

Low Level Concerns Policy

Start Date:	Autumn 2024
Date of Next Review:	Autumn 2025
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Responsible Committee:	Education Committee

Introduction

At Haileybury Turnford we aim to create an open and transparent culture where all concerns about all adults involved with our school are dealt with promptly and appropriately. We aim to identify any concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of our school are clear about professional boundaries and act within these boundaries, and in accordance with our school ethos.

Chapter 2 of [Working Together to Safeguard Children 2023](#) sets out the guidance on safeguarding children from people in a position of trust and further detail is provided in Part Four of [Keeping children safe in education](#) September 2024.

This policy should be read alongside our Safeguarding, Child Protection and Staff Code of Conduct Policies.

We acknowledge that having completed a comprehensive Vetting and Barring Check (Disclosure and Barring Service) confirms that an individual has not been discovered to present a risk to children; it is not predictive about potential risk. Research shows that most organisational child sex offenders did not have a previous criminal record at the time they offended, although they may subsequently be found to have had numerous previous victims. We must therefore continue to have an ongoing culture of vigilance and maintain a mind-set of 'it could happen here.' All staff will receive a copy of this policy.

Summary

It may be possible that a member of staff acts in a way that does not cause risk to children, but their conduct is however inappropriate. A member of staff who has a concern about another member of staff, supply staff, volunteer, contractor who, on reflection, recognises that their actions could have been viewed as a risk should inform the Designated Safeguarding Lead or the Principal **as required** about their concern using the Low-Level Record of Concern Form found on pg.9. If the Designated Safeguarding Lead or the Principal cannot be contacted, the Chair of Governors should be contacted instead.

Data Protection and Confidentiality

Haileybury Turnford will always respect the personal data of staff (and others, where they may be identifiable) in implementing the Low-Level Concerns Policy and in keeping records of low-level concerns secure.

The Data Protection Act 2018 includes a specific provision which permits organisations to process even the most sensitive personal data where necessary for the purposes of protecting children from harm. Although sharing of low-level concerns will not always involve legally sensitive categories of data, the safeguarding purpose is the same as that under the school's Safeguarding and Child Protection Policy.

In each report being considered, to support the safeguarding concern and, to ensure the information is accurate, fair, and as far as possible recorded without bias in neutral terms, a proportionate approach must be taken when considering what personal data is necessary to share and record by way of low-level concern(s).

If a member of staff who raises a low-level concern does not wish to be named, then the school will respect their wishes as far as possible. However, staff should be aware that in certain circumstances this anonymity may need to be waived.

All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained by the school under the Low-Level Concerns Policy as it relates to them personally and to make any reasonable objection as to the fairness or accuracy of that content. The school will process such requests within the period prescribed by law, subject always to any necessary protection of the rights of third parties and unless any other relevant exemptions apply (including if complying with the request would be likely to prejudice the safeguarding purpose of the Low-Level Concerns Policy). If the content of a low-level concern is disputed, it may not be appropriate to delete or alter the original record, but a note may be recorded alongside reflecting the staff member's alternative account or objection(s).

Should staff who share low-level concerns be able to remain anonymous?

Staff are encouraged to consent to be named when sharing low-level concerns, as this will help to create a culture of openness and transparency. If the staff member who raises a low-level concern does not wish to be named, we will respect that person's wishes as far as possible. However, there may be circumstances where the staff member will need to be named (for example, where disclosure is required by a court or local authority, or under a fair disciplinary process) and, for this reason, Haileybury Turnford will not promise anonymity to members of staff who share low-level concerns.

Should staff share concerns about themselves (i.e., self-report)?

Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. 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 school's Staff Code of Conduct. Self-reporting in these circumstances can be positive for several reasons, and staff are encouraged to self-report on the basis that,

- 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 member of staff'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.

Haileybury Turnford's aim is to create an environment where staff are encouraged and feel confident to self-refer.

Keeping Children Safe in Education September 2023

The following is taken from [Keeping children safe in education](#), September 2024 and identifies what may be considered behaviour relating to a low-level concern:

What is a low-level concern (LLC)?

Paragraph 433. 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 (Local Authority Designated Officer).

Paragraph 434. 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 intended to enable abuse.

Paragraph 435. Low-level concerns may arise in several ways and from several sources. For example: suspicion, complaint, or disclosure made by a child, parent/carer, or other adult within or outside of the organisation, or because of vetting checks undertaken.

Paragraph 436. 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.

Clarity around Allegation vs Low Level Concern vs Appropriate Conduct

Allegation:

Any adult linked to our school who 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
- Multiple occasions of low level recorded.

Low Level Concern:

Any adult linked to our school who has behaved in a way that,

- 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 LADO.

Appropriate:

- Behaviour which is entirely consistent with our school's Code of Conduct, and the Law.

How should low-level concerns be shared and recorded?

The concern will be shared in writing using the Form on page 9 of the Policy with the DSL (Designated Safeguarding Lead) and/or Principal.

All low-level concerns will be recorded by the DSL/Principal in the Low-Level Concerns log. KCSiE (Keeping Children Safe in Education) 2024 - *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 (General Data Protection Regulation)) either contemporaneously or immediately following the discussion/receipt of the Form and will exercise sound professional judgment in determining what information is necessary to record for safeguarding purposes.

Where a low-level concern relates to a person employed by a supply agency or a contractor, that concern will be raised with their employers by the Principal, 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.

The DSL will inform the Principal of all the low-level concerns and within one working day according to the nature of each low-level concern. The Principal will be the ultimate decision maker in respect of all low-level concerns.

Storing and use of Low-Level Concerns (LLC) and follow up information

LLC forms and follow-up information will be stored securely within the school's safeguarding systems, with access only by the Principal and DSL. 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 Principal or the DSL.

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 Haileybury Turnford any record of low-level concerns which are stored about them will be reviewed as to whether that information needs to be kept.

Consideration will be given to:

- whether some or all the information contained within any record may have any value in terms of any potential historic employment or abuse claim to justify keeping it, in line with normal safeguarding records practice; or
- if, on balance, any record is not considered to have any value, still less actionable concern, and ought to be deleted accordingly.

How we will respond to a low-level concern, see Flow Chart on page 12

Once the DSL/Principal has received the low-level concern, we will – not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared:

- speak to the person who raised the low-level concern (unless it has been raised anonymously)
- speak to any potential witnesses
- speak to the individual about whom the low-level concern has been raised
- if the Principal is in any doubt, they will seek advice from the LADO review the information and determine whether the behaviour in question is, entirely consistent with the school's Staff Code of Conduct and the law constitutes a low-level concern
- is not serious enough to consider a referral to the LADO but may merit consulting with and seeking advice from the LADO

- when considered with any other low-level concerns previously raised about the same person, could now meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies, and in accordance with the school's Safeguarding Policy, Part 4 of KCSIE 2024, and the relevant procedures and practice and guidance stipulated by Hertfordshire Safeguarding Childrens Partnership; or
- in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies, and in accordance with the school's Safeguarding Policy, Part 4 of KCSIE 2024, and the relevant procedures and practice
- ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for the decision and any actions taken and retain records in accordance with the Low-Level Concerns Policy
- consider whether the concern also potentially raises misconduct or capability issues – taking advice from Human Resources (HR) or Legal Services on a named or no-names basis where necessary – and, if so, refer the matter to HR services

What action will be taken if it is determined that the behaviour constitutes a low-level concern?

The Principal will respond 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 may be innocuous. 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. This will often involve informing the member of staff's line manager, who may in some instances provide ongoing guidance 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 with individuals in these circumstances will include being clear with them 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 to achieve and maintain that change
- 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. This approach will be managed by HR.

Some low-level concerns may also raise issues of misconduct or poor performance. The Principal will also consider whether this is the case – by referring to the school's Disciplinary and/or capability procedure and taking advice from HFL Education HR Services or taking specialist advice as necessary on a named or no-names basis where necessary.

If the Principal considers that the school's Disciplinary or capability procedure may be triggered, they will refer the matter to HR. If HR advise that the school's Disciplinary or capability procedure is triggered, the individual will have a full opportunity to respond to any factual allegations which form the basis of capability concerns or a disciplinary case against them.

Staff should be aware that when they share what they believe to be a low-level concern, the Principal and or DSL 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.

How Haileybury Turnford 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 school's Disciplinary and/or capability procedure would apply, or a contractor, Governor, or volunteer. The school's response will be tailored accordingly.

What action will be taken 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 Safeguarding in Schools Officer/LADO, then action (if/as necessary) will be taken in accordance with the Child Protection School's Liaison Officer/LADO's advice; or

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, or in and of itself meets the threshold of an allegation? Then it will be referred to the LADO/other relevant external agencies, and in accordance with the school's Safeguarding Policy, Part 4 of KCSIE (Keeping Children Safe in Education) 2024 and the relevant procedures and practice guidance specified by the Hertfordshire's Safeguarding Childrens Partnership

How should low-level concerns be held?

Haileybury Turnford will retain all records of low-level concerns (including those which are subsequently deemed by the Principal to relate to behaviour which is entirely consistent with the school's Staff Code of Conduct) in the school low-level concern safeguarding file. Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record, and with a timeline alongside. These records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the DSL, Principal, Chair of Governors, Safeguarding Governor, and HR.

How often should the central low-level concerns file be reviewed?

The DSL/Principal 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.

Where a pattern of behaviour is identified in respect of a specific individual, the Principal/DSL will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether the school should arrange for additional training or a review of any of its policies to reduce the risk of it happening again.

How long should records of a low-level concern be kept?

Low-level concerns will be retained securely by Haileybury Turnford for as long as deemed relevant and necessary for a safeguarding purpose unless the school is required to disclose by law (for example, where the threshold of an allegation is met in respect of the individual in

question). In most cases, once a staff member leaves the school, any low-level concerns which are held relating to them:

- will be retained until the individual leaves the school and as required by law
- will not be included in any onward reference, except as set out below
- Low-level concerns will be retained on the school's central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.

References

Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated, it will be referred to in a reference.

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.

What is the role of the Governing Body?

The DSL/Principal will regularly inform the Governing Body, via the appropriate sub-committee, about the implementation of the Low-Level Concerns Policy and any evidence of its effectiveness, e.g., by including reference to it in any safeguarding reports and providing any relevant data. The Governing Body will also review an anonymised sample of low-level concerns at regular intervals, to ensure that these concerns have been responded to promptly and appropriately.

Low Level Concerns 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 Haileybury Turnford’s staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO.

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).

The record should be signed, timed, and dated.

This document does not to replace suspension/formal disciplinary investigations if concerns are either categorised as more serious than low level or when formal disciplinary procedures are required in relation to the low-level concern.

1. Name of individual raising the concern <i>Leave blank if concern was raised anonymously or the individual wishes to remain anonymous</i>	
2. Date the concern was raised	
3. Name and role of individual about whom concern has been raised	
4. Details of the concern(s) reported (give description and context) <i>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 may have acted in a way that is inconsistent with the staff code of conduct but does not meet the allegations threshold set out in Section 1 of Part 4 Keeping Children Safe in Education.</i>	
5. Principal and/or DSL to complete. Details of steps have	

<p>been taken to investigate this concern:</p> <p><i>Steps should include speaking to the individual who raised the concern, the individual about whom the concern is raised and any witnesses. You will need to review the Code of Conduct and safeguarding policies, including Allegations of Abuse Against Adults, to determine if there has been a breach.</i></p>	
<p>6. Set out the Individual's response to the concern</p>	
<p>7. Is this concern 'low level' or should it be treated as an allegation against staff and managed in accordance with KCSiE.</p> <p><i>To reach this decision, consider the information set out in 5 and 6 above. If you are unsure, seek advice from LADO and inform HR. Set out your reasons for reaching your conclusion, including the advice provided by your advisors and any discussions with your LADO.</i></p>	
<p>8. Have 'low level' or other concerns been raised about this individual previously?</p> <p><i>If so, please provides dates, brief details, and relevant file/document reference for the concern(s). Also consider whether previous concern(s) raised coupled with this new concern meet the threshold of harm?</i></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Details of further action required <i>Action could range from no action or a conversation to discuss the concern, to being clear why the behaviour is concerning and formal disciplinary action.</i>	
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Completed by: <i>Low level concerns must be dealt with by the Principal or the Governor if the LLC is regarding the Principal</i>	Name	
	Position	
Date:		
Signature:		

This record will be stored securely in the low-level concern safeguarding folder and filing cabinet. 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 DSL, Principal, Governors.

Principal: **Robin Newman**

Designated Safeguarding Lead: Maxine Goodes

Safeguarding Link Governor: Ulla Mahaka

Local Area Designated Officers:

LADO@hertfordshire.co.uk

https://hertsscb.proceduresonline.com/chapters/p_manage_alleg.html

<https://thegrid.org.uk/team-contacts/child-protection-team>