

Bloxham School



7c

Low Level Concerns Policy

ISI	Part 3. Welfare, health and safety of pupils and other legislation	
NMS (if applicable)	Standard 8, 15, 23	
Policy Owner (SLT)	JHS	
Governor Responsible		
Next Gov Annual Review Due		
Policy Last Updated	24.08.23	JHS
On the Website		

Please read in conjunction with:

- *Safeguarding Policy*

Rationale

This policy should be read in conjunction with Bloxham School's Safeguarding Policy, Staff Code of Conduct and Whistleblowing Policy, to enable staff to share their concerns, no matter how small, about their own or another member of staff's behaviour. The purpose of the policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour which are set out in the school's Code of Conduct are constantly lived, monitored and reinforced by all staff. The school deals with all concerns about adults working in or 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.

This policy 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 with the Designated Safeguarding Lead.
- 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 (on a no-names basis if appropriate), or referred to, the LADO
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised
- this policy applies to **all** staff at Bloxham School.

Defining a Low-Level Concern

A low-level concern is one that **does not** meet KCSIE 2023 allegations threshold as stated in the school's Safeguarding Policy (appendix 6.2) That is, when 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 criteria are contained specifically within the School's Safeguarding Policy, 'Allegations Regarding Staff (or volunteers)'. These should be reported to the Headmaster without delay.

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’ (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 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. Examples of such behaviour could include, but are not limited to:
 - being over friendly with students;
 - having favourites;
 - taking photographs of students or 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. 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.

Responsibilities of staff

It is important that **all** staff are clear of the expectations the school stipulates from them as contained in the Staff Code of Conduct. 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 responsibly and with the Designated Safeguarding Lead. This should be done without delay, by the end of the day at the latest.

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

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 school’s code of conduct and expectations, they self-refer to the Headmaster.

Dealing with Low-Level Concerns

All low-level concerns may be shared verbally with the Designated Safeguarding Lead in the first instance, but must then be recorded in writing.

The record should include:

- details of the concern
- the context in which the concern arose

- action taken, the name of the individual sharing their concerns should also be noted, but if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

Where the low-level concern is provided verbally, the Designated Safeguarding Lead should make an appropriate record of the conversation, either at the time or immediately following the discussion, paying heed to the details above.

Records will be signed, timed and dated. Records will remain confidential in accordance with the school's Data Protection policies and GDPR.

Responding to a Low-Level Concern

Once the Safeguarding Lead has received the low-level concern, whether directly or from their deputy, and the Safeguarding Lead has shared the low-level concern immediately with the Headmaster they will:

- 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;
- review the information and determine whether the behaviour is (i) entirely consistent with the organisation's Code of Conduct and the law, (ii) constitutes a low-level concern, (iii) is serious enough to consider a referral to the LADO, or (iv) 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/other relevant external agencies;
- where the Safeguarding Lead is in any doubt whatsoever, they should seek advice from the LADO – on a no-names basis if necessary;
- speak to the individual about whom the lowlevel concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- make appropriate records of: (i) all internal conversations – including with the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses;

(ii) all external conversations – for example, with the LADO/other external agencies (where they have been contacted, and either on a no-names or names basis);

(iii) their determination and the the rationale for their decision

(iv) any action taken

The Designated Safeguarding Lead will in the first instance satisfy themselves that it is a low-level concern and should not be reclassified as a higher level concern/allegation and dealt with under the appropriate procedure below.

The circumstances in which a low-level concern might be reclassified are where:

- the threshold is met for a higher-level concern/allegation
- there is a pattern of low-level concerns which collectively amount to a higher-level concern/allegation or
- there is other information which when taken into account leads to a higher-level concern/allegation.

Where the Designated Safeguarding Lead is in any doubt whatsoever, advice will be sought from the LADO, if necessary, on a 'no-names' basis.

Having established that the concern is low-level, the DSL will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary and inform the Headmaster. If the concern has been raised via a third party, the DSL should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken. Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training etc. In dealing with a low-level concern with a member of staff, this will be approached in a sensitive and proportionate way. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

Details of the concern will be recorded along with the rationale for decisions and action taken.

Any conversation with a member of staff following a concern will 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 or risk assessment may be required. Some concerns may trigger the school's disciplinary, grievance or whistleblowing procedures, which will be followed where appropriate. Some concerns may be related to performance management and advice may be sought from the school's HR manager.

If it is decided that the current concern is low-level:

- it should also 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. Any investigation of low-level concerns should be done discreetly and on a need-to-know basis; Developing and implementing a low-level concerns policy: A guide for organisations which work with children
- 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. Others may be most appropriately dealt with by means of management guidance and/or training;
- in many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised. It has long been understood that lasting change in behaviour is least likely to be achieved by an approach experienced as critical or threatening (Miller & Rollnick, 1991);³⁷
- 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 or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate;

- some low-level concerns may also raise issues of misconduct or poor performance. The Safeguarding Lead should consider whether this is the case – taking into account any advice from the LADO, and consulting HR on a no-names basis where necessary – and, if so, to refer the matter to HR. Any such referral should be made by the Safeguarding Lead having received the low-level concern and not by individual staff members. Equally, it is essential that there is close liaison and appropriate information sharing between the Safeguarding Lead and HR, so that an holistic view of the individual can be taken. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for HR.

However, if it is decided that the current concern:

- in and of itself is sufficiently serious (and perhaps having followed consultation with the LADO (and on a no-names basis if necessary)), then it **should be referred to the LADO;**
- **when considered with any other low-level concerns that have been shared about the same individual, should be reclassified as an allegation.**

Monitoring of Low-Level Concerns

The Designated Safeguarding Lead will securely retain confidential files on low-level concerns. A central log will be shared and regularly monitored by the school's Senior Leadership Team to ensure that all such concerns are being dealt with promptly and appropriately, and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. A record will be kept of this review within SLT Minutes. No record will be made of the concern 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.

Further References

Farrer & Co – Developing and implementing a low-level concerns policy: a guide for organizations which work with children – Adele Eastman, Jane Foster, Owen O'Rourke and David Smellie. 2020

<https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concernsguidance-2020.pdf>

Department for Education, Keeping Children Safe in Education 2021

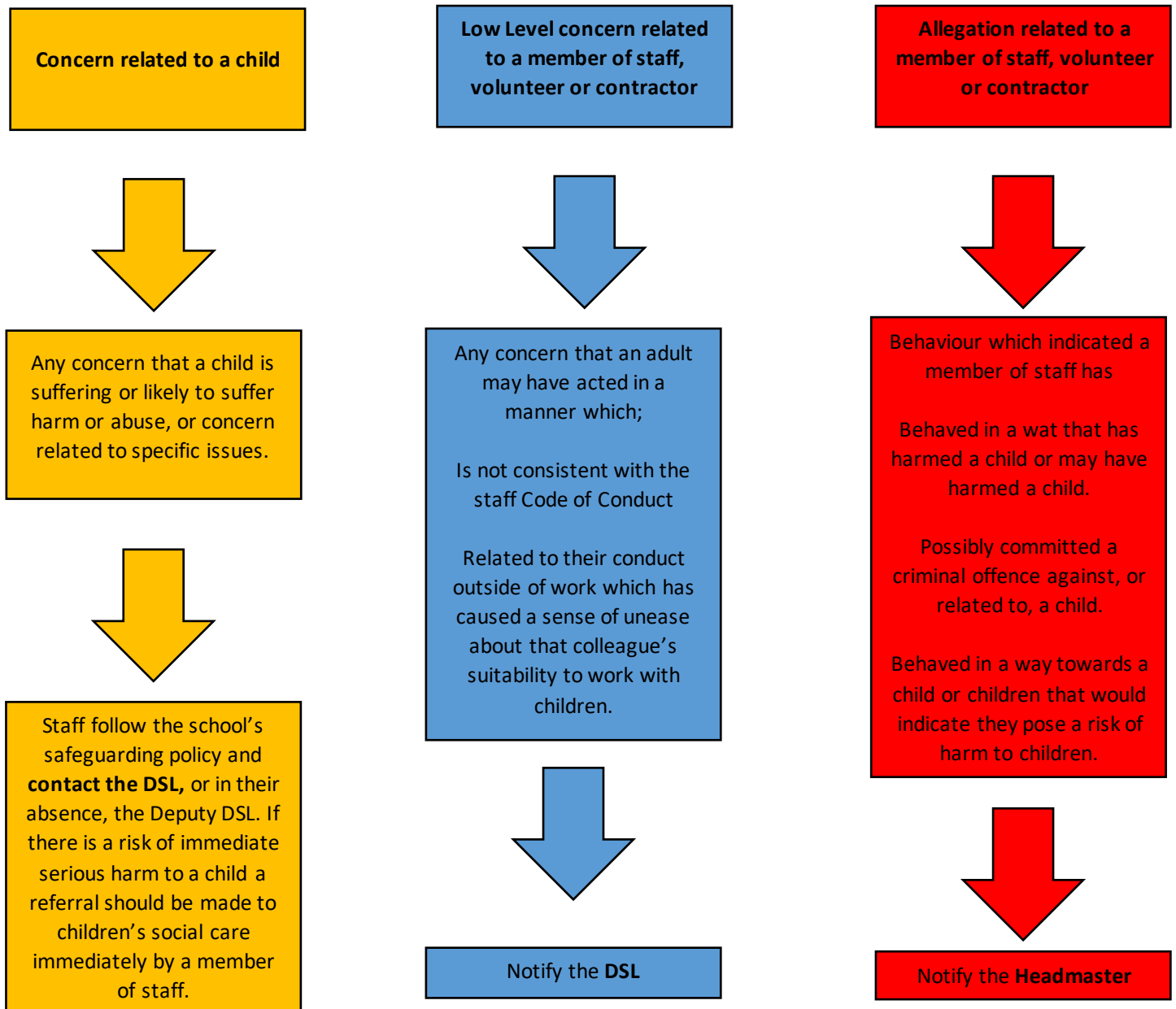
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007260/Keeping_children_safe_in_education_2021.pdf

Working together to Safeguard Children. Statutory guidance on inter-agency working to safeguard and promote the welfare of children.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Appendix 1

Flow chart for Reporting Concerns



Possible Outcomes from a Low Level Concern

If it is determined that the behaviour is entirely consistent with the school's staff code of conduct and the law, the Headmaster will:

- update the individual in question and inform them of the action taken as above;
- 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 and the law;
- 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.

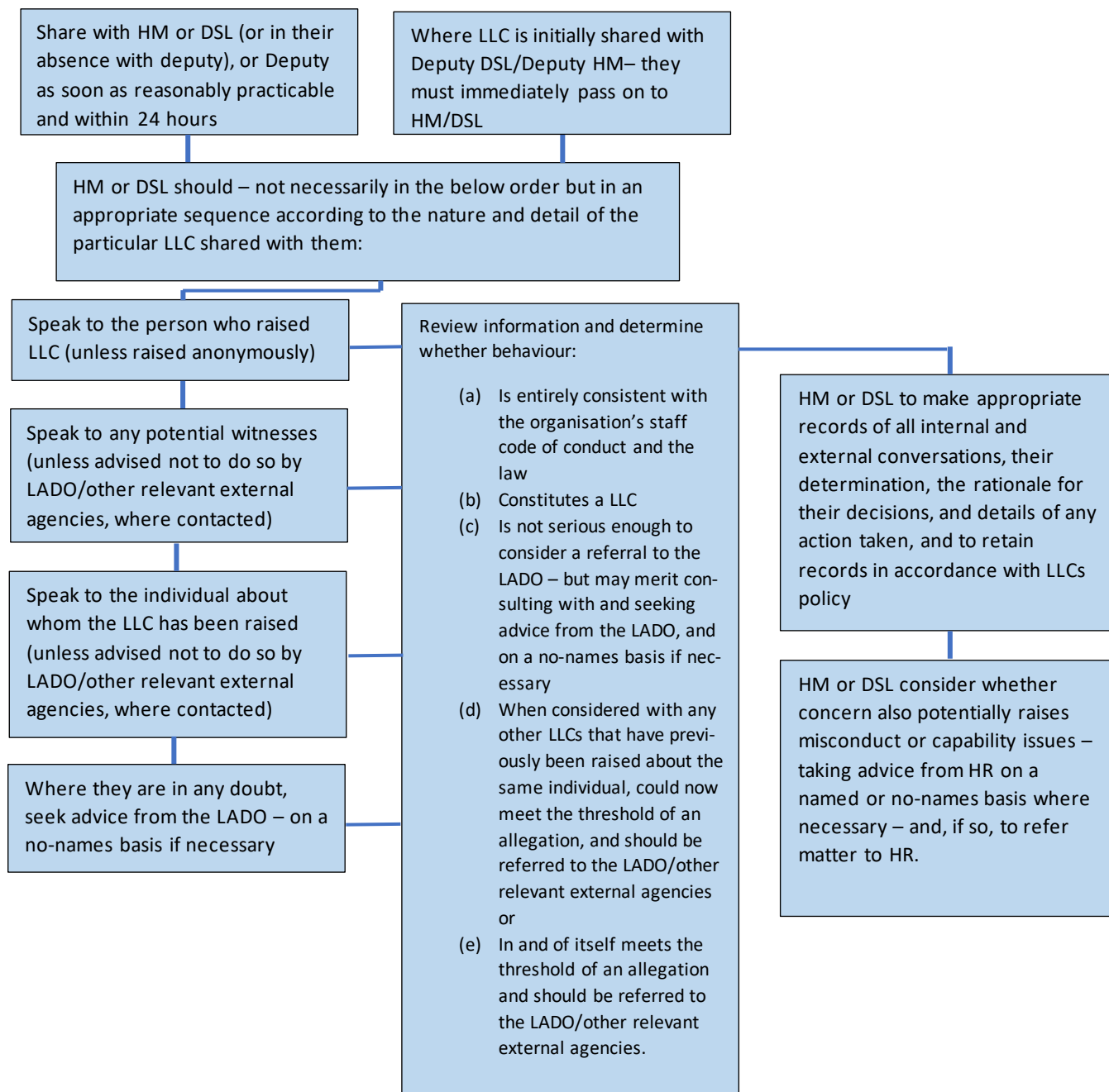
If the same or a similar low level concern is subsequently shared about the same individual, and the behaviour in question is also consistent with the staff code of conduct, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived by others.

Appendix 2

Responding to Low Level Concern flowchart

KCSIE now requires low-level concerns to be shared with the DSL/ Headteacher – unless they relate to the Headteacher – as per paragraph 74 of KCSIE

ACTION REQUIRED



Low Level Concern Form

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 Bloxham School’s staff code of conduct policy, 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). Please use a separate sheet if necessary.

The record should be signed, timed and dated.

Concern reported by:

Name of staff Member:

Details of concern:

Signed:

Name:

Date and Time:

Concern received by:

Date:

Time:

Action Taken:

Signed:

Date: