



Banks Lane Junior School

Communication, Collaboration, Curiosity, Resilience, Reflection



# Low Level Concerns Policy

Reviewed:	September 2024
Date of next review:	September 2025
Amendments made:	

## **Policy statement**

Our school recognises its statutory and moral duty to safeguard and promote the welfare of pupils and understands that staff play a vital role in meeting these responsibilities. As a school we work together to ensure promotion of an open and transparent culture, in which all concerns about adults working in or on behalf of the school are dealt with promptly and appropriately. Banks Lane Junior School understands the importance of acknowledging, recording and reporting all safeguarding concerns, regardless of their perceived severity. We understand that, while a concern may be low-level, that concern can escalate over time to become much more serious. Our school prides itself on creating a safe and prosperous environment for pupils, and our staff are expected to adhere to high standards of behaviour when it comes to professional conduct regarding pupils. The school has clear professional boundaries which all staff are made aware of and will adhere to. We are committed to ensuring that any safeguarding concerns are dealt with as soon as they arise and before they have had a chance to become more severe, to minimise the risk of harm posed to our pupils and other children.

## **Scope**

This policy is relevant to and includes all employees employed at this school:

- Teachers;
- Support staff;
- Supply teachers;
- Volunteers;
- Local Authority visiting staff;
- Contractors.

The term 'staff' throughout this policy refers to all of the above.

## **Policy aims**

- To help create a culture in which all concerns about adults are shared responsibly and with the right person and are recorded and dealt with appropriately.
- To enable school to identify concerning, problematic or inappropriate behaviour early.
- To minimise the risk of abuse occurring.
- To ensure that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries and in accordance with the ethos and values of the school.

- To help create an environment where staff are comfortable to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted or might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

## **Legal framework**

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Updated DfE (2024) 'Keeping children safe in education 2024' •
- Updated DfE (2024) 'Working Together to Safeguard Children'

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Safer Working Practice
- Whistleblowing Policy
- Data Protection Policy

## Definition

For the purposes of this policy, a low-level concern is defined as any concern had about an adult's behaviour towards, or concerning, a child that does not meet the harms threshold (see below) or is otherwise not serious enough to consider a referral at the time of its reporting.

The term 'low-level' concern does not mean that it is insignificant - a low-level concern is any concern that suggests an adult working in or on behalf of the school or college may have acted in a way that:

- Is inconsistent with the Safer Working Practice, including inappropriate conduct outside of work.
- Does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.

Low-level concerns are differentiated from concerns that can cause harm. The harms threshold is the point at which a concern is no longer low-level and constitutes a threat of harm to a child. This threshold is defined as allegations that an adult 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 in a way that indicates they may pose a risk of harm to children.
- Behaved in a way or may have behaved in a way that indicates they may not be suitable to work with children.

While low-level concerns are less serious than concerns which meet the harms threshold, the school understands that many serious safeguarding concerns often begin with low-level concerns, e.g. being overly friendly with children. The school will ensure that all staff are aware of the importance of recognising concerns before they have an opportunity to escalate from low-level to serious.

The term 'low level' concern does not mean that it is insignificant. It means that the behaviour towards a child does not meet the harm threshold for an allegation.

'Keeping Children Safe in Education 2024' defines a low-level concern as:

*"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 Safer Working Practice, 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"*

### **Avoiding low level concerning behaviour**

Behaviour defined as a 'low level concern' can exist on a spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate but is not in specific circumstances, through to that which is ultimately intended to enable abuse.

Staff education and reinforcement on avoiding circumstances which may put them in a difficult situation is key to avoiding the need for dealing with these types of concerns.

Our school ensures that staff are clear about what appropriate behaviour is through our induction procedures and the regular reinforcement of documents such as:

- Staff Safer Working Practices Policy;
- Safeguarding and Child Protection policies and regular training;
- Teachers' Standards (for teaching staff).

### **Reporting a low level concern**

Low level concerns about a member of staff should be reported to the DSL (Designated Safeguarding lead) / Headteacher as per the school's Child Protection procedures. If the concern is about the Headteacher then it should be reported to the Chair of Governors.

Low level concerns about supply staff, contractors and local authority visiting staff should also be reported to the DSL / Headteacher, who will then share and report the concerns to their employers.

### **Dealing with a low level concern**

Where a concern is raised about the practice or behaviour of a member of staff, the information must be recorded and passed to the DSL / Headteacher.

The DSL/ Headteacher must then make an assessment to determine if the matter is a 'low level concern' or an 'allegation' and follow one of the following routes:

- Allegations that meet the harm threshold will be referred to the LADO (Local Authority Designated Officer);
- Low level concerns that the school feels they need further guidance on will be referred to the LADO for advice;
- Low level concerns that the school feels they can deal with internally will be dealt with via the school's usual child protection investigation process.

The school will engage with Human Resources where it is necessary to undertake further investigation and/or deal with the concern under relevant processes.

### **Recording a low level concern**

All low level concerns should be formally recorded by a member of staff when they are made aware of them. This record should then be passed to the DSL/ Headteacher or Chair of Governors if the concern is about the Headteacher.

The record should include:

- Details of the concern;
- The context in which the concern arose;
- The outcome of the investigation and any action taken, and
- The name of the individual sharing their concerns (unless the individual wishes to remain anonymous which must be respected as far as possible).

Relevant records will be retained confidentially and securely within the school's Safeguarding systems, with access only by the Senior Leadership team. All records must be kept in line with data protection principles.

### **Reviewing a low level concern**

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

Where a pattern of such behaviour is identified, the DSL/ Headteacher will decide on a course of action, which may include:

- Disciplinary investigation and/or proceedings;

- Management Advice, including recommendations for training;
- Referral to the LADO (where a pattern of behaviour moves from a concern to meeting the harm threshold).

The school will also review appropriate policies and training, or other wider cultural issues in the school, to see whether anything needs to be done to minimise the risk of similar behaviour happening again.

Low level concerns will not be included in a reference unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures.

### **Related guidance**

The policy links to the following guidance documents:

- Keeping Children Safe in Education 2024 (DfE);
- Staff Safer Working Practice Policy;
- Safeguarding and Child Protection Policy;

### **Reporting concerns**

The school will promote a culture in which safeguarding pupils is the uppermost priority, beyond any perceived professional loyalties to colleagues, ensuring that staff are actively encouraged to report concerns, regardless of their relationship with the staff member.

Staff will report all safeguarding concerns they have to the headteacher, DSL, or deputy immediately in line with the procedures laid out in the Child Protection and Safeguarding Policy. Staff members will report concerns without undue delay. Where the report concerns a specific incident, staff members will report their concerns no later than 24 hours after the incident where possible. Staff members will be aware that concerns are still worth reporting even if they do not seem serious.

Where the DSL is informed of low-level concerns, they will inform the headteacher in a timely fashion according to the nature of the concerns. The headteacher will be

the ultimate decision maker in respect of all low-level concerns; however, they may take a more collaborative approach with the DSL to make a decision.

Staff members will report their concerns to the headteacher or deputy headteacher verbally, or by submitting a Low-level Concern Reporting Form.

Staff members may request anonymity when reporting a concern, and the school will endeavour to respect this as far as possible. The school will not, however, promise anonymity to staff members who report concerns in case the situation arises where they must be named, e.g. where it is necessary for a fair disciplinary hearing. In line with the Whistleblowing Policy, staff will be protected from potential repercussions caused by reporting a genuine concern.

Where a low-level concern relates to the headteacher, it should be reported to the chair of governors.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, staff will also be required to report this to the headteacher, who will, in turn, inform the employer of the subject of the concern.

All concerns reported to the headteacher will be documented in line with the Records Management Policy.

### **Self-reporting**

On occasion, a member of staff may feel as though they have acted in a way that:

- Could be misinterpreted.
- Could appear compromising to others.
- They realise, upon reflection, falls below the expected professional standards set out in the teacher standards and Safer Working Practice policy.

The school will ensure that an environment is maintained that encourages staff members to self-report if they feel as though they have acted inappropriately or in a way that could be construed as inappropriate upon reflection. The headteacher and DSL will, to the best of their abilities, maintain a culture of approachability for staff members, and will be understanding and sensitive towards those who self-report.

Staff members who self-report will not be treated more favourably during any resulting investigations than staff members who were reported by someone else; however, their self-awareness and intentions will be taken into consideration.



## **Evaluating concerns**

Where the headteacher is notified of a safeguarding concern, they will use their professional judgement to determine if the concern is low-level or if it must be immediately escalated, e.g. where a child is at immediate risk of harm. When deciding if a concern is low-level, the headteacher will discuss the concern with the DSL and the deputy headteacher, and will seek advice from the LADO where there is any doubt about whether the concern in fact meets the harm threshold.

When seeking external advice, the headteacher will ensure they adhere to the Data Protection Policy, and the information sharing principles outlined in the Child Protection and Safeguarding Policy, at all times.

To evaluate a concern, the headteacher and DSL will:

- Speak to the individual who raised the concern to determine the facts and obtain any relevant additional information.
  - Review the information and determine whether the behaviour displayed by the individual about whom the concern was reported is consistent with the Staff Safer Working Practice policy and the law.
  - Determine whether the concern, when considered alongside any other low-level concerns previously made about the same individual, should be reclassified as an allegation.
  - Consult with, and seek advice from, external agencies when in doubt over the course of action to follow.
  - Speak to the individual about whom the concern has been raised to inform them of the concern and to give them an opportunity to respond to it.
- Ensure that accurate and detailed records are kept of all internal and external conversations regarding evaluating the concern, and any actions or decisions taken.

## **Acting on concerns**

### **Where the concern is unfounded**

If it is discovered upon evaluation that the low-level concern refers to behaviour that was not considered to be in breach of the Safer Working Practice, the headteacher will speak to the individual about whom the concern was made to discuss their behaviour, why and how the behaviour may have been misconstrued, and what they can do to avoid such misunderstandings in the future. The headteacher will also speak to the individual who shared the concern, outlining why the behaviour reported is consistent with school standards and the law. The headteacher will take care to ensure that conversations with individuals who reported concerns that transpired to be unfounded do not deter that individual from reporting concerns in the future.

The headteacher will discuss the concern with the DSL (and if they have been involved, the LADO) to discern whether the behaviour, and the reporting of this behaviour, is indicative of ambiguity in the school's policies or procedures, or the training it offers to staff. Where such ambiguity is found, the DSL and headteacher will work together to resolve this with input from other staff members, as necessary. If a concern has been raised via a third party, the headteacher will 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.

### **Where the concern is low-level**

Where the headteacher determines that a concern is low-level, the school will respond to this in a sensitive and proportionate manner. The following procedure will be followed:

- The DSL will hold a meeting with the individual about whom the concern was reported, during which they will:
  - Talk to the individual in a non-accusatory and sympathetic manner.
  - Inform them of how their behaviour was perceived by the individual who reported the concern (without naming them, where possible). Clearly state what about their behaviour was inappropriate and problematic.
  - Discuss the reasons for the behaviour with the individual.
  - Inform the individual clearly what about their behaviour needs to change.
  - Discuss any support that the individual may require in order to achieve the proper standards of behaviour.
  - Allow the individual the opportunity to respond to the concern in their own words.
- The DSL and the headteacher will consider whether the individual should receive guidance, supervision or any further training.
- Where considered appropriate in the circumstances, the headteacher will develop an action plan, with input from the individual, that outlines ongoing and transparent monitoring of the individual's behaviour and any other support measures implemented to ensure the staff member's behaviour improves.
- Where it is necessary to undergo an investigation into the behaviour, this will be done discreetly, and information will only be disclosed to individuals on a need-to-know basis.
- Where any pupil or other individual has been made to feel uncomfortable by the individual's behaviour, they will be offered pastoral support, where appropriate.

The headteacher will ensure that all details of the low-level concern, including any resultant actions taken, are recorded and securely stored. The headteacher will ensure that these records are kept organised and up-to-date, and that it is easy to refer back to them if any other concerns are reported about the same individual.

### **Record keeping**

The school will retain all records of low-level concerns, including those that were found to be unfounded. The headteacher will ensure that all records include the most accurate and up-to date information and will store them in the employee's file. The headteacher will ensure that all low-level concerns are stored together, in an organised and consistent manner, to ensure they can be easily reviewed and analysed where necessary. Records will include:

- A clear and comprehensive summary of the concern.
- The context in which the concern arose.
- Details of how the concern was followed up and resolved.
- A note of any action taken, decisions reached, and the outcome.
- The name of the individual sharing concerns - if the individual wishes to remain anonymous, this will be respected as far as reasonably possible.
- The rationale for decisions made regarding any concerns.

The DSL will periodically review the recent low-level concerns made to ensure that they are being appropriately dealt with and to check for any concerning behaviour patterns amongst the staff cohort as a whole. The DSL will keep records of these reviews.

Where any concerning patterns of behaviour have been identified with regard to a member of staff, the DSL will consult with the headteacher to decide on a course of action. Where a pattern of behaviour has become so concerning that it meets the harms threshold, this will be referred to the LADO as soon as practicable.

It should be considered whether there are any wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies, including this one, could be revised, or extra training provided to staff to decrease the risk of it happening again.

### **Monitoring and review**

This policy will be reviewed annually by the headteacher and DSL, and in response to any new safeguarding requirements or concerns surrounding the wider cultural issues in the school. The next scheduled review for this policy is Autumn 2025.

## Appendix 1

### 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, 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.

## Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct



