



Low Level Concerns Policy

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A happy and high-achieving boarding prep school in the heart of the glorious Cotswolds

Summary of changes and reviews

Version	Date	Summary of amendments	By
1.0	8 Sept '21	Draft from Wishford received and this policy created	JO
1.1	29 Sept '21	JO assigned policy as A12 reference and added to policy grid	JO
1.2	21 June '21	Following an IAPS Webinar a few minor tweaks made regarding the reporting of Low Level Concerns. They must come to the Head and not DSL.	NR
1.3	August 22	Updated in line with Part 4 KCSIE 2022	NR
1.4	September 23	Policy review – no changes made, other than reference to KCSIE 2023	SD



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LOW LEVELS CONCERNS POLICY

INTRODUCTION

At Hatherop Castle 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. As part of our whole school approach to safeguarding, we promote an open and transparent culture in which all concerns about any adults working in or on behalf of the school (including supply teachers, volunteers and contractors), including allegations that do not meet the harm threshold, are reported, recorded and dealt with promptly and appropriately.

In dealing fully with all allegations and concerns, no matter how minor, we aim to create an environment which identifies concerning, problematic or inappropriate behaviour early and minimises the risk of abuse. Through regular training and our communication systems, we ensure every adult working in or on behalf of the school is clear about their professional boundaries and expectations and has confidence and clarity in the whistleblowing procedure, including our culture of self-referral. 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.

SCOPE AND REFERENCES

By creating a separate policy for low level concerns, the school aims to empower staff to have high expectations of themselves and their colleagues, collectively and individually monitoring and reinforcing the school's values and expected behaviour set out in the staff code of conduct.

This policy should be read in conjunction with the school's safeguarding and whistleblowing policy as well as the staff code of conduct. This Policy sets out good practice and provides guidance on how to deal with situations and put in safeguards where a low-level concern may be encountered to ensure promoting of a safe culture and preventing possible harm and ensures concerns are shared responsibly with the right person, recorded and dealt with appropriately. A member of staff who has a concern about another member of staff should inform the Head Teacher either in person or via email. If the Head Teacher cannot be contacted, the CEO of Wishford (Sam Antrobus) or the Director of Education (Paul Easterbrook) should be contacted instead.

This policy refers to and takes into consideration:

- KCSIE 2023
- Working Together (2018)
- School Safeguarding Policy
- Independent Schools Standards & Regulations

DISTINCTION BETWEEN AN ALLEGATION AND A LOW-LEVEL CONCERN

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold below

Low level concerns are those that do not reach the harm threshold as laid out in KCSIE (September 2023). Concerns should not be limited to Safeguarding but could relate to behaviour which does not meet the professional standards expected at the school. It is likely that these low-level concerns only require recording, monitoring and internal action/training and would therefore not be escalated to external agencies.



A low-level concern is any concern about an adult's behaviour towards a child that does not meet the allegation threshold set out in the whole school safeguarding policy and below, or is not otherwise serious enough to consider a referral to the LADO.

According to KCSIE, the harm threshold is reached when an adult 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.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

There is no minimum threshold for a low-level concern and no concern 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 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 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;
- 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

An allegation can also relate to an adult's behaviour outside of work, and their relationships with others, if they:

- have behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include an arrest for the possession of a weapon;
- have, as a parent or carer, become subject to child protection procedures;
- are closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the adult is responsible in their employment/volunteering. 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 DSL

It is crucial that any such concerns are shared responsibly with the right person and recorded/dealt with appropriately. Ensuring they are dealt with effectively also protects our staff from potential false allegations or misunderstandings.

PROCEDURE FOR REPORTING & RECORDING LOW LEVEL CONCERNS

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. To minimise the risk of situational offending, there needs to be a culture of allowing the confidence to speak out. This requires a robust framework, policy, training, support and leadership to facilitate this and a willingness to accept that abuse could happen in any school and it could happen here.



Staff should report low level concerns about another adult by either coming to speak to the Headmaster in person or by sending an email explaining the details to the Headmaster, or in the same way as they would report a serious concern which meets the harm threshold (see whistleblowing and safeguarding policies).

If a member of staff finds themselves in a situation which could be misinterpreted or deemed inappropriate or if they recognise that their professional standards have fallen below expectations, then they should make a report to the head, in person and in writing, at the earliest possible convenience.

All Low Level Concerns must be made to the Headmaster directly and not to the DSL.

Staff should speak to the appropriate person in private and the concern should be recorded in writing including the details of the concern, the context in which the concern rose and any 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.

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.

The Headmaster will then decide on the most appropriate action but it may include an interview of any witnesses and the adult accused. The record should include the Headmasters' conclusions on the type of concerning behaviour that is evident and further action that needs to be taken, including and disciplinary procedure or any training that needs to take place. The Headmaster should report back to the whistleblower with their conclusions and the action that is being taken.

Records will be kept secure and confidential and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)

IMPLEMENTING A WRITTEN LOW-LEVEL CONCERNS POLICY.

Initial points to consider are firstly that a written policy is a necessary requirement under EFL Standards. It can be incorporated within an existing policy, or be written as a stand-alone, as this is. Implementation is key. To be effective, the policy must have a 'buy in' from all staff and Managers across the organisation must be seen to adhere to and model the expected values and behaviour of the organisation as written in the policy.

For staff to understand and engage with the policy, it will be necessary to provide training. This will be 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 include the quarterly reports to The Board.

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.

REVIEW OF THE CENTRAL LOW-LEVEL CONCERNS FILE

Records are reviewed termly by the Headmaster and will be discussed in the termly Safeguarding Committee meeting with governance in attendance. This ensures that potential patterns of concerning,



problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, an appropriate course of action is taken and recorded. If a pattern of behaviour moves from a concern to meeting the harms threshold, the LADO will be informed.

As part of the review process, consideration should also be given to whether there are wider cultural issues within the school 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.

HOW LONG TO KEEP RECORDS OF A LOW-LEVEL CONCERN

Staff files are retained until the individual leaves their employment with the school. Low level concerns will not be passed on to new employers unless it has led to a formal misconduct or performance review (and details of this are asked for in the reference). If a low-level concern reaches the harm threshold and is therefore reported to the LADO (and is found to be substantiated) it will be referred to in a reference.

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

With reference to KCSIE guidance, allegations which are proven to be false, unsubstantiated or malicious, should not be included in an employer's 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. Further guidance may be sought from EFL.

ROLE OF GOVERNANCE

The school's DSL will include in their termly reports at meetings with a Wishford presence all the information about the implementation of the Low-Level Concern Policy and any evidence as to its effectiveness, with any relevant data.

Governance will be involved in any review of this policy or changes to the way in which low level concerns are dealt with

The Head teacher in their regular report to Governance will ensure they refer to low level concerns and any reports they have received

All low-level concerns report forms will be available for governance scrutiny during their termly visits.

ADVICE FOR ACTION

The diagram below is for sharing low level concerns (LLCs) and shows the actions required by all concerned parties: Headteacher (HT), Safeguarding Lead (SL), values guardians (VGs), safeguarding champion (SCs)

If a member of staff has an allegation that may meet the threshold – they should follow the procedures in the school's safeguarding policy about managing allegations against staff.

If a member of staff has what they believe to be a concern that does not meet the threshold i.e. LLC they should take the action on the next page.

KCSIE 2021 requires LLCs to be shared with the Headteacher, unless they relate to the Headteacher as per paragraph 74 of KCSIE 2021 and set out in our safeguarding (child protection) policy



