



**Chigwell School**

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## **Whistleblowing Policy**

*This policy applies to Chigwell School and the trading subsidiary, Chigwell Mitre Enterprises (CME). Where reference is made to the School, this applies to both Chigwell School and CME.*

### **1. Introduction**

Chigwell School is committed to the highest standards of openness, integrity and accountability. In line with this commitment, the School encourages all staff with serious concerns about the School's work to come forward and voice those concerns. This also applies to concerns about the activities of any member of staff, Governors and external organisations in their dealing with the School. The School seeks to ensure that there is a culture of safety and of raising concerns, including those about poor and unsafe practice and potential failures in the School's safeguarding regime, provision for mediation and dispute resolution where necessary.

This policy:

- provides the basis on which staff can raise any such concerns they may have, and receive feedback on action taken;
- allows staff to take the matter further if they are dissatisfied with the School's response; and
- gives protection from reprisals or victimisation for 'whistleblowing' in good faith and in accordance with the Public Interest Disclosure Act 1998 (PIDA) and the Employment Rights Act 1996.

#### **1.1 Legal Context**

This policy is informed by PIDA 1998 and the Employment Rights Act 1996 (as amended), Keeping Children Safe in Education (latest version), and ISI expectations for independent schools. Nothing in this policy prevents or restricts making a protected disclosure.

### **2. The Policy**

There are existing procedures in place to enable staff to raise grievances about their own employment and this policy is separate. Staff should not use the whistleblowing procedure to raise grievances about their personal employment situation. Rather, this procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the School including issues relating to safeguarding procedures. Malpractice includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, criminal activities or creating or ignoring a serious risk to health and safety or the environment, or a cover up of issues of this type.

This policy applies to all staff as well as volunteers working within the School, employees of contractors working for the School, employees of suppliers and those providing services under a contract with the

School. It also applies to agency/supply staff, governors and job applicants engaging with recruitment processes.

## 2.1 Definition

Whistleblowing is the disclosure of information that, in the reasonable belief of the worker, tends to show one or more of the following has occurred, is occurring, or is likely to occur: a criminal offence; failure to comply with a legal obligation; miscarriage of justice; endangerment to health or safety; damage to the environment; deliberate concealment of any of the above; or safeguarding/child protection failures. To be protected in law, disclosures must be in the public's interest.

## 2.2 What is not whistleblowing

Personal employment concerns (e.g. bullying, terms and conditions) should be raised under the School's Grievance or Dignity at Work policies, unless they amount to a matter in the public interest.

## 3. Safeguarding

Staff should comply with their statutory obligations in accordance with Keeping Children Safe in Education and this policy does not supersede the School's Child Protection and Safeguarding Policy.

In particular:

- Staff should raise any safeguarding concerns about a child with the Designated Safeguarding Lead
- Staff should raise any safeguarding concerns about another member of staff with the Headmaster, or if the concern is about the Headmaster, with the Chair of Governors
- In exceptional circumstances or if there is the risk of immediate serious harm to a child, a referral should be made to Children's Social Care immediately. For concerns about an adult working with children (including supply staff and volunteers), the Local Authority Designated Officer (LADO) should be contacted without delay, in line with KCSIE.

## 4. Whistleblowing Safeguards

### a) Harassment or Victimisation

We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice. The School will not tolerate harassment or victimisation and will take all possible measures to protect staff who raise concerns in good faith. Any retaliation against a whistleblower will be treated as a disciplinary matter and may constitute gross misconduct.

### b) Confidentiality

The School will protect the identity of those who raise concerns and do not want their name to be disclosed. It must be appreciated, however, that the subsequent investigation may reveal the source of the information, and statements made by the individuals who raised the issue may be required as part of the evidence. We encourage individuals to put their name to allegations made. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the School. In exercising this discretion, the factors to be taken account of will include:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources
- whether the allegation appears to be malicious or knowingly false. If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the individual who raised the issue. However, if a member of staff makes false malicious, vexatious or frivolous allegations, then disciplinary action may well be taken against them.

Data protection – Records will be kept securely and confidentially, in accordance with data protection requirements. Anonymised data may be used for monitoring and reporting to the governing body

## **5. How to Raise a Concern**

The earlier individuals express their concern the easier it is to take action.

- a) In the first instance, he or she should disclose the suspected wrong-doing to the Head or Bursar who will acknowledge receipt within a week in term time. In the event that the manager is suspected of wrong-doing, the next step should be followed.
- b) If there has been no response within one week in term time from the manager or he or she is implicated, the next step is to raise concerns with the Headmaster or Bursar in accordance with the School's grievance or complaints procedure. The Headmaster or Bursar will acknowledge receipt within a week. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.
- c) If there has been no response to the issue from the Head or Bursar within one week in term time, or indeed they are implicated, the whistleblower should contact the Chair of Governors via the Clerk of Governors.

Concerns are better raised in writing. This should set out the background and history of the concern, giving names, dates and places where possible, and the reason why the individual is worried about the situation. Anyone who really does feel unable to put their concerns in writing can telephone or meet to discuss the matter. Independent advice – Staff can seek confidential advice from the independent charity Protect (formerly Public Concern at Work) before making a disclosure

## **6. How Will the School Respond?**

The action taken will depend on the nature of the concern. The matters raised may, for example, be investigated internally or, in extreme cases, be referred to the Police or other outside agency.

In order to protect individuals and the School, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation. Within two weeks of a concern being received, the Chair of Governors, Headmaster or Bursar will write to the member of staff who raised the issue:

- acknowledging that the concern has been raised;
- indicating how it is proposed to deal with the matter;
- where possible, giving an estimate of how long it will take to provide a final response; and
- telling the individual whether further investigation will take place and if not, why not.

The amount of contact between the investigators considering the issue and the individual who has raised the issue will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the member of staff.

When any meeting is arranged to discuss the issue, the individual who raised it may be accompanied by a representative or colleague who is not involved in the area of work to which the concern relates.

The School accepts that those who raise concerns must feel assured that they have been properly addressed. Therefore, subject to legal or contractual constraints, individuals will receive information about the outcomes of any investigations. Where appropriate, the outcome summary will include whether the concern was upheld (in whole or part) and any general actions taken to address systemic issues (noting confidentiality constraints).

## **7. Taking the Issue Further**

This policy is intended to provide staff with an avenue to raise relevant concerns within the School. It is hoped that they will be satisfied with the action taken as a result. If, however, it is felt necessary to take matters still further, the following are possible contact points, some or all of which may be appropriate:

- relevant professional bodies or regulatory organisations;
- the Local Education Authority or Council;
- the Police;
- the Health & Safety Executive
- the NSPCC Whistleblowing Helpline [0800 028 0285](tel:08000280285) or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

If an individual does take the matter outside of the School, they must make sure that they do not disclose otherwise confidential information.

## **8. The Media**

The intention is that an individual who wishes to raise a concern does so in a responsible way. Even if a member of staff has extreme concerns, under no circumstances should he or she contact the media or a commercial organisation with details of the suspicion. If such an organisation is approached and/or where the concern is disclosed for personal gain, the School may consider this to be gross misconduct. Disclosures to the media will rarely qualify for protection and may breach confidentiality or data protection; staff should use the internal and prescribed external channels above.

## **9. Governance, Monitoring and Review**

### Oversight

The governing body will receive an annual anonymised report on whistleblowing activity (number of concerns, themes, systemic learning).

### Recordkeeping

The School will maintain confidential records of concerns, actions and outcomes, retained in line with data retention schedules.

### Equality Impact

The School will periodically assess whether the policy is accessible and fairly applied across all staff groups.

**For and on behalf of the Governors  
D.A.P. King**