



Lower Level Concern Policy 2023-2024



Name of School:	Hiltingbury Infant School
Name of Responsible Headteacher:	Mrs Phillippa Longman
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1. Introduction

At Hiltingbury Infant 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.

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](#)
- [Keeping children safe in education 2023 \(publishing.service.gov.uk\)](#)
- [DfE \(2018\) 'Working Together to Safeguard Children'](#)

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Staff Code of Conduct
- Whistleblowing Policy
- Data Protection Policy

2. Roles and responsibilities

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 or a DSL about their concern, initially in person and following up by completing a Low-Level Record of Concern Form (see section 8). Concerns should be reported no later than 24 hours after the incident. Staff members will be aware that concerns are still worth reporting, even if they do not seem serious. When submitting concerns, staff will take care to observe confidentiality and protect the identity of all individuals to which the concern pertains. If the low level concern relates to the headteacher, it should be reported to the Chair of Governors.

The governing board is responsible for:

- Ensuring that the school complies with its duties under child protection and safeguarding legislation.
- Ensuring that policies, procedures and training opportunities with regard to reporting safeguarding concerns are compliant and effective.
- Guaranteeing that there is an effective Staff Code of Conduct that outlines behavioural expectations.
- Ensuring that a suitably trained DSL has been appointed, alongside deputy DSLs where appropriate.
- 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 DSL (headteacher) 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.
- Implementing this policy, and all related policies, throughout the school, and ensuring that staff adhere to it at all times.
- Following all procedures outlined in this policy for acting upon low-level concerns.
- Liaising with 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.
- 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.

Staff are responsible for:

- Adhering to all the relevant policies and procedures, including acting within the Staff Code of Conduct at all times

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.

- Understanding the importance of reporting low-level safeguarding concerns.
- Reporting any and all safeguarding concerns they may have about pupils immediately.
- Reporting any and all safeguarding concerns they may have about the behaviour of a member of staff immediately.

3. Keeping Children Safe in Education September 2023

The following is taken from Keeping Children Safe in Education September 2023

425. 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.

426. 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?

427. 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:

- a. 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.

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

- b. being over friendly with children;*
- c. having favourites;*
- d. taking photographs of children on their mobile phone;*
- e. engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,*
- f. using inappropriate sexualised, intimidating or offensive language.*

428 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.

428. 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.

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.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation’s Code of Conduct, and the law.

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

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 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 favorably during any resulting investigations than staff members who were reported by someone else; however, their self-awareness and intentions will be taken into consideration.

4. 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 law, 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 a deputy 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 DSLs and headteacher will work together to resolve this with input from other staff members, as necessary.

5. Record keeping and use of Low-Level Concerns and follow-up information

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 schools safeguarding systems (complaint, concerns and allegations file), with access only by the Headteacher and DSLs. 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.
- 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 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 headteacher is 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.

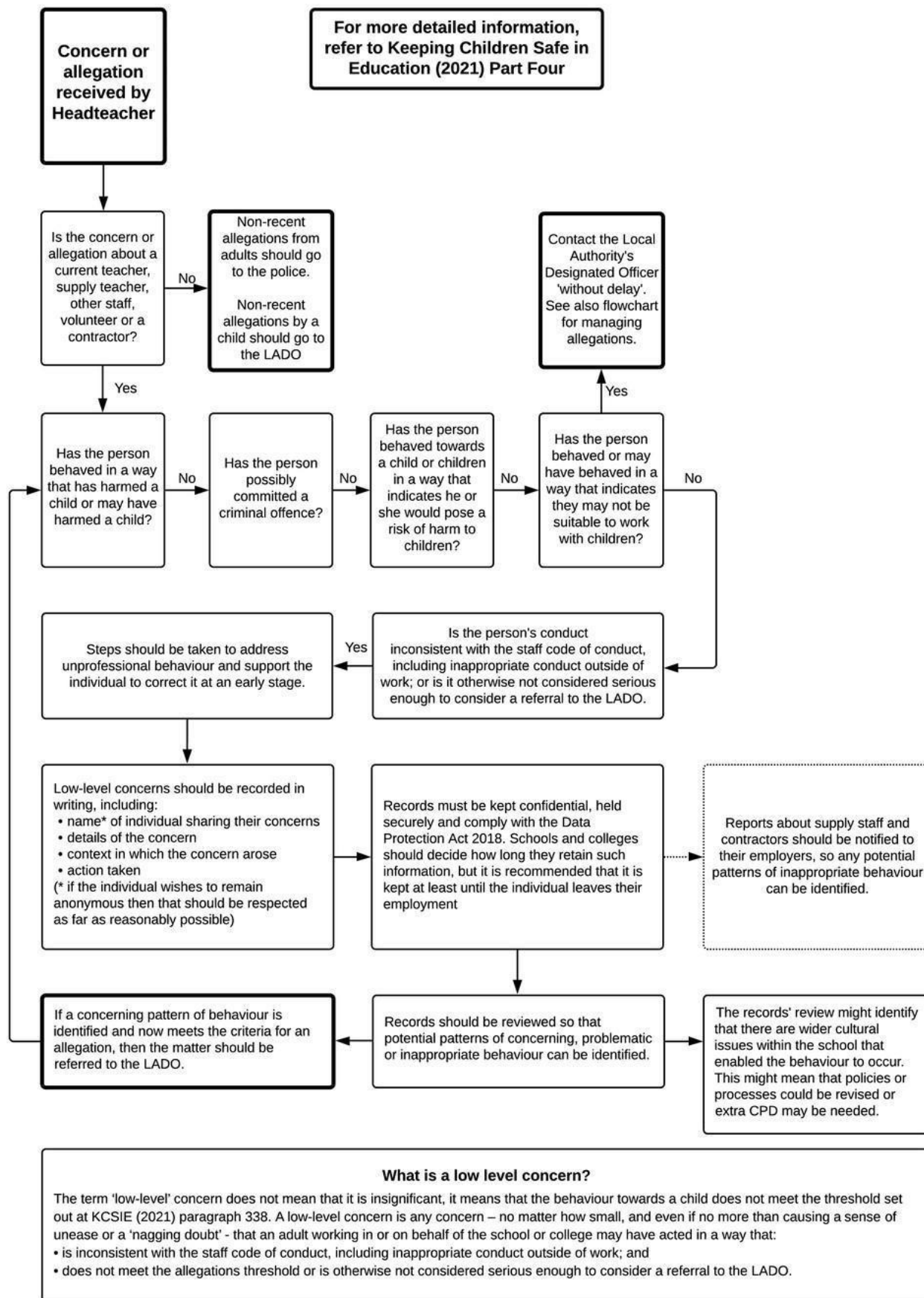
Records of low-level concerns will not be kept in the personnel file of the individuals to whom the concerns pertain, unless there have been multiple low-level concerns made about the same individual. Where a concern is thought to be serious and is processed as an allegation, records of this will be kept in staff personnel files. Where multiple low-level concerns have been made about the same individual, these will be kept together, and in chronological order.

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

The DSL will ensure that all records are kept in a manner that is consistent with the Data Protection Policy. Records will be confidential, kept password-protected, 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 substantiated safeguarding 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 issue 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.

6. Process to follow when a Low-Level Concern is raised



7. Key Reference Document

Read this document for further information about Low-Level Concerns, which is referenced in KCSIE 2023.

<https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concerns-guidance-2021.pdf>

8. Low Level Concern Form

Thank you for reporting your concerns to the safeguarding team; we are grateful to you for taking the safety and welfare of our pupils seriously. Please fill in the below form, including as much detail as you can, and return it directly to the headteacher or DSL. Please refrain from discussing this concern with anyone other than the headteacher or DSL until the matter has been dealt with. We ask that you keep all details, including the name staff member to whom the concern pertains, confidential.

Your details	
Name (optional)	
Role	
Date and time of completing this form	
Details of individual whom the concern is about	
Name	
Role	
Relationship to the individual reporting the concern, e.g. manager, colleague	
Details of concern	
Please include as much detail as possible. Think about the following: What behaviour and/or incident are you reporting? What exactly happened? Why does the behaviour and/or incident worry you? Why do you believe the behaviour and/or incident is not consistent with our Staff Code of Conduct?	
Details of any children or young people involved	
Name(s)	
Do you believe there is a risk of harm to the above children or young people, either now or in the future, as a result of	