



## Low-Level Concerns Policy and Procedure Version 1.1

<p><b>Important:</b> This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p>	
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<p><b>Name of Responsible Committee/Individual:</b></p>	<p>Trust Board</p>
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<p><b>Target Audience:</b></p>	<p>All employees and adults working on behalf of the Trust (e.g. agency workers, self-employed workers and professional visitors).</p>
<p><b>Related Documents:</b> All Trust policies and procedures referred to are located on the trust website, <a href="http://www.theeducationalliance.org.uk">www.theeducationalliance.org.uk</a>.</p> <p>If English is not your first language, and you require assistance/translation, please contact the HR Department.</p> <p>This policy has been equality impact assessed.</p>	<p>Child Protection Policy Disciplinary Policy and Procedure Whistleblowing Policy Expectations and Code of Conduct Ethical Leadership Qualities KCSIE 2022</p>

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## **POLICY STATEMENT**

We are here to make great schools and happier, stronger communities so that people have better lives. We do this by:

- Always doing what is right
- Trusting in each other and standing shoulder to shoulder
- Doing what we know makes the difference

Doing what is right means always acting with integrity, in the interests of others and being honest, open and transparent.

Safeguarding and promoting the welfare of children is everyone's responsibility. We are fully committed to satisfying all the requirements and expectations for safeguarding children in education. The purpose of this policy and procedure is to embed a culture of openness, trust and transparency in which the clear values and expected behaviour set out in the Trust's Expectations and Code of Conduct, and our Ethical Leadership Qualities, are understood and delivered by all staff, workers, visitors and volunteers.

All safeguarding concerns about adults (including allegations that do not meet the harm threshold) will be shared responsibly, with the right person and recorded and managed appropriately.

### **1. SCOPE**

This policy applies to all staff employed by the Trust and adults working on behalf of the school (e.g. agency workers, self-employed workers, professional visitors, and volunteers).

### **2. ROLES AND RESPONSIBILITIES**

The **Trust Board** is responsible for approving this procedure, ensuring there is a consistent, fair and transparent approach to managing low level concerns across the Trust.

**Headteachers** are responsible for ensuring that staff and managers are aware of this procedure, ensuring that staff and managers uphold the principle that safeguarding is everybody's responsibility.

The **Human Resources Department** is responsible for ensuring that employees have access to this policy and that managers and employees apply it sensitively and consistently.

**Managers** and staff with supervisory or leadership responsibilities must ensure they implement this policy and procedure fairly and equitably, seeking guidance, clarification and support as and when required.

**Employees and adults working on behalf of the school** are encouraged to read this policy and procedure, adhere to the processes detailed and seek clarity from either their manager, their Designated Safeguarding Lead (DSL) or the HR Department if they have any queries.

### **3. EQUALITY AND DIVERSITY**

The Education Alliance is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged

This policy and procedure encourages employees and managers to be vigilant and consider how they can contribute to maintaining the safety and welfare of all pupils.

#### 4. PRINCIPLES

The Trust is committed to ensuring that staff are confident and are supported to speak out and share any concerns – no matter how small – about their own or another member of staff’s behaviour with the Headteacher. We aim to identify concerning, problematic or inappropriate behaviour early, minimise the risk of abuse and ensure that adults working in or on behalf of our schools are clear about professional boundaries and act within them, in accordance with the ethos and values of the Trust.

Behaviour which is not consistent with the standards and values of the Trust, and which does not meet the Expectations and Code of Conduct, should be addressed. Such behaviour can exist on a wide spectrum – from the inadvertent to that which is ultimately intended to enable abuse. Where a concern about an individual’s behaviour meets the threshold of an allegation, clear guidance exists to support the member of staff in responding to these concerns.

It is important to recognise that, in practice, the words ‘allegation’ and ‘concern’ 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, meet the harm threshold (and must be referred to the Local Authority Designated Officer - LADO), or, on the other, it does not meet the harm threshold and should be treated as a low-level concern.

#### 5. ALLEGATIONS WHICH MAY MEET THE HARM THRESHOLD

**THE HARMS THRESHOLD** is the point at which a concern constitutes a threat of harm to a child. This threshold is defined as when an adult 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 in a way that indicates they may pose a risk of harm to children.
- Behaved in a way that indicates they may not be suitable to work with children, including behaviour that has happened outside of school.

#### 6. ALLEGATIONS CONSIDERED LOW-LEVEL CONCERNS

The term ‘low-level’ concern does not mean that it is insignificant, it means that the adult’s behaviour towards a child does not meet the harm threshold as set out above.

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 Trust’s Expectations and Code of Conduct, including inappropriate conduct outside of work, and does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO.

This behaviour can exist on a wide spectrum, from inadvertent, acting in a way that might be considered inappropriate depending on the circumstances, or behaviour which is ultimately intended to enable abuse. Examples of low-level concerns are:

- Being overly friendly with children – this could include, but is not limited to, communicating with a child through personal social media or allowing inappropriate conversations or enquiries to occur with pupils (e.g. conversations that are about a staff member’s personal life or are of a sexual nature).
- Having favourites – this could include, but is not limited to, calling pupils by pet names or terms of endearment, or buying pupils gifts.
- Humiliating pupils.
- Taking photographs of children on their personal mobile phones or devices.
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door.
- Using inappropriate, sexualised, intimidating or offensive language.

Staff do not have to determine in each case whether their concern is a low-level concern, or if it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. Once staff have shared what they believe to be a low-level concern, that decision should be made by the Headteacher and responded to in line with this policy.

## **7. REPORTING LOW-LEVEL CONCERNS**

While low-level concerns are, by their nature, less serious than concerns which meet the harms threshold, many serious safeguarding behaviours often begin with low-level concerns. Therefore, it is crucial that all concerns are reported no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’.

Not all concerns will result in a formal investigation, but it is important to raise any potential worries to ensure children are safeguarded. It is better to have reported a concern which leads to no further action rather than ‘sitting on’ something which could potentially be a key piece of a larger picture. Reporting concerns also protects those working in schools from potential false allegations or misunderstandings.

Low-level concerns must be shared responsibly, discreetly and confidentially with the right person to deal with them appropriately.

All low-level concerns must be raised with the Headteacher to maintain confidentiality and allow any potential patterns of behaviour to be identified. The low-level concern can be shared verbally in the first instance, or by completing a simple low level concerns form (Appendix 3).

Ideally individuals should share information with the Headteacher as soon as reasonably possible and, where it relates to a specific incident, within 24 hours of becoming aware of the concern. However, it is never too late to share a low-level concern and a delay should never be seen as a barrier to sharing.

If the Headteacher is absent for any reason, low level concerns should be shared with the Designated Safeguarding Lead (DSL) or Deputy Headteacher, who will inform the Headteacher immediately on their return.

In the event of concerns about the Headteacher, these should be referred to the CEO, or the Executive Principal in the CEO’s absence.

We acknowledge that individual members of staff may feel awkward or uncomfortable, but it is important to follow this route. Personal feelings whether negative or positive should not form part of the decision to report a concern, as safeguarding must come first.

If the individual who raises the concern does not wish to be named, this request will be respected as far as possible. However, there may be circumstances where they will need to be named (e.g., if it is

necessary to carry out a fair disciplinary process) and, for this reason, anonymity can never be promised to anyone sharing a low-level concern. Where possible, we encourage employees to consent to be named, as this promotes a culture of openness and transparency.

## **8. SELF REPORTING**

Occasionally an individual may find themselves in a situation which could be misinterpreted, or they may have acted in a way which, on reflection, they feel falls below the standard set out in the Trust 's Expectations and Code of Conduct or the expected professional standards. Self-reporting in these circumstances is encouraged as a positive action for a number of reasons:

- It is self-protective as it allows a potentially difficult issue to be addressed at the earliest opportunity.
- It demonstrates the individual's awareness of the expected behavioural standards and self-awareness of their actions and how they could be perceived.
- It is an important way to maintain a culture where everyone aspires to the highest standards of conduct and behaviour.

We ensure that there is an environment where staff are encouraged to self-refer and feel confident that matters will be dealt with fairly and supportively.

## **9. RESPONDING TO A LOW-LEVEL CONCERN**

Once the Headteacher has received the low-level concern, they will respond (not necessarily in the order below, but in an appropriate sequence according to the nature and detail of the particular concern shared with them). The Headteacher may delegate the following actions to a Designated Safeguarding Lead or Deputy Headteacher:

- speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary, or completed low-level concerns form has been provided
- speak to any potential witnesses (unless advised not to do so by the LADO /other relevant external agencies, where they have been contacted)
- 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)
- review the information and determine whether the behaviour:
  - i is entirely consistent with the Trust's Expectations and Code of Conduct, statutory requirements, professional standards and the law
  - ii constitutes a low-level concern
  - iii is not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO
  - iv when considered with any other low-level concerns that have previously been raised about the same individual, could now meet the threshold of an allegation and should be referred to the LADO
  - v in and of itself meets the threshold of an allegation and should be referred to the LADO.

The Headteacher will always seek advice from the LADO where they are in any doubt whatsoever. While responding to any incident, the Headteacher will ensure appropriate notes are taken 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 or Safeguarding Officer (where they have been contacted)
- the action taken and the rationale for the decision taken

## **10. POSSIBLE OUTCOMES FROM A LOW-LEVEL CONCERN**

If it is determined that the behaviour is entirely consistent with the Trust’s Expectations and Code of Conduct, professional standards, statutory requirements and the law, the Headteacher will:

- update the individual in question and inform them of the action taken as above.
- 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 Trust’s Expectations and Code of Conduct and the law.
- consider if the situation may indicate that the Expectations and Code of Conduct or Low-Level Concerns Policy are not clear enough, or if further training is required.

If the same or a similar low-level concern is subsequently shared about the same individual, and the behaviour in question is also consistent with the Expectations and Code of Conduct, then an issue may need to be addressed about how the subject of the concern’s behaviour is being perceived by others.

If it is determined that the behaviour constitutes a low-level concern, it will be responded to in a sensitive and proportionate way, maintaining confidence that such concerns when raised will be handled promptly and effectively, and protecting staff from any potential false allegations or misunderstandings. Any investigation of low-level concerns will be done discreetly and, on a need-to-know basis.

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.

In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised. Any such conversation will include being clear with the individual as to why their behaviour is concerning, problematic or inappropriate, an explanation of the change that 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.

Where a low-level concern relates to a person employed by a supply agency or a contractor, that concern will be raised with their employer, so that any potential patterns of inappropriate behaviour can be identified.

If, when considered with any other low-level concerns that have previously been shared about the same individual, the behaviour could now meet the threshold of an allegation, then it should be referred to the LADO in accordance with Part 4 of KCSiE, 2022.

## **11. RECORDING AND STORAGE OF LOW-LEVEL CONCERNS**

All low-level concerns should be recorded in writing and include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted. If the individual wishes to remain anonymous, then that should be respected as far as reasonably possible.

The Headteacher will ensure that all records of low-level concerns are retained. These records will be kept confidential and held securely (complying with Data Protection Act 2018 and the UK General Data Protection Regulations) with limited access for the Headteacher, the DSL and the Deputy Headteachers.

Material on the personnel file will be retained in accordance with Part 4 of KCSiE 2022, which requires schools and colleges in England to produce a clear and comprehensive summary of all allegations (except those which are found to have been malicious), details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, to be kept on the confidential personnel file of the staff member, and a copy provided to them.

## **12. RETAINING AND REVIEWING LOW-LEVEL CONCERNS**

The Headteacher will monitor and review the low-level concerns file to ensure that all such concerns are being dealt with promptly and appropriately, and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. A record of these reviews will be made and stored alongside the file, along with any subsequent actions taken.

Governors will receive relevant data relating to low-level concerns and review anonymised samples of low-level concerns at regular intervals, to ensure that these concerns have been responded to promptly and appropriately.

It is recommended that the information is retained at least until the individual leaves employment with the Trust as this is a natural point at which the content of the file may be reviewed to ensure it still has value (either as a safeguarding measure or because of its possible relevance to future claims) and is therefore necessary to keep. This is subject to the rights of individuals to object to or seek to erase or correct records about them under data protection law.

## **13. LOW-LEVEL CONCERNS AND REFERENCES**

Low-level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

A low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

However, where a low-level concern (or group of concerns) meets the harm threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.



#### **14. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY**

Effectiveness of and compliance with this procedure will be monitored on an annual basis by the Education Committee.

#### **15. REVIEW**

This policy will be reviewed annually with the Trust's Designated Safeguarding Lead.

## Appendix 1 - Spectrum of Behaviour

### Allegation

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

- behaved in a way that had 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 indicated they may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicated they may not be suitable to work with children

### Low-Level Concern

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. 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 an organisation's staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary

### Appropriate Conduct

Behaviour which is entirely consistent with the Trust's Expectations and Code of Conduct, statutory requirements, professional standards and the law.

## Appendix 2 - Reporting Low-level Concerns Form

This form can be used 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 not consistent with the Expectations and Code of Conduct, the Child Protection and Safeguarding policies, and teacher standards, including inappropriate conduct outside of work, and does not meet the harms threshold, or is otherwise not serious enough to consider a referral to the LADO.

The information should include 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). Please use a separate sheet if necessary.

Concern reported by:	
Subject of the concern (name):	
Details of the concern:	
Signed:	Date:

**WHEN COMPLETED THIS FORM IS CONFIDENTIAL AND MUST BE SENT TO THE HEADTEACHER**

## Appendix 3 – Reporting and Responding to a Low-Level Concern – Flowchart

KCSiE, 2022 now requires low-level concerns to be shared with the Headteacher– unless they relate to the Headteacher– as per paragraph 74 of KCSiE 2022

### Action Required

