

# ST. MARGARET CLITHEROW ROMAN CATHOLIC PRIMARY SCHOOL



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## Low Level Concerns Policy (School Policy)

<b>Ownership:</b>	<b>Finance and Personnel</b>
Document Date:	September 2023
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To be read in conjunction with the following Policies:

- Code of Conduct for Employees
- Child Protection Policy
- Disciplinary Policy

Pupils are given many opportunities to serve each other, the school and the wider community, developing their own skills and talents in the process.



**Section 48 Diocesan Inspection October  
2018**

“Pupils make rapid progress because they are very keen to learn, and because the teaching is highly effective ... Behaviour is excellent. Pupils get along very well and enjoy school, accepting one another’s different views...”



**Ofsted March 2013**

*At St Margaret Clitherow School we are committed to Safeguarding Children*

*Jesus lives in us, our families, our school, our Church, our world. Jesus is our guide, let us follow Him*

## **Introduction**

The statutory guidance, Keeping Children Safe in Education (KCSiE) 2022 includes new guidance for schools and trusts on dealing with low-level concerns about the behaviour of staff working with children.

At St. Margaret Clitherow School, we aim to create and embed a culture of openness, trust, and transparency in which the clear values and expected behaviour are reinforced to all staff, including supply teachers, volunteers and contractors, as set out in the staff code of conduct.

This policy covers low-level concerns that do not meet the harm threshold. An allegation may meet the harm threshold where 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
- 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.

Allegations that may meet the harm threshold will be assessed accordingly and advice will be sought from the Local Authority Designated Officer (LADO) and/or HR Services.

This policy is used in conjunction with the School's Code of Conduct, disciplinary and safeguarding policy, and procedures.

## **What is 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 prescribed threshold. A low-level concern is any concern – no matter how small, even if it is just causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the organisation may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work
- is a cause for concern but does not meet the threshold of harm or is not considered serious enough to refer to the LADO.

Low-level concerns are part of a spectrum of behaviour including inadvertent or thoughtless behaviour; behaviour that might be considered inappropriate depending on the circumstances; and/or behaviour which is intended to enable abuse.

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.

Having clear procedures for responding to low-level concerns is part of creating a culture of openness and trust. It helps ensure staff consistently model the School's values and helps keep children safe. It will also protect members of staff working with children from potential false allegations or misunderstandings.

There are clear processes in place for sharing and responding to any concerns about an adult's behaviour, no matter how small. A concern can still be significant even if it does not meet the threshold of harm.

This policy includes a procedure for sharing confidentially such concerns which is clear, easy to understand and implement. All low-level concerns are shared initially with the Headteacher. The Headteacher is 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 the Headteacher may wish to consult with the DDSLs and take a more collaborative decision in making approach.

Where concerns or allegations relate to the Headteacher, this will be referred to the Chair of Governors. Where there is a conflict, the matter will be reported directed to the Local Authority Designated Officer (LADO).

The School will share low-level concerns about supply staff and contractors with their employers, so that any potential patterns of inappropriate behaviour can be identified.

Schools should ensure all adults understand:

- what constitutes appropriate and inappropriate behaviour
- what a low-level concern is
- the importance of sharing low-level concerns
- how to report any concerns
- the process for recording, reviewing and responding to concerns.

### **Monitoring and review**

School retains all records of low-level concerns, including behaviour which is not entirely consistent with the staff code of conduct. Records include:

- A clear and comprehensive summary of the concern.
- Details of how the concern was followed up and resolved.
- A note of any action taken, decisions reached, and the outcome.
- The name of the individual sharing concerns – if the individual wishes to remain anonymous, this should be respected as far as reasonably possible.

Where multiple low-level concerns, regarding the same individual have been shared, these will be kept in chronological order with a timeline of events.

These records will be held securely and confidentially with limited access such as the Headteacher, and Deputy Designated Safeguarding Leads (DDSL). These records are kept in a locked cupboard in the Headteacher's office.

The Headteacher will review low-level concerns records periodically to ensure that 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 should be made.

Upon review it may be found that:

- Behaviour is inconsistent with the staff code of conduct but there is no pattern of behaviour and does not meet the threshold of harm or is not considered serious enough to refer to the LADO.

Low-level concerns will be recorded and periodically reviewed.

- Whilst not sufficiently a cause for concern and may not meet the threshold of harm or considered serious enough to refer to the LADO; nonetheless merits consulting with and seeking advice.

Advice will be sought from the LADO or HR Services.

- 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.

This should be referred to the LADO/other relevant external agencies, and in accordance with the School's Safeguarding Policy and Part 4 of KCSIE.

### **Staff requests of anonymity**

If the staff member who raises the concern wishes to remain anonymous, the School will respect the person's request as far as possible. However, there may be circumstances where the staff member will need to be named and for this reason, anonymity should never be promised to members of staff who share low-level concerns. Where possible, staff should be encouraged to consent to be named, as this will help to create a culture of openness and transparency.

### **Data protection**

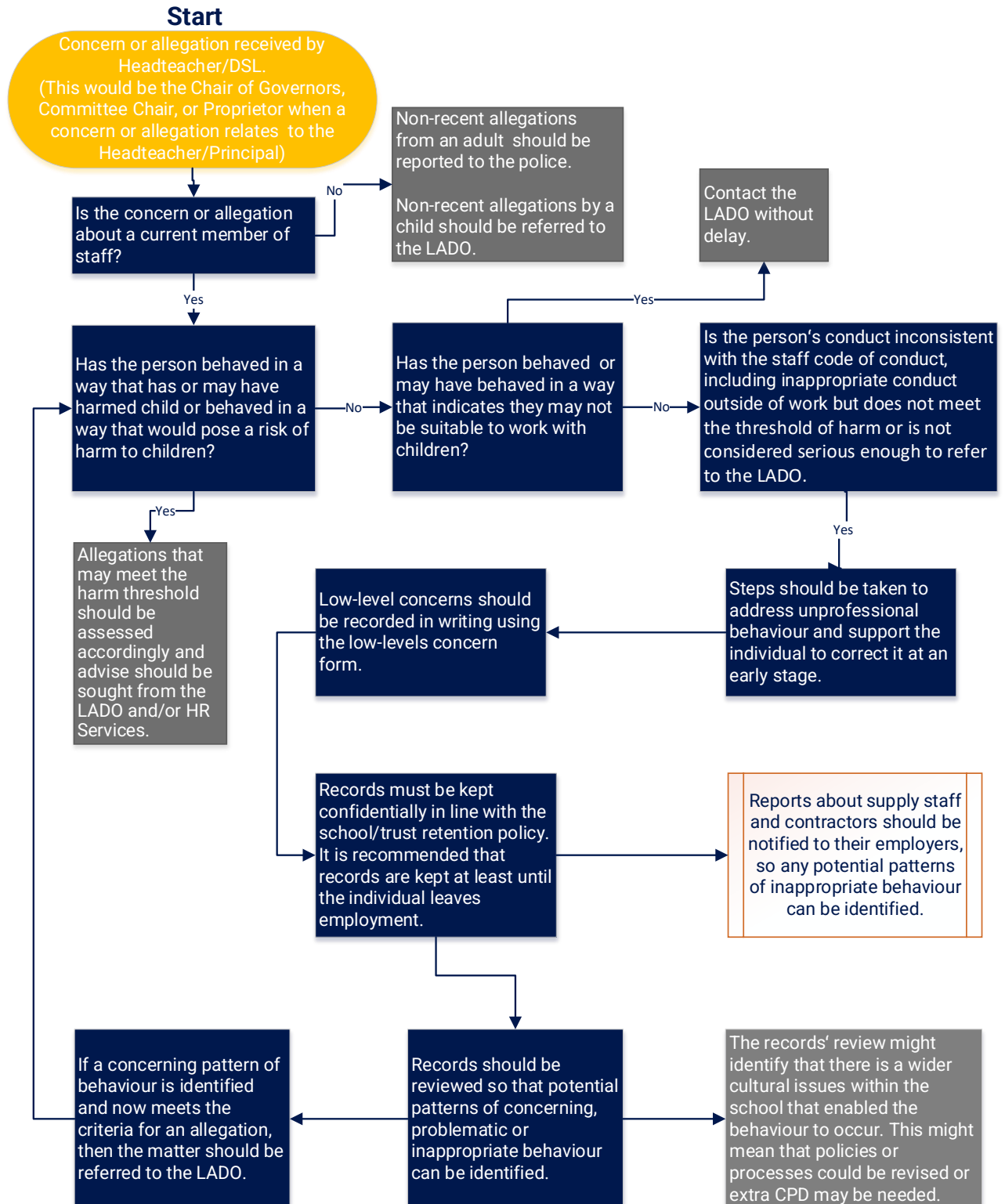
The Data Protection Act 2018 (DPA 2018) is not a barrier to a low-level concerns procedure but an important factor to consider. Issues may arise when Schools are providing employment references, setting retention periods and dealing with subject access requests. DPA 2018 includes a specific provision which permits organisations to process even the most sensitive personal data where it is necessary for the purposes of protecting children from harm. Low-level concerns recording must meet the relevant threshold of necessity.

Low-level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. However, where a low-level concern (or group of concerns) meets the harm threshold for referral to the LADO and found to be substantiated, then it will be referred to in a reference.

School leaders will be mindful that staff they are making records about may have rights to access them through a subject access request (SAR). In consideration of this, School will be mindful when recording low-level concerns, particularly where the issue relates to a specific child. If a child may be identifiable from the record, then it is likely to be inappropriate to share this record following a subject access request.

## Appendix 1 - Process to follow when a low-Level concern is raised

Please refer to Keeping Children Safe in Education 2022 for more detailed information.



## Appendix 2 – Low-level concern form

It may be possible that a member of staff, supply staff, volunteer or contractor, acts in a way that does not cause risk to children but is inappropriate. A member of staff who has a concern about another member of staff should use this low-level concern 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 the staff code of conduct, including inappropriate conduct outside of work
- is a cause for concern but does not meet the threshold of harm or is not considered serious enough to refer 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.

### Details of concern

**Name of staff member:**

**Role:**

**Signed:**

**Date and time:**

**Action Taken:** (Specify)

**Signed:**

**Date and time:**

Please note that low-level concerns will be treated in confidence as far as possible, but St. Margaret Clitherow 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.