



Our core purpose is putting learners first

Low Level Concerns Policy

ALL SCHOOL STAFF

September 2023

Review Date: September 2024



Introduction

The Triumph Multi-Academy Trust takes 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, including the Staff Code of Conduct. This policy sets out the detail and processes for staff regarding low-level concerns they may have.

The Trust aims to create a transparent and open culture in which all concerns about adults (including allegations that do not meet the harm threshold) can be shared responsibly and with the right person, recorded and dealt with appropriately. This will enable the Trust to identify concerning, problematic or inappropriate behaviour early, minimise the risk of abuse and ensure that adults working in or on behalf of the Trust are clear about professional boundaries and act within them.

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 the **Low Level Concerns form in Appendix 2**. If the Head Teacher cannot be contacted, the Executive Head teacher should be contacted instead. **A flow chart outlining the process is in Appendix 1.**

Keeping Children Safe in Education 2023

The following is taken from Keeping Children Safe in Education 2023:

424. Governing bodies and proprietors should have policies and processes to deal with any concerns or allegations which do not meet the harm threshold, referred to in this guidance as 'low-level' concerns. It is important that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children.

Low-level concerns

425. 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 101 supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

426. 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:

- enable schools and colleges 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 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?

The following is taken from the Keeping Children Safe in Education 2023:

427. 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 children.

Clarification of Low Level Concerns:

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; 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 they 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.

Low-Level Concern

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. 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 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 - but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation's staff code of conduct, and the law.

Anonymity

If the staff member who raises the concern does not wish to be named, then the Head Teacher will respect that person's wishes as far as possible. There may be circumstances where the staff member will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity will never be promised to members of staff who share low level concerns. Where possible, we will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

Self-Reporting

Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. 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 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. 8.3
- In line with KCSIE, The Trust will ensure that there is an environment where staff are encouraged and feel confident to self-refer.

Responding to a Low Level Concern

When the Head Teacher receives a low level concern, they 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 who raised the concern (unless it has been raised anonymously), regardless of whether a written summary, or completed low-level concerns form has been provided
- speak to any potential witnesses (unless advised not to do so by the LADO / other relevant external agencies, where they have been contacted)
- speak to the individual about whom the low level concern has been raised (unless advised not to do so by the LADO / other relevant external agencies, where they have been contacted)
- review the information and determine whether the behaviour:
 - Is entirely consistent with the Staff Code of Conduct and the law
 - Constitutes a low level concern
 - Consider if the concern merits consulting with, or taking advice from the LADO
 - Make and record appropriate notes regarding the concern
 - Record any action taken and the rationale for the action.

Possible Outcomes from a Low level concern

- a) The concern is entirely consistent with the Staff Code of Conduct and the law – the head teacher will update the individual concerned and provide feedback to the person who shared the low level concern, to explain why the behaviour is entirely consistent with the Staff Code of Conduct and the law.
- b) Consider if the situation may indicate that the staff code of conduct or low level concerns policy are not clear enough, or if further training is required
- c) Speak to the subject of the concern's behaviour to address how this is being perceived by others.
- d) If it is determined that the behaviour constitutes a low-level concern, it will be responded to in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from any potential false allegations or misunderstandings.
- e) Ongoing and transparent monitoring of the individual's behaviour may be appropriate. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate.
- f) Some concerns may trigger the school's disciplinary, grievance or whistleblowing procedures, which will be followed where appropriate

Low Level Concerns and GDPR

All information relating to Low Level Concerns will be stored in accordance with GDPR regulations and Trust's Data Protection Policy with access only by the leadership team. The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Head Teacher or those aware in the senior leadership team.

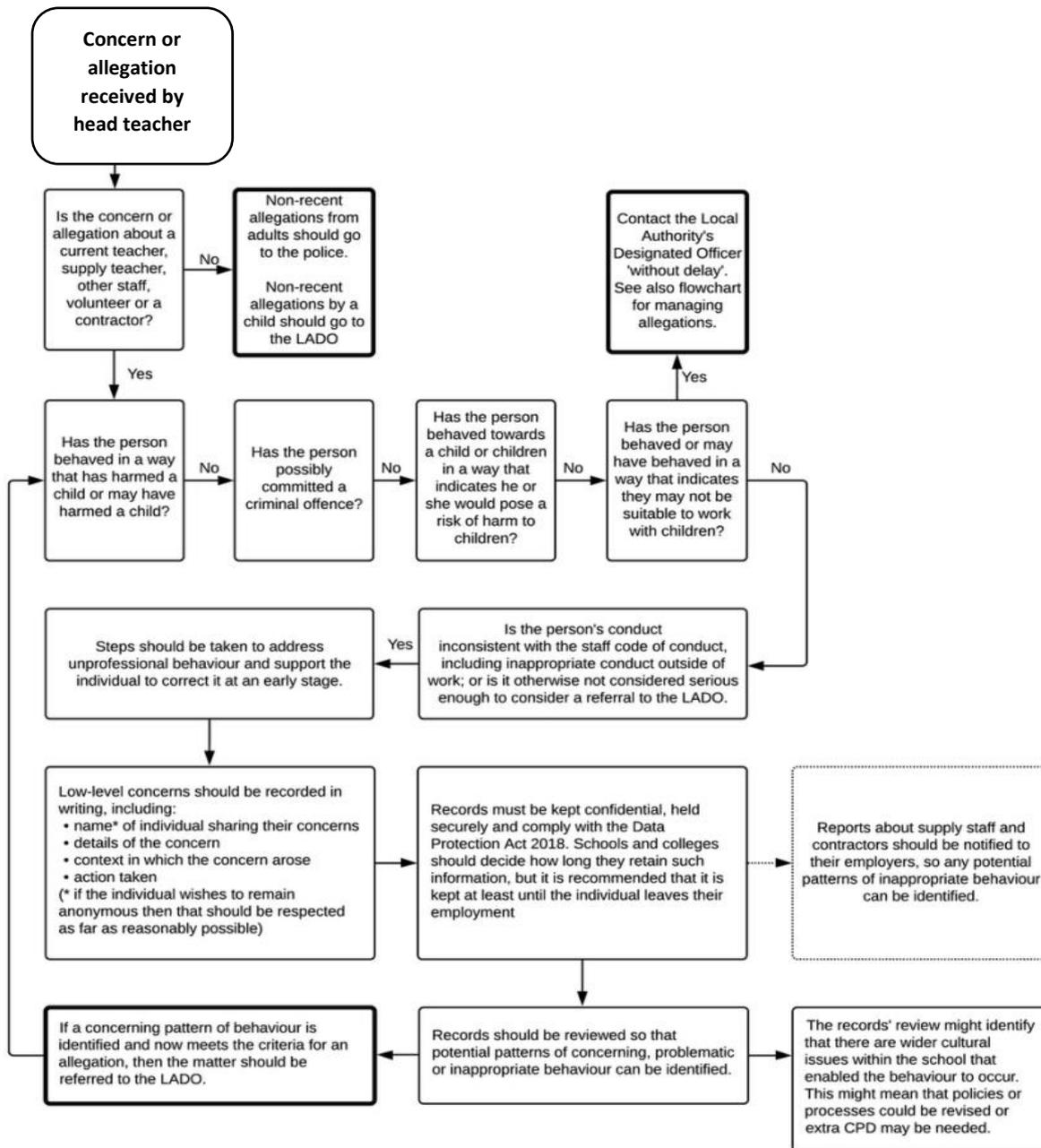
Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures. Whenever staff leave the Trust, any record of low-level concerns which are stored about them will be reviewed as to whether or not 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.

APPENDIX 1

Flow Chart for reporting Low Level Concerns:



What is a Low Level Concern?

The term 'low level' concern does not mean that it is insignificant. It means that the behaviour towards a child does not meet the threshold set out at KCSIE (2022). 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 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
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO

APPENDIX 2

Concern Reported by:
Name of Staff member:

Details of the Concern:

Signed:

Print Name:

Date: