

# LOW LEVEL CONCERNS Policy for The Children's Trust School



<b>Lead Director</b>  Sam Newton, Director of Education	<b>Date Reviewed</b>  JANUARY 2022
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## **1 Purpose and Objectives**

The Children's Trust 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 environment for all 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 do 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 to our pupils and other children.

In following this policy staff should always act in the best interests of the child.

## **2 Scope**

This policy applies to:

- All staff colleagues across The Children's Trust School (including bank, temporary workers, volunteers, and contractors)

## **3 Definitions**

Unless otherwise stated, the words or expressions contained in this document shall have the following meaning:

The Charity / organisation/ TCT means The Children's Trust

The School means The Children's Trust School

External Regulators means any external regulatory authority with oversight of The Children's Trust including CQC, OFSTED Care, Ofsted and Charity Commission

LADO means the Local Authority Designated Officer

SOP means Standard Operating Procedure

Staff means any employee (whether permanent, fixed term or bank), volunteer (including Trustees and School Governors) and/ or Temporary Worker.

Temporary Worker means those in-directly engaged by The Children's Trust School, in order to provide a required service, e.g. agency staff, student placements, contractors, and professional visitors

Volunteer means an individual who donates their time for free to the Children's Trust School and includes trustees of the Charity and school governors for The Children's Trust School

#### 4 Policy Statement

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

Low-level concerns refer to behaviour on the part of a staff member towards children and young people that is considered inappropriate in line with statutory safeguarding guidance outlined in the [School Staff Code of Conduct & TCT People Handbook](#)

Low-level concerns are different 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 or young person. This threshold is defined as allegations or concerns 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 indicated they may pose a risk of harm to children.
- Behaved in a way that indicates they may not be suitable to work with children, including behaviour that has happened outside of school.

While low-level concerns are, by their nature, less serious than concerns which meet the harms threshold, the school understands that many serious safeguarding concerns, e.g., child sexual abuse, often begin with low-level concerns e.g., being overly friendly with children/having favourite (families/child). The school will ensure that all staff are aware of the importance of recognising concerns before they escalate from low-level to serious, wherever possible achieved via regular bitesize training.

#### 5 Stakeholder Consultation

Appendix 1 details the stakeholders who were consulted in the development of this policy

#### 6 Related Policies

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy 2022
- School staff code of conduct 2022
- Staff handbook / code of conduct 2021
- The Children's Trust Promises 2022
- Moving & Handling Policy 2020
- Disciplinary Policy 2021
- Grievance Policy
- Temporary and Visiting Workers Policy
- Complaints Policy and Procedure
- Managing Probation Policy
- Performance Improvement Policy
- Incident Reporting and investigation including Duty of Candour policy 2019
- Whistleblowing Policy 2021
- Data Protection Policy 2021
- Safer Recruitment & procedures Policy 2021
- Record Keeping Policy

#### 7 External References and Guidance

Relevant laws and regulations include but are not limited to:

**Commented [CE1]:** Has a short section reflecting the LLC procedure been added to the code of conduct & CP policy? A link to this policy may suffice

**Commented [LR2R1]:** done

- [UK General Data Protection Regulation \(UK GDPR\)](#)
- [Data Protection Act 2018](#)
- [DfE \(2021\) 'Keeping children safe in education 2021'](#)
- [DfE \(2018\) 'Working Together to Safeguard Children'](#)
- [Equality Act 2010](#)
- [Employment Law](#)

## Standard Operating Procedure

### 1 Roles and Responsibilities

The Educational Governance Committee is responsible for:

- Ensuring that the school complies with its duties under child protection and safeguarding legislation.
- Ensuring that policies, procedures, and training opportunities regarding reporting safeguarding concerns are compliant and effective.
- Guaranteeing that there is an effective School Staff Code of Conduct that outlines behavioural expectations
- Ensuring that a suitably trained DSL (Designated Safeguarding Lead) has been appointed, alongside deputy DSLs.
- Ensuring that there are robust reporting arrangements. Including inter-agency collaboration.
- Ensuring that there are appropriate procedures in place to handle allegations and low-level concerns reported against members of staff.

The Head of School / Lead DSL is responsible for:

- Being a point of contact for all staff when they have safeguarding concerns, whether serious or low-level.
- Assessing whether safeguarding concerns about staff members meet the threshold for being termed an allegation, or whether they are low-level concerns.
- Being the ultimate decision maker on a concern being classed as low level
- Implementing this policy, and all related policies, throughout the school, and in ensuring that staff always adhere to it.
- Safeguarding pupils' wellbeing and maintaining public trust in the teaching profession.
- Ensuring that all staff have undertaken safeguarding training.
- Ensuring that all staff have an ongoing awareness of low-level concerns and reporting procedures.
- Ensuring that this guidance links supports the organisational policy.

The Deputy DSL is responsible for:

- Being a point of contact for all staff when they have safeguarding concerns, whether serious or low-level.
- Part of the assessing whether safeguarding concerns about staff members meet the threshold for being termed an allegation, or whether they are low-level concerns.
- Following all procedures outlined in this policy for acting upon low-level concerns.
- Liaising with the Head of School, staff members, the governing board, and all relevant agencies to act upon concerns, where necessary.
- Keep detailed, accurate and secure records of all low-level concerns and any actions taken.

Staff are responsible for:

- Adhering to all the relevant policies and procedures, including always acting within the school Staff Code of Conduct and TCT promises.
- Interacting with pupils in a way that is respectful and appropriate for their level of authority and has due regard to the power imbalance between pupils and staff members.
- Following all procedures outlined in this policy for acting upon low-level concerns.
- Liaising with the Head of School, DSL staff members, the governing board, and all relevant agencies to act upon concerns, where necessary. Keeping detailed, accurate and secure records of all low-level concerns and any actions taken.

The People Team support this policy by:

- To be included as criteria readers of the annual review of the school code of conduct
- To ensure that no low-level concerns are included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. If a low-level concern meets threshold for LADO and found to be substantiated, it should be referred to in reference.
- If a low-level concern meets threshold for referral to LADO the People Team will work with the school and the Head of Safeguarding to decide on the course of action, this may include disciplinary action

**Commented [CE3]:** This might change a little bit with KCSIE22

## 2 Process / Procedure

### Prevention amongst staff

#### 2.1 Appropriate and Inappropriate Behaviour

The school will ensure that all staff members are aware of the standards of appropriate behaviour expected towards pupils.

Staff must be aware that:

- They are in a unique position of trust, care, responsibility, authority, and advocate for all the pupils.
- There are more stringent expectations on their behaviour regarding pupils due to their position as a public professional.

Staff will remain aware of the fact that all pupils under the aged 2-19 regardless of the phase and year group they are at within the school, are children by law (for those under aged 18)

Staff must be aware that, where there is any doubt whether the behaviour of another adult is appropriate, this should be reported to the Lead of deputy DSL.

Inappropriate behaviour can include (but is not limited to) inadvertent or thoughtless behaviour to behaviour which is unlikely intended to enable abuse. Examples of inappropriate behaviour that would constitute a low-level concern as cited in KCSIE 2021 should be reported to the DSL, they include (but is not limited to) :

- Inconsistency with the school staff code of conduct, including inappropriate conduct outside of work
- Being overly friendly with children and families
- Having favourites – this could include, but is not limited to, calling pupils by pet names or terms of endearment, or buying pupils gifts.
- Engaging with a child on a one-to-one basis in a secluded area of behind a closed door.

- Humiliating pupils.

It is a low level concern if it does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Staff will also be made aware that behaviour which raises concerns may not be intentionally inappropriate, but that this does not negate the need to report the behaviour. Staff members who engage in low-level inappropriate behaviour in relation to pupils inadvertently, will be made aware and supported to correct this behaviour in line with the *Staff Code of Conduct*.

The school management team will also evaluate whether additional training would be beneficial for any staff members exhibiting concerning behaviours, or the staff cohort where low-level concerning behaviour originated.

The low level concern records will be kept confidential, held securely on the IRAR platform and within DSL secure file. This does comply with the Data Protection Act 2018 and the UK General Data Protection Regulation. The school will retain low level concern until the staff member leaves the Children's Trust.

## **2.2 School Culture**

The school understands that spotting the early signs of harmful behaviour towards children can be difficult, and that many will be hesitant to report concerns that they have about their colleagues' behaviour, particularly the behaviour of their superiors. Staff are encouraged to maintain an attitude that recognises that abuse can happen anywhere, in any setting, and that anyone can be a perpetrator regardless of their age, sex, level of authority, personality etc.

The school will ensure that all staff members have received training as part of their induction that outlines appropriate behaviour towards pupils for staff members. All staff will read, understand, and embed the *School Staff Code of Conduct and the organisation Promises* in all that they do.

Staff will address any questions they have regarding safeguarding to the DSL. The school will work to foster an environment where personal and professional boundaries are clearly set and respected for all individuals in the school community, e.g. pupils and families are not treated as friends and an appropriate professional distance is maintained by staff.

The school will ensure that all staff are fully trained surrounding the reporting of safeguarding concerns as part of their induction, and that refresher training is conducted, as necessary. The school will ensure that all staff understand how to recognise and report safeguarding concerns. Staff will be trained to identify concerning or problematic behaviour towards pupils that may indicate a safeguarding concern, and how to identify signs of abuse or harm to pupils.

## **2.3 Evaluating School Culture Following Concerns**

The school will ensure that appropriate consideration is given to the school's culture and whether or not it has enabled the inappropriate behaviour to occur. The head of school will review whether any changes need to be made to relevant policies or training programmes in light of any evaluations of the school's culture, in order to achieve an open and transparent culture that deals with all concerns promptly and appropriately.

## **2.4 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 a DSL/DDSL 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.

Staff members report their concerns to a member of the school management team verbally, then by submitting an IRAR outlining the primary causative reason for the low-level concern. When submitting concerns, staff will take care to ensure that they provide factual information.

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*.

Where a low-level concern relates to the Director of Education or the Head of School, it should be reported to the Chief Executive.

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 Head of School, who will liaise with the People Team to inform relevant agency.

## **2.5 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 standards set out in the *Staff Code of Conduct* or *TCT Staff Handbook*

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

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

## **2.6 Evaluating Concerns**

Where the DSL/DDSL 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 head of school may discuss the concern with the organisation Safeguarding team / deputy DSL / Director of Education / Nominated governor. The school will ensure they adhere to the *Data Protection Policy*, and the information sharing principals outlined in the *Child Protection and Safeguarding Policy*, at all times.

To evaluate a concern, the Head of School / Lead 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 of Conduct* 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, and dealt with alongside the Disciplinary policy.
- Consult with and seek advice from Director of Education / Head of Safeguarding / nominated SG governor / People Team / Director of People & Culture 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.

## 2.7 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 *Staff Code of Conduct and the Safeguarding children and young people policy* the Lead DSL / Deputy DSL 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 head of school will also speak to the individual who shared the concern, outlining why the behaviour reported is consistent with school standards and the law. The head of school 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 head of school will discuss the concern with the DSL 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 head of school, people team will work together to resolve this with input from other staff members, as necessary.

### Where the Concern is Low-Level

Where the head of school 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 Lead DSL holds 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 Lead DSL asks the individual to re-read the *Staff Code of Conduct*.
- The Lead DSL will consider whether the individual should receive guidance, supervision or any further training.
- Where considered appropriate in the circumstances, the Lead DSL 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 head of school will ensure that all details of the low-level concern, including any resultant actions taken, are recorded as a document on IRAR and securely stored within secure file. The head of school 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.

The specific approach to handling low-level concerns will be adapted on a case-by case basis.

It is unlikely that a low-level concern will result in disciplinary procedures; however: -  
Where behaviour does not improve over a longer period of time, the concerns will be escalated and dealt with as according to the Disciplinary policy.

#### **Where the Concern is Serious**

The head of school may decide upon evaluation that a concern is more serious than the reported originally thought, e.g., when viewed in conjunction with other evidence or other concerns made about the same individual. Where this decision is made, the concern will be escalated, and dealt with as an allegation. The head of school will then follow the procedures laid out in the Disciplinary Policy

### **2.8 Record Keeping**

The school will retain all records of low-level concerns, including those that were found to be unfounded. The head of school will ensure that all records, include the most accurate and up-to-date information and will store them securely on the person's file and noted within the secure DSL folder. The head of school will ensure that all low-level concerns are stored together on the person's file, 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.
- 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- if the individual wishes to remain anonymous, this will be respected as far as reasonably possible.

**Commented [CE4]:** A copy of this bit would go to the staff member for whom a concern was raised.

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 a record of these reviews and subsequently share with the nominated safeguarding governor.

Where any concerning patterns of behaviour have been identified with regard to a member of staff, the Lead DSL /deputy DSL will 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 possible.

Records of low-level concerns will be kept together and in chronological order within a secure file on the school SMT drive.

Where an allegation is made about an individual who has previously been subject to low level concern allegations, or where a low-level concern is reclassified as a serious concern after meeting the harms threshold, all records individual will be kept in the staff personnel file.

The DSL will ensure that all records are kept in a manner that is consistent with the *Data Protection & Disciplinary Policy*. Records will be confidential, and securely destroyed after the staff member to whom the concerns pertain has left the school.

The school will only refer to concerns about a staff member in employment references where they have amounted to a substantial allegation, i.e., it has met the harms threshold and has been found to have basis through investigation, or where it is not exclusively a safeguarding issues and forms part of an issue that would normally be included in a reference, e.g., misconduct or poor performance. Low-level safeguarding concerns will not be included in a reference, unless they have comprised a pattern of behaviour that has met the harms threshold.

## **2.9 Monitoring and review**

This policy will be reviewed annually by the Head of school and DSL, and in response to any new safeguarding requirements or concerns surrounding the wider cultural issues in the school.

### 3.0 Summary diagram - Low level Concern Process/ Procedure

#### Flow diagram for low level concern process/procedure



### Concern is unfounded

- Speak to the individual about whom the concern was made

### Concern is serious

- Escalated and dealt with as an allegation
- Follow the procedures laid out in the Disciplinary Policy

### Concern is low level

- Speak to the individual about whom the concern was made
- Address action/s laid out in low level concern guidance i.e. supervision/action plan/training
- Reread the school code of conduct
- Maintain records/retain in secure files/monitor
- Escalate if required

#### Document Change Control

Version	Status	Description (of changes)	Reviewed by	Reviewed/ Issued Date
0.1	Draft	New Guidance		
0.2	Draft	Remove from template – row ‘are you willing to meet with the head of school / lead DSL to discuss your concern?’	MB	
		Add ‘a low-level concern is that an adult has acted in a way that: is inconsistent with the staff code of conduct, including inappropriate conduct outside of work.	MO	
		Add people team role and responsibilities	KM	

		Add People Team role & responsibility relating to references	LR	
0.3	Draft	Included a summary diagram of process  Referenced Disciplinary Policy	KM  KM	
0.4	Draft	Removed paper based referral form and included IRAR	LR	
1.0	Final Guidance	Guidance to be used for school policy	CJ / CE	2022

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## Appendix 1 – Stakeholder Engagement Checklist

Review and complete the following checklist to indicate which stakeholders were consulted in the development of this policy.

#	Question	Yes/ No	Stakeholder(s) to be consulted
1	Is there a statutory requirement to have in place this particular policy/ does the policy need to comply with detailed legislation?	Y	School / EGC
2	Is implementation of the policy (or any element of it) dependent on the use of new or existing information technology?	Y	Head of IT – IRAR being used
3	Does implementation of the policy (or any element of it) place any demands on/ or affect the activities of the Estates and Facilities teams (e.g. does it impact the provision or maintenance of premises, equipment, vehicles or other TCT assets)?	N	Head of Estates
4	Does implementation of the policy or any element of it involve/ impact the processing of personal data?	Y	Data Protection Officer
5	Does implementation of the policy require significant unbudgeted operational or capital expenditure?	N	Finance Director
6	Does implementation of the policy (or any element of it) directly or indirectly impact on the delivery of services / activities in other areas of the organisation? E.g. a policy written by a clinical lead in CF&S might impact on the delivery of care for CYP attending the school.	N	Relevant, impacted OLT members
7	Is there a need to consider Health and Safety or potential environmental impacts in developing and implementing the policy?	Y	Health and Safety Manager
8	Have you consulted with a representative of those who will be directly impacted by the policy?	Y	
9	Is there a need to consider Equity, Diversity and Inclusion in developing and implementing the policy?	N	EDI Lead
10	Is there a need to consider sustainability and potential environmental impacts in developing and implementing the policy?	Y	Lead for Responsible Organisation
11	Please detail any other stakeholder groups consulted, if applicable.	Y	External Safeguarding consultant