

Low Level Concerns Policy

(For consultation)

St. Augustine's Federated Schools



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1. Introduction

This policy should be read in conjunction with St Augustine's Primary School's Child Protection and Safeguarding Policy and Procedures, Code of Conduct for Staff Policy and Whistleblowing Policy.

The purpose of this policy is to enable staff to share their concerns - no matter how small - about their own behaviour or the behavior of another member of staff. The intention is to create and embed a culture of openness, trust and transparency, in which the behavior expected of staff - which is set out in the school's Code of Conduct – and school values are constantly lived, monitored and reinforced by all staff. The school deals with all concerns about adults working in or on behalf of the school appropriately and promptly.

The school seeks to 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 expected professional standards.

2. Aims

This policy aims to:

- ensure that staff are clear about expected and appropriate behaviour and are confident to distinguish between expected and appropriate behaviour and concerning, problematic or inappropriate behaviour – in themselves and others
- ensure that staff are clear about the delineation of professional boundaries and reporting lines
- empower staff to share any low-level concerns with the Headteacher
- help staff address unprofessional behaviour and help the individual to correct such behaviour at an early stage
- identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted upon with, or referred to, the LADO
- support the delivery of responsive, sensitive and proportionate handling of such concerns when they are raised
- help identify any weaknesses in the organisation's safeguarding systems.

This policy applies to **all** staff working at St Augustine's Primary School.

3. Defining a Low-Level Concern

A low-level concern is one that **does not** meet the harm threshold as stated in the school's Safeguarding Policy. The harm threshold refers to a situation in which anyone working in a school (including volunteers, supply staff and contractors) 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 (which includes behaviour that may have happened outside school, posing a transferable risk to children).

Responses and actions to behaviours that may meet the harm threshold are contained specifically within Appendix 2 of the School's Safeguarding Policy, 'Allegations of abuse made against staff'. These should be reported to the Headteacher without delay.

A low-level concern, as set out at paragraph 338 of Keeping Children Safe in Education 2021, is defined as **any concern – no matter how small**, and even if no more than causing a sense of unease or a 'nagging doubt' (i.e. they *believe* it could be a concern) – that an adult working in or on behalf of the school 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 allegations 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 a mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- 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.

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 for Staff, 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. Responsibilities of staff

It is important that **all** staff are clear concerning the expectations the school requires of them as contained in the Code of Conduct for Staff. This is covered annually by the Designated Safeguarding Lead, and as part of the school's induction for new staff.

It is crucial that **any** concerns in relation to a staff member's behaviour, including those which do not meet the harm threshold, are shared with the Headteacher, who should immediately share them with the Safeguarding Lead. This should be done without delay.

Where there are concerns/allegations about the Headteacher, this should be referred to the Chair of Governors (whose contact details can be found in the School's Child Protection and Safeguarding Policy document).

Staff members who are concerned about how their behaviour may have been interpreted, or on reflection, re-evaluate their behaviour as potentially having been contrary to the school's code of conduct and expectations, should self-refer to the Headteacher.

6. Responding to low-level concerns

Where a low-level concern has been raised, this will be taken seriously and dealt with promptly. The Headteacher will:

- Share the concern with the DSL.
- Speak to the person reporting the concern to gather all the relevant information.
- Speak to the individual about the concern raised to ascertain their response, unless advised not to do so by the LADO or police.

Where necessary, further investigation will be carried out to gather all relevant information. This may involve speaking to any potential witnesses. The information reported and gathered will then be reviewed to determine whether the behaviour:

- is consistent with the school's Code of Conduct for Staff: no further action will be required
- constitutes a low-level concern: no further action is required, 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 serious enough to consult with, or refer to, the LADO: a referral should be made to the LADO and HR advice taken.

Allegations procedure within the Child Protection and Safeguarding Policy and Disciplinary Policy will be followed:

- when considered with any other low-level concerns that have previously been raised about the same individual, should be reclassified as an allegation and referred to the LADO or Police: a referral should be made to the LADO and HR advice taken. In this case the school's Code of Conduct for Staff within the Child Protection and Safeguarding Policy and Disciplinary Policy will be followed

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

- all internal conversations including any relevant witnesses
- all external conversations, e.g. with the LADO
- the decision made and the rationale behind this decision
- any action taken.

Can the reporting person remain anonymous?

The person bringing forward the concern will be named in the written record. Where they request to remain anonymous, this will be respected as far as possible. However, there may be circumstances in which this is not possible, e.g. where a fair disciplinary investigation is needed, or where a later criminal investigation is required.

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

It may be the case that a person finds themselves in a situation which could be misinterpreted, or might appear compromising to others; or they may have behaved in a manner which, on reflection, they consider falls below the standard set out in the Code of Conduct for Staff. In these circumstances they should self-report. This will enable a potentially difficult situation to be addressed at an early opportunity if necessary.

Where behaviour is consistent with the Code of Conduct for Staff

Feedback will be given to both parties to explain why the behaviour was consistent with the Code of Conduct for Staff.

Should the low-level concerns file be reviewed?

The Headteacher will securely retain confidential files on low-level concerns. A central log will be shared and monitored by the school's Senior Leadership Team. 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.

Low Level Concern Form

This form will be available to staff via:

- The safeguarding board in the staffroom
- From a member of the DSL team
- In Annex C of this policy
- The Senior Leadership Team

7. References

No record will be made of low-level concerns on the individual's personnel file (and no mention made in job references) unless either:

- (a) the concern (or group of concerns) has been reclassified as a higher-level concern, or
- (b) the concern (or group of concerns) is sufficiently serious to result in formal action under the school's grievance, capability or disciplinary procedure.

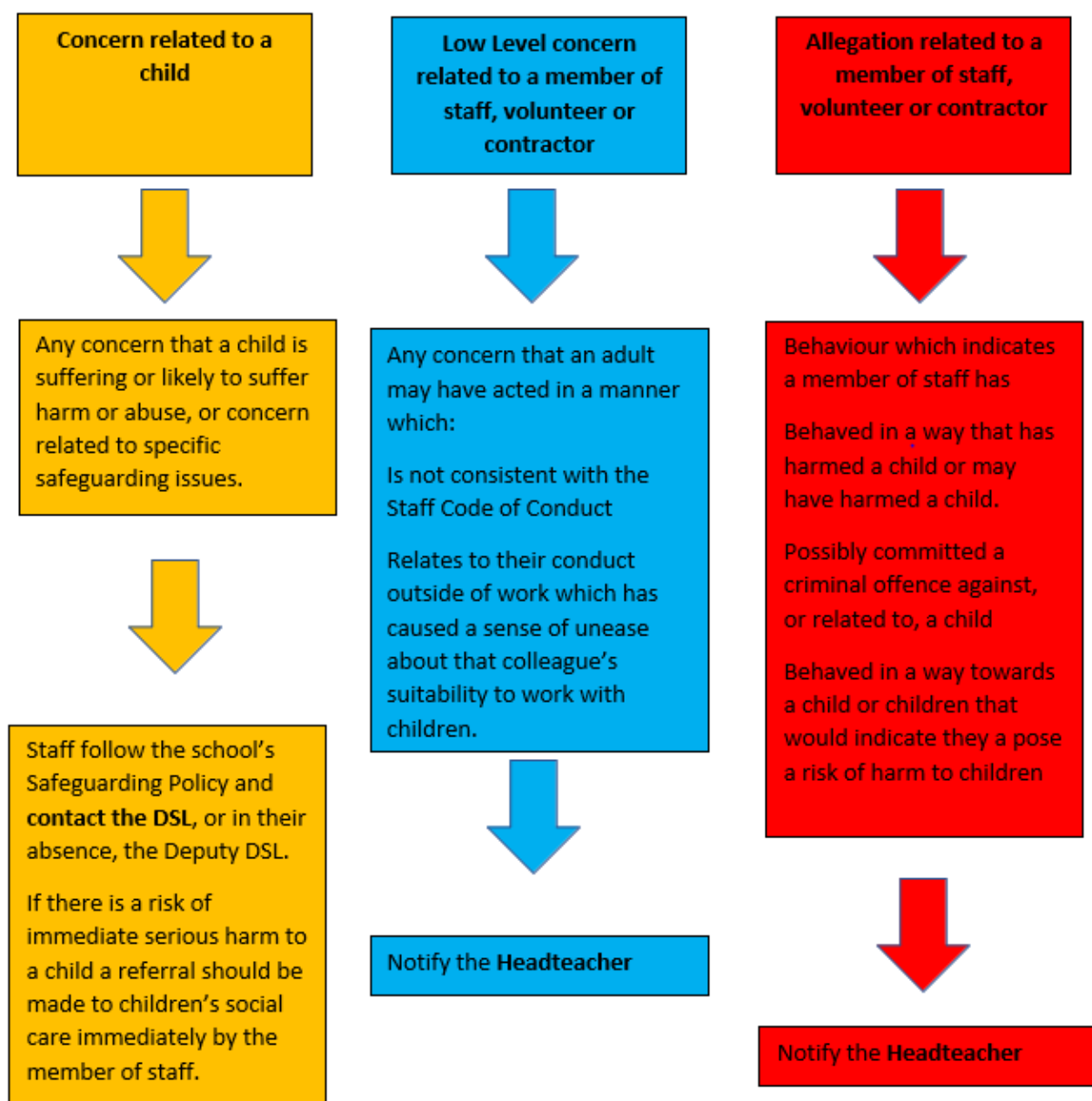
8. What is the role of the Governors?

The Headteacher 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

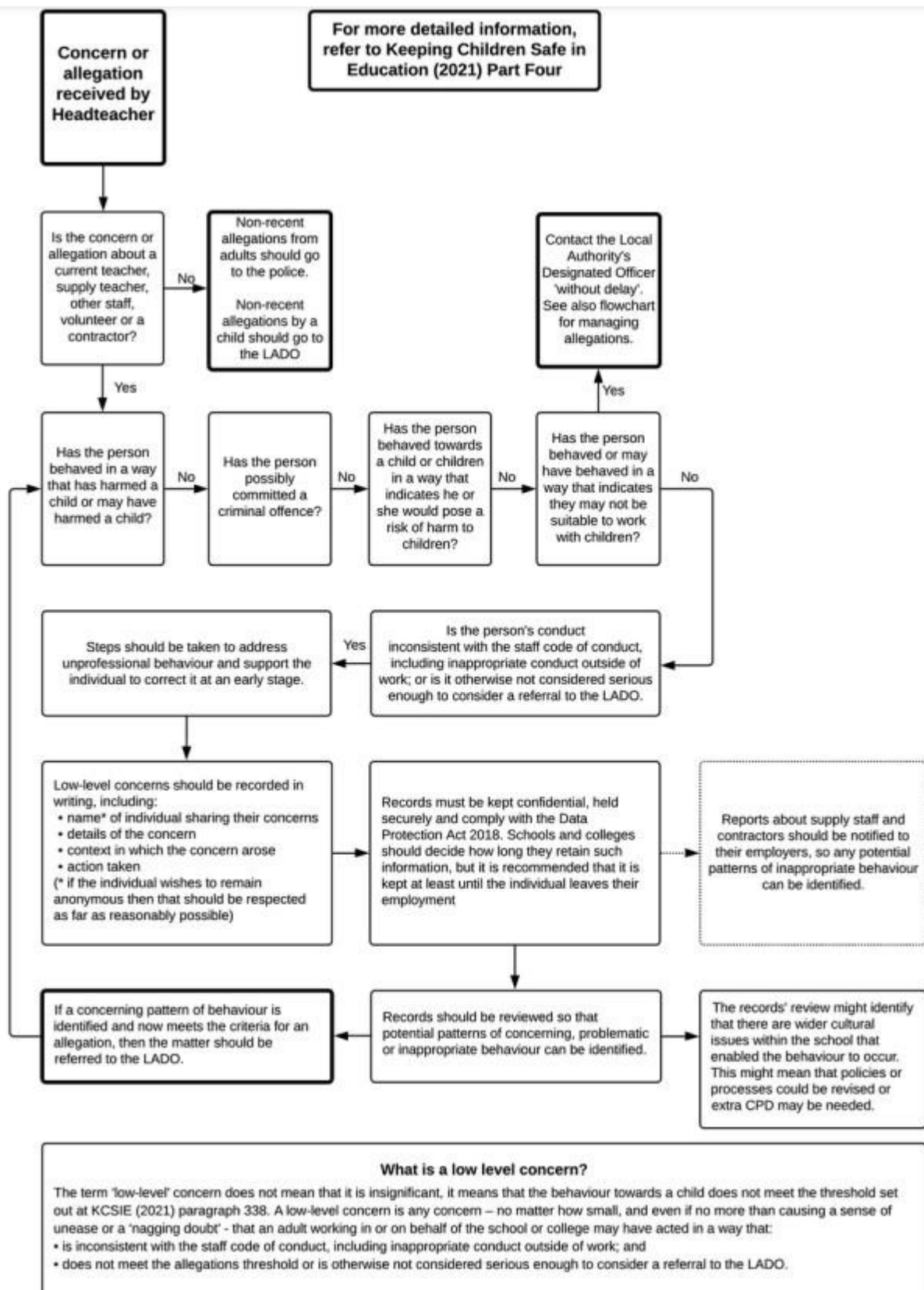
9. Key Reference Document

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>

Annex A Flow chart for Reporting Concerns



Annex B Process to Follow when a Low-Level Concern is Raised



Annex C Low-Level Concern Reporting Form

Name of adult sharing the concern:	
Role of adult sharing the concern:	
Name of adult concern is about:	
Date and time of concern being shared:	
Signature of adult sharing the concern:	Receiver Signature and date:
<p>Details of concern:</p> <p>Please use this form to share any concern – no matter how small, and even if no more than a ‘nagging doubt’ –that an adult may have acted in a manner which:</p> <ul style="list-style-type: none"> • is not consistent with St Augustine’s Federated School’s Code of Conduct for Staff 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. <p>Share your concerns with the Headteacher as soon as possible, after having recorded them on this form. If the concern is about the Headteacher, please pass it onto the Chair of Governors, Fr. Colin Amos, in a sealed envelope via the school office or by emailing him.</p> <p>Remember, a low-level concern is different to an allegation.</p>	
Action taken:	

