



# Low Level Concerns Policy

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## **Introduction**

This policy is written in line with KCSiE 2022 and should be read in conjunction with the College's Safeguarding Policy and Procedures, Staff Code of Conduct, Dealing with allegations of abuse against staff and the Whistleblowing Policy, to enable staff to share their concerns, no matter how small, about their own or another member of staff's behaviour.

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

The college deals with all concerns about adults working in or behalf of the college appropriately and promptly. The college seeks to create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below expected professional standards.

This policy seeks to

- ensure that staff are clear about, and confident to distinguish between, expected and appropriate behaviour from concerning, problematic or inappropriate behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines
- empower staff to share any low-level concerns with the Principal
- help staff address unprofessional behaviour and help the individual to correct such behaviour at an early stage
- identify concerning, problematic or inappropriate behaviour (including any patterns) that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the LADO
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised
- help identify any weaknesses in the organisation's safeguarding system.

This policy applies to all staff at the college.

### **Defining a Low-Level Concern**

A low-level concern is one that does not meet the harm threshold as stated in the colleges Safeguarding Policy. That is, when anyone working in a school (including volunteers, supply staff and contractors) 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 he or she 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 (which includes behaviour that may have happened outside school posing a transferable risk to children).

Responses and actions to behaviours that may meet the harm threshold are contained specifically within the College's Dealing with allegations against staff policy..

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' (i.e. they believe it could be a concern) – that an adult working in or on behalf of the school 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

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.

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.

### **Responsibilities of staff**

It is important that all staff are clear of the expectations the college stipulates from them as contained in the Staff Code of Conduct. This is covered annually by the Designated Safeguarding Lead, and as part of the school's induction for new staff.

It is crucial that any concerns in relation to a staff member's behaviour, including those which do not meet the harm threshold, are shared responsibly. This should be done without delay.

Where there are concerns/allegations about the Principal, this should be referred to the Chair of Governors (whose contact details can be found in the College Safeguarding Policy document).

Staff members who are concerned about how their behaviour may have been interpreted, or, on reflection, re-evaluate their behaviour as one that may have been in contrary to the College Code of Conduct and expectations, they self-refer to the Designated Safeguarding Lead (DSL).

### **Dealing with Low-Level Concerns**

All low-level concerns may be shared verbally with the DSL in the first instance but must then be recorded in writing.

The record should include:

- details of the concern
- the context in which the concern arose
- action taken

The name of the individual sharing their concerns should also be noted, but if the individual

wishes to remain anonymous then that should be respected as far as reasonably possible. Where the low-level concern is provided verbally, the DSL should make an appropriate record of the conversation, either at the time or immediately following the discussion, paying heed to the details above. Records will be signed, timed and dated. Records will remain confidential in accordance with the college's Data Protection policies and GDPR.

### **Responding to a Low-Level Concern**

The DSL will in the first instance satisfy themselves that it is a low-level concern and should not be reclassified as a higher level concern/allegation and dealt with under the appropriate procedure below.

The circumstances in which a low-level concern might be reclassified are where:

- (a) the threshold is met for a higher-level concern/allegation
- (b) there is a pattern of low-level concerns which collectively amount to a higher-level concern/allegation or
- (c) there is other information which when taken into account leads to a higher-level concern/allegation.

Where the DSL is in any doubt whatsoever, advice will be sought from the LADO, if necessary, on a 'no-names' basis.

Having established that the concern is low-level, the DSL will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. If the concern has been raised via a third party, the DSL should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously to the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken. Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training etc. In dealing with a low-level concern with a member of staff, this will be approached in a sensitive and proportionate way. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

Details of the concern will be recorded along with the rationale for decisions and action taken. Any conversation with a member of staff following a concern will include being clear with the individual as to why their behaviour is concerning, problematic or inappropriate, 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 may be required. Some concerns may trigger the school's disciplinary, grievance or whistleblowing

procedures, which will be followed where appropriate. Some concerns may be related to performance management and advice may be sought from Nord Anglia Education HR.

### **Supply staff and contractors**

Low-level concerns which are shared about supply staff and contractors should be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.

If in any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, they should consult with their LADO.

### **Monitoring of Low-Level Concerns**

The DSL will securely retain confidential files on low-level concerns. A central log will be shared and monitored by the college Senior Leadership Team on a monthly basis 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 will be kept of this review.

No record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:

- the concern (or group of concerns) has been reclassified as a higher-level concern, or
- the concern (or group of concerns) is sufficiently serious to result in formal action under
- the college grievance, capability or disciplinary procedure, or
- 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.

### **Further References**

Farrer & Co – Developing and implementing a low-level concerns policy: a guide for organizations which work with children – Adele Eastman, Jane Foster, Owen O’Rorke and David Smellie. 2020

<https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concernsguidance-2020.pdf>

Department for Education, Keeping Children Safe in Education 2022

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1007260/Keeping\\_children\\_safe\\_in\\_education\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007260/Keeping_children_safe_in_education_2021.pdf)

Working together to Safeguard Children. Statutory guidance on inter-agency working to safeguard and promote the welfare of children.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>