

Low-Level Concerns Policy

September 2022



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Policy Review

This policy will be reviewed in full by the Governing Body on an annual basis.

The policy was last reviewed and agreed by the Governing Body on 27th September 2022

It is due for review in July 2023

Head Teacher:	Date:
Chair of Governors:	Date:



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A copy of the Low-Level Concern Form can be found on Pages 9 and 10

1. Introduction

At Toner Avenue Primary School, we take safeguarding very seriously. This includes ensuring that adults who work with children do so in a way that is in accordance with the ethos and policies set out by the school. This policy sets out the detail and processes for staff regarding low-level concerns they may have. It should be read in conjunction with the Staff Code of Conduct and Safeguarding and Child Protection Policy.

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 should inform the Head Teacher about their concern using a 'Low – Level Record of Concern Form'. If the Head Teacher cannot be contacted, The Deputy Head or the Chair of Governors should be contacted instead.

3. Keeping Children Safe in Education September 2022

The following is taken from Keeping Children Safe In Education September 2022.

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 pupils.*

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 correct 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.

Schools 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 inappropriate, problematic or concerning 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.*

The headteacher should be the ultimate decision maker in respect of all low-level concerns.

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 schools and colleges are 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.

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.

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).

Records should be reviewed so that potential patterns of concerning, inappropriate, problematic or concerning 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 low-level concern to meeting the harm 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.

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.

Part three of this guidance is clear that schools and colleges should only provide substantiated safeguarding concerns/allegations that meet the harm threshold in references. Low-level concerns 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. It follows that a low-level concern which relates exclusively to safeguarding (and not to



misconduct or poor performance) should not be referred to in a reference. However, 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

The school or college low-level concerns policy should set out the procedure for responding to reports of low-level concerns. If the concern has been raised via a third party, the headteacher (or a nominated deputy) should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously, and*
- 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. This information needs to be recorded in writing along with the rationale for their decisions and action taken.



4. Clarity around Allegation Vs Low-Level Concern Vs Appropriate Conduct

Allegation Behaviour which indicates that an adult who works with children has: <ul style="list-style-type: none">- 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: <ul style="list-style-type: none">- Is not consistent with the 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. Storing and use of Low-Level Concerns and follow-up information.

LLC forms and follow-up information will be stored securely within the school’s safeguarding systems, with access only by the leadership team. This data 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 must not share the concern with others apart from the 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. (See above)

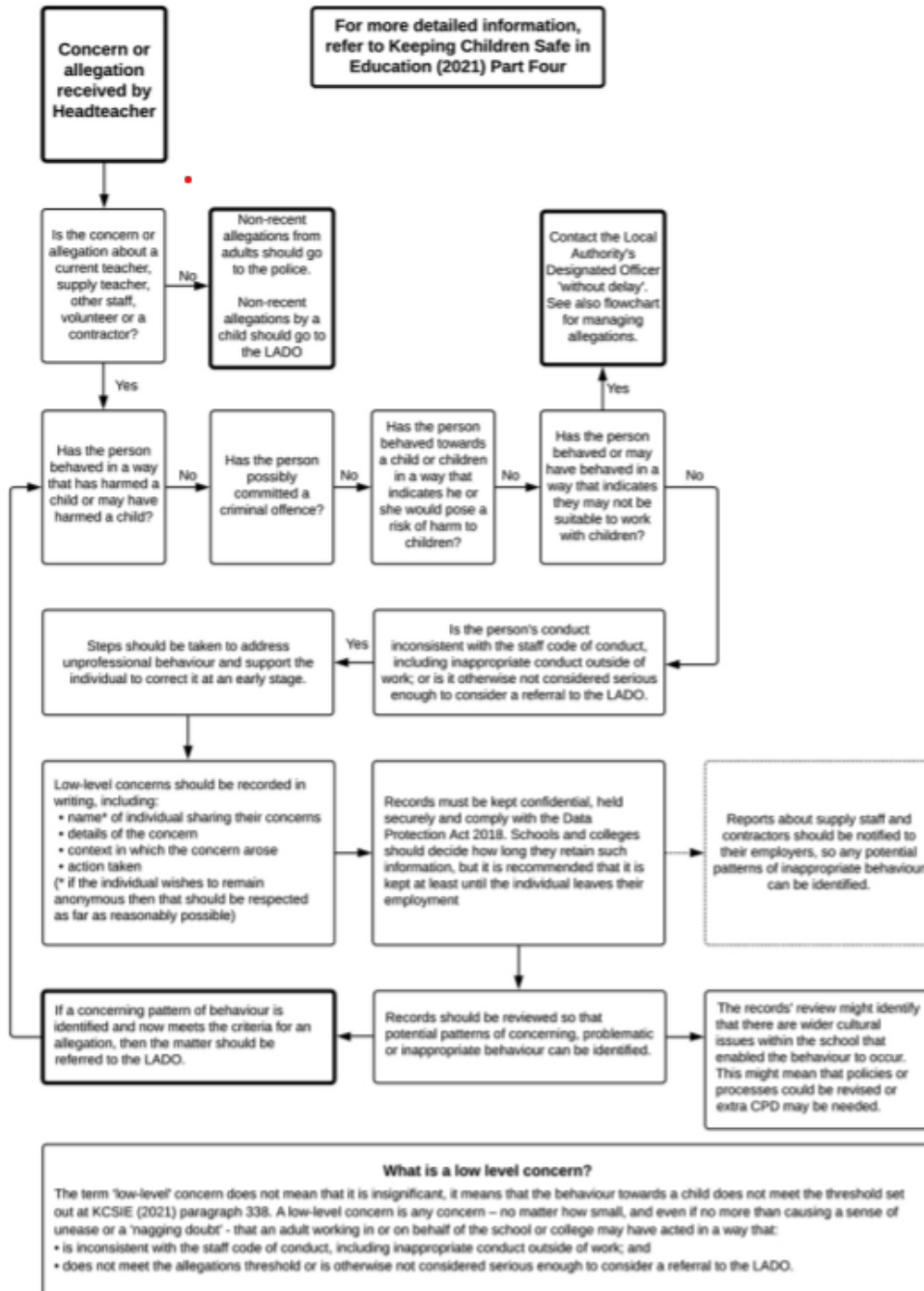
Whenever staff leave Toner Avenue, any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept.

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.

6. Process to follow when a Low Level Concern is raised.



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/globalassets/clients-and-sectors/safeguarding/low-level-concerns-guidance-2020.pdf>

8. Low Level Concern Form

This form will be available to staff via:

- The Office
- DSLs
- Senior Leadership Team
- Staff Room
- Toner Shared Drive (Policies File)

Low-Level Record of Concern Regarding a Staff Member

Please use this form to share any concerns – no matter how small, and even if no more than a ‘nagging doubt’ – than an adult may have behaved in a manner which:



- Is not consistent with Toner Avenue's Code of Conduct
- 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 the adult's suitability to work with children.

Where possible, please speak with the Head Teacher as soon as possible. It is also helpful to document your concerns, which can be done using this form and then passed to the Head Teacher. When completed, please pass this form to the Head Teacher. If the concern is about the Head Teacher, please pass it onto the Chair of Governors or email him at george.bone@me.com

You should provide a concise record – including brief context in which the Low-Level Concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s), Continue on a separate sheet if necessary). The record should be signed, timed and dated.

Name of Staff Member the concern is about:		
Role:		
Details of Concern: (continue on separate sheet if needed)		
Signed:		Time & Date:
Received by:	At: (Time)	On: (Date):
Action Taken: (Specify)		



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Signed:	Time & Date:
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This record will be held securely in accordance with Toner Avenue Primary School's Low-Level Concerns Policy. Please note that low-level concerns will be treated in confidence as far as possible, but Toner Avenue may, in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims and formal investigations.