

Low Level Concerns Policy

Low-Level Concerns Policy at The Willows Primary School

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1. Introduction

At The Willows 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, including the Staff Code of Conduct. This policy sets out the detail and processes for staff regarding low-level concerns they may have.

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 (Mrs Sarah Thursfield) about their concern and fill in a LLC form. If the Head Teacher cannot be contacted, the Chair of Governors (insert name) should be contacted instead.

3. Keeping Children Safe in Education September 2023

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

342. Safer recruitment is not just about carrying out the right DBS checks. Similarly safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from governing bodies, proprietors, and all staff to ensure the safety and welfare of children is embedded in all of the organisation's processes and procedures, and consequentially enshrined in its ethos. See Part one and Part two of this guidance for information about providing a coordinated whole school and college approach to safeguarding. Ongoing vigilance for all staff

343. Governing bodies and proprietors should ensure they have processes in place for continuous vigilance, maintaining an environment that deters and prevents abuse and challenges inappropriate behaviour.

344. To support this, it is important that school and college leaders create the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace (including online), which may have implications for the safeguarding of children. As set out in Part one, Part two and Part four of this guidance it is important that all staff understand the process and procedures to follow if they have a safeguarding concern about another staff member. This can assist employers to support staff, where there is a need, and help them manage children's safety and welfare, potentially providing them with information that will help them consider whether there are further measures or changes to procedures that need to be put in place to safeguard children in their care.

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 below. 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 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 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.

4. Clarity around Allegation vs Low Level Concern vs Appropriate Conduct

Allegation

Behaviour which indicates that an adult who works with children has:

- **Behaviour 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 behaved in a manner which:

- **Is not consistent with an 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

In KCSIE 2023 it states:

Recording low-level concerns

438. 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.

439. 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).

440. Records should be reviewed so that potential patterns of 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.

441. 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. LLC forms and follow-up information will be stored securely within the schools safeguarding systems, with access only by the leadership team. This 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 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 Willows, 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 (As stated in KCSIE 2023)

What school and college staff should do if they have a safeguarding concern, or an allegation is made about another staff member

152. Governing bodies and proprietors should ensure there are procedures in place as described in paragraph 71 and 73 to manage any safeguarding concerns (no matter how small) or allegations that do not meet the harm threshold, about staff members (including supply staff, volunteers, and contractors). 'Low-level' concerns should be addressed as set out in Section two of Part four of this guidance.

153. Governing bodies and proprietors should ensure there are procedures in place, as described in paragraphs 71 and 72, for staff to report concerns or allegations that may meet the harm threshold about staff members (including supply staff, volunteers, and contractors). These should be addressed as set out in Section one of Part four of this guidance.

154. There must be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns or would have been had they not resigned. **This is a legal duty and failure to refer when the criteria are met is a criminal offence.** More detail is provided at paragraph 348.

155. Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State (via the Teaching Regulation Agency). Details about how to make a referral to the Teaching Regulation Agency can be found on GOV.UK.

1. Concern or allegation received by Head Teacher
2. Is the concern or allegation about a current teacher, supply teacher, a volunteer or a contractor?
3. **IF NO** Non recent allegations from adults should go to the police. Non recent allegations by a child should go to LADO
4. **IF YES** Has the person possibly committed a criminal offence? Has the person behaved towards a child or children in a way that indicates he/they or she would pose a risk of harm to children? Has the person behaved or may have behaved in a way that indicates they may not be suitable to work with children?
5. **IF YES** Contact the Local Authority's Designated Officer without delay (also see list for managing allegations)
6. **IF NO** Is this person's conduct inconsistent with the staff Code of Conduct, including inappropriate conduct outside of work: or is it otherwise not considered serious enough to consider a referral to LADO?
7. **IF YES** Steps should be taken to address unprofessional behaviour and support the individual to correct it at an early stage
8. Low level concerns should be recorded in writing including:
 - Name of individual sharing the concern
 - Details of the concern
 - Context in which the concern arose
 - Action taken

(* If the individual wishes to remain anonymous then that should be respected as far as reasonably possible)

9. Records must be kept confidential, held securely and comply with the Data Protection Act 2018 and UK GDPR. Schools and colleges should decide how long they retain such information, but it is recommended that it is kept at least until the individual leaves their employment

10. Reports about supply staff and contractors should be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified

11. (Records should be reviewed so that potential patterns of concerning behaviour can be identified)

If a concerning pattern of behaviour is identified and now meets the criteria for an allegation then the matter should be referred to the LADO.

The records' review might identify that there are wider cultural issues within the school that enabled the behaviour to occur. This might mean that the policies or processes could be revised or extra CPD may be needed

7. Key reference document

For further information please refer to KCSIE 2023

8. To report a concern go to:

- Staff share
- Current
- Safeguarding
- To report a low-level concern form

To report a low-level concern

Please use this form to share 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 The Willows Primary School 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. 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) (and please use a separate sheet if necessary). The record should be signed, timed and dated and returned to Sarah Thursfield.

The Willows Primary School

Report of a Low Level Concern

Name and role of the staff member reporting the concern

Name and role of the staff member who the allegation/concern is against

Details of Concern

Date

Signature