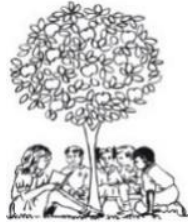


# The Orchard Infant School

## Low-Level Concern Policy



### Policy Summary

This policy sets out our school approach to low level concerns and how to report them.

Document Detail		
Document Name	<b>Low Level Concern Policy 2024</b>	
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Date	Change details, since approval	Approved by

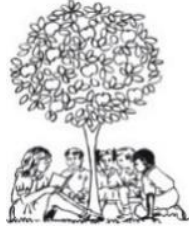
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# THE ORCHARD INFANT SCHOOL



**The Orchard Vision:** *Inspiring Success*

**Values:** *Determination, Courage, Respect and Kindness*

## Low-Level Concern Policy 2024

### Introduction

At The Orchard 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.

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 about their concern using a Low-Level Concern Form (see Appendix). If the Headteacher cannot be contacted, the Chair of Governors should be contacted instead ([childprotectiongovernor@orchard.surrey.sch.uk](mailto:childprotectiongovernor@orchard.surrey.sch.uk)).

### 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 are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:*

- 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?

427. *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:*

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- 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.

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 children.

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.

429. 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.

430. It is crucial that any such concerns, 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.

## **Clarity around Allegations vs Low-Level Concerns 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.

### Process to follow when a low-level concern is raised:

Once the Headteacher has received the low-level concern, they will (not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them):

- 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;
- speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- 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);
- review the information and determine whether the behaviour
  - (i) is entirely consistent with their staff code of conduct and the law,
  - (ii) constitutes a low-level concern,
  - (iii) is not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO,
  - (iv) when considered with any other low-level concerns that have previously been raised about the same individual, could now meet the threshold of an allegation and should be referred to the LADO
  - (v) in and of itself meets the threshold of an allegation and should be referred to the LADO;

Where they are in any doubt whatsoever, the Headteacher will always seek advice from the LADO.

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While responding to any incident, the Headteacher will 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 (where they have been contacted);
- their determination;
- the rationale for their decision; and
- any action taken.

### **Possible Outcomes from a Low-Level Concern**

If it is determined that the behaviour is entirely consistent with the school's staff code of conduct and the law, the Headteacher will:

- update the individual in question and inform them of the action taken as above;
- 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 organisation's staff code of conduct and the law;
- consider if the situation may indicate that the staff code of conduct or low-level concerns policy is not clear enough, or if further training is required.

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 school may need to look at the implementation of its LLC policy.

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

- It will be responded to in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from any potential false allegations or misunderstandings. Any investigation of low-level concerns will 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. It has long been understood that lasting change in behaviour is least likely to be achieved by an approach experienced as critical or threatening. Any such conversation will include being clear with the individual as to why their behaviour is concerning, problematic or inappropriate, 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.

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- 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. The Headteacher will also consider whether this is the case – by referring to the organisation's disciplinary and/or capability procedure and taking advice from the school's HR service (if necessary) on a named or no-names basis where necessary. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for HR;
- Where a low-level concern relates to a person employed by a supply agency, contractor, that concern will be raised with their employers, so that any potential patterns of inappropriate behaviour can be identified. How an organisation responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e., whether they are an employee, or worker to whom the organisation's disciplinary procedure would apply; or a contractor, Governor, or volunteer who may be subject to alternative procedures.
- Where the school receives a low-level concern or allegation relating to an incident that happened when an individual or organisation was using their school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, schools and colleges should follow their safeguarding policies and procedures, including informing the LADO if necessary.
- Some concerns may trigger the school's disciplinary, grievance or whistleblowing procedures, which should be followed where appropriate. Where low-level concerns are raised which in fact require other internal processes to be followed, it is sometimes difficult to determine how best to investigate the concern and which procedure to follow. The Headteacher will exercise their professional judgement and, if in any doubt, they will seek advice from other external agencies including the LADO;
- If the school's disciplinary procedure is triggered, The Orchard Infant School will ensure that the individual has a full opportunity to respond to any factual allegations which form the basis of a disciplinary case against them. If an organisation ultimately disciplines or dismisses a staff member for cumulative alleged 'breaches' of the staff code of conduct which were not brought contemporaneously to the individual's attention, and to which they have not had a proper opportunity to respond, clearly there will be a lack of fairness and natural justice and the risk of a finding of unfair dismissal by an Employment Tribunal. Staff therefore need 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 (as above), which may be referenced in any subsequent disciplinary proceedings.

If it is determined that the behaviour, whilst not sufficiently serious to consider a referral to the LADO nonetheless merits consulting with and seeking advice from the LADO, then action (if/as necessary) will be taken in accordance with the LADO's advice.

If, when considered with any other low-level concerns that have previously been shared about the same individual, could now meet the threshold of an allegation, then it should be referred to the LADO in accordance with Part 4 of KCSIE.

### **Storing and use of Low-Level Concerns and follow-up information**

LLC forms and follow-up information will be stored securely in a separate low-level concern file within the school's safeguarding systems, with access only by the DSL team. 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 or those aware in the senior leadership team.

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.

Whenever staff leave The Orchard Infant School, 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

### **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/developing-and-implementing-a-low-level-concerns-policy.pdf> (farrer.co.uk)

### **The Low-Level Concern Form will be available to staff via:**

- DSL and DDSLs
- Sharepoint drive
- The Safeguarding Noticeboard in the staffroom (Yellow Form)
- Appendix to this policy

# **Appendix: Low-Level Concern Form**

(This can be found on the Safeguarding Noticeboard in the Staffroom and on Sharepoint)

Please use this form to share any concerns – 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 Orchard Infant School's Staff Code of Conduct, and/or
- relates to their conduct outside of work which, if not linked to a particular action or omission, has caused a sense of unease about that adult's suitability to work with children
- does not meet the allegation threshold or is otherwise not serious enough to consider an immediate referral to the LADO.

Where possible, please speak with the Headteacher (Mrs Sally Cary) as soon as possible. It is also helpful to document your concerns, which can be done using this form and then passed to the Headteacher. When completed, please pass on the form to the Headteacher. If the concern is about the Headteacher, please pass it onto the Chair of Governors (Mrs Sarah Adams) or email them to [childprotectiongovernor@orchard.surrey.sch.uk](mailto:childprotectiongovernor@orchard.surrey.sch.uk)

Remember a low-level concern is different to an allegation. See the table below for a definition:

## **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.

Examples of 'low-level concern' 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 children.

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## Low-Level Concern Form

Name of adult writing this concern:	
Name of adult whom this concern is about:	
Date written:	
Time written:	
Signature:	

You should provide a concise record – 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). Consider any contextual information that might be appropriate to know.

Please write your concern below (continue on additional paper if needed).

Received by:	
Date:	
Time:	
Signature:	
Action Taken:	