



# Low Level Concerns-staff

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**This policy should be read alongside the trust's staff code of conduct and trust safeguarding policies**

## Introduction

Keeping children safe in Education (KCSIE) 2023 recommends that all schools and other organisations that work with children should have a low-level concerns policy in place. Inspira Academy Trust believe that all staff should feel empowered to abide this policy by sharing such concerns.

This policy should be read alongside the staff code of conduct and trust safeguarding policies.

## Aims

Safeguarding and promoting the welfare of children is everyone's responsibility. The purpose of this policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour which are set out in the staff code of conduct are constantly lived, monitored and reinforced by all staff.

Inspira Academy Trust will:

- Ensure that all staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from inappropriate, problematic or concerning behaviour-in themselves and others, and the delineation of professional boundaries and reporting lines;
- Empower staff to share any low-level concerns with the school's designated safeguarding lead and Headteacher and to support staff to interpret the sharing of such concerns as a neutral act;
- Address unprofessional behaviour and support the individual to correct it at an early stage;
- identify inappropriate, problematic or concerning behaviour – including any patterns – that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the LADO;
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised; and
- help identify any weaknesses in the trust's safeguarding system.

## Definitions

This policy applies to:

'Headteacher/Principal' means of schools and colleges in England to which KCSIE applies;

'staff' should be interpreted very widely to mean anyone associated with the organisation – i.e. whether working in or on behalf of the trust, engaged as a paid employee (including supply teacher), worker or contractor, or unpaid member of staff or volunteer. It also includes anyone who is part of the Governance Body

Designated Safeguarding Lead' (DSL) means, as stated in KCSIE, "...an appropriate senior member of staff, from the school or college leadership team" who "should take lead responsibility for safeguarding and child protection (including online safety and understanding the filtering and monitoring systems and processes in place).

Governance Body' means those individuals who are responsible for an organisation's governance – for example, in a school setting, the governors; in a charity, the trustees; and in a sports organisation, the directors

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 with children may have acted in a way that:

- is inconsistent with the trust's staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the harm threshold; or is otherwise not serious enough to merit a referral to the LADO.

**Although it is important that staff feel comfortable with, and are clear about, the concept of low-level concerns, and know what to do if they have such a concern, they do not need to be able to determine in each case whether the behaviour in question constitutes a low-level concern, or if it may meet the harm threshold. Once staff share what they believe to be a low-level concern, that determination should be made by the Headteacher/Lead DSL.**

### **Procedures for staff reporting low-level concerns**

All low-level concerns should be received by the Headteacher of the school for school staff and the trust CEO for trust staff headteachers.

It is important that low-level concerns are shared initially with the personnel as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it is never too late to share a low-level concern.

If the Headteacher or CEO are absent for any reason, low-level concerns should be shared with the CEO in the case of school staff and the Chair of Trustees if the CEO is absent for Trust staff. The Headteacher and CEO should be informed, immediately on their return of any low-level concerns that have arisen during their absence.

If the staff member who raises the concern does not wish to be named, then this should be respected as far as possible.

There may be circumstances where the staff member who raises the concern will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity should never be promised to members of staff who share low-level concerns. Where possible, the school/trust should try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

Occasionally a member of staff may find themselves in a situation which could be misinterpreted, or might appear compromising to others. Staff should, wherever possible, proactively self-report – for example, if they know they are going to be in a situation which would be deemed a breach of the staff code of conduct, including, for example, where a member of staff (i) has a child who is a pupil in the school – they may have the mobile phone number of their child's friend; (ii) plays in an external sports team with a current student and they may be on a Whatsapp group with them; and (iii) is having to drive a student somewhere – for example for an urgent medical appointment.

Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the staff code of conduct. Self-reporting in these circumstances can be positive for a number of reasons: it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity; it demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived; and, crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour. KCSIE states that schools and colleges should ensure that they create an environment where staff are encouraged and feel confident to self-refer.

### **Sharing and recording of low-level concerns**

Staff should be given the option of sharing their low-level concern verbally with the Headteacher/CEO in the first instance, or of providing them with a written summary of it.

Staff should complete a simple form which is appended at Appendix 1.

Where the low-level concern is provided verbally, the recipient of it should make an appropriate record of the conversation, either contemporaneously or immediately following the discussion.

Sound professional judgement should be exercised by them in determining what information is necessary to record for safeguarding purposes. The name of the individual sharing the low-level concern, and their role, should be stated, as should the name of the individual about whom the concern is being raised, and their role within the school/trust at the time the concern is raised.

The record should include brief context in which the low-level concern arose, and concise details (which are chronological and as precise and accurate as possible) of any such concern and relevant incident(s). The record should be signed, timed and dated.

### **Management responses to low-level concerns**

All low-level concerns should be responded to in a sensitive and proportionate way – on the one hand demonstrating that such concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from any potential false low-level concerns or misunderstandings.

Once the Headteacher has received what is believed (by the person raising it) to be a low-level concern, they should (not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them):

- (a) speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary, or completed low-level concerns form has been provided;
- (b) speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- (c) speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- (d) review the information and determine whether:
  - (i) the behaviour is in fact **appropriate** – i.e. entirely consistent with their staff code of conduct and the law,
  - (ii) the behaviour constitutes a **low-level concern**
  - (iii) there is **any doubt** as to whether the information which has been shared about a member of staff as a low-level concern in fact may meet the harm threshold, in which case they should consult with their LADO,

- (iv) **in and of itself the behaviour may meet the harm threshold**, and should be referred to the LADO/other relevant external agencies, or (v)
- (v) **when considered with any other low-level concerns that have previously been shared about the same individual, the behaviour may meet the harm threshold**, and should be referred to the LADO/other relevant external agencies,

(e) make appropriate records of:

- all internal conversations – including with the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses (subject to the above);
- all external conversations – for example, with the LADO/other external agencies (where they have been contacted, and either on a no-names or names basis);
- their determination (as above at 8.19(d));
- the rationale for their decision; and
- any action taken.

The Headteacher's approach (including following any consultation with the LADO, as above, where action (if/as necessary) should be taken in accordance with their advice) should also be informed by the following:

**If it is determined that the behaviour is entirely consistent with the organisation's staff code of conduct and the law:**

- (a) it will still be important for the Headteacher to update the individual in question and inform them of the action taken as above;
- (b) in addition, the Headteacher should speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with the school's staff code of conduct and the law;
- (c) such a situation may indicate that:
  - the staff code of conduct is not clear;
  - the briefing and/or training has not been satisfactory; and/or
  - the low-level concerns policy is not clear enough.

If the same or a similar low-level concern is subsequently shared by the same individual, and the behaviour in question is also consistent with the staff code of conduct, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived, if not about the behaviour itself, and/or the organisation may need to look at the implementation of its low-level concerns policy

**If it is determined that the behaviour constitutes a low-level concern:**

any investigation of low-level concerns should be done discreetly and, on a need, -to-know basis;

most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training;

in many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

any such conversation should include being clear with the individual as to why their behaviour is inappropriate, problematic or concerning, what change is required in their behaviour, enquiring what, if any, support they might need in order to achieve and maintain that, and being clear about the consequences if they fail to reach the required standard or repeat the behaviour in question. Ongoing and transparent monitoring of the individual's behaviour may be appropriate. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate

some low-level concerns may also raise issues of misconduct or poor performance which are unrelated to safeguarding. The Headteacher should also consider whether this is the case – by referring to the trust's disciplinary and/or capability procedure and taking advice from HR on a named or no-names basis where necessary. If the Headteacher considers that the organisation's disciplinary or capability procedure may be triggered by the low-level concern(s) shared, they should refer the matter to the Trust HR officer. Any such referral should be made by the Headteacher having received the low-level concern and not by individual staff members. Equally, it is essential that there is close liaison and appropriate information sharing between the Headteacher and HR, so that a holistic view of the individual can be taken. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for HR;

this policy will apply to any adult working in or on behalf of the trust/school – so that low-level concerns can be self-reported by and/or shared about them. This will include a supply agency or a contractor, that concern should be

notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.

where low-level concerns do trigger the trust's disciplinary, capability, grievance, whistleblowing or other procedures, these procedures should be followed where appropriate. Headteachers should exercise their professional judgement and, if in any doubt, they should seek advice from Trust HR and other relevant external agencies including the LADO;

Staff will be trained to understand that when they share what they believe to be a low-level concern, the Headteacher will speak to the adult who is the subject of that concern – no matter how 'low' level the concern may be perceived to be, to gain the subject's account – and to make appropriate records which may need to be referenced in any subsequent disciplinary proceedings.

**If it is determined that the behaviour (i) in and of itself may meet the harm threshold, or (ii) when considered with any other low-level concerns that have previously been shared about the same individual, may meet the harm threshold:**

(a) it should be referred to the LADO/ other relevant external agencies, and in accordance with the trust's safeguarding policy or, if separate, managing allegations against staff policy, and Part 4 of KCSIE (which, whilst applicable to schools and colleges in England, also constitutes best practice for other organisations);

(b) all organisations (including schools and colleges in England) are, in any event, required to comply – in all matters relating to safeguarding – with the relevant procedures and practice guidance stipulated by their Local Safeguarding Partnership.

### **Storage of low-level concerns**

Schools will retain all records of low-level concerns (including those which are subsequently deemed by the Headteacher/Principal or Safeguarding Lead to relate to behaviour which is entirely consistent with the staff code of conduct) in a central low-level concern file-electronically.

Where multiple low-level concerns have been shared regarding the same individual these should be kept in chronological order as a running record and with a timeline alongside.

These records should be kept confidential and held securely, with access afforded only to a limited number of individuals such as the Headteacher/CEO of trust.



Some low-level concerns may also involve issues of misconduct or poor performance, and may trigger the trust's disciplinary, capability, grievance, whistleblowing or other procedures. Where these issues would ordinarily require records to be made and retained on the staff member's personnel file, this will be done in the normal way, in addition to the records of the low-level concern(s) being retained in a central low-level concerns file.

There may be circumstances where a low-level concern (or group of concerns) requires reclassification following determination by the Headteacher, and/or recording on the relevant staff member's personnel file. In such case, we still consider it vitally important to retain the low-level concern(s) (as originally shared) on the central low-level concerns file, as well as on the personnel file. That is because the value of a central low-level concerns file risks being diluted if potentially significant contextual information is removed, or divided across two separate files

Specifically, if a referral is made to the LADO/other external agencies where the behaviour in question:

- (i) in and of itself may meet the harm threshold; or
- (ii) when considered with any other low-level concerns that have previously been shared about the same individual may meet the harm threshold then records relating to the behaviour should be placed and retained on the staff member's personnel file, whilst also being retained on the central low-level concerns file.

In the case of (i), a duplicate of all previous records of low-level concerns relating to the same individual from the central low-level concerns file should be placed in the staff member's personnel file. Material on the personnel file should be retained in accordance with paragraph 416 of KCSIE – which requires schools and colleges in England to produce a clear and comprehensive summary of all concerns and allegations that may meet the harm threshold (except those where the outcome is 'malicious' or 'false'), details of how the concern/allegation was followed up and resolved, a note of any action taken and decisions reached and the outcome, to be kept on the confidential personnel file of the staff member, and a copy provided to them where agreed by local authority children's social care or the police, and a declaration on whether the information will be referred to in any future reference.

The Headteacher should 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 inappropriate, problematic or concerning behaviour are identified. A record of these reviews should be made and reported to the CEO of the Trust.

### **Retention of low-level concerns**

Low level-concerns will be kept on file for the duration of the individual's employment with the trust. When a staff member leaves their employment, the content of the file will be reviewed to ensure it still has value and a decision will be made on that basis as to whether it is necessary to keep the file. This decision will be made by the Headteacher.

### **Employment references**

Paragraph 442 of KCSIE states that: "Part three of [KCSIE] is clear that schools and colleges should only provide substantiated safeguarding concerns/allegations (including a group of low-level concerns about the same individual) that meet the harm threshold in references.

Low-level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference."

### **The role of the multi-academy trust board**

The Trust Board should be equipped with the knowledge to provide strategic challenge to test and assure itself that the safeguarding policies and procedures in place at their school or college are effective and support the delivery of a robust whole school approach to safeguarding.

The Headteacher should regularly inform the CEO about the implementation of the low-level concerns policy and any evidence as to its effectiveness. For example, by including reference to it in any safeguarding reports, and providing any relevant data so that any trends and patterns can be identified.

The Trust Board should also review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.



## Low Level Concern form

Please use this form to share any concern – no matter how small, and 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 Inspira Academy Trust's staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the harm threshold, or is otherwise not serious enough to merit a referral to the LADO.

You should provide a concise record (electronic) – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s) (and please use a separate sheet if necessary).

The record should be signed, timed and dated.

### Details of concern

Name of staff member:
Role:

Signed:	Time & Date:
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Received by:
At (time):
On: (date):

Action taken: (Specify)

Signed:

Time & Date:

This record will be held securely in accordance with Inspira Academy Trust's low-level concerns policy. Please note that low-level concerns will be treated in confidence as far as possible, but Inspira Academy Trust] may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims and formal investigations.