



Children's



Endeavour



Trust

# Low-Level Concerns Policy

## Document Control

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## 1. Introduction

- 1.1 Children's Endeavour Trust ("the Trust") takes 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 Trust, including the Staff Code of Conduct. This policy sets out the detail and processes for staff regarding low-level concerns they may have.
- 1.2 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 Headteacher of their school about their concern using a Low-Level Record of Concern Form (appendix B). If the Headteacher cannot be contacted, the Chair of Governors/CEO should be contacted instead.

## 2. The Legislative Setting: What is a Low-Level Concern?

The Trust and schools undertake to comply with their legal obligations relating to low-level concerns, as set out in Keeping Children Safe in Education, 2023. The relevant sections are set out below:

### **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.*

### **3. Sharing Low-Level Concerns**

3.1 The Trust and schools 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.

3.2 The Trust and schools aim to do this 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 – please use Appendix B to report 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 Trust’s safeguarding system

### **4. Responding to Low-Level Concerns**

4.1 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 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

DSL. In the event that low-level concerns relate to a Headteacher, then the Chair of Governors supported by the CEO will address the situation.

## **5. Record Keeping**

5.1 The Trust will retain all records of low-level concerns (including those which are subsequently deemed by the Headteacher to relate to behaviour which is entirely consistent with the staff code of conduct) in a central electronic low-level concerns file. These records will be kept confidential and held securely.

Where multiple low-level concerns have been shared regarding the same individual, these will be kept in chronological order as a running record.

Low-level concerns will not be stored on personnel files, unless covered by the text in the next section: LADO Referrals. Saving low-level concerns separately will allow Leaders to spot any potential patterns of behaviour whilst reassuring staff to share low-level concerns.

### **5.2 LADO Referrals**

Referrals made to the LADO where the behaviour in question:

- (i) had not originally been considered serious enough to consider a referral to the LADO but merited consulting with and seeking advice from them;
- (ii) is determined to meet the threshold of an allegation when considered with any other low-level concerns that have previously been raised about the same individual; or
- (iii) in and of itself meets the threshold of an allegation.

Records relating to the behaviour above will be placed and retained on the staff member's personnel file, whilst also being retained on the central low-level concerns file.

Material on the personnel file will be retained in accordance with Part 4 of KCSIE which requires schools and colleges in England to produce a clear and comprehensive summary of all allegations (except those which are found to have been malicious), details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, to be kept on the confidential personnel file of the staff member, and a copy provided to them.

### **5.3 Monitoring and Reviewing the Low-Level Concerns File**

The Headteacher will 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 will be made and stored alongside the file, along with any subsequent actions taken. The CEO will monitor any low-level concerns that relate to Headteachers as above.

Trustees and Local Governors will receive relevant data termly relating to Low-Level Concerns and review anonymised samples of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

### **5.4 Retaining Records of Low-Level Concerns**

Low-level concerns will be retained electronically in a central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise. 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.

This is subject to the rights of individuals to object to or seek to erase or correct records about them under data protection law.

## 6. Monitoring and review

This policy is monitored by the Trust Board and will be reviewed every year.

### APPENDIX A : Spectrum of Behaviour Schedule

#### **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.

## Appendix B: Low-Level Record of Concern Form



### Low-Level Record of Concern Regarding a staff member

Please use this form to share any concern – no matter how small and even if no more than a 'nagging doubt' that an adult may have acted in 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 about that adult's suitability to work with children.

Where possible please speak with the Headteacher as soon as possible. You need to document your concerns, which can be done using this form and then passed to the Headteacher. If the concern is about the Headteacher, please pass it on to the Chair of Governors/CEO.

Name: \_\_\_\_\_ Date \_\_\_\_\_

Information about the low-level concern: