



## **Low Level Concerns (Staff) Policy (Safeguarding)**

Under Consultation

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## 1. Introduction

- 1.1 Reach South Academy Trust is firmly committed to the protection and safety of all pupils in its care. Children can be vulnerable to harm and abuse in many settings including those where staff occupy positions of trust in relation to children.
- 1.2 This policy has been developed in accordance with the current Keeping Children Safe in Education (KCSIE) guidelines and in consultation with key staff who are responsible for Safeguarding across the Trust.
- 1.3 This policy should be read in conjunction with the Trust's Safeguarding and Child Protection policies and the Appropriate Workplace Behaviour Policy.
- 1.4 All those working in schools or coming in close contact with children (including supply teachers, volunteers, central staff and contractors) have a duty to safeguard pupils and create a safe learning environment.
- 1.5 This policy enables staff to share any concerns – no matter how small, about their own, or another member of staff's behaviour with the Headteacher or reporting person – see section 6.
- 1.6 Safeguarding and promoting the welfare of children is everyone's responsibility.

## 2. Purpose

- 2.1 The purpose of this policy is to create and embed an open and transparent culture in which all concerns about all adults working in our schools are dealt with promptly and appropriately.
- 2.2 It is important that the Trust creates a culture in which clear values and expected behaviour, as set out in the Trust's Appropriate Workplace Behaviour Policy are constantly lived, monitored and reinforced by all staff and where all concerns about adults working in or on behalf of the school are dealt with appropriately and promptly.
- 2.3 If implemented correctly, this approach and policy should:
  - Encourage an open and transparent culture;
  - Enable our Trust to identify inappropriate, problematic or concerning 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 these boundaries, and in accordance with the ethos and values of the institution.
- 2.4 In creating a culture that is open and transparent, the Trust 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, or on reflection they believe they have behaved in such a way that they consider falls below expected professional standards.
- 2.5 This policy therefore seeks to:
  - ensure that staff are clear about, and confident to distinguish between, expected and appropriate behaviour from concerning, problematic or inappropriate behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines.

- empower staff to share any low-level concerns, including self-referral with the Headteacher or reporting person.
  - help staff address unprofessional behaviour and help the individual to correct such behaviour at an early stage, with a programme of support, guidance and training.
  - identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted upon or referred to the LADO
  - provide for responsive, sensitive and proportionate handling of such concerns when they are raised.
  - help identify any weaknesses in the organisation's safeguarding system from lesson's learned.
- 2.6 This policy applies to all staff including those who work in our schools and those who come in contact with children during the course of their work, including volunteers, visitors, the Trust's central staff and contractors.

### 3. What is a low-level concern?

- 3.1 A low-level is one that does not meet the harm threshold as stated in KCSIE and identified in the Trust's Safeguarding and Child Protection policy.
- 3.2 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 may have acted in a way that:
- is inconsistent with the Trust's Appropriate Workplace Behaviour Policy, 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;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate language;
- Humiliating a pupil.

Such behaviour can exist on a wide spectrum, from the unintentional or thoughtless, or behaviour that may look to be inappropriate through to that which is ultimately intended to enable abuse.

- 3.3 Low-level concerns may arise in several ways and from a number of sources. For example: complaint or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

#### 4. Responsibilities of staff

- 4.1 All staff have a duty to safeguard children and report any concerns to the appropriate person, without delay.
- 4.2 It is crucial that all low-level concerns are shared responsibly 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 the Trust from becoming the subject of potential false low-level concerns or misunderstandings.
- 4.3 It is important that all staff are clear of the expectations the Trust stipulates from them as contained in the Trust's Appropriate Workplace Behaviour Policy. It is the responsibility of all staff to read and familiarise themselves with this policy. A copy of the policy can also be found on the Trust's website.
- 4.4 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 responsibly with the Headteacher or the reporting person. This should be done without delay. See section 6 for further details of who to report a concern to.
- 4.5 Self-referral - Staff members who are concerned about how their behaviour may have been interpreted, or, on reflection, re-evaluate their behaviour as one that may have been in contrary to the Trust's Appropriate Workplace Behaviour Policy and expectations, they should self-refer to their line manager immediately.

#### 5. Confidentiality

- 5.1 Due to the sensitive nature of such concerns, it is essential that confidentiality is maintained by all persons involved and the sharing of information is on "need to know" basis. This is to protect all those individuals involved.
- 5.2 Those persons who raise their concerns must ensure they maintain confidentiality and do not discuss these concerns openly with other staff.

#### 6. Procedure for reporting low level concerns

- 6.1 If a member of staff has any concerns regarding the behaviour of an adult either in Trust they must share this concern directly with the Headteacher if within a School.
- 6.2 If the concern is in relation to staff working in the central team or another area please see table 1 that details who the concern should be reported to. If you are unsure who to report to, please speak to your direct line manager for guidance.

Who is the concern relating to?	Report concern to ( <i>known as the reporting person</i> )
A member of staff (school based)	Headteacher
Volunteer (school based)	
The DSL (school based)	
Supply agency staff or contractor (school based)	Headteacher. The Headteacher will be responsible in notifying their employer (the Agency)
Headteacher	Chair of Governors, Deputy Director of Education/Director of HR

Trust Central Staff, including Deputy Directors (including agency, volunteers)	Executive Director
Directors and Deputy CEO	CEO
CEO	Chair of Trust Board

Table 1 – Low-level concerns reporting structure

- 6.3 All concerns must be reported as soon as possible, ideally within 24 hours of becoming aware of the incident. However it is never too late to share a low-level concern and staff are encouraged to raise any concerns they may have.
- 6.4 All low-level concerns should be reported in writing and staff are required to complete the attached low-level concerns form, found in Appendix 1 and send this to the Headteacher or reporting person.
- 6.5 If a concern is reported verbally initially, the Headteacher must make an appropriate record of the conversation, either at the same time or immediately following the discussion and share this with the person raising the concern to ensure the correct information has been recorded.
- 6.6 If the concern has been raised via a third party, the Headteacher should collect as much information as possible by speaking directly to the person who raised the concern, unless it has been raised anonymously. In this case, the Headteacher will speak to the person who heard the concern raised.

## 7. Responding to a Low Level Concern

- 7.1 When a low level concern is received, the Headteacher, or reporting person must undertake the following response:
1. Speak to the member of staff who has raised the concern to ensure all the relevant information is gathered and this is recorded.
  2. Review the information and determine if the behaviour is:
    - a. Consistent with the Trust's Appropriate Workplace Behaviour Policy
    - b. Constitutes a low-level concern
    - c. If serious enough to meet the harm threshold to be referred to the LADO in which case please refer to the Allegations Against Staff (Safeguarding Policy)
    - d. Is considered with any other previous low-levels concerns raised, in case there are any potential patterns, as it may be reclassified as an allegation and referred to LADO
  3. If the Headteacher or reporting person have any doubt, they are advised to seek guidance from the Head of Safeguarding, a member of the HR Team and/or the LADO.
  4. The Headteacher / reporting person must not speak to any other members of staff without having consulted the Head of Safeguarding and a member of the HR Team. If a LADO referral is to be made, the Headteacher / reporting person must not speak to any members of staff without LADO's agreement.

- 7.2 Subject to the further information gathered, if appropriate the matter may be managed in accordance with the Trust's Disciplinary Policy or the Allegations against Staff (Safeguarding) Policy.

## **8. Records of low-level concerns**

- 8.1 All low-level concerns should be recorded in writing. It is common for concerns to be raised verbally in the first instance, then this should be followed up in writing.
- 8.2 The record should include:
- details of the concern, including dates, times, locations etc.;
  - the context in which the concern arose, and
  - action taken.
- 8.3 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. It is advisable the person provides a reason why they wish to remain anonymous.
- 8.4 Records must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR).
- 8.5 These records must be kept securely by each Headteacher and a central record is maintained by the Headteacher of all low level concerns recorded in the school. Low-level concerns relating to central staff will be kept securely by the Director of HR. This will enable the review and monitoring of concerns raised as detailed in the section 10.
- 8.6 These records will not be held on the personnel file whilst the member of staff is employed. These files should be retained in line with the retention timelines for HR personnel files and it is advisable that low level concerns are placed on the personnel file when the member of staff leaves the Trust's employment.

## **9. References**

- 9.1 KCSIE is clear that schools should only provide substantiated safeguarding concerns/allegations that meet the harm threshold in references. Low-level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.
- 9.2 Where a low-level concern (or group of concerns) meets the harm threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference. For further guidance, this matter should be referred to the HR team and the Trust's policy on providing employment references.

## **10. Monitoring of low level concerns**

- 10.1 Records should be reviewed on a regular bases or when a concern is raised so that potential patterns of concerning, inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is identified, the responsible person (i.e Headteacher) should decide on a course of action, either through the 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. In such matters, guidance may be sought from the Head of Safeguarding and HR team.

- 10.2 Consideration should also be given to whether there are wider cultural issues within the school or centrally 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.

## **11. Supply Staff or Contractors**

- 11.1 Where a low-level concern relates to a person employed by a supply agency or a contractor working in the school, that concern should be shared with the Headteacher, and recorded in accordance with this policy. The Headteacher or reporting person will be responsible in notifying the employer about the concern, so that any potential patterns of inappropriate behaviour can be identified.
- 11.2 If the Headteacher or reporting person are in any doubt as to whether the information which has been shared regarding supply staff or contractor as a low-level concern in fact meets the harm threshold, they should consult with the LADO.



## Appendix 1 – Low Level Concern Form

<b>Low Level Concern Form</b>			
<p>This form can be used to share any concern with the Headteacher or reporting person, no matter how small or seemingly insignificant, 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 Trust's Appropriate Workplace Behaviour Policy [including inappropriate conduct outside of work] and/or in a way that on first glance <u>does not</u> appear to meet the allegation, 'harm' threshold.</p> <p>A concise record is required, including brief context in which the low level concern arose, plus details which are chronological, precise and as accurate as possible, of any such concern and /or relevant incident[s]. [Continue on separate sheets as necessary]. The form should be signed, timed and dated.</p>			
<b>Details of CONCERN</b>			
<b>Name of adult the concern is regarding:</b>			
<b>Their role (if known):</b>			
<p><b>Details of the concern:</b> <i>(what happened, when this occur, where did this take place, who was present etc...)</i></p>			
<b>Name of Staff member raising the concern</b>		<b>Department and Role</b>	
<b>Signed</b>		<b>Time and Date</b>	
<b>Received by (Name and job title)</b>			
<b>At [time and date]</b>		<b>Time: Date:</b>	
<p><b>WAS THE STAFF MEMBER SPOKEN TO?</b>  <b>NO</b> <input type="checkbox"/> - Give a brief but valid reason/explanation for not;</p>			

**YES  - Please complete detail below - STAFF MEMBER'S RESPONSE TO CONCERN :**

**ACTION TAKEN :**

Was advice/guidance sought from the LADO and or Human Resources? Yes :  No :   
Advice given:

**Signed (headteacher or reporting person)**

**Name**

**Date**

This record form will be held securely, either digitally or in paper form, in one central file in accordance with the Trust's guidance regarding the management of concerns/allegations and in accordance with Trust's Data Management practices/policies.

Low Level Concern reporting will be treated as confidential as far as possible, however in certain circumstances it may be necessary to share and or disclose the information with third parties for relevant and necessary reasons. This includes where a reporter has indicated they wish to remain anonymous.

## POLICY HISTORY

Date	Summary of change	Contact	Policy Implementation Date	Review Date
September 2022	Consultation with JNCC	All Recognised Trade Unions	N/A	N/A
TBC	New Policy implemented in line with KCSIE	HR	TBC	TBC

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