

# Medlock Primary School



## Low Level Concerns Policy

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### **1. Introduction**

The Low Level Concerns Policy enables all staff to share any concerns – no matter how small – about their own or another member of staff’s behaviour with the senior leadership team. Safeguarding and promoting the welfare of children is everyone’s responsibility. At Medlock 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 details and processes for staff regarding low-level concerns they may have.

### **2. Purpose**

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 staff code of conduct are constantly lived, monitored and reinforced by all staff. 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 a Low-Level Record of Concern Form. If

the Head Teacher cannot be contacted, the Chair of Governors should be contacted instead.

**3. This Low-Level Concerns Policy operates in conjunction (as appropriate) with the following:**

- The School's Staff Code of Conduct
- Safeguarding and Child Protection Policy
- Capability and Disciplinary Procedures
- Whistleblowing Policy
- Privacy Notice

**4. Keeping Children Safe in Education September 2022**

***The following is taken from Keeping Children Safe in Education September 2022***

*422. Governing bodies and proprietors should have policies and processes to deal with any concerns (including 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***

*423. 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 supply teachers, volunteers and contractors) are dealt with promptly and appropriately.*

*424. 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:*

- *encourage an open and transparent culture*
- *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?***

*425. 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 pupils.

426. 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.

427. Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; 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.

428. 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 schools and colleges from becoming the subject of potential false low-level concerns or misunderstandings.

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

##### **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.

### 6. Process to follow when a low level concern is raised

*How should low level concerns be shared and recorded?*

1. Staff should be given the option of sharing their low level concern with a member of the senior leadership team. A written summary can be shared with the senior leadership team using a low level concern form.
2. If any low level concern relates to the headteacher, concerns can be raised with the other members of the senior leadership team and the Chair of Governors.
3. Where the low level concern is provided verbally to the senior leadership team they will record a summary of the conversation immediately.
4. Sound professional judgement should be exercised by them in determining what information is necessary to record for safeguarding purposes. The name of the individual sharing the low-level concern, and their role, should be stated, as should the name of the individual about whom the concern is being raised, and their role within the organisation at the time the concern is raised. If the latter individual has an opposing factual view of the incident, this should be fairly recorded alongside the concern. The record should include brief context in which the low-level concern arose, and concise details (which are chronological and as precise and accurate as possible) of any such concern and relevant incident(s). The record should be signed, timed and dated.
5. If the staff member who raises the concern does not wish to be named, then the organisation should respect that person's wishes as far as possible.
6. However, 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 should never be promised to members of staff who share low-level concerns. Where possible, organisations should try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.
7. Staff do not need to be able to determine in each case whether their concern is a low-level concern, or if it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. Once staff share what they believe to be a low-level concern, that determination should be made by the senior leadership team.

How should a low-level concern be responded to by the senior leadership team?

1. Once the senior leadership team have received the low-level concern, they should (not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them):
  - a. 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);
  - b. 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);
  - c. review the information and determine whether the behaviour (i) is entirely consistent with their staff code of conduct and the law, (ii) constitutes a low-level concern, (iii) is 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, (iv) when considered with any other low-level concerns that have previously been raised about the same individual, could now meet the threshold of an allegation and should be referred to the LADO/other relevant external agencies, or (v) in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies;
  - d. where they are in any doubt whatsoever, seek advice from the LADO - on a no-names basis if necessary;
  - e. 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 (subject to the above);
    - 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
    - iv. their rationale for the decision
    - v. any action taken
2. If it is determined that the behaviour is entirely consistent with the organisation's staff code of conduct and the law:
  - a. it will still be important for the Headteacher/Principal or Safeguarding Lead to update the individual in question and inform them of the action taken as above;
  - b. in addition, the senior leadership team should 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;

- c. such a situation may indicate that:
  - i. the staff code of conduct is not clear;
  - ii. the briefing and/or training has not been satisfactory; and/or
  - iii. the LLC policy is not clear enough.
3. If it is determined that the behaviour constitutes a low-level concern:
  - a. 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;
  - b. 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;
  - c. in many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
  - d. 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.
  - e. some low-level concerns may also raise issues of misconduct or poor performance. The senior leadership team should also consider whether this is the case – by referring to the organisation's disciplinary and/or capability procedure and taking advice from HR on a named or no-names basis where necessary. If the Headteacher/Principal or Safeguarding Lead considers that the organisation's disciplinary or capability procedure may be triggered, they should refer the matter to HR.

How should low level concerns be held?

1. All records of low-level concerns (including those which are subsequently deemed by the Headteacher/Principal or Safeguarding Lead to relate to behaviour which is entirely consistent with the staff code of conduct) in the CPOMS staff safe. These records should be kept confidential and held securely, with access afforded only to the senior leadership team.

Should the central low level concerns file be reviewed?

1. The senior leadership team should review the central low-level concerns file periodically 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 of these reviews should be made.

How long should records of a low level concern be kept?

1. KCSIE is not prescriptive about the retention of low-level concerns. It does state that schools and colleges in England can decide where these records are kept, but they must be kept confidential, held securely and comply with the DPA 2018 and the UK GDPR. That legislation, similarly, does not prescribe specific retention periods, but adopts a purpose-based approach to retention and deletion.
2. In our view, therefore, and subject to paragraph below, low-level concerns should be retained on an organisation's central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.
3. When a staff member leaves and/or takes up new employment, that creates a natural point at which the content of the file may be reviewed to ensure it still has value (either as a safeguarding measure or because of its possible relevance to future claims), and is therefore necessary to keep.
4. This is subject to the rights of individuals to object to or seek to erase or correct records about them under data protection law,

Should a low level concern be referred to in a reference?

1. KCSIE prohibits schools and colleges in England from referring to unsubstantiated, malicious or false allegations in references. Only safeguarding allegations that have been substantiated should be included in references. KCSIE states that:
  - a. low level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding 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.
  - b. where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference
  - c. low level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding 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.

What is the role of the Governing Body (to which a written low-level concerns policy should also apply)?

1. The senior leadership team should regularly inform the Governing Body about the implementation of the low-level concerns policy and any evidence as to its effectiveness. For example, by including reference to it in any safeguarding reports, and providing any relevant data.
2. The Governing Body should also review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

## **Conclusion**

There is now more than sufficient empirical evidence to justify the implementation of a formal written low-level concerns policy by organisations which work with children across all sectors, and fact that the recording of such concerns is essential in practical terms to ensure effective and informed safeguarding. If implemented and used successfully, it should promote a healthy, informed and more effective protective culture.

## **Low-Level Concerns 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 Medlock Primary 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.

1. Name and role of staff member the concern relates to
  
2. Details of concern

## Appendix B

Links to further information:

[Guidance for Safer Working Practice for professionals working in education settings' 2022](#)

[Safer working practice training resource](#)

[Information Sharing Code of Practice](#)

[DfE guidance on Information Sharing](#)