



Low Level Concerns

Approved by Governors

September 2023

Written

September 2023

To be reviewed:

September 2024 (or in light of new legislation)

Introduction

At Whitefield Infant School, we aim to create an open and transparent culture where all concerns about all adults involved with our school are dealt with promptly and appropriately. We aim to identify any concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of our school are clear about professional boundaries and act within these boundaries, and in accordance with our school ethos.

This policy should be read alongside our Safeguarding and Child Protection Policy and Staff Code of Conduct.

2. Summary

It may be possible that a member of staff acts in a way that does not cause risk to children, but is however inappropriate. A member of staff who has a concern about another member of staff, volunteer, contractor or who, on reflection, recognises that their actions could have been viewed as a risk should inform the Headteacher about their concern using a Low-Level Record of Concern Form. If the Head Teacher cannot be contacted, the Deputy Headteacher or Chair of Governors should be contacted instead.

3. Keeping Children Safe in Education (September 2023)

Low-level concerns

'As part of their whole school approach to safeguarding, schools 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 (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Creating a culture in which **all** concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

- enable schools to identify inappropriate, problematic or concerning 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 institution.

What is a low-level concern?

The term 'low-level' concern does not mean that it is insignificant. 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 harm threshold or is otherwise not 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, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating children.

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.

Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

It is crucial that all low-level concerns are shared responsibly 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 becoming the subject of potential false low-level concerns or misunderstandings.

Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct

Allegation:

Any adult linked to our school who 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.

Low Level Concern:

Any adult linked to our school who has behaved 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.

Appropriate:

- Behaviour which is entirely consistent with our school's Code of Conduct, and the Law.

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.

Whenever staff leave Whitefield Infant School, 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.

Recording low-level concerns

KCSiE (2023) states 'all low-level concerns should be recorded in writing. The record should 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'.

At Whitefield Infant School, we would request a Low level Concerns Reporting Form (at the end of this policy) is completed to ensure all the correct information is collated. We use an online recording system called 'Staff Safe' to store any concerns, which supports our overarching Safeguarding recording system; CPOM's. This is only accessed by the Headteacher, Deputy Headteacher and monitored by the Chair of Governors. This systems ensures records are kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

Anonymity

If the staff member who raises the concern does not wish to be named, Whitefield Infant 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 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, Whitefield Infant School will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

Self-Reporting

Occasionally a member of staff may find themselves in a situation which could be misinterpreted, or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the staff code of conduct.

Self-reporting in these circumstances can be positive for a number of reasons:

- it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity; it demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived;
- it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.
- In line with KCSiE, Whitefield Infant School will ensure that there is an environment where staff are encouraged and feel confident to self-refer.

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), 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 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:

- 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/SCIE Officer (where they have been contacted); their determination; the rationale for their decision; and any action taken.

Possible Outcomes from a Low Level Concern

If it is determined that the behaviour is **entirely consistent** with the school's staff code of conduct 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 organisation's staff code of conduct and the law;
- Consider if the situation may indicate that the staff 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 by the same individual, and the behaviour in question is also consistent with the staff code of conduct, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived, if not about the behaviour itself, and/or the school may need to look at the implementation of its LLC policy.

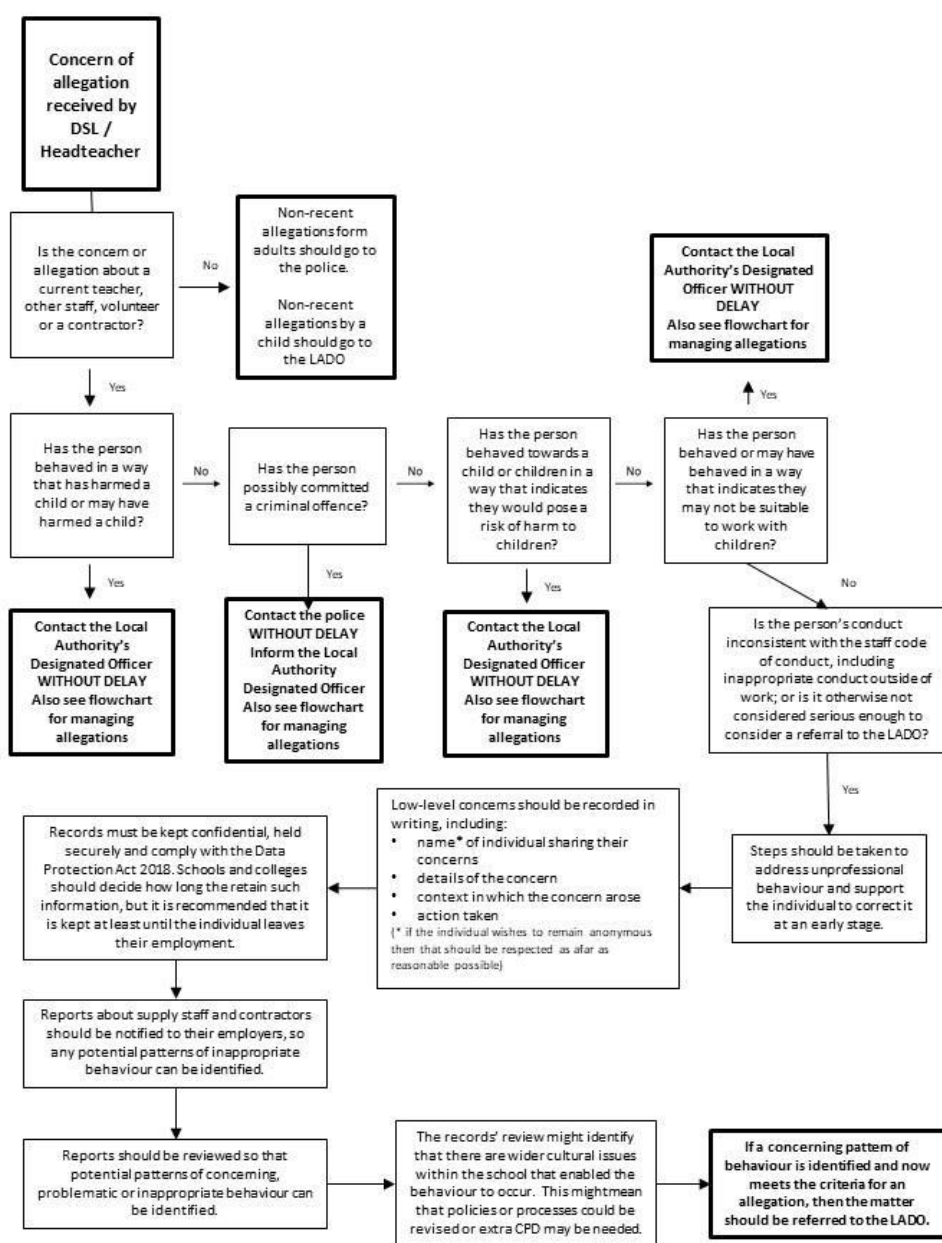
If it is determined that the behaviour constitutes a low-level concern:

- It will be responded to 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. It has long been understood that lasting change in behaviour is least likely to be achieved by an approach experienced as critical or threatening.
- Any such conversation 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 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 Headteacher will also consider whether this is the case – by referring to the organisation's disciplinary and/or capability procedure and taking advice from the school's HR service (if necessary) on a named or no names basis where necessary. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for HR;
- Where a low level concern relates to a person employed by a supply agency or a contractor, that concern will be raised with their employers, so that any potential patterns of inappropriate behaviour can be identified. How an organisation 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 organisation's disciplinary procedure would apply; or a contractor, Governor or volunteer who may be subject to alternative procedures.
- Some concerns may trigger the school's disciplinary, grievance or whistleblowing procedures, which should be followed where appropriate. Where low-level concerns are raised which in fact require other internal processes to be followed, it is sometimes difficult to determine how best to investigate the concern and which procedure to follow. The Headteacher will exercise their professional judgement and, if in any doubt, they will seek advice from other external agencies including the LADO;
- If the school's disciplinary procedure is triggered, Whitefield Infant School will ensure that the individual has a full opportunity to respond to any factual allegations which form the basis of a disciplinary case against them. If an organisation ultimately disciplines or dismisses a staff member for cumulative alleged 'breaches' of the staff code of conduct which were not

brought contemporaneously to the individual's attention, and to which they have not had a proper opportunity to respond, clearly there will be a lack of fairness and natural justice and the risk of a finding of unfair dismissal by an Employment Tribunal. Staff therefore need to understand that when they share what they believe to be a low-level concern, the Headteacher will speak to the adult who is the subject of that concern - 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.

- If it is determined that the behaviour, whilst not sufficiently serious to consider a referral to the LADO nonetheless 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, 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, then it should be referred to the LADO in accordance with KCSIE.

Process to follow when a Low-Level Concern is raised



***NB - if the concern is about the Headteacher, then the Chair of Governors should be informed.**

Low level Concerns Reporting Form – Whitefield Infant School

Your details		
Name (optional)		
Role		
Date and time of completing the form		
Details of individual (including yourself for self-reporting) who the concern is about		
Name		
Role		
Relationship to the individual reporting (eg manager, colleague)		
Details of Concerns		
Please include as much detail as possible, thinking about; what behaviour and/or incident are you reporting? What exactly happened? Why does the behaviour and/or incident worry you? Why do you believe the behaviour and/or incident is not consistent with our Staff Code of Conduct?		
Details of any children involved or young people involved		
Name (s)		
Next Steps		
Are you willing to meet with the Headteacher to discuss your concerns?	yes	no
Please state another information that you feel is relevant to the processing of this concern.		
Signature		

For use by Heateaher upon receipt of the concern	
Date and time of concern received	
Signature	
Role	
Actions to be taken and follow-up	