



Low-Level Concerns Policy

Purpose

The purpose of this Policy is to identify and signpost the formal procedures that are in place in the school which are used to share, record and respond to concerns about adults working with children that do not meet the harm threshold – i.e. low-level concerns. The procedures used to respond to low level concerns should be applied to all staff, supply staff, volunteers, and contractors.

Identifying and being transparent about the procedures that will be used to respond to any Low-Level concerns that are raised will:

- ensure that 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
- empower staff to share any low-level concerns with the Headteacher
- help all staff to interpret the sharing of low-level concerns as a neutral act
- enable school leadership to address unprofessional behaviour and support the individual to correct it at an early stage
- enable school leadership to identify concerning, problematic or inappropriate behaviour – including any patterns
- 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.

Definition

The words 'allegation' and 'concern' can be, and are, used interchangeably by different people. Whatever the language used, the behaviour referred to may meet the harm threshold, in which case the procedures outlined in the Managing Allegations Procedures should be followed. If, after careful consideration of the facts, the 'concern' does not meet the harm threshold it will be treated as a low-level concern.

A low-level concern is defined as any concern, no matter how small, even if no more than causing a sense of unease or a 'nagging doubt' – that an adult may have acted in a way that:

- is inconsistent with an organisation's staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO

Creating and embedding a school culture

Keeping Children Safe in Education requires Schools to develop and embed a culture of openness and trust in which staff can share any concerns about the conduct of their colleagues and be assured that these will be received in a sensitive manner. Conditions in the workplace should also enable staff members to feel confident to self-refer in appropriate circumstances.

The recording of low-level concerns is essential to ensure effective and informed safeguarding. If implemented and used successfully, the procedures should promote a healthy, informed and more effective protective culture. Having one recipient of all such concerns should allow any potential patterns of concerning, problematic or inappropriate behaviour to be identified, and ensure that no information is lost.

It is critical that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, in accordance with the ethos and values of the school. Ensuring that low-level concerns are dealt with effectively should also protect those working in or on behalf of the School from potential false allegations or misunderstandings

It is recommended that the Trust:

- are updated regularly on the effectiveness of procedures for dealing with low-level concerns. Reference to it should be included in any safeguarding reports, along with any relevant data.
- Monitor staff safeguarding training to ensure that it reflects that staff are required to share all low-level concerns directly with the Headteacher as soon as reasonably possible and, preferably, within 24 hours of becoming aware of a particular incident.

Self- reporting

Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others or 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; and, crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

Sharing Concerns

Staff are expected to share any concerns, no matter how small, about their own or another member of staff's behaviour with the Headteacher or senior manager to whom concerns should be reported.

Staff may share their low-level concern verbally with Headteacher/ the named senior manager in the first instance or provide them with a written summary of it.

Where there are concerns/allegations about the Headteacher, this should be referred to the CEO.

Where a low-level concern relates to a person employed by a supply agency or a contractor, that concern should be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.

If a staff member who raises the concern does not wish to be named, then as far as possible that person's wishes should be respected. There may be circumstances where the staff member will need to be named and, for this reason, anonymity cannot be promised to members of staff who share low-level concerns.

Staff should be aware that if they share what they believe to be a low-level concern, the Headteacher/ named senior manager 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.

Responding to reports of Low-level concerns

An investigation of low-level concerns should be done discreetly and on a need-to-know basis.

The information collected will help the Headteacher/ Chair of LGC to categorise the type of behaviour and determine what further action may need to be taken.

The Headteacher/ Chair of LGC will determine whether a report of a low-level concern meets the harm threshold, if it does, the procedures for "managing allegations" will be followed.

Once the Headteacher/ Chair of LGC has determined that a low-level concern has been reported, they should deal with the matter in accordance with the school's wider staff behaviour policies.

The information will be reviewed and the Headteacher/ Chair of LGC will determine whether the behaviour is entirely consistent with the staff code of conduct. 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.

Such a situation may indicate that the staff code of conduct is not clear or the briefing and/or training has not been satisfactory. If it is determined that the behaviour is entirely consistent with the organisation's staff code of conduct and the law the Headteacher will need to update the individual in question and should 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,

Other low-level concerns may be most appropriately dealt with by means of management guidance and/or training.

Management guidance will simply require a conversation with the individual about whom the concern has been raised. a 'values-based conversation' is more likely to be effective and help maintain a positive professional relationship with the member of staff concerned. Any such conversation should 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 which is agreed with the individual, and regularly reviewed with them, may also be appropriate.

Where the low-level concerns raise issues of misconduct or poor performance reference should be made to the school's disciplinary and/or capability procedure and advice from HR should be sought.

A record of the determination made together with the rationale for the decision and any action taken should be made.

Record Keeping

KCSIE requires schools to keep allegations on staff personnel files unless they are malicious, however, no guidance exists on the storing of records relating to low-level concerns. Schools can decide where its records of low-level concern are kept, but they must be kept confidential, held securely, and comply with the DPA 2018 and the UK GDPR. It is recommended that these records are retained at least until the individual leaves the school's employment.

Where a low-level concern raises issues of misconduct or poor performance, or trigger disciplinary, grievance or whistleblowing procedures records will need to be made and retained on the staff member's personnel file in the usual way.

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 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 it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues within the school 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.

Support & Links

Additional information and support can be accessed from:

- [Developing and implementing a low-level concerns policy: A guide for organisations which work with children](#), Farrer and Co (2021)
- A helpful reference point for identifying low level concerns and informing and developing school/college staff of the expectations as reflected in the staff code of conduct see [Guidance for safer working practice for those working with children and young people in education settings](#),
- The NSPCC has also developed a [webpage](#) about responding to low-level concerns about adults working in education. This includes example behaviour codes for staff and volunteers.