



Low Level Concerns Policy

Status	Statutory - Safeguarding
Responsible Directors	Full Board of Directors
Local Governing Board	Full Governing Board
Responsible Persons	CEO
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Version Control

<i>Version</i>	<i>Revision Date</i>	<i>Revised by</i>	<i>Section Revised</i>
V1 – New Policy	October 2021	Advanced HR	New policy
V2	September 2022	L Burton	Page 8 updated reference to KCSIE 2022 document
V3	October 2022	Dawn Slater	Whole policy reviewed and revised in line with S&CP Policy & KCSIE 2022



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1. Introduction

The Low-Level Concerns Policy enables all staff to share any concerns – no matter how small – about their own or another member of staff's behaviour with their relevant manager as stipulated within the Academy/School policy. Safeguarding and promoting the welfare of children is everyone's responsibility.

At our School / Academy, we take safeguarding very seriously, we operate within a culture of openness, trust and transparency in which there are clear values and expectations of behaviour. The Code of Conduct sets out that adults who work with children must do so in a way that is in accordance with the ethos and policies set out by the Exceed Learning Partnership Trust.

In order to achieve this purpose, the Academy/School:

- (a) ensures that staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from inappropriate, problematic or concerning behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines;
- (b) empowers staff to share any low-level concerns with their relevant manager as stipulated within the Academy/School's policy, and to help all staff to interpret the sharing of such concerns as a neutral act;
- (c) addresses unprofessional behaviour and supports the individual to correct it at an early stage;
- (d) identifies inappropriate, problematic or concerning behaviour – including any patterns – that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the Local Authority Designated Officer (LADO);
- (e) provides for responsive, sensitive and proportionate handling of such concerns when they are raised; and
- (f) helps identify any weaknesses in the organisation's safeguarding system.

This policy sets out the detail and processes for staff regarding low-level concerns they may have.

This policy applies to all staff.

2. Concerns/Allegations

It is important to recognise that, in practice, the words 'concern' and 'allegation' can be and are used interchangeably by different people. Sometimes individuals may shy away from the word 'allegation' and express it as a 'concern' instead. The crucial point is that whatever the language used, the behaviour referred to may, on the one hand, be capable of meeting the harm threshold (and hence be referable), or, on the other, it does not meet the harm threshold (in which case it



should be treated as a low-level concern). So, the focus should not be on the language used by the person disclosing it; the focus should, instead, be on the behaviour being described.

The behaviour in question might indicate that a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children (i.e. in connection with their employment or voluntary activity) – i.e. a concern is raised/it is alleged that they have:

- behaved in a way that has harmed a child, or may have harmed a child; and/or
- possibly committed a criminal offence against or related to a child; and/or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

3. Keeping Children Safe in Education September 2022

The following is taken from Keeping Children Safe in Education September 2022

“Schools and colleges should have processes and procedures in place to manage any safeguarding concern or allegation (no matter how small), about staff members (including supply staff, volunteers, and contractors).”

“If staff have a safeguarding concern or an allegation is made about another member of staff (including supply staff, volunteers, and contractors) harming or posing a risk of harm to children, then:

- *this should be referred to the headteacher or principal*
- *where there is a concern/allegation about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school, and*
- *in the event of a concern/allegation about the headteacher, where the headteacher is also the sole proprietor of an independent school, or a situation where there is a conflict of interest in reporting the matter to the headteacher, this should be reported directly to the [LADO(s)].”*

“Governing bodies and proprietors should ensure there are procedures in place, as described in paragraphs 71 and 72, for staff to report concerns or allegations that may meet the harm threshold about staff members (including supply staff, volunteers, and contractors). These should be addressed as set out in Section one of Part four of [KCSIE].”

4. What is a low-level concern?



The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working with children may have acted in a way that:

- is inconsistent with an organisation's staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the harm threshold; or is otherwise not serious enough to merit a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- humiliating children.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

It is crucial that any such concerns, including those which do not meet the harm threshold, are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of the Academy/School from potential false allegations or misunderstandings.

Signs to be aware of

Staff need to be aware if they see the following relationships developing between staff member and child:

- Special attention
- Confidante
- Social Media
- Excessive time alone or in private
- Giving small gifts, cards, letters, money
- Befriending parents and home visits

Children most at risk

These are children who identify as:

- Additional needs or disabilities
- Abused
- Stressed
- Poverty



- Isolated

5. Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct

Concern or allegation that may meet harm threshold

Behaviour which indicates that an adult who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child; and/or
- possibly committed a criminal offence against or related to a child; and/or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Low-level concern

Does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ – that an adult working with children may have acted in a way that:

- is inconsistent with an organisation’s staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the harm threshold, or is otherwise not serious enough to merit a referral to the LADO.

Appropriate conduct

Behaviour which is entirely consistent with the organisation’s staff code of conduct, and the law.

6. Reporting, Storing and use of Low-Level Concern Forms and follow-up

Although it is important that staff feel comfortable with, and are clear about, the concept of low-level concerns, and know what to do if they have such a concern, they **do not** need to be able to determine in each case whether the behaviour in question constitutes a low-level concern, or if it may meet the harm threshold. Once staff share what they believe to be a low-level concern, that determination should be made by the Safeguarding Lead.

It is critical that all low-level concerns are ultimately received by the Safeguarding Lead. Having one recipient of all such concerns will allow any potential patterns of inappropriate, problematic or concerning behaviour to be identified, and ensure that no information is possibly lost.



It is important that low-level concerns are shared with DSL as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it should also be emphasised that it is never too late to share a low-level concern.

If the DSL is absent for any reason, low-level concerns should be shared with a clearly identified ‘deputy,’ who should ensure that they inform the DSL immediately on their return.

Where a DSL receives any low-level concern, they should inform the Headteacher/Principal of all the low-level concerns and in a timely fashion according to the nature of each particular low-level concern.

Staff who wish to remain anonymous will have their wish respected as far as possible. However, there may be circumstances where the staff member who raises the concern will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity will never be promised to members of staff who share low-level concerns. Where possible, the academy/school will encourage staff to consent to being named, as this will help to create a culture of openness and transparency.

Where a member of staff finds themselves in a situation which could be misinterpreted, or might appear compromising, these should be self-reported to the Safeguarding Lead using the same mechanism.

Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the staff code of conduct.

Self-reporting in these circumstances can be positive for a number of reasons: it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity; it demonstrates awareness of the expected behavioural standards and self-awareness as to the individual’s own actions or how they could be perceived; and, crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour. KCSIE states that schools and colleges should ensure that they create an environment where staff are encouraged and feel confident to self-refer.

Staff can use the low-level concern form to report the concern or they can share their concerns with the Safeguarding lead verbally. If the concern is communicated verbally the Safeguarding lead will make an appropriate record of the conversation, either contemporaneously or immediately following the discussion.

Sound professional judgement will be exercised by the DSL in determining what information is necessary to record for safeguarding purposes. The name of the individual sharing the low-level concern, and their role, will be stated, as will the name of the individual about whom the concern is being raised, and their role within the organisation at the time the concern is raised. If the latter individual has an opposing factual view of the incident, this will be fairly recorded alongside the concern. The record will include brief context in which the low-level concern arose, and concise details (which are chronological and as precise and accurate as possible) of any such concern and relevant incident(s). The record will be signed, timed and dated.

LLC forms and follow-up information will be stored securely within the academy/school safeguarding systems, with access only by the leadership team. The academy/school will retain



all records of low-level concerns (including those which are subsequently deemed by the Headteacher/Principal or Safeguarding Lead to relate to behaviour which is entirely consistent with the staff code of conduct) in a central low-level concerns file (either electronic or hard copy). Where multiple low-level concerns have been shared regarding the same individual these should be kept in chronological order as a running record, and with a timeline alongside. These records should be kept confidential and held securely, with access afforded only to a limited number of individuals such as the Headteacher/Principal/DSL

The Headteacher/Principal or Safeguarding Lead may store the central low-level concerns file with the other safeguarding and child protection records. The rationale for storing such records on a central file, rather than in staff members' personnel files, is that

- (a) it makes it easier to review the file and spot any potential patterns of inappropriate, problematic or concerning behaviour; and
- (b) it reassures staff and encourages them to share low-level concerns.

There may be circumstances where a low-level concern (or group of concerns) requires reclassification following determination by the Headteacher/Principal or Safeguarding Lead, and/or recording on the relevant staff member's personnel file. In such case, it is vitally important to retain the low-level concern(s) on the central low-level concerns file, as well as on the personnel file.

The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Principal/Head Teacher or those aware in the senior leadership team.

Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures.

Whenever staff leave their employment, any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept. Consideration will be given to:

- a. whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or
- b. if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

7. Dealing with & Responding to a low level concern

All low-level concerns raised will be responded to in a sensitive and proportionate way, maintaining confidence that the concern will be handled promptly and effectively whilst protecting staff from any potential false allegations or misunderstanding



Once the Safeguarding Lead has received what is believed (by the person raising it) to be a low-level concern, they will:

- (a) speak to the person who raised the concern (unless it has been raised anonymously);
- (b) speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- (c) speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- (d) review the information and determine whether:
 - (i) the behaviour is in fact appropriate – i.e. entirely consistent with the staff code of conduct and the law,
 - (ii) the behaviour constitutes a low-level concern,
 - (iii) there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact may meet the harm threshold, in which case they will consult with the LADO,
 - (iv) in and of itself the behaviour may meet the harm threshold, and should be referred to the LADO/other relevant external agencies, or
 - (v) when considered with any other low-level concerns that have previously been shared about the same individual, the behaviour may meet the harm threshold, and should be referred to the LADO/other relevant external agencies,
- (e) make appropriate records of:
 - all internal conversations – including with the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses (subject to the above);
 - all external conversations – for example, with the LADO/other external agencies (where they have been contacted, and either on a no-names or names basis);
 - their determination;
 - the rationale for their decision; and
 - any action taken.

If it is decided that the Low-level concern amounts to behaviour **that is consistent** with the Code of Conduct and the Law:

- a) it will still be important for the Headteacher/Principal or Safeguarding Lead to update the individual in question and inform them of the action taken as above;
- b) in addition, the Headteacher/ Principal or Safeguarding Lead will speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with the organisation’s staff code of conduct and the law;



- c) such a situation may indicate that more clarity is required through training and through policy.

If it is decided that the current concern is **low-level**

- a) any investigation of low-level concerns will be done discreetly and, on a need-to-know basis;
- b) most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training;
- c) in many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
- d) any conversation will include being clear with the individual as to why their behaviour is inappropriate, problematic or concerning, what change is required in their behaviour, enquiring what, if any, support they might need in order to achieve and maintain that, and being clear about the consequences if they fail to reach the required standard or repeat the behaviour in question. Ongoing and transparent monitoring of the individual's behaviour may be appropriate. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate;
- e) some low-level concerns may also raise issues of misconduct or poor performance which are unrelated to safeguarding. The Headteacher/ Principal or Safeguarding Lead should also consider whether this is the case – by referring to the organisation's disciplinary and/or capability procedure and taking advice from HR on a named or no-names basis where necessary. If the Headteacher/Principal or Safeguarding Lead considers that the organisation's disciplinary or capability procedure may be triggered by the low-level concern(s) shared, they will refer the matter to HR. Any such referral will be made by the Headteacher/Principal having received the low-level concern and not by individual staff members. Equally, it is essential that there is close liaison and appropriate information sharing between the Headteacher/Principal and HR, so that a holistic view of the individual can be taken. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for HR;
- f) where a low-level concern relates to a person employed by a supply agency or a contractor, that concern will be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.
- g) where low-level concerns do trigger the academy/school's disciplinary, capability, grievance, whistleblowing or other procedures, these procedures will be followed where appropriate. Where low-level concerns are raised which engage other procedures, the academy/school will seek advice from HR and the LADO;

If it is decided that that the concern is sufficiently serious or that when considered with any other low-level concerns that have been shared about the same individual, then it should be **referred to LADO and reclassified as an allegation**



- Allegation should be dealt with in line with the Safeguarding and Child Protection Policy.



Managing low level concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors

For more detailed information, refer to Keeping Children Safe in Education (2022) Part Four

Concern or allegation received by Headteacher

Is the concern or allegation about a current teacher, supply teacher, other staff, volunteer or a contractor?

No

Non-recent allegations from adults should go to the police.
Non-recent allegations by a child should go to the LADO

Contact the Local Authority's Designated Officer 'without delay'. See also flowchart for managing allegations.

Yes

Has the person behaved in a way that has harmed a child or may have harmed a child?

No

Has the person possibly committed a criminal offence?

No

Has the person behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children?

No

Has the person behaved or may have behaved in a way that indicates they may not be suitable to work with children?

No

Steps should be taken to address unprofessional behaviour and support the individual to correct it at an early stage.

Yes

Is the person's conduct inconsistent with the staff code of conduct, including inappropriate conduct outside of work; or is it otherwise not considered serious enough to consider a referral to the LADO.

Low-level concerns should be recorded in writing, including:
• name* of individual sharing their concerns
• details of the concern
• context in which the concern arose
• action taken
(* if the individual wishes to remain anonymous then that should be respected as far as reasonably possible)

Records must be kept confidential, held securely and comply with the Data Protection Act 2018. Schools and colleges should decide how long they retain such information, but it is recommended that it is kept at least until the individual leaves their employment

Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

If a concerning pattern of behaviour is identified and now meets the criteria for an allegation, then the matter should be referred to the LADO.

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

The records' review might identify that there are wider cultural issues within the school that enabled the behaviour to occur. This might mean that policies or processes could be revised or extra CPD may be needed.

What is a low level concern?

The term low-level concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out in KCSIE. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.



9. Key Reference Documents

- Keeping Children Safe in Education 2022
- Academy/School Code of Conduct
- Academy/School Disciplinary Policy
- Academy School Safeguarding and Child Protection Policy
- Academy/School Grievance Policy
- Academy/School Whistleblowing Policy

10. Low Level Concern Form

This form below will be available to staff via:

- The Academy/School Office
- DSLs
- The Senior Leadership Team

Policy Agreed: October 2021

Policy updated October 2022

Signed CEO:

B.A. Nixon

Signed: Chair of Directors:

J. B. [Signature]

Policy to be reviewed in autumn 2023



Low Level Record of Concern Regarding a Staff Member

Name of adult writing this concern:	
Name of adult whom this concern is about:	
Time and date written:	
Signature:	
Were there any other witnesses?	

Please use this form to share any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ – that an adult may have acted in a way that:

- is inconsistent with the Academy/School staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the harm threshold, or is otherwise not serious enough to merit a referral to the LADO.

You should provide a concise record (online/electronically or hard copy) – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s) (and please use a separate sheet if necessary).

The record should be signed, timed and dated.

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Received by

At: (time)

On: (date)

Action taken: (specify)