



## **LOW LEVEL CONCERN POLICY**

|                            |                       |
|----------------------------|-----------------------|
| <b>Date</b>                | <b>September 2016</b> |
| <b>Prepared by</b>         | <b>HR Provider</b>    |
| <b>Review Date</b>         | <b>September 2023</b> |
| <b>Version</b>             | <b>7</b>              |
| <b>Changes to document</b> | <b>None</b>           |

## Contents

1. Introduction
2. Summary
3. Keeping Children Safe in Education September 2021
4. Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct
5. Reporting, Storing and use of Low-Level Concerns and follow-up information
6. Responding to and Dealing with a Low-Level Concern
7. Process to follow when a Low-Level Concern is raised (Flow Chart)
8. Key Reference Document
9. Low Level Concern Form

### 1. Introduction

At The Rose Learning Trust, 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 school/Trust.

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

This policy applies to all staff.

### 2. Summary

It may be possible that a member of staff acts in a way that does not cause risk to children, but it is however, inappropriate. A member of staff who has a concern about another member of staff should inform the Head Teacher about their concern using a Low-Level Record of Concern Form.

This policy enables staff to share any concerns, no matter how small about their own or another member of staff's behaviour with the Safeguarding lead. Safeguarding and promoting the welfare of children is everyone's responsibility.

The purpose of this policy is to create and embed a culture of openness, trust, and transparency in which the clear values of and expected behaviour which are outlined in the Code of Conduct are constantly lived, monitored, and reinforced by all staff.

We want to embed a culture of openness by:

- Ensuring that all staff are clear and confident to distinguish expected and appropriate behaviour from behaviour that is concerning, problematic or inappropriate, in both themselves and others
- Empower staff to share low-level concerns with the Safeguarding lead as a neutral act as soon as possible

### 3. Keeping Children Safe in Education September 2021

The following is taken from Keeping Children Safe in Education September 2021

*407. As part of their whole school approach to safeguarding, schools and colleges should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers, and contractors) are dealt with promptly and appropriately.*

*408. Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold (see Part Four - Section one)) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable schools and colleges to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.*

#### What is a low-level concern?

*409. 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 at paragraph 338. 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.*
  - *has caused a sense of unease about an adult's suitability to work with children, or**
- *does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.*

*410. 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,*
- *using inappropriate sexualised, intimidating, or offensive language.*

*411. 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.*

*412. It is crucial that any such concerns, including those which do not meet the harm threshold (see Part Four -Section one), 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 schools and colleges from potential false allegations or misunderstandings.*

#### 4. Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct

##### **Allegation**

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;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

##### **Low-Level Concern**

Any concern – no matter how small, even if no more than a ‘nagging doubt’ – that an adult may have acted in a manner which:

- is not consistent with an organisation’s Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children.

##### **Appropriate Conduct**

Behaviour which is entirely consistent with the organisation’s Code of Conduct, and the law.

#### 5. Reporting, Storing and use of Low-Level Concerns and follow-up information

- 5.1 Staff **do not** need to be able to determine in each case whether their concern is a low-level concern, or if it is in fact serious enough to consider a referral to the LADO or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern that determination should be made by the safeguarding lead.
- 5.2 Staff who wish to remain anonymous will have their wish respected as far as possible. Where due to circumstances this is not possible (for example in order to carry out a formal investigation) anonymity may not be possible. The school aims to create a culture of openness and as such staff will be encouraged to share low-level concerns in an open and transparent environment.
- 5.3 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.
- 5.4 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 provide a written summary (using the LLC form) with the member of staff immediately following the discussion.
- 5.5 LLC forms and follow-up information will be stored securely within the school safeguarding systems, with access only by the leadership team. This will be stored in accordance with the school’s GDPR and data protection policies.

- 5.6 The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Head Teacher or those aware in the senior leadership team.
- 5.7 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.
- 5.8 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

## 6. Dealing with & Responding to a low-level concern

- 6.0 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
- 6.1 The Safeguarding lead will immediately share the concern with the Headteacher, they will then:
- a. speak to the person who raised the concern (unless it was raised anonymously)
  - b. review the information and determine whether (i) the behaviour is entirely consistent with the code of conduct, (ii) constitutes a low-level concern, (iii) is serious enough to consider a referral to the LADO, or (iv) when considered with any other low-level concerns that have previously been raised about the same individual, should be reclassified as an allegation and referred to the LADO/other relevant external agencies.
  - c. Where the safeguarding lead is in any doubt, they should seek advice from the Lado, on a no name basis if necessary
  - d. 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)
  - e. Make appropriate records of:
    - All internal conversations – including the person who initially shared the low-level concern (where possible), the adult about whom the concern has been shared and any relevant witnesses.
    - All external conversations – for example, with the LADO/other external agencies and what their determination was, the rationale and any action taken.

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

- It will still be important for the Safeguarding lead to inform the individual in question about what was shared about their behaviour and give them the opportunity to respond to it.
- In addition, the safeguarding lead should 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 Code of Conduct and the Law.

6.3.1 If it is decided that the current concern is low-level:

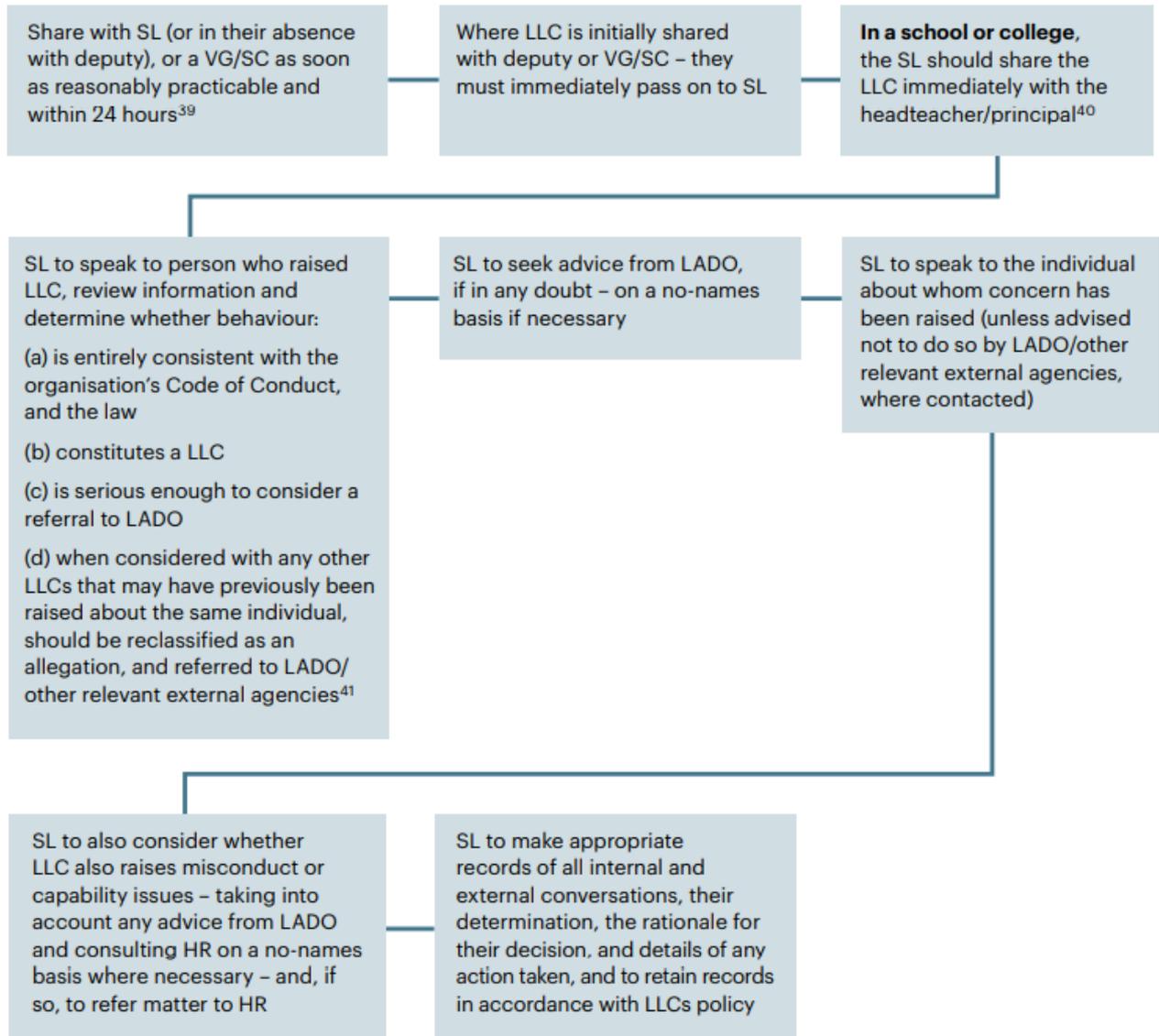
- It should be responded to in a sensitive and proportionate way as detailed in 6.0
- Where the concern is minor and does not give rise for concern and as such does not warrant any further action this is most likely to be dealt with by means of management guidance and/or training. In many cases a low-level concern may require a conversation with the individual about whom the concern has been raised.
- Professional conversations can help to maintain a positive working relationship with the member of staff concerned whilst reaffirming the school's values, any such conversation should include:
  - Being clear with the individual as to why their behaviour is concerning, problematic or inappropriate
  - What change is required in their behaviour
  - What, if any support they need to achieve and maintain the acceptable behaviour, and
  - Consequences if they fail to reach the required standards or repeats of the behaviour
- It may be appropriate to undertake transparent monitoring of the individual's behaviour and/or put an action plan or risk assessment in place to be regularly reviewed.
- Some concerns may raise issues of misconduct or poor performance, in these instances the Safeguarding lead should consider any advice from the LADO, consult with HR, and follow the respective policies in relation to misconduct and performance.
- Some concerns may trigger the disciplinary, grievance or whistle blowing procedures, these should be followed where appropriate. Professional judgment and advice from LADO and HR should be sought in the first instance.

6.4 If it is decided that that the concern is sufficiently serious or that when considered with any other low-level concern 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 Policy.

## 7. Process to follow when a Low-Level Concern is raised – Flow Chart

### ACTION REQUIRED



## 8. Key Reference Documents

Read this document for further information about Low-Level Concerns, which is referenced in KCSIE 2021. <https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concerns-guidance-2020.pdf>

[Policies that support The Low-Level Concerns Policy](#)

Code of Conduct

Disciplinary Policy

Safeguarding policy

Grievance Policy

Whistleblowing Policy

## 9. Low Level Concern Form

This form will be available to staff via:

- The Office
- DSLs
- The Senior Leadership Team

### Low Level Record of Concern Regarding a Staff Member

This document should be used when 'low level' concerns as defined in Section 2 of Part 4 of Keeping Children Safe in Education 2021 are reported. This document does not replace suspension/formal disciplinary investigations, these would be managed under the trust disciplinary policy. In the event that concerns are either categorised as more serious than low level or where the concerns raised amount to a pattern of behaviour consideration should be given to whether a formal investigation should be instigated.

|          |  |  |
|----------|--|--|
| <b>1</b> | <b>Name of individual raising the concern</b><br><i>Leave blank if concern was raised anonymously or the individual wishes to remain anonymous</i>   |  |
| <b>2</b> | <b>Date the concern was raised</b>   |  |
| <b>3</b> | <b>Name and role of individual about whom concern has been raised</b>  |  |
| <b>4</b> | <b>Details of the concern(s) reported (give description and context)</b><br><br><i>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 may have acted in a way that is inconsistent with the staff code of conduct but does not meet the allegations threshold set out in Section 1 of Part 4.</i> |  |
| <b>5</b> | <b>Details of steps that have been taken to investigate this concern</b><br><br><i>Steps should include speaking to the individual who raised the concern, the individual about whom the concern is raised and any witnesses. You will need to review your Code of Conduct and Safeguarding Policies to determine if there has been a breach.</i>  |  |

|   |   |                |
|---|---|----------------|
|   |   |                |
| 6 | <b>Set out the individual's response to the concern</b>   |                |
| 7 | <p><b>Is this concern 'low level' or should it be treated as an allegation against staff and managed in accordance with Section 1 of Part 4?</b></p> <p><i>To reach this decision, consider the information set out in 5 and 6 above. If you are unsure, seek advice from your HR and/or safeguarding advisors and/or discuss the matter with your LADO. Set out your reasons for reaching your conclusion, including the advice provided by your advisors and any discussions with your LADO</i></p> |                |
| 8 | <p><b>Have 'low level' or other concerns been raised about this individual previously?</b></p> <p><i>If so, please provide dates, brief details, and relevant file/document reference for the concern(s). Also consider whether previous concern(s) raised coupled with this new concern meet the threshold set out in Section 1 of Part 4.</i></p>   | YES ( ) NO ( ) |
| 9 | <p><b>Details of further action required</b></p> <p><i>Action could range from no action or a conversation to discuss the concern, to being clear why the behaviour is concerning and formal disciplinary action</i></p>  |                |

|                      |                 |  |
|----------------------|-----------------|--|
| <b>Completed by:</b> | <b>Name</b>     |  |
|                      | <b>Position</b> |  |
| <b>Date</b>          |                 |  |