



Low Level Concerns Policy

This Policy relates to the whole school, including the Early Years Foundation Stage, and is reviewed annually to ensure compliance with current regulations and law.

This policy should be read in conjunction with other school policies, including:

- Child Protection and Safeguarding Policy;
- The current statutory guidance – “Keeping Children Safe in Education” Part 4, Section 2;
- Staff Behaviour and Code of Conduct Policy;
- Capability and Disciplinary Procedures Policy;
- Grievance Procedure for Staff Policy;
- Whistleblowing Policy;
- Use of Telephone, Email and Internet by Staff Policy.

Updated by Campbell McKelvie

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Purpose

This policy sets out a framework whereby staff are expected to report concerns, no matter how small, about their own behaviour or that of another member of staff, volunteer, supply teacher, contractor or other person working in school.

Kingswood House School (“the School”) understands the importance of a positive culture where concerns can be identified and spoken about openly, and acknowledges that this is a key element of a strong safeguarding system. 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.

As part of its whole school approach to safeguarding, the School will ensure that it promotes an open and transparent culture in which all safeguarding concerns and allegations about all adults working with children are dealt with promptly and appropriately.

Creating a culture in which all safeguarding concerns and allegations about adults (including those that do not meet the harm threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is crucial. If implemented correctly, this should encourage an open and transparent culture; enable the School 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 School.

The aims of the Low-Level Concerns Policy

The aims of the Policy are to:

- ensure that 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, and the delineation of professional boundaries and reporting lines;
- empower all staff to share any low-level concerns and to help them 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 inappropriate, problematic or concerning 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.

Who does the policy apply to?

This policy applies to all staff, anyone who is part of the Governance Body and other individuals who work or volunteer in the school.

Definition of 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, even if no more than causing a sense of unease or a ‘nagging doubt’, that a person working in or on behalf of the school may have acted in a way that:

- is inconsistent with the school’s Staff Behaviour and Code of Conduct, including conduct outside of the work place; and
- does not meet the allegations threshold or is otherwise not considered serious enough to make a referral to the LADO

Examples of behaviour that could require reporting of a low-level concern 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.

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.

It is crucial that any such concerns, including those which do not meet the harm threshold (please refer to the school’s Staff Behaviour and Code of Conduct Policy),

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.

Reporting low-level concerns

It is important that where a low-level concern has been identified it is reported as soon as possible to the Head Teacher. However, it is never too late to share a low-level concern if this has not already happened.

Where the Head Teacher is not available, the information will be reported to the designated safeguarding lead (or deputy), i.e. the most senior member of SLT acting in this role.

Low-level concerns about the Designated Safeguarding Lead will be reported to the Head Teacher and those about the Head Teacher will be reported to the Chair of Governors.

Where the low-level concern has been reported to the Designated Safeguarding Lead, they will inform the Head Teacher of the details as soon as possible.

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 who raises the concern 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.

Should staff share concerns about themselves (i.e. self-report)?

Occasionally a member of staff may find themselves in a situation, which could be misinterpreted or might appear compromising to others. Staff should proactively self-report, wherever possible – for example, if they know they are going to be in a situation which would be deemed a breach of the School's Staff Behaviour and Code of Conduct. Examples of this are when a member of staff:

- (i) has a child who is a student in the school - they may have the mobile phone number of their child's friend; or
- (ii) plays in an external sports team with a current student and they may be on a whatsapp group with them.

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 School's Staff Behaviour and Code of Conduct. Self-reporting in these circumstances can be positive for a number of reasons, and staff are encouraged to self-report on the basis that:

- 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 member of staff's own actions or how they could be perceived; and
- crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

The School's aim is to create an environment where staff are encouraged and feel confident to self-refer.

Recording concerns

A summary of the low-level concern should be written down, signed, timed, dated and shared by the person bringing the information forward.

Where concerns are reported verbally to the Head Teacher, a record of the conversation will be made by them, which will be signed, timed, and dated.

Where a low-level concern relates to a person employed by a supply agency or a contractor, the School will notify that person's employer so that any potential patterns of inappropriate behaviour can be identified.

Responding to low-level concerns

Where a low-level concern has been raised this will be taken seriously and the Head Teacher 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 reporting the concern to gather all the relevant information;
- Speak to any potential witnesses, unless advised not to do so by the LADO/other relevant external agencies, if they have been contacted;
- Speak to the individual about the concern raised to ascertain their response, unless advised not to do so by the LADO or other relevant external agency (HR advice from the Bursar may also need to be taken);
- Review the information and determine whether:
 - the behaviour is in fact appropriate – i.e. is entirely consistent with the School's Staff Behaviour and Code of Conduct and the law;
 - the behaviour constitutes a low-level concern;
 - there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern may meet the harm threshold, in which case they will consult with the LADO;
 - in and of itself the behaviour may meet the harm threshold, and should be referred to the LADO/other relevant external agencies; or
 - when considered with any other low-level concerns that have previously been shared about the same individual, the behaviour may meet the harm threshold, and should be referred to the LADO/ other relevant external agencies.
- Ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern or allegation, their determination, the rationale for their decision and any actions taken, and retain records in accordance with the Low-Level Concerns Policy.
- Consider whether the concern or allegation also potentially raises misconduct or capability issues.

The Head Teacher will be the ultimate decision maker in respect of low level concerns, although it is recognised that depending on the nature of the concern, the Head Teacher may wish to consult with the DSL and take a more collaborative decision making approach.

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 more 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.

In certain circumstances, further information may need to be gathered, so that a proportionate decision about the concern and any further action required can be made. If during this fact finding process potential witnesses need to be spoken to, then this will be undertaken discreetly and on a need-to-know basis.

Once this further information has been gathered a review of the information will take place to determine whether the behaviour:

- Requires any further action;
- constitutes a low-level concern and requires no further action, or additional training/guidance/support may be required to rectify the behaviour via normal day to day management processes (The employee should understand that failure to improve or a repeat of the behaviour may lead to further action being taken, e.g. via the Capability and Disciplinary Procedures).
- is consistent with the school's Staff Behaviour and Code of Conduct Policy and procedures under this policy need to be instigated (under these circumstances, feedback will be given to both parties to explain why the behaviour was consistent with this policy);
- is serious enough on its own, or when considered with any other low-level concern(s) previously raised about the same individual, to consult with or refer to the LADO or other relevant external agencies (e.g the Police). In this case HR advice should be sought from the Bursar as to following the school's Staff Behaviour and Code of Conduct Policy, within Child Protection and Safeguarding, or the Capability and Disciplinary Procedures.

When considered with any other low-level concerns that have previously been raised, records will be made of:

- all internal conversations including any relevant witnesses;
- all external conversations, e.g. with the LADO;
- the decision and the rationale for it;
- any action taken.

How should low-level concerns be held?

The School will retain all records of low-level concerns (including those which are subsequently deemed by the Head Teacher to relate to behaviour which is entirely consistent with the School's Staff Behaviour and Code of Conduct) in a central low-level concerns file.

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 records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the Head Teacher, DSL, Bursar, Chair of Governors and, where appropriate, the individual they report to.

Should the low-level concerns file be reviewed?

The records will be reviewed periodically, and whenever a new low-level concern is added, so that potential patterns of concerning, problematic or inappropriate behaviour can be identified and referred to the LADO, if required. A record of these reviews will be retained.

How long should records of a low-level concern be kept?

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 harm threshold 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 only be retained for the same duration as the individual's personnel file; and
- will not be included in any onward reference, except as set out below.

References

Low-level concerns will not be included in references unless they relate to issues which would normally be included in references, for example, misconduct or poor performance. A low-level concern, which relates exclusively to safeguarding (and not to misconduct or poor performance) will not be referred to in a reference.

What is the role of the Governors?

The Head Teacher will regularly inform the Governors about the implementation of the low-level concerns policy including any evidence of its effectiveness, e.g. with relevant data. The safeguarding governor may also review an anonymised sample to ensure that these concerns have been handled appropriately.