

Low level concerns policy

(To be used in conjunction with staff conduct policies)

Federation of Boldmere Schools



Version:	October 2022
Ratified by the Governing Body:	October 2022
Signed by the Governing Body:	Chair: Mr. Greg Bloom
To be reviewed:	July 2024

Low-Level Concerns Policy

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1. Introduction

At Boldmere, we take safeguarding very seriously. This includes ensuring that all adults who work with children do so in a way that is in accordance with the ethos and policies set out by the school, including the Staff Code of Conduct. This policy sets out the detail and processes for staff regarding low-level concerns they may have.

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. **Any member of staff who has a concern about another member of staff should inform the head of school about their concern verbally, preferably, or alternatively in writing.** If the head of school cannot be contacted, then the assistant head teacher should be informed. In the absence of the head of school and the assistant head teacher, or if the concern relates to the head of school themselves, the executive head teacher should be informed.

3. Keeping Children Safe in Education September 2022

The following is taken from Keeping Children Safe in Education September 2022:

418. As part of their whole school or college 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.

419. 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: • 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.

What is a low-level concern?

420. 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 harms 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.

421. 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.

422. 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.

423. It is crucial that any such concerns, which do not meet the harm threshold, 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 potential false allegations or misunderstandings. Staff code of conduct and safeguarding policies

424. As good practice governing bodies and proprietors should set out their low-level concerns policy within their staff code of conduct and safeguarding policies as set out in Part two of this guidance. They should make it clear what a low-level concern is and the importance of sharing low-level concerns, and an explanation of what the purpose of the policy is – i.e. to create and embed a culture of openness, trust and transparency in which the school's or college's values and expected behaviour set out in the staff code of conduct are lived, monitored and reinforced constantly by all staff.

425. As set out in Part two of this guidance, the governing body or proprietor should 97 ensure their staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively, and ensure that appropriate action is taken in a timely manner to safeguard children and facilitate a whole school or college approach to dealing with any concerns.

426. Schools and colleges can achieve the purpose of their low-level concerns policy by: • ensuring their 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 • empowering staff to share any low-level safeguarding concerns (see below) • addressing unprofessional behaviour and supporting the individual to correct it at an early stage • handling and responding to such concerns sensitively and proportionately when they are raised, and • helping identify any weakness in the school or colleges safeguarding system. Sharing low-level concerns

427. Schools and colleges should ensure they have a clear and easy to understand process for low-level concerns to be reported. Who they are reported to is a matter for the school or college, the important factor is whether this is clear in their policies. Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

428. Schools and colleges should ensure they 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 the expected professional standards. Recording low-level concerns

429. 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.

430. Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). 98

431. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO (as per Part four, Section one). Consideration should also be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

432. It is for schools and colleges to decide how long they retain such information, but it is recommended that it is retained at least until the individual leaves their employment.

4. Clarity around Allegation vs Low-Level Concern 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 indicates they may pose a risk of harm to children.

Low-Level Concern

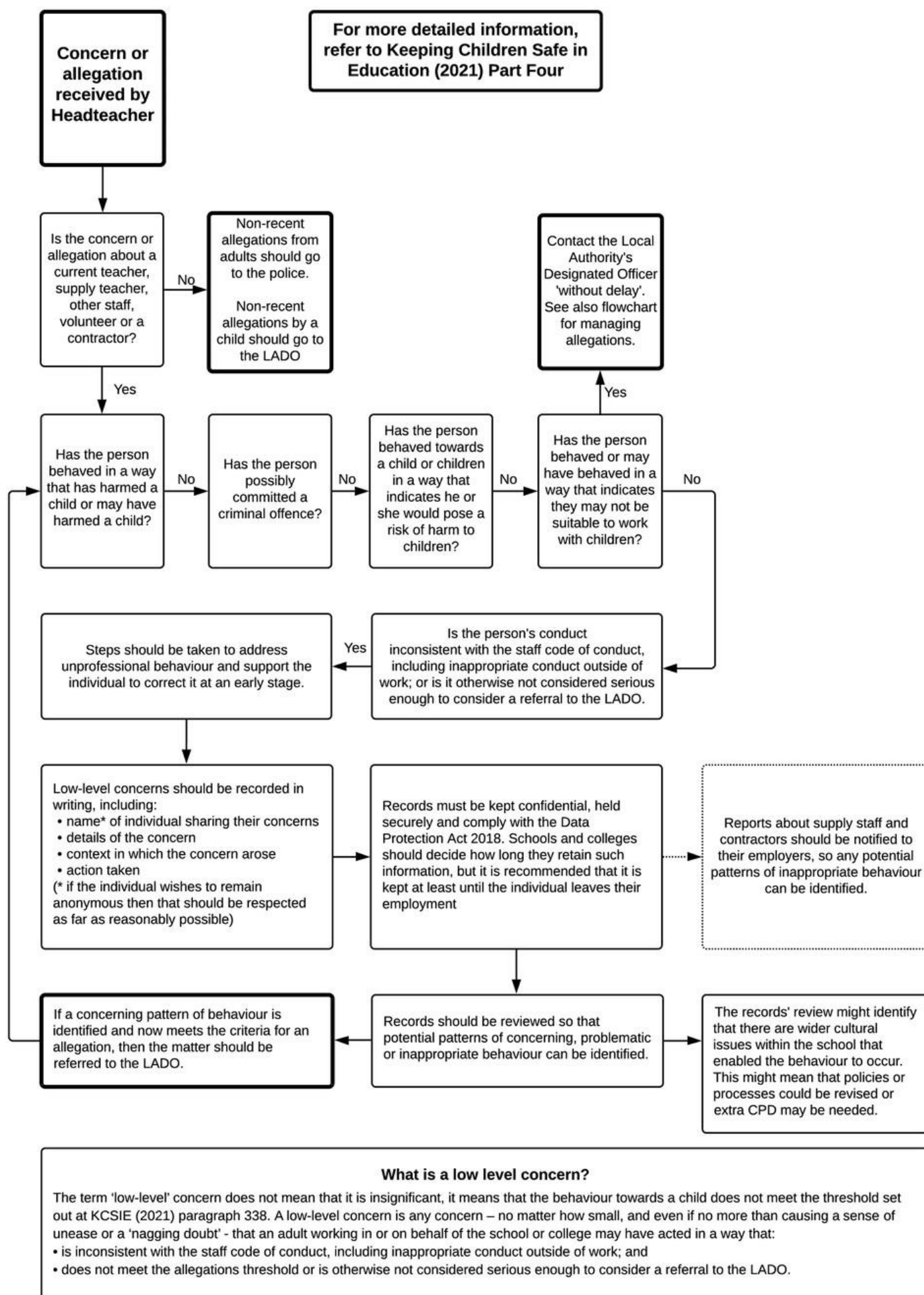
Any concern – no matter how small, even if no more than a ‘nagging doubt’ – that an adult may have acted in a manner which:

- is not consistent with an organisation’s Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation’s Code of Conduct, and the law.

5. Process to follow when a Low-Level Concern is raised



6. Storing and use of Low-Level Concerns and follow-up information

Low-Level Concerns and follow-up information will be stored securely within the school's safeguarding systems, with access only by the Senior Leadership Team. This will be stored in accordance with the school's GDPR and Data Protection policies.

The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the head of school, executive head teacher or those aware in the Senior Leadership Team.

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 Boldmere, 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. Consideration will be given to:

(a) whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or

(b) if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

7. Key Reference Document

Read this document for further information about Low-Level Concerns, which is referenced in KCSIE 2021.

<https://www.farrer.co.uk/news-and-insights/developing-and-implementing-a-low-level-concerns-policy-a-guide-for-organisations-which-work-with-children2/>