



Low Level Concerns Policy 2022

This policy should be read in conjunction with the following documents:

- **Staff Code of conduct**
- **Child Protection and Safeguarding Policy**
- **Staff Handbook**

Agreed by	FULL GOVERNING BODY
Signed	Frances Nunn
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1. Introduction

Holy Cross Catholic Primary School is committed to Safeguarding and promoting the welfare of all children and families who attend the school. This includes ensuring that adults who work with children do so in the way that is in accordance with the ethos and policies set out by the school, including staff code of conduct. The Low Level Concerns Policy is based upon the statutory guidance 'Keeping children Safe in Education 2021' and the expectations within the guidance for Safer Working Practice 2019'. These Documents are referenced throughout this policy.

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, and recorded and dealt with appropriately, is crucial. If implemented well, this should encourage an open and transparent culture; enable our 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 them, in accordance with the ethos and values of Holy Cross Catholic Primary School.

Behaviour which is not consistent with the standards and values of Holy Cross Catholic Primary School and which does not meet the school's expectations encapsulated in our staff code of conduct, needs to be addressed. Such behaviour can exist on a wide spectrum – from the inadvertent or thoughtless, through 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 is 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, 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.

2. 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.

As a school community, we are all responsible for upholding these statements to ensure safety for all and by agreeing to work at Holy Cross Primary School, all staff agree to adhere to the above statements and rest of this policy.

3. The Purpose of a Low-Level Concerns Policy

The Purpose of this policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour set out in the staff code of conduct, are constantly lived, monitored and reinforced by all staff. This policy enables all staff to share any concerns – no matter how small – about their own or another member of staff's behaviour with the Headteacher or DDSL.

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; and*
- 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 Allegations vs Low-Level 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 indicated 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 organisations Code of Conduct, and / or
- Relates to their code of conduct outside of work, which even if it is not linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children.
- Does not meet the allegation threshold, or is otherwise serious enough not to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO.

Appropriate Conduct

Behaviour which is entirely consistent with the organisations Code of Conduct, and the law.

It is not the responsibility of staff to determine in each case whether their concern is a low-level concern, or whether it is an allegation or whether it meets the threshold of an allegation, that determination should be made by the Headteacher and responded in line with this policy.

5. Anonymity

If a member of staff who raises the concern does not wish to be named, the Holy Cross Catholic Primary School will respect their wishes as far as possible.

However, there may be circumstances where the staff member 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, Holy Cross Catholic Primary School will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

6. Sharing and recording of a Low-Level Concern

Staff are asked in the first instance of sharing their concern to send an email to the Headteacher. If the concern is about the Headteacher, an email should be sent to the Chair of Governors.

Sound professional judgement will be exercised by the Headteacher and/or chair of governors in determining what information is necessary to record for safeguarding purposes. The name of the individual sharing the low-level concern and their role should be stated, as should 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.

7. Responding to a Low-Level Concern

Once the Headteacher has received the low-level concern, they will (not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them):

- speak to the person who raised the concern (unless it has been raised anonymously)
- 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 their staff code of conduct 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;

Where they are in any doubt whatsoever, the Headteacher will always seek advice from the LADO.

- While responding to any incident, the Headteacher will make appropriate records of:
 - o 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);
 - o all external conversations – for example, with the LADO/SCIE Officer (where they have been contacted);
 - o their determination;
 - o the rationale for their decision; and
 - o any action taken.

8. Storage of Low-Level Concerns

Holy Cross Catholic Primary School will retain all records of low-level concerns (including those which are subsequently deemed by the Headteacher to relate to behaviour which is entirely consistent with

the staff code of conduct) in a central electronic low-level concerns file, accessible only by the Headteacher. Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record.

These records will be kept confidential and held securely, with access afforded only to a limited number of individuals such as the Headteacher and the individual they report to such as the Chair of Governors.

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 concerning, problematic or inappropriate behaviour; and
- (b) it reassures staff and encourages them to share low-level concerns.

However, if a referral is made to the LADO where the behaviour in question:

- (i) had not originally been considered serious enough to consider a referral to the LADO but merited consulting with and seeking advice from them;
- (ii) is determined to meet the threshold of an allegation when considered with any other low level concerns that have previously been raised about the same individual;
- (iii) in and of itself meets the threshold of an allegation then records relating to the behaviour should be placed and retained on the staff member's personnel file, whilst also being retained on the central low-level concerns file.

Material on the personnel file will be retained in accordance with Part 4 of KCSIE – 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.

9. Reviewing the Low-Level Concerns File

The Headteacher 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 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, in order to ensure that these concerns have been responded to promptly and appropriately.

10. Retaining Low Level Concerns.

Low-level concerns will be retained on an organisation's central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.

When a staff member leaves and/or takes up new employment, that creates 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.

Low Level Concerns and References

KCSIE prohibits schools from referring to unsubstantiated, malicious or false allegations in references. Only safeguarding allegations that have been substantiated should be included in references. KCSIE states that: "where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.

Low level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding 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.

Flow Chart to show how low-level concerns are dealt with at Holy Cross

