

Low Level Concerns Policy



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Contents

1. Introduction
2. Concerns that do not meet the harm threshold
3. Definition of low level concerns
4. Sharing low level concerns
5. Responding to low level concerns
6. Record keeping of low level concerns
7. Reference and low level concerns

Appendix

1. Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct
2. Examples from cases – two serious case reviews
3. Further Guidance for Headteachers/DSLs
4. Flow chart of concerns

5

1. Introduction

At An Baya Federation we understand that safeguarding is everyone's responsibility. We aim to create an open and transparent culture where all concerns about all adults involved with our schools are dealt with promptly and appropriately. We aim to identify any concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of our schools are clear about professional boundaries and act within these boundaries, and in accordance with our school ethos.

Creating a culture in which all concerns about adults (including those that do not meet the threshold of an allegation) are shared responsibly, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage a more open and transparent culture; enable individual schools to identify concerning behaviour early; minimise the risk of abuse; and ensure that adults working within our trust are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of An Baya Federation.

Our Staff Code of Conduct is robust and incorporates all the above guidance. This policy is to further ensure staff/volunteers/partners recognise low level concerns, can be responsible for their actions at all times, know how to report concerns and the procedures the school will follow.

This policy should be read alongside our Safeguarding and Child Protection, Whistleblowing, Grievance and Staff Code of Conduct Policies.

Concerns that do not meet the harm threshold

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Safeguarding concern or allegation from another member of staff
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

Definition of low-level concerns

The term 'low-level' concern is any concern – no matter how small – 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 allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly 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
- Humiliating pupils

Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others

- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system
- Low level concerns

Responding to low-level concerns

If the concern is raised via a third party, the headteacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct.

The headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DDSIs.

Process to Follow when a low-level concern is raised

The Headteacher will discuss reported concerns with the member of staff. It may not be necessary to name the complainant unless the concern is escalated to formal proceedings. (see relevant policy – Safeguarding; Grievance; Complaint; Staff Code of Conduct; Disciplinary procedure; Whistleblowing)

The Headteacher will discuss

- what changes needs to be made
- agree a support plan if required
- any further action
- consequences of repeated behaviour/actions
- time scale (normally immediate)

The Headteacher will be mindful of Disguised compliance, where the staff member says what is required but minimises said behaviours/actions and little changes.

The member of staff will be directed not to discuss with colleagues and attempt to investigate where the reported concern came from

Record keeping

Low Level Concerns (LLC) information will in the first instance be informal. However, if once a staff member has challenged low level behaviour and it continues, the Headteacher will address the behaviour/conduct. A record of these discussions will be stored securely within the school's safeguarding systems, with access only by the Headteacher and DSL.

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 Headteacher and DSL. There may be instances where behaviour and conduct is witnessed by multiple staff members. All staff are responsible for addressing and reporting low level behaviour concerns as individuals and not as a group.

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

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, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority

Record will be retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

References

We will not include low-level concerns in references unless:

- › The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or

The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance 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. Should staff leave An Baya Federation , 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

This policy was approved on 20th September 2022

It will be updated in line with changes to KCSiE/annually

Appendix 1

Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct

Allegation:

Any adult linked to our school who 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 he or she may pose a risk of harm to children
- *behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Low Level Concern:

Any adult linked to our school who has behaved in a way that:

- *is inconsistent with the staff code of conduct and ethos of An Baya Federation including inappropriate conduct outside of work
- *does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Appropriate:

- *Behaviour which is entirely consistent with our school's Code of Conduct, and the Law.

Please remember this policy is focused at keeping children, community, and staff safe.

Appendix 2

Examples From Cases – Two Serious Case Reviews

Nigel Leat was a classroom teacher who taught at a first school in Somerset for fifteen years. A disclosure by a child to her mother in 2010 led to the discovery of his abuse. It is now known that 20 pupils were witnesses to or possible victims of sexual abuse by Nigel Leat. At a court hearing in May 2011 Nigel Leat pleaded guilty to 36 sexual offences, including 22 counts of sexually assaulting a child under 13 and eight counts of sexual assault by penetration of a child under 13.

William Vahey was a history teacher who taught at ten international schools in nine different countries between 1972 and 2014. Vahey committed suicide in March 2014 following the discovery by a maid of indecent images of children on his computer. It is now known that he drugged and abused at least 54 students at an independent international day school in London where he taught for four years.

In both cases a number of staff, parents and pupils discussed concerns with each other or a member of the senior management team. A number of these concerns, taken in isolation, were not treated by the school as meeting the threshold for reporting to the LADO at the time. For example, Vahey *"undermined other staff and was disrespectful to junior staff,"* and *"gave out chocolates and sweets in class [and] cookies linked to games during evening activities."* Leat *"had favourite pupils within his class [who were] invariably girls, and were variously described by staff members as pupils who were less academically able, emotionally needy or vulnerable"; "had been taking photographs of children using his mobile phone,"* and *"getting changed for PE in his class [which was] used as a thoroughfare by staff and pupils."*

Many concerns were not reported to anyone. In the case of Leat, only 11 of the 30 recorded incidents were reported to the school. All staff interviewed for the Serious Case Review said that it was common knowledge amongst school staff that Leat allowed pupils to be over familiar with him, and *"spoke to and joked with his pupils in a manner which was inappropriate to his role."* As the Serious Case Review explains, staff were sufficiently concerned about Leat's behaviour to attempt to ensure that pupils identified as likely favourites of his were allocated to other classes on the basis that remaining in Leat's class might be emotionally harmful to them. However, these staff did not report their concerns to the school child protection officer or Head Teacher at the time.

Neither school had a formal mechanism for reporting, recording or handling these low-level concerns. As a result, when they were reported, the concerns were shared with different people and each concern was dealt with in isolation. No one person was aware of all of the concerns, and no-

one was therefore able to 'join the dots' and identify a pattern of concerning behaviour. Concerns, therefore, were either dismissed or, where they were investigated, they were viewed as isolated incidents and the staff member's explanation was accepted.

These and numerous other cases illustrate the importance of sharing, recording and handling low level concerns, so that concerning patterns of behaviour can be identified as soon as possible and appropriate action be taken swiftly in response.

Appendix 3

Guidelines for Headteachers/DSLs

Please see further detail in: Keeping Children Safe in Education also links to this report for more information [Developing and implementing a low-level concerns policy: A guide for organisations which work with children](#)

Implementation - the way in which the policy is communicated to staff is key. Carefully designed training that is engaging and includes scenario based discussions

should encourage buy-in from staff and volunteers and help to achieve the policy's objectives. In contrast, poor communication of the policy can create suspicion, confusion and toxicity which could be highly damaging to the organisational culture, decreasing rather than increasing reporting.

Allegations v concerns - the relationship between low level concerns and allegations should be made clear. For example, the headteacher/DSL receiving the low-level concern must always consider whether it meets the threshold for reporting to the designated officer of the local authority as an allegation. If they are in any doubt they should contact the designated officer for advice. Equally, a series of low-level concerns may cumulatively meet the threshold and need to be treated as such.

Reporting lines – ideally all concerns should be reported to one person so that patterns can be identified.

Handling concerns – handling concerns appropriately and proportionately will strengthen confidence of staff and volunteers. In contrast, handling concerns disproportionately or inappropriately will decrease rather than increase reporting. The way in which concerns are handled, and the identity of the person handling them, will necessarily depend on the context and nature of the concern being raised.

Retention and Recording concerns - the treatment of personal data for the purpose of personnel files and references is important. KCSIE requires schools to retain a copy of all substantiated, unsubstantiated or false allegations on a staff member's personnel file but to refer only to substantiated allegations in references. Low-level concerns which do not individually or collectively meet the threshold for referral to the LADO will be retained in a confidential, school safeguarding file but not on personnel files or used on references. The recording of information should be done following the exercise of sound professional judgement as to what information is necessary for safeguarding purposes. That information, once recorded, itself must be carefully treated, in terms of who has access to it, and who needs to know, oversee and review its contents (remembering that individuals have the right to access these records about them under data protection law).

Oversight and review - the regular review of low-level concerns by the Headteacher and DSL is required to ensure that the concerns are being handled appropriately and proportionately, that no concerns meet the threshold of an allegation, and that any subtle patterns of behaviour are spotted.

Getting these points right should create a solid foundation to a transparent culture in which all concerns are shared openly and acted on appropriately. By contrast it can be hard to retrieve a situation if these areas are not considered carefully at the outset.

