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St. Aubyn's School Low Level Concerns Policy

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This policy should be read in conjunction with the school Safeguarding Policy and the Staff Code of Conduct, and the current statutory guidance- 'Keeping Children Safe in Education' part 4 Section 2.

Purpose

This policy sets out a framework where staff are expected to report concerns, no matter how small, about their own behaviour or that of another member of staff, volunteer, supply teacher, contractor or other person working at St. Aubyn's School. The purpose of the policy is to embed a culture of openness, trust and transparency in which the clear values and expected behaviour which are set out in the school's Code of Conduct are constantly lived, monitored and reinforced by all staff at St. Aubyn's School.

Aims

This policy seeks to:

- ensure that staff are clear about, and confident to distinguish between, expected and appropriate behaviour from concerning, problematic or inappropriate behaviour
- empower staff to share any low-level concerns with the Head
- ensure low level concerns are dealt with promptly
- identify concerning, problematic or inappropriate behaviour - including any patterns - that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the LADO
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised
- This policy applies to all staff, activity leaders and volunteers at St. Aubyn's School

Definition of a low-level concern.

The term 'low-level concern' does not mean that it is insignificant, it means that an adult's behaviour towards a child does not meet the harm threshold (but should still be properly dealt with and monitored as set out in this LLC policy).

A low-level level concern is any concern, no matter how small, even if no more than causing a sense of unease or a 'nagging doubt', that a person working in or on behalf of the school may have acted in a way that is inconsistent with St. Aubyn's School Code of Conduct.

Allegations that may meet the harm threshold

- The term 'allegation of harm' means that it is alleged that a person who works with children meets the harm threshold as specified below:
- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offense 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 (which includes behaviour that may have happened outside school posing a transferable risk to children).
- Allegations of this nature should always be reported to the Head without delay.

Concerns that do not meet the harm threshold: Low-level Concerns

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. This includes inappropriate conduct outside of work and refers to behaviours which do not meet the allegations threshold or are 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 or engaging with a child on a one-to-one basis in a secluded area or behind a closed door.

Such behaviour could be inadvertent or thoughtless or behaviour that may look to be inappropriate, but might not be in specific circumstances.

Staff do not need to be able to determine in each case whether their concern is a low-level concern, or if it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. Once staff have shared what they believe to be a low-level concern, that determination should be made by the Head and responded to in line with this policy.

Responsibilities of staff

It is important that all staff are clear of the expectations the school stipulates from them as contained in the Staff Code of Conduct. This is covered annually by the Designated Safeguarding Lead, and as part of the school's induction for new staff. It is crucial that any concerns in relation to a staff member's behaviour, including those which do not meet the harm threshold, are shared responsibly and with the Head. This should be done without delay.

Where there are concerns/allegations about the Head, this should be referred to the Head of Governors (whose contact details can be found in the School's Safeguarding and Child Protection Policy.) Whilst staff should share information with the Head or DSL as soon as reasonably possible, it should also be emphasised that it is never too late to share a low-level concern and a delay should never be seen as a barrier to sharing.

Reporting a Low-level Concern

Please report 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 St. Aubyn's School's staff Code of Conduct. Please report these concerns by filling in a form that will go straight to the Head. Please click on this link: [LLC Form](#)

Low-level concerns may also be shared verbally with the Head but must then be recorded in writing either on paper or on the form.

If you are made aware of a concern via a third party, for instance via pupil disclosure or parental complaint, you should also follow this process of reporting.

The record will include:

- Details of the concern which are chronological and as precise and accurate as possible of any concern and relevant incident(s)
- The context in which the concern arose
- Any action taken
- The name of the individual sharing their concerns should also be noted, but if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.
- Where the low-level concern is provided verbally, the Head should make an appropriate record of the conversation, either at the time or immediately following the discussion, paying heed to the details above. Records will remain confidential in accordance with the school's Data Protection policies and GDPR.

Self-reporting

The school seeks to 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 expected professional standards. Staff members who are concerned about how their behaviour may have been interpreted, or, on reflection, re-evaluate their behaviour as one that may have been in contrary to the school's code of conduct and expectations, should self-refer to the Head. Examples of instances when a staff member should self refer:

- Having taken a photograph of a pupil on a personal device
- Having had online contact via social media to/from a pupil or having had pupil personal mobile phone contact
- Having given a pupil a lift in a personal car
- Having suspicions that a pupil has developed an inappropriate attachment
- To self-refer is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour and demonstrates that the individual has an awareness of the expected behaviour standards and can self-reflect.

Responding to a Low-level Concern

Categorisation

Upon being alerted, the Head will, in the first instance, satisfy themselves that it is a low-level concern and should not be reclassified as a higher level concern/allegation and dealt with under the appropriate procedure below. The circumstances in which a low-level concern might be reclassified are where:

- (a) the threshold is met for a higher-level concern/allegation
- (b) there is a pattern of low-level concerns which collectively amount to a higher-level concern/allegation or
- (c) there is other information which when taken into account leads to a higher-level concern/allegation.

Where the Head is in any doubt whatsoever, advice will be sought from the DSL and/or the LADO, if necessary, on a 'no-names' basis. Having established that the concern is low-level, the Head will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. If the concern has been raised via a third party, the Head/DSL should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

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

Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

Addressing with the member of staff

Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training etc. In dealing with a low-level concern with a member of staff, this will be approached in a sensitive and proportionate way. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

Details of the concern will be recorded and stored confidentially by the Head along with the rationale for decisions and action taken. Any conversations with a staff member following a concern will be clear as to why their behaviour is problematic, concerning or inappropriate and what change is required.

The Head will enquire what, if any, support they might need in order to achieve and maintain a required change, and will be 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 deemed appropriate and an action plan or risk assessment may be required.

Some concerns may trigger the school's disciplinary, whistleblowing or grievance procedures, which will be followed where appropriate. Some concerns may be related to performance management and advice may be sought from the school's Legal/ HR team.

Monitoring of Low-level Concerns

The Low-level Concerns Policy will be monitored to ensure that it is being effectively implemented in practice and will be reviewed annually by the Head and DSL in response to any relevant legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice.

A central record will be shared and monitored by the Head and DSL 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.

The monitoring of low-level concerns will be an item on the safeguarding governors meeting. No formal record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:

- (a) the concern (or group of concerns) has been reclassified as a higher-level concern, or
- (b) the concern (or group of concerns) is sufficiently serious to result in formal action under the school's grievance, capability or disciplinary procedure.

Privacy of Staff and Confidentiality

The School 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 Policy:

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. 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. 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, the School will not promise anonymity to members of staff who share low-level concerns.

A proportionate approach must be taken by all to considering what personal data is in fact necessary to share and record by way of low-level concern(s) in each case in order to support the safeguarding purpose and to ensure the information is accurate, fair and as far as possible recorded in neutral terms.

Monitoring and Review

Spectrum of Behaviour

Allegation	<p>Behaviour which indicates that an adult who works with children has (or is alleged to have):</p> <ul style="list-style-type: none"> • 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 they 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.
Low-level Concern	<p>Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. A low-level concern is any concern - no matter how small, and even if no more than causing a sense of unease or a '<u>nagging doubt</u>' - that an adult may have acted in a way that:</p> <ul style="list-style-type: none"> • is inconsistent with the School'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; but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

<p>Appropriate Conduct</p>	<p>Behaviour which is entirely consistent with the School’s Staff Code of Conduct, and the law.</p>
<p>NB: Allegations and low-level concerns can relate to an adult’s behaviour outside of their working environment</p>	

Low-level concerns form

Please use the 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 St. Aubyn’s School’s staff code of conduct, including inappropriate conduct outside of work; and

you should provide a concise record (online/electronically) - 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).

We will always endeavor to give feedback to the person logging the low level concern as soon as possible.

The record will be time and date stamped upon submission.

This record will be held securely in accordance with St. Aubyn’s School’s Low-level concern policy.

Please note that low-level concerns will be treated in confidence as far as possible, but St. Aubyn’s School 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.



[LINK TO FORM](#)