



St Helens Primary School

Low Level Concerns Policy

Reviewed by: FGB

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Next review due: November 2023

Chair of Governors: Gary Booth

Signature: *Gary Booth*

Low-Level Concerns Policy

St Helens Primary School

Introduction

At St Helens 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 detail and processes for staff regarding low-level concerns they may have.

Defining a Low-Level Concern

A low-level concern is one that does not meet the harm threshold as stated in the school's Safeguarding Policy.

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. See appendix 1.

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

Keeping Children Safe in Education September 2022

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

407. As part of their whole school 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.

408. Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold (see Part Four - Section one)) 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 concerning, problematic or inappropriate 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?

409. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out at paragraph 338. 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 allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

410. 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 sexualised, intimidating or offensive language.

411. 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.

412. It is crucial that any such concerns, including those which do not meet the harm threshold (see Part Four - Section one), are shared responsibly and 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 potential false allegations or misunderstandings.

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 head teacher.

This should be done without delay. Where there are concerns/allegations about the head teacher, this should be referred to the Chair of Governors.

Dealing with Low-Level Concerns

All low-level concerns may be shared verbally with the head teacher 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.

Procedures for responding to a Low-Level Concern

1. The head teacher 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:
 - (a) the threshold is met for a higher-level concern/allegation
 - (b) there is a pattern of low-level concerns which collectively amount to a higher-level concern/allegation or
 - (c) there is other information which when taken into account leads to a higher-level concern/allegation.
2. Where the Head teacher is in any doubt whatsoever, advice will be sought from the LADO, if necessary, on a 'no-names' basis.
3. Having established that the concern is low-level, the Headmaster will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary.
4. If the concern has been raised via a third party, the Headmaster 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.
5. 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.
6. Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.
7. 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 and will be dealt with by means of management guidance and training. This will include being clear with the individual as to why their behaviour is concerning, problematic or inappropriate.
8. 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.

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 may have 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 that they 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 a manner which:
- Is not consistent with the school'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 that adult's suitability to work with children.

Appropriate Conduct

- Behaviour which is entirely consistent with the school's code of conduct and the law.

Storing and use of Low-Level Concerns and follow-up information

LLC forms and follow-up information will be stored securely within the schools safeguarding systems, with access only by the leadership team. This will be stored in accordance with the school's GDPR and data protection policies.

The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Head Teacher or those aware in the senior leadership team.

Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures.

Whenever staff leave St Helens, any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept.

Consideration will be given to:

- (a) whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or
- (b) if on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

Appendix 1

Low Level Concern Form

This form can be used to share any concern with the Head teacher/Designated Lead, 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 Schools' Code of Conduct [including inappropriate conduct outside of work] and/or in a way that on first glance does not appear to meet the allegation, 'harm' threshold.

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, times and dated.

Details of CONCERN :

Name of Staff member :	Department and Role :
Signed :	Time and Date :

Received by :

At [time] :

Date :

WAS THE STAFF MEMBER SPOKEN TO? [Good practice will require a response].

NO ☐ - Give a brief but valid reason/explanation for not;

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 : ☐

Signed :

Dated :

This record form will be held securely, either digitally or in paper form, in one central file in accordance with the School's Code of Conduct and any associated guidance regarding the management of concerns and or allegations and in accordance with School'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