



LOW LEVEL CONCERNS POLICY

Written By: Sarah Giller	10/6/2024
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1. Purpose of the Policy

Highcliffe School believes every pupil attending should be able to learn in an enjoyable and safe environment and be protected from all forms of abuse. This is the responsibility of everyone involved with the school. Highcliffe School recognises that a critical step to safeguarding is to ensure that all those who work with children behave appropriately and that any concerns about an adult's behaviour are identified early and are managed promptly and appropriately. The purpose of this Low-Level Concerns Policy is to:

- support Highcliffe School's culture of safeguarding by enabling staff to feel confident to report any concern, no matter how small that concern is.
- ensure the welfare and interests of the child are kept paramount in all circumstances regardless of age, ability or disability, gender reassignment, race, religion or belief, sex or sexual orientation and socioeconomic background.
- ensure all allegations, suspicions of harm and/or abuse and related concerns, are taken seriously and responded to swiftly, fairly and appropriately.
- support everyone to work in partnership to promote the welfare, health, safety and development of a child
- to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour set out in the staff code of conduct, are constantly lived, monitored and reinforced by all staff.

The policy focuses on low-level concerns regarding adults' behaviour towards children by ensuring Highcliffe School is compliant with the changes that were introduced in KCSiE 2021 by:

- supporting and promoting a culture of openness
- supporting staff to be clear about and confident to distinguish between expected, concerning and problematic adult behaviour
- expecting staff to share any low-level concern using clear systems
- identifying concerning, problematic or inappropriate behaviour
- addressing unprofessional behaviour at an early stage
- providing responsive, sensitive and proportionate handling of such concerns
- helping to identify weaknesses in the school's safeguarding systems

2. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- DfE (2022) 'Keeping children safe in education 2022'
- DfE (2023) 'Working Together to Safeguard Children'

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Staff Code of Conduct
- Whistleblowing Policy
- Data Protection Policy

3. Scope of the policy:

Concerns that are NOT covered

Allegations that meet the Threshold of Harm

Such an allegation means that it is alleged that a person who works with children has:

- behaved in a way that has harmed or may have harmed a child
- possibly committed a criminal offence against a child
- behaved towards a child in a way that indicates they may pose a risk of harm to that child
- behaved in a way in their personal life that raises safeguarding concerns.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

For note: These concerns do not have to directly relate to a child, but could for example, include:

- an arrest for possession of a weapon
- having, as a parent or carer, become subject to public protection procedures

These such concerns, given above, should be reported directly to the Headteacher. If the concern relates to the Headteacher, then these should be reported to the Chair of Governors.

Safeguarding concerns

- Clear concerns about a child's safety or welfare
- Concerns regarding peer-on-peer abuse

To report a concern of child peer-on-peer abuse, online safety or the welfare of a child refer directly to the School's Safeguarding and Child Protection Policy and procedures. All Highcliffe School safeguarding policies and associated information can be found on the school website.

Concerns that ARE covered: **Low Level Concerns**

4. Definition of a Low-level concern

A low-level concern about an adult's behaviour towards a child that does not meet the Threshold of Harm as set out above or is not otherwise serious enough to consider a further referral to LADO. A low-level concern is any concern, no matter how small, and even if no more than a nagging doubt or a sense of unease that an adult may have acted in a manner which:

- is not consistent with the School's safeguarding policy and procedures
- is not consistent with the School's values or staff code of conduct
- relates to 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

The school will ensure that all staff members are aware of the standards of appropriate behaviour expected towards pupils. Staff will ensure that they pay due regard to the fact that:

- They are in a unique position of trust, care, responsibility, authority, and influence in relation to pupils.
- There is a significant power imbalance in the pupil-staff dynamic.
- There are more stringent expectations on their behaviour with regard to pupils due to their position as a public professional.

5. Staff responsibility

Staff will remain aware of the fact that all pupils under the age of 18, regardless of the phase and year group they are at within the school, are children by law – resultantly, staff will ensure that they do not assume maturity on behalf of a pupil and do not engage with pupils as they would with their own peers. Staff will understand that even where pupils have reached 18 years of age, the same applies due to the position of trust and imbalance of power.

Staff will be aware that where there is any doubt regarding whether the behaviour of another adult is appropriate, this should be reported to the DSL, headteacher or other nominated person immediately. Inappropriate behaviour can exist on a wide spectrum, from inadvertent or thoughtless behaviour to behaviour which is ultimately intended to enable abuse.

Examples of inappropriate behaviour that would constitute a low-level concern that should be reported to the DSL include, but are not limited to:

- Being overly friendly with children – this could include, but is not limited to, communicating with a child through personal social media or allowing inappropriate conversations or enquiries to occur with pupils, e.g. conversations that are about a staff member's personal life or are of a sexual nature.
- Having favourites – this could include, but is not limited to, calling pupils by pet names or terms of endearment or buying pupils gifts.
- Taking photographs of children on their personal mobile phones or devices.
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door.
- Humiliating children.

Staff will be aware that some of the above low-level concerns may meet the harms threshold depending on certain factors, e.g. the age or needs of the child or the content of exchanged 3 messages, and that some of the above incidents may not be concerns in context, e.g. a pre-approved, one-to-one meeting with a child behind a closed door between the child and a school ELSA who has received all appropriate safety checks.

Staff will also be made aware that behaviour which raises concerns may not be intentionally inappropriate, and that this does not negate the need to report the behaviour.

6. Reporting concerns

The school will promote a culture in which safeguarding pupils is the uppermost priority, beyond any perceived professional loyalties to colleagues, ensuring that staff are actively encouraged to report concerns, regardless of their relationship with the staff member.

Staff will report all safeguarding concerns they have using Confide software or to the headteacher, deputy headteacher or DSL without undue delay. Where the report concerns a specific incident, staff members will report their concerns no later than 24 hours after the incident where possible. Staff members will be aware that concerns are still worth reporting even if they do not seem serious.

When submitting concerns, staff will take care to ensure that they maintain confidentiality and protect the identity of all individuals to which the concern pertains as far as possible.

Staff members may request anonymity when reporting a concern, and the school will endeavour to respect this as far as possible. The school will not, however, promise anonymity to staff members who report concerns in case the situation arises where they must be named, e.g. where it is necessary for

a fair disciplinary hearing. In line with the Whistleblowing Policy, staff will be protected from potential repercussions caused by reporting a genuine concern.

Where a low-level concern relates to the headteacher, it should be reported to the deputy headteacher or DSL. Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, staff will also be required to report this to the headteacher, who will, in turn, inform the employer of the subject of the concern.

7. Self-reporting

On occasion, a member of staff may feel as though they have acted in a way that:

- Could be misinterpreted.
- Could appear compromising to others.
- They realise, upon reflection, falls below the standards set out in the Staff Code of Conduct

The school will ensure that an environment is maintained that encourages staff members to self-report if they feel as though they have acted inappropriately or in a way that could be construed as inappropriate upon reflection. The headteacher and DSL will, to the best of their abilities, maintain a culture of approachability for staff members, and will be understanding and sensitive towards those who self-report.

Staff members who self-report will not be treated more favourably during any resulting investigations than staff members who were reported by someone else; however, their self-awareness and intentions will be taken into consideration.

8. Possible Outcomes from a Low-Level Concern

If it is determined that the behaviour is entirely consistent with the school's staff code of conduct and the law, the Headteacher will:

- update the individual in question and inform them of the action taken;
- 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 staff code of conduct and the law;
- Consider if the situation may indicate that the staff code of conduct or low-level concerns policy is not clear enough, or if further training is required. 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.

If it is determined that the behaviour constitutes a low-level concern:

- 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;
- 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; The headteacher will also evaluate whether additional training would be beneficial for any staff members

exhibiting concerning behaviour, or the staff cohort as a whole where low-level concerning behaviour is seen more widely.

- 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. 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.
- Some low-level concerns may also raise issues of misconduct or poor performance. The headteacher will also consider whether this is the case – by referring to the organisation's disciplinary and/or capability procedure and taking advice from HISP's HR service (if necessary) on a named or no-names basis where necessary. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for HR.
- Where a low-level concern relates to a person employed by a supply agency, contractor, that concern will be raised with their employers, so that any potential patterns of inappropriate behaviour can be identified.
- Where a school and college receive a low-level concern or allegation relating to an incident that happened when an individual or organisation was using their school premises for the purposes of running activities for children (for example: community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, schools and colleges should follow their safeguarding policies and procedures, including informing the LADO if necessary.
- Some concerns may trigger the school's disciplinary, grievance or whistleblowing procedures, which should be followed where appropriate. Where low-level concerns are raised which in fact require other internal processes to be followed, it is sometimes difficult to determine how best to investigate the concern and which procedure to follow. The Headteacher will exercise their professional judgement and, if in any doubt, they will seek advice from HISP HR department or the LADO.
- If the school's disciplinary procedure is triggered, Highcliffe School will ensure that the individual has a full opportunity to respond to any factual allegations which form the basis of a disciplinary case against them.

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 LADO, then action (if/as necessary) will be taken in accordance with the LADO's advice. If, 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, then it should be referred to the LADO in accordance with Part 4 of KCSIE.

9. Record keeping

The school will retain all records of low-level concerns, including those that were found to be unfounded. The headteacher will ensure that all records include the most accurate and up-to-date information and will store them in Confide (Concerns reported from June 2024 will be logged on Confide; earlier concerns will be held in the staff member's file). The headteacher will ensure that all low-level concerns are stored together, in an organised and consistent manner, to ensure they can be easily reviewed and analysed where necessary. Records will include:

- A clear and comprehensive summary of the concern.
- The context in which the concern arose.
- 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 will be respected as far as reasonably possible.

The DSL will periodically review the recent low-level concerns made to ensure that they are being appropriately dealt with and to check for any concerning behaviour patterns amongst the staff cohort as a whole. The DSL will keep records of these reviews. Where any concerning patterns of behaviour have been identified with regard to a member of staff, the DSL will consult with the headteacher to decide on a course of action.

Where a pattern of behaviour has become so concerning that it meets the harms threshold, this will be referred to the LADO as soon as practicable. It should be considered whether there are any wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies, including this one, could be revised, or extra training provided to staff to decrease the risk of it happening again.

The DSL will ensure that all records are kept in a manner that is consistent with the Data Protection Policy. Records will be confidential, and can only be accessed on confide by The Headteacher, The Deputy Headteacher, DSL and Headteacher's PA.

10. References

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 Highcliffe School, any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept. Consideration will be given to:

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