



## **Low-level Concerns about staff/volunteers and contractors' policy**

**(Whole school including EYFS)**

### **Introduction**

This Low-level Concerns Policy seeks to ensure that all staff who work with children behave appropriately and to enable the early identification and prompt and appropriate management of concerns. We understand the importance of a positive culture where concerns can be identified and spoken about openly and acknowledges our robust approach to safeguarding all pupils.

As part of our whole school approach to safeguarding, we will ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately. Creating a culture in which all concerns about adults (including allegations that do not meet the harm threshold) 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 the School 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 are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the School.

### **What is the Low-Level Concerns Policy?**

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 the Head Teacher. Safeguarding and promoting the welfare of children is everyone's responsibility. The purpose of the Low-Level Concerns 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 School's Staff Code of Conduct are constantly lived, monitored and reinforced by all staff.

### **What are the aims of the Low-Level Concerns Policy?**

The aims of the Low-Level Concerns Policy are to:

- ensure that staff are clear about what appropriate behaviour is, and are confident in distinguishing 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 Head Teacher, and to help all staff to interpret the sharing of such concerns as a neutral act;
- address unprofessional behaviour and support the individual to correct it 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 Local Authority Designated Officer (“LADO”);
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised; and
- help identify any weaknesses in the School’s safeguarding system.

### **School Culture**

The School promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School are dealt with promptly and appropriately.

### **Concerns regarding the behaviour of another adult towards a child**

A low-level concern should be reported when a member of staff is concerned about the behaviour of another adult towards a pupil or another child. This is not just where it is clear that a professional boundary has been broken: anything which causes staff to have a ‘nagging doubt’ about the way in which other adults behave or interact with pupils should be notified, in order to protect both pupils and the members of staff involved. Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate. 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. (It should be noted that wherever possible, staff will use a school owned devices to capture images or videos).
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door (unless appropriate e.g., 1:1 counselling); or,
- using inappropriate sexualised, intimidating or offensive language.

### **Who should staff share low-level concerns with?**

It is important that low-level concerns are shared with the Head Teacher 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 is never too late to share a low-level concern. If the Head Teacher is absent for any reason, low-level concerns should be shared with the Deputy Head – who will ensure they inform the Head Teacher immediately on their return. If any low-level concern relates to the behaviour of the Head Teacher, it should be referred to the Chair of Governors. If there is a conflict of interest in sharing a low-level concern with the Head Teacher, the low-level concern should be shared with the Chair of Governors, unless there is conflict of interest in doing so, in which case it should be reported directly to the LADO.

### **Should staff who share low-level concerns be able to remain anonymous?**

Staff are encouraged to consent to be named when sharing low-level concerns, as this will help to create a culture of openness and transparency. If the staff member who raises a low-level concern does not wish to be named, the School will respect that person's wishes as far as possible. However, there may be circumstances where the staff member will need to be named (for example, where disclosure is required by a court or local authority, or under a fair disciplinary process) and, for this reason, the School will not promise anonymity to members of staff who share low-level concerns.

### **Self-reporting**

From time to time an individual may find him/herself in a situation which might appear compromising to others or which could be misconstrued. Equally, an individual may for whatever reason have behaved in a manner which on reflection he/she considers falls below the standard set out in the Staff Code of Conduct. Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how these might be perceived.

### **What action will be taken if it is determined that the behaviour is entirely consistent with the School's Staff Code of Conduct and the law?**

The Head Teacher will update the individual in question and inform them of any action taken (as above). The Head Teacher 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 School's Staff Code of Conduct and the law. What action will be taken if it is determined that the behaviour constitutes a low-level concern? The Head Teacher will respond in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively, whilst on the other hand 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 with individuals in these circumstances will include being clear with them 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 which is agreed with the individual, and regularly reviewed with them, may also be appropriate.

Some low-level concerns may also raise issues of misconduct or poor performance. The Head Teacher will consider whether this is the case, taking specialist advice where necessary. If the Head Teacher decides that the School's disciplinary or capability procedure should be triggered, the individual will have a full opportunity to respond to any factual allegations which form the basis of capability concerns or a disciplinary case against them. Staff should be aware that when they share what they believe to be a low-level concern, the Head Teacher will speak to the adult who is the subject of that concern (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted) – no matter how 'low' level the concern may be perceived to be, to gain the subject's account – and to make appropriate records (as above), which may be referenced in any subsequent disciplinary proceedings. How the School responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e. whether they are an employee or worker to whom the School's disciplinary and/or capability procedure would apply; or a contractor, Governor, or volunteer. The School's response will be tailored accordingly.

### **What action will be taken if it is determined that the behaviour merits contact with the LADO or referral to other external agencies?**

If the behaviour of a staff member was not sufficiently serious to consider a referral to the LADO but merits consulting with and seeking advice from the LADO, then action (if/as necessary) will be taken in accordance with the LADO's advice. If the behaviour of a staff member when considered with any other low-level concerns that have previously been shared about the same individual, could now meet the threshold of an allegation, or in and of itself meets the threshold of an allegation, then it will be referred to the LADO/other relevant external agencies, and in accordance with the School's Safeguarding and Child Protection Policy and Procedures, KCSIE and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.

### **Recording Low-level Concerns**

All low-level concerns (even those which turn out to be of no concern) will be recorded in writing. The record will set out the 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 but if the individual wishes to remain anonymous that should be respected as far as

possible. Records will be held securely by the DSL on a password protected file. The Head and DSL will regularly review the records so that potential patterns of concerning problematic or inappropriate behaviour can be identified. They may identify patterns of behaviour by a particular member of staff, or by a specific type of behaviour across the school. They will consider, whether the reported matter is a low-level concern and whether it should be reclassified as an allegation and dealt with as outlined in the Safeguarding and Promoting the Welfare of Pupils Policy. Where there is in any doubt whatsoever about the classification of a reported concern, The Head, or DSL (as appropriate) will seek advice from the Local Authority Designated Officer (LADO) on a no-names basis. Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record, and with a timeline alongside. These may be used to demonstrate a pattern of behaviour.

### **How often should the central low-level concerns file be reviewed?**

The Head Teacher will review the central low-level concerns file periodically 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.

Where a pattern of behaviour is identified in respect of a specific individual, the Head Teacher will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether the School should arrange for additional training or a review of any of its policies to reduce the risk of it happening again.

### **Retaining Records of Low-level Concerns**

Low-level concerns will be retained securely by the School for as long as deemed relevant and necessary for a safeguarding purpose unless the School is required to disclose by law (for example, where the threshold of an allegation is met in respect of the individual in question). In most cases, once a staff member leaves the School, any low-level concerns which are held relating to them will be retained at least until the individual leaves the School or for the same duration as that individual's personnel file are kept after leaving the School. Concerns will not be included in any onward reference, except as set in the References section below.

### **References**

Only those low-level safeguarding concerns (or group of concerns) that have met the threshold for referral to the LADO and are therefore substantiated, can be detailed in a reference.

### **What is the role of the Governance Body?**

The Head Teacher will regularly inform the Governance Body about the implementation of the Low-level Concerns Policy and any evidence of its effectiveness, e.g. by including reference to it in any safeguarding reports and providing any relevant data. The Governing



Body will also review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

### **Monitoring and Review**

The Low-level Concerns Policy will be monitored to ensure that it is being effectively implemented in practice and will be reviewed annually by the Head Teacher and in response to any relevant legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice.

Reviewed by AC/ JL September 2023

Review date September 2024

## Appendix 1

### Spectrum of behaviour

#### **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; 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, 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 the School'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, on a no-names basis if necessary.

#### **APPROPRIATE CONDUCT**

Behaviour which is entirely consistent with the School's Staff Code of Conduct, and the law.