

WHISTLEBLOWING POLICY

(Making a Disclosure in the Public Interest)

Document Approval

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Document Revision History

Version	Date Issued	Date Effective	Purpose of issue and description of amendments
1.0	10/07/2020	10/07/2020	Original
2.0	29/03/2022	29/03/2022	Revision
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Introduction

Cornel Ltd (the “Company”) is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Company to voice concerns in a responsible and effective manner. 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. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1998 and updated in 2013, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Company has endorsed the provisions set out below to ensure that no members of staff feel at a disadvantage in raising legitimate concerns.

It should be emphasised that 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 the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the “whistleblowing” procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Company.

Scope

This policy is designed to enable employees of the Company to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. For a disclosure to be protected by the Act’s provisions it must relate to matters that ‘qualify’ for protection under the Act. Qualifying disclosures are disclosures which the worker reasonably believes tends to show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- a criminal offence.
- the breach of a legal obligation.
- a miscarriage of justice.
- a danger to the health and safety of any individual
- damage to the environment; or
- deliberate concealment of information tending to show any of the above five matters.

Safeguards

i. Protection

A qualifying disclosure to the commission will be a 'protected' disclosure provided the worker:

- makes the disclosure in good faith.
- reasonably believes that the relevant failure relates to 'the proper administration of charities and funds given, or held, for charitable purposes; and
- reasonably believes that the information disclosed, and any allegation contained in it are substantially true.

ii. Confidentiality

The Company 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.

iii. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company.

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.

iv. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be passed to the Chief Executive for referral.
- In the event of a complaint, which is any way connected with, but not against, the Director, the Chief Executive will nominate a member of the Executive Leadership Team to act as the alternative investigating officer.
- Complaints against the Chief Executive should be passed to the Chairman of the Board who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairman. The Chairman has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

1. **David Millar – Director of Excellence, Compliance & Learner Experience**
(david.millar@corndel.com)
2. **Kathryn Ferguson – Chief Financial Officer** (kathryn.ferguson@corndel.com)

If there is evidence of criminal activity, then the investigating officer should inform the police. The Company will ensure that any internal investigation does not hinder a formal police investigation.

Specific Disclosures – Human Rights

If a complainant is concerned that the Company is breaching equality and human rights laws, concerns may also, in addition to following the above procedure, report their concerns to the Equality and Human Rights Commission:

Contact number: 0161 829 8100

Email: whistleblowing@equalityhumanrights.com

Specific Disclosures: Disclosures to the Department for Education (DfE)

As a training provider regulated by the DfE, employees have the right to make a protected disclosure directly to the DfE where they reasonably believe that malpractice or wrongdoing has occurred in relation to education and training provision. Employees are encouraged to raise concerns internally in the first instance, however, where this is not appropriate or the employee believes the matter has not been dealt with satisfactorily, they may contact the DfE directly.

Disclosures can be made to:

The Department for Education – Whistleblowing Team

Email Address: customer.complaints@education.gov.uk

You may also report suspected fraud or financial irregularity to the DfE:

Email Address: allegations.mailbox@education.gov.uk

Please refer to the following links prior to making a disclosure to the DfE:

- 1) [Blowing the whistle to the Department for Education - GOV.UK](#)
- 2) [Report fraud or financial irregularity to DfE - GOV.UK](#)

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer should, as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Company auditors and the Police at this stage and should consult with the Chairman / Chief Executive
- The allegations should be fully investigated by the investigating officer with the assistance, where appropriate, of other individuals / bodies.

A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing:

- the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive or Chairman as appropriate.
- The Chief Executive / Chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary, or other appropriate Company procedures.

- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcome will be passed to the Company Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly addressed by the investigating officer, they have the right to raise the matter in confidence with the Chief Executive, Chairman, or one of the designated persons listed above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant remains dissatisfied with the outcome, the Company recognises the lawful rights of employees and former employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or utility regulators), or, where justified, to other appropriate external bodies.

Workers may also raise concerns directly with the Charity Commission by emailing whistleblowing@charitycommission.gov.uk, where the concerns fall within the Commission's remit.

It should be noted that where a worker is victimised for making a disclosure to the Commission, any claim under the Act must be brought against their employer - not the Commission.

The Commission will respect confidentiality as far as possible, taking into account individuals' rights to privacy under data protection and human rights legislation. While every effort will be made to avoid revealing a complainant's identity without their consent, in some cases the nature of the allegations or supporting evidence may indirectly identify the source.

Additionally, in limited circumstances, the Commission may be legally obliged to disclose information under freedom of information legislation or by order of a court during legal proceedings. Information obtained in the course of an inquiry may, in the public interest, be published in an inquiry report.