



# Low-Level Concerns Policy

## Saxon Wood Primary School “Where learning has no limits”

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### 1. Introduction

At Saxon Wood 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.

### 2. Summary

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 about their concern using a Low-Level Record of Concern Form. If the Head Teacher cannot be contacted, the Chair of Governors should be contacted instead.

### 3. Keeping Children Safe in Education September 2022

The following is taken from Keeping Children Safe in Education 2022

#### ***Sharing low-level concerns***

*432. Schools and colleges should ensure that their low-level concerns policy contains a procedure for sharing confidentially such concerns which is clear, easy to understand and implement. Whether all low-level concerns are shared initially with the DSL (or a nominated person (such as a values guardian/safeguarding champion), or with the headteacher/principal is a matter for the school or college to decide. If the former, then the DSL should inform the headteacher/principal of all the low-level concerns and in a timely fashion according to the nature of each particular low-level concern. The headteacher/principal should be the ultimate decision maker in respect of all low-level concerns, although it is recognised that depending on the nature of some low-level concerns and/or the role of the DSL in some schools/colleges, the headteacher/principal may wish to consult with the DSL and take a more collaborative decision making approach.*

*433. Low-level concerns which are shared about supply staff and contractors should be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.*

434. *If schools and colleges are in any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, they should consult with their LADO.*

435. *Schools and colleges should ensure they create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.*

### **Recording low-level concerns**

436. *All low-level concerns should be recorded in writing using the low level concern form, which can be located in the school office or School network: Teachers – safeguarding – concerns/allegations staff. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.*

437. *Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).*

438. *Records should be reviewed so that potential patterns of concerning, inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a low-level concern to meeting the harm threshold, in which case it should be referred to the LADO (as per Part four, Section one of the KCSIE 2022). Consideration should also be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.*

439. *It is for schools and colleges to decide how long they retain such information, but it is recommended that it is retained at least until the individual leaves their employment.*

### **References**

440. *Part three of this guidance is clear that schools and colleges should only provide substantiated safeguarding concerns/allegations 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. However, where a low-level concern (or group of concerns) meets the harm threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.*

### **Responding to low-level concerns**

441. *The school or college low-level concerns policy should set out the procedure for*

responding to reports of low-level concerns. If the concern has been raised via a third party, the headteacher/principal (or a nominated deputy) should collect as much evidence as possible by speaking: • directly to the person who raised the concern, unless it has been raised anonymously, and

• to the individual involved and any witnesses.

442. The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. This information needs to be recorded in writing along with the rationale for their decisions and action taken.

443. A good low-level concerns policy will simply be a reflection and extension of the school's or college's wider staff behaviour policy/code of conduct.

444. More detailed guidance and case studies on low-level concerns can be found in *Developing and implementing a low-level concerns policy* (farrer.co.uk).

**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;
- 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.

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

LLC forms and follow-up information will be stored securely within the schools safeguarding systems, with access only by the leadership 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 Head Teacher or those aware in the senior leadership team.

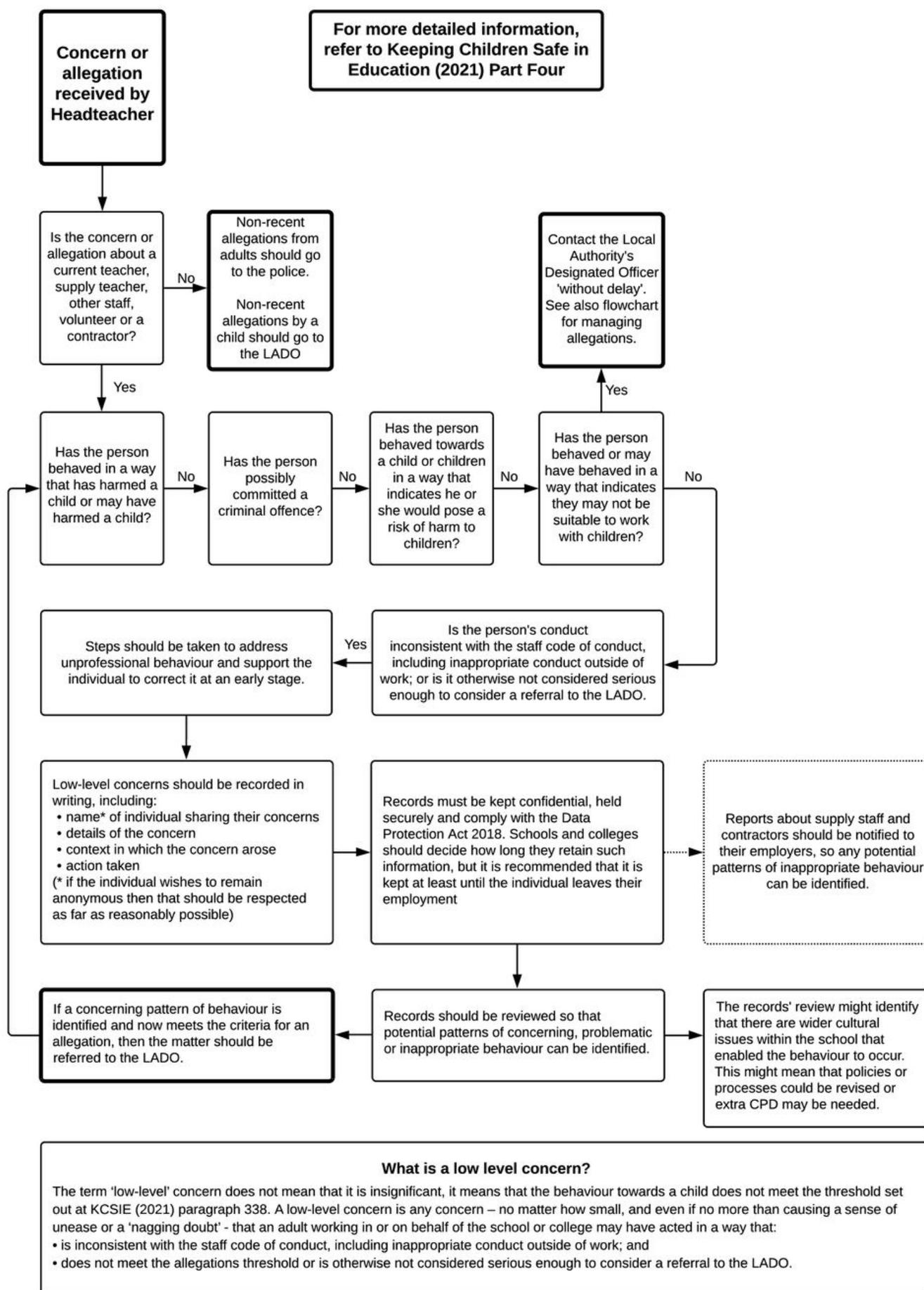
Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures.

Whenever staff leave Saxon Wood, 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.

## 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 2021.

<https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concerns-guidance-2020.pdf>

## 8. Low Level Concern Form

This form will be available to staff via:

- School network: Teachers – safeguarding – concerns/allegations staff
- The Office
- DSLs
- The Senior Leadership Team

### **Low – Level Record of Concern regarding a staff member**

Please use this form to share any concerns – no matter how small, and even if no more than a ‘nagging doubt’ – that adult may have acted in a manner which:

- Is not consistent with Saxon Wood’s code of conduct and /or
- Relates to their conduct outside work which, even if not linked to a particular act or omission, have caused a sense of unease about that person’s suitability to work with children.

Where possible, speak with the Head teacher as soon as possible. It is also helpful to document your concerns, which can be done using this form and then passed onto the Head Teacher.

If the concern is about the Head Teacher, please pass it onto the Chair of Governors, Wendy Morgan

Email is : [w.morgan@saxonwood.hants.sch.uk](mailto:w.morgan@saxonwood.hants.sch.uk)

Remember, a low level concern is different to an allegation (which uses a different form)

Policy reviewed on July 2022

Next review date : July 2023