

# **Low-Level Concerns Policy**

**Lancing Prep at Worthing**



Lancing College

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## 1 Purpose

1.1 Lancing Prep at Worthing aims to ensure that a culture of openness and trust is fostered within the 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 would relate to concerns about behaviour which is not consistent with the standards and values of the school, and which does not meet agreed expectations.

### 1.2 The distinction between an allegation and a low-level concern:

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;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

1.3 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.

1.4 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, and/or
- relates to their conduct outside 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.

*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.
- using inappropriate sexualised, intimidating or offensive language.

1.5 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 will be made by the Head and Designated Safeguarding Lead in consultation with the LADO, where appropriate or applicable.

## 2 Sharing a Low-Level Concern

2.1 KCSIE 2023 (paragraph 74) states that if staff have safeguarding concerns or an allegation is made about another member of staff (including supply staff, volunteers, and contractors) posing a risk of harm to children, then:

- this will be referred to the headteacher
- where there are concerns/allegations about the headteacher, this will be referred to the chair of governors.

- 2.2 All low-level concerns will be received by the Head. Having one recipient of all such concerns will allow any potential patterns of concerning, problematic or inappropriate behaviour to be identified, and ensure that no information is possibly lost.
- 2.3 Low-level concerns will be shared with the Head as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it will also be emphasised that it is never too late to share a low-level concern.
- 2.4 If the Head is absent or unavailable for any reason, low-level concerns will be shared with the Deputy Head, who will inform the Head immediately on their return.

### **3 What happens when a member of staff shares a low-level concern?**

- 3.1 The Head or Deputy Head would then share any low-level concerns with the Designated Safeguarding Lead.
- 3.2 The Head may choose to delegate management of the low-level concern to the Designated Safeguarding Lead or Deputy Head.

### **4 Self-Reporting**

- 4.1 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 Code of Conduct.
- 4.2 Self-reporting in these circumstances can be positive for several reasons: 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 individual'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.
- 4.3 In line with KCSIE (2023), Lancing Prep at Worthing will ensure that there is an environment where staff are encouraged and feel confident to self-refer.

### **5 Anonymity**

- 5.1 If the staff member who raises the concern does not wish to be named, then the organisation will respect that person's wishes as far as possible.
- 5.2 However, there may be circumstances where the staff member will need to be named (for example, where it is necessary in order to carry out a fair disciplinary investigation) and, for this reason, **anonymity will never be promised to members of staff who share low-level concerns**. Where possible, organisations will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

### **6 Sharing and Recording of Low-Level Concerns**

- 6.1 Staff will be given the option of sharing their low-level concern verbally with the Head (or Deputy Head if necessary) in the first instance. This will be followed up in writing (Appendix A – Low-Level Concerns reporting form) by the member of staff sharing the low-level concern.

6.2 The name of the individual sharing the low-level concern, and their role, will be stated, as will the name of the individual about whom the concern is being raised, and their role within the organisation at the time the concern is raised. The record will include brief context in which the low-level concern arose, and concise details (which are chronological and as precise and accurate as possible) of any such concern and relevant incident(s). The record will be signed, timed and dated.

## 7 Responding to a Low-Level Concern

7.1 Once the Head has received the low-level concern, whether directly or from the Deputy Head, and the Designated Safeguarding Lead is aware of the low-level concern, the Head will ensure the following takes place (not necessarily in the below order but in an appropriate sequence according to the nature and detail of the concern shared with them):

7.1.1 speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary has been provided.

7.1.2 review the information and determine whether the behaviour:

- (a) is entirely consistent with the organisation's Code of Conduct and the law,
- (b) constitutes a low-level concern,
- (c) is serious enough to consider a referral to the LADO, or
- (d) when considered with any other low-level concerns that have previously been raised about the same individual, will be reclassified as an allegation and referred to the LADO/other relevant external agencies.

Where the Head or Designated Safeguarding Lead is in any doubt whatsoever, they will seek advice from the LADO – on a no-names basis if necessary;

7.1.3 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);

7.1.4 make appropriate records of:

- all internal and external conversations.
- their determinations, rationale for their decision and any action taken.

## 8 Possible outcomes from a low-level concern

8.1 If it is decided that the low-level concern in fact amounts to behaviour which is entirely consistent with the organisation's Code of Conduct and the law, the Head will:

- (a) inform the individual in question what was shared about their behaviour, and to give them an opportunity to respond to it
- (b) 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 Code of Conduct and the law
- (c) consider if the situation may indicate a lack of clarity in the Staff Code of Conduct or the Low-Level Concerns policy, or the briefing on low level concerns has not been satisfactory

- 8.2 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 College may need to look at the implementation of this policy.
- 8.3 If it is decided that the current concern is low-level:
- a) 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;
  - b) 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;
  - c) 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.
  - d) 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. 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
- 8.4 However, if it is decided that the current concern:
- a) in and of itself is sufficiently serious (and perhaps having followed consultation with the LADO (and on a no-names basis if necessary)), then it will be referred to the LADO;
  - b) when considered with any other low-level concerns that have been shared about the same individual will be reclassified as an allegation, then the allegation will be dealt with in accordance with the College's Child Protection (Safeguarding) Policy and advice received from the LADO.

## **9 Storage of low-level concerns**

- 9.1 The Head will instruct the Designated Safeguarding Lead to store the central low-level concerns file with his/her other safeguarding and child protection records. The rationale for storing such records on a central file, rather than in staff members' personnel files, is that:

- a) it makes it easier to:
  - address possible issues referred to, and
  - review the file and spot any potential patterns of concerning, problematic or inappropriate behaviour, and
- b) it reassures staff and encourages them to share low-level concerns.

9.2 Some low-level concerns may also involve issues of misconduct or poor performance, or they may trigger the school's disciplinary, grievance or whistleblowing procedures. The Head should take advice from HR on any such issues and if appropriate refer the matter to them for investigation. Where these issues would ordinarily require records to be made and retained on the staff member's personnel file, this will be done in the normal way, in addition to the records of the low-level concern(s) being retained in a central low-level concerns file.

9.3 If a low-level concern in and of itself is deemed to be serious enough to consider a referral to the LADO and, perhaps following consultation, a referral is made to them, then records relating to the low-level concern will be placed and retained on the staff member's personnel file.

9.4 If a low-level concern (or group of concerns) is reclassified as an allegation, all previous records of low-level concerns relating to the same individual will be moved from the central low-level concerns file to the staff member's personnel file, and retained in accordance with Part 4 of KCSIE – which requires schools and colleges to produce a clear and comprehensive summary of all allegations (except those which are found to have been malicious), details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, to be kept on the confidential personnel file of the staff member, and a copy provided to them.

9.5 These records will be kept confidential and held securely, with access afforded only to a limited number of individual such as the Head (or Deputy in her absence) or Designated Safeguarding Lead and the Head of HR.

## **10 Reviewing the low-level concerns file**

10.1 The Head and Designated Safeguarding Lead will review the central low-level concerns file periodically (half-termly) 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.

10.2 Governors will receive relevant data relating to Low-Level Concerns and the Safeguarding Governor will periodically review anonymised samples of low-level concerns, in order to ensure that these concerns have been responded to promptly and appropriately.

## **11 Retaining low-level concerns**

11.1 Low-level concerns will be retained on an organisation's central low-level concerns file unless and until further guidance provides otherwise.

11.2 However, when a staff member leaves and/or takes up new employment, that creates a natural point at which 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), and is therefore necessary to keep.

**12 Low-level concerns and references**

- 12.1 KCSIE prohibits schools and colleges from referring to unsubstantiated, malicious or false allegations in references. Only safeguarding allegations that have been substantiated will be included in references.
- 12.2 Low-level concerns (or a group of concerns) will not be referred to in references unless they relate to issues which would ordinarily be included in a reference, for example, misconduct or consistent poor performance.

**13 Policy Review**

- 13.1 The Lancing Prep at Worthing Low-Level Concerns Policy will be reviewed annually, or sooner if guidance changes. It will be reviewed by the Designated Safeguarding Lead in conjunction with the Designated Safeguarding Lead at the College and the board-level lead for Safeguarding.

Author:	Richard Dolan, College DSL	November 2021
Edited:	Amie Bennet, LPW DSL	September 2023
Next Scheduled Review:		September 2024



## Appendix A

### Low-Level Concern 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 Lancing College 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) (and please use a separate sheet if necessary). The record should be signed, timed and dated.

#### Details of concern

**Name of staff member:**

  
  

**Department and role:**

**Signed:** **Date:** **Time:**

The Head, or Deputy Head in her absence, will then complete the following form:

**Keeping Children Safe in Education 2021 - Low Level Concerns**

This document should be used when 'low level' concerns as defined in Section 2 of Part 4 of Keeping Children Safe in Education 2021 are reported. This document does not to replace suspension/formal disciplinary investigations in the event that concerns are either categorised as more serious than low level or when formal disciplinary procedures are required in relation to the low level concern.

<p><b>1. Name of individual raising the concern</b> <i>Leave blank if concern was raised anonymously or the individual wishes to remain anonymous</i></p>	
<p><b>2. Date the concern was raised</b></p>	
<p><b>3. Name and role of individual about whom concern has been raised</b></p>	
<p><b>4. Details of the concern(s) reported (give description and context)</b> <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.</i></p>	
<p><b>5. Details of steps have been taken to investigate this concern</b> <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 your Code of Conduct and Safeguarding Policies to determine if there has been a breach.</i></p>	

<p><b>6. Set out the Individual’s response to the concern</b></p>	
<p><b>7. Is this concern ‘low level’ or should it be treated as an allegation against staff and managed in accordance with Section 1 of Part 4?</b></p> <p><i>To reach this decision, consider the information set out in 5 and 6 above. If you are unsure, seek advice from your HR and/or safeguarding advisors and/or discuss the matter with your LADO. Set out your reasons for reaching your conclusion, including the advice provided by your advisors and any discussions with your LADO</i></p>	
<p><b>8. Have ‘low level’ or other concerns been raised about this individual previously?</b></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 set out in Section 1 of Part 4.</i></p>	<p>Yes [ ]                      No [ ]</p>
<p><b>Details of further action required</b></p> <p><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></p>	

<p><b>Completed by:</b></p>	<p><b>Name:</b></p>	<p><b>Date:</b></p>
<p></p>	<p><b>Position:</b></p>	<p><b>Signature:</b></p>

## LOW-LEVEL CONCERNS POLICY

This record will be held securely in accordance with Lancing College Low-Level Concerns Policy. Please note that low-level concerns will be treated in confidence as far as possible, but Lancing Prep Worthing may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims and formal investigations.