

Hall Green Primary School

Low-Level Concerns Policy (Relating to concerns about staff)



Adopted by Governing Body: November 2021
Review date: November 2023

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Low Level Concerns Policy (Relating to Concerns About Staff)

PRINCIPLES

Hall Green Primary School has a moral, legal, and social responsibility to provide a safe environment for all those attending our school.

Hall Green Primary School are committed to promoting an open and transparent culture in which all concerns about adults working with children can be dealt with promptly and appropriately.

Hall Green Primary School are committed to ensuring low-level concerns related to staff conduct are monitored, recorded and dealt with appropriately in order to ensure a safe culture for all pupils, staff and visitors.

This policy has been written with reference to KCSIE September 2021 and guidance provided by the NSPCC and, as such, intends to reflect and comply with national requirements and guidance.

AIMS

This Policy aims to

- provide relevant information regarding good practice
- provide guidance on what should be done if a low level concern regarding a member of staff arises, including what safeguards should be put in place
- support and promote a safe culture in Hall Green Primary School
- prevent possible harm to children attending Hall Green Primary School.

This policy should be read in conjunction with all policies and procedures relating to safeguarding, including, but not exclusively limited to:

- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Keeping Children Safe in Education (Sept 2021, or later/latest edition if available)
- Behaviour and Discipline Policy
- Internet and E-Safety Policy
- ICT Acceptable Use Policy
- Digital Image Guidance
- Policy for the use of Mobile Phones
- Use of Social Media Guidance
- Physical Intervention and Restraint Policy
- Safer Recruitment Policy
- Data Protection Policy
- Health & Safety Policy

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Low Level Concerns Policy (Relating to Concerns About Staff)

DISTINCTION BETWEEN AN ALLEGATION AND A LOW-LEVEL CONCERN

A culture encouraging the reporting of low-level concerns enables staff to share any concerns they may have, no matter how small, about their own or their colleagues' behaviour.

Concerns should not be limited to Safeguarding but could relate to behaviour (including behaviour outside of school) which does not meet the professional standards expected of anyone working within a school.)

The term '**allegation**' means that it is alleged that a person who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children (transferrable risk)(This could include such concerns relating to the welfare of children in the community or relating to a member of staff's family)

(KCSiE Sept 2021; Working Together to Safeguard Children, Dec 2020)

A **low-level concern** is any concern about an adult's behaviour towards a child that does not meet the allegation threshold set out above, or is not otherwise serious enough to consider a referral to the LADO.

A **low-level concern** is 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 an organisation's Code of Conduct, ethos or values 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.

Staff do not need to be able to determine in each case whether their concern is a low-level concern, or if it is in fact serious enough to consider a referral to the LADO, or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern, that determination should be made by the Designated Safeguarding Lead.

Examples of low-level concerns 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.

IMPORTANCE OF SHARING LOW-LEVEL CONCERNS

In order to minimise the risk of situational offending, it is necessary to ensure a culture of openness and trust is fostered within an organisation in which staff can share any concerns about the conduct of colleagues and be assured that these will be received in a sensitive manner. This requires, and must be supported, by a robust framework and policy; training; support and leadership and a willingness to accept that abuse could happen in any organisation.

It is well documented that organisational child sexual abuse is often preceded by grooming, and that such conduct was observed and considered questionable. This could be targeted at protective adults, not just children or vulnerable adults. This behaviour was rarely reported to the relevant individual in the organisation, was not recorded, and not available later for evaluation of patterns emerging. Research has shown that it is not possible for individuals to accurately judge people, as there is no one profile to describe everyone who abuses a child, so focus should be placed upon specific behaviours.

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IMPLEMENTING A WRITTEN LOW-LEVEL CONCERNS POLICY

This policy is not intended to exist as a stand-alone policy. As indicated previously, it should be read in conjunction with various other policies and procedures. This policy is simply to provide additional guidance and support as well as explicitly convey the importance of sharing low-level concerns.

Leaders, including the Designated Safeguarding Lead, will promote the contents of this policy at regular opportunities during the year in order to promote an open and transparent culture in which there is a shared understanding that 'it could happen here' when considering safeguarding risks.

This will be also incorporated in both the safeguarding induction training for new staff and the annual safeguarding training for all staff.

Any concerns or issues relating to the Low-Level Concern Policy will be included in the Safeguarding Report provided by the DSL for the Full Governing Body.

DATA PROTECTION

The Data Protection Act 2018 makes specific provision for the processing of personal data necessary for safeguarding children from harm. The Information Sharing Code of Practice (Information Commissioner's Office 2019) specifically cites safeguarding of children as a 'clear example of a compelling reason' to share personal data. Where a concern is low-level, rather than an allegation, the balance between safeguarding interest and personal data rights will be considered carefully to ensure it is a reasonably necessary measure that the data should be shared.

HOW SHOULD LOW-LEVEL CONCERNS BE HELD

Records (see Appendix A) should be retained (including those subsequently deemed to relate to behaviour which is entirely consistent with the Code of Conduct) in the Low Level Concerns Log which is kept securely in the Head Teacher's office. Staff will be informed that this log is maintained in accordance with this policy and in accordance with the school's data Protection Policy, may seek to view any information held which relates to them and is kept in this log. They will be aware that such information exists as a result of action taken following a concern being reported. Unless there is a risk of harm as a result of informing the person about whom there has been a report, action following the report of a low-level concern should automatically include communication with that person about the reported concern.

Where there are multiple low-level concerns relating to the same individual these will be kept in chronological order as a running record. These records are kept confidential and held securely by the Head Teacher with restricted access to DSLs, HR and Senior Leaders as required.

Where concerns also involve issues of misconduct or poor performance, or disciplinary, grievance or whistleblowing procedures are triggered, the normal records required would still be made and kept according to procedure in addition to the Low-Level Concerns records.

Where the low-level concern is serious enough to be referred to either the LADO, the relating records will be placed and retained on the staff member's personnel file in line with any information about the management of staff allegations. Where a low-level concern is reclassified as an allegation, then the records relating to it will be treated accordingly.

REVIEW OF THE CENTRAL LOW-LEVEL CONCERNS FILE

The Head Teacher, or Designated/Deputy Designated Safeguarding Lead, will review the central Low-Level Concerns File upon making any new entries to ensure such concerns are being dealt with promptly and appropriately and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. Any information arising from a review of records should be noted on the information sheets within the log.

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Low Level Concerns Policy (Relating to Concerns About Staff)

HOW LONG TO KEEP RECORDS OF A LOW-LEVEL CONCERN

There is currently no statutory guidance on the retention of low-level concerns. However, Hall Green Primary School will retain the information for the duration of an individual's employment with the school. At this point 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). Otherwise the information will be kept along with the individual personnel file and disposed of securely in accordance with the school's Retention of Records Policy, for a period of 6 years.

SHOULD LOW-LEVEL CONCERNS BE REFERRED TO IN A REFERENCE?

Hall Green Primary School follows all guidance within KCSIE regarding the sharing of information related to low-level concerns. This means that low-level concerns should not be included in references unless the information relates to any issues which would normally be included in references, e.g. conduct issues.

Allegations which are proven to be false, unsubstantiated or malicious, should not be included in employer references. Likewise, a history of repeated concerns which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

Misconduct or consistent poor performance, where relevant, may be included. This would not normally include low-level safeguarding concerns unless the threshold is met for referral and found to be substantiated, where it should then be referred to in a reference. Where KCSIE does not apply, consideration must be given to legal obligations and duty of care in giving accurate references.

ROLE OF THE GOVERNING BODY

The DSL will include information about low-level concerns in the Safeguarding Report to the Full Governing Body. This includes information about the implementation of the Low-Level Concern Policy and any evidence as to its effectiveness, with any relevant data. No specific report about any individual member of staff will be shared with the FGB – any general reports will be a summary of anonymised data.

The Designated Governor for Safeguarding will have the opportunity to 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

APPENDIX A

Low Level Concerns Log

Hall Green Primary School
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LOW LEVEL CONCERN LOG

Staff name	Role	Date of concern	Log number
Reported to	Name: Role:	Signature	Reported by Name: Role:
Details of concern <i>(Inc. any relevant contextual information)</i>		Action taken <i>(Inc. rationale and reasons for decisions)</i>	Any other relevant info
Review			
Reviewing SLT	Name: Role:	Signature	Date of review
Review notes	<i>e.g. Are any patterns identified either individually or in terms of wider context? Is any further action required? Are there any lessons to learn?</i>		