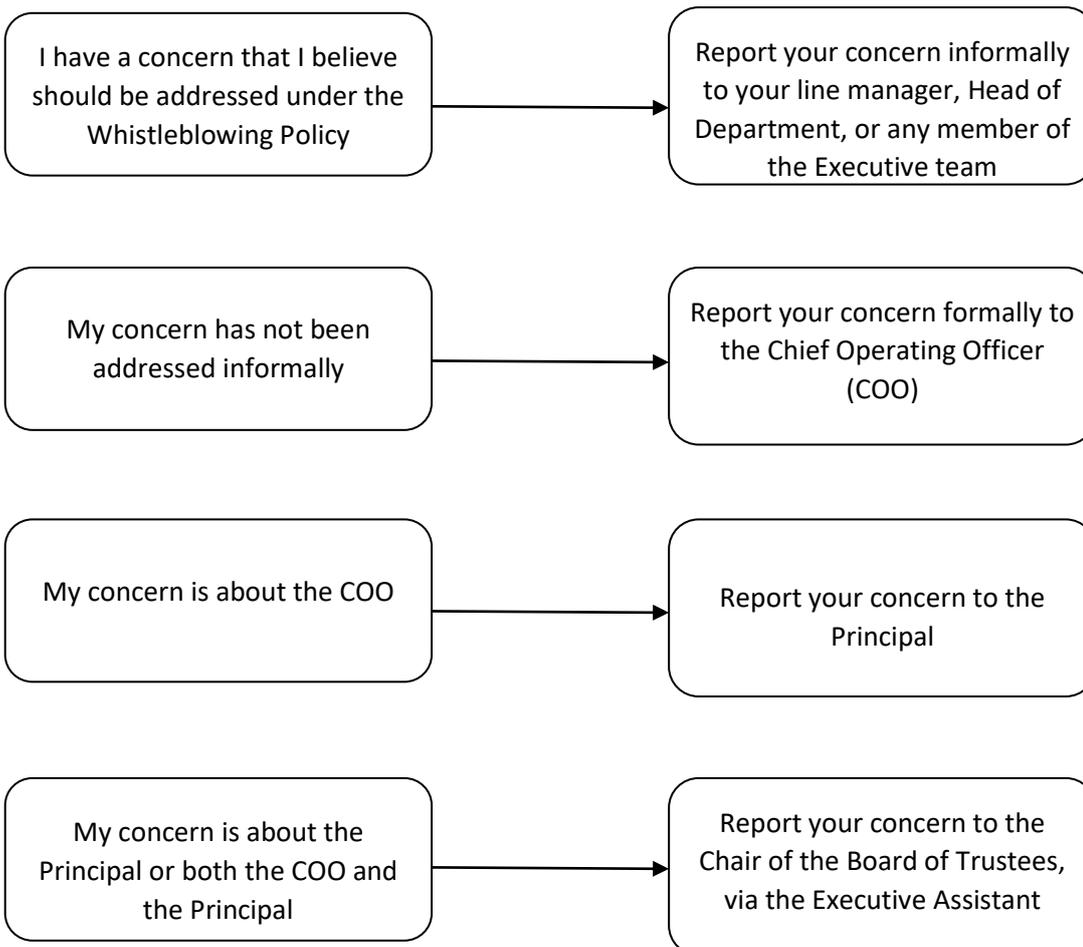
If your concern relates to the COO, report your concern to the Principal.

If your concern relates to either the Principal or both the COO and the Principal, send your report confidentially to the Executive Assistant (ea@mountview.org.uk), marked to the attention of the Chair of the Board of Trustees. The Executive Assistant will treat your concern with the utmost confidentiality and will refer your report to the Chair of the Board of Trustees without involving the Principal or COO. The Chair will appoint a Board member as the Designated Officer for the matter in question. If the matter is being reported anonymously, then the matter will be forwarded to the Chair; it may be helpful to provide contact information so that context and background can be provided.

It is helpful if you provide a summary of your concern, as much supporting evidence as possible and you let us know how you think the matter might best be resolved.

You do not need to have firm evidence 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.

Who to tell summary:



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 may not be able to receive updates on the progress of your report and whether any action has been taken, though in some circumstances we may be able to provide updates publicly.

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.

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 person who deals with your concern in the first instance ie the COO, Principal or selected member of the Board of Trustees (depending on the nature of your concern) is known as the Designated Officer. They will liaise with the other members of the Executive team and/or the Board 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 (eg Grievance Policy & Procedure)
- whether to undertake an investigation

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

If the concern is to be considered under this Policy, the Designated Officer will take such steps as they feel is 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.

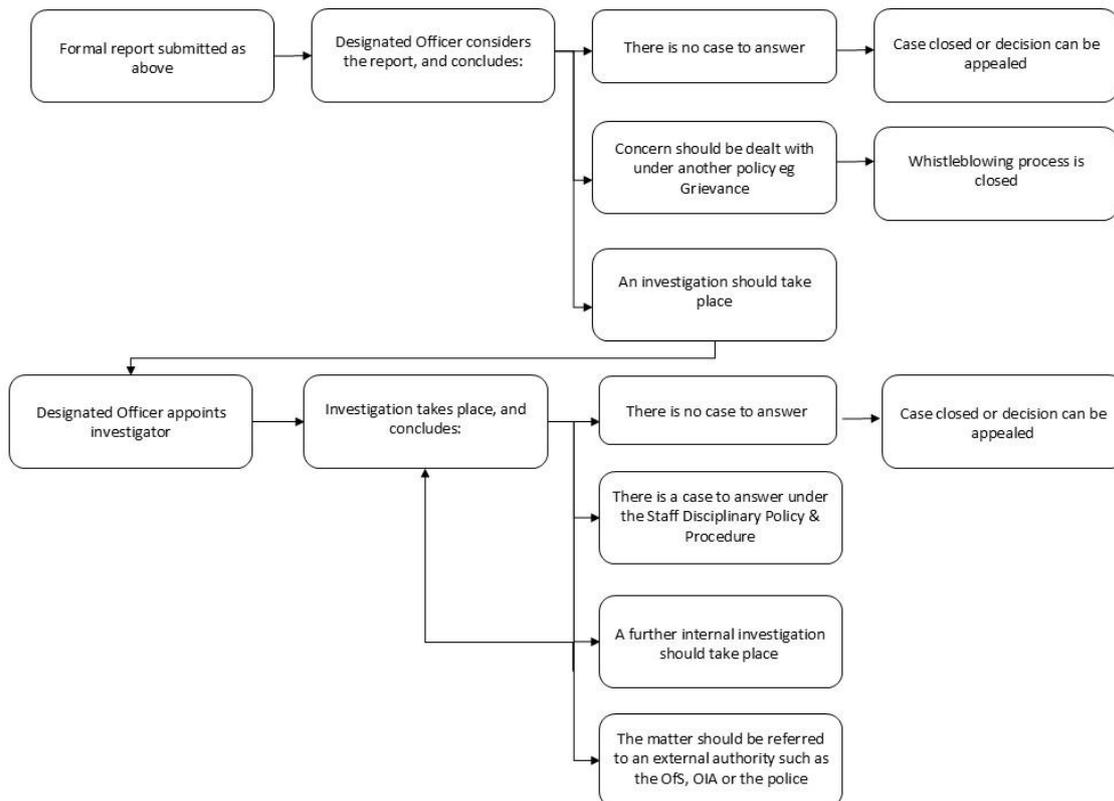
We expect you to provide reasonable cooperation with us in such an investigation, which may include giving evidence about the concern you have raised. The Designated Officer will communicate with you about the timescale of the investigation and may invite you to an interview with the investigator.

We will usually tell the subject/s of your disclosure that a concern has been raised and about 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 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 include (but not be limited to) one or more of the following:

- a further investigation by the Designated Officer either singly, in a group, or as part of a Board of Enquiry set up for the purpose
- an internal investigation by a specially convened sub-group of the Board of Trustees, and/or external or internal auditors appointed by the Board / and or the Designated Officer
- 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 / regulatory authority
- that the matter be reported to the Police

How we respond to your concern summary:



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 Board of Trustees (via the Executive Assistant) within 10 working days of receipt of the outcome, clearly stating your reasons for the appeal.

The Chair of the Board will consider only whether due process has been followed. If the Chair of the Board finds that due process has not been followed, they will refer the matter to an external investigator 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.

Governance oversight

The Board of Trustees will receive redacted reports on all whistleblowing complaints and any actions taken.

Unfair treatment after whistleblowing

Mountview will 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.

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.

Policy statement

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.

This policy 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. 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.

Mountview will take all reasonable steps to investigate whistleblowing concerns.

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.

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.

The individual will also be protected if he or she makes the disclosure to an appropriate person or body. 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

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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