

Low-Level Concerns Policy

Purpose

The purpose of this Policy is to identify and signpost the formal procedures that are in place in the school which are used to share, record and respond to concerns about adults working with children that do not meet the harm threshold – i.e. low-level concerns. The procedures used to respond to low level concerns should be applied to all staff, supply staff, volunteers, and contractors.

Identifying and being transparent about the procedures that will be used to respond to any Low-Level concerns that are raised will:

- ensure that staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- empower staff to share any low-level concerns with the Headteacher
- help all staff to interpret the sharing of low-level concerns as a neutral act
- enable school leadership to address unprofessional behaviour and support the individual to correct it at an early stage
- enable school leadership to identify concerning, problematic or inappropriate behaviour – including any patterns
- provide for responsive, sensitive, and proportionate handling of such concerns when they are raised; and help identify any weaknesses in the School's safeguarding system.

Definition

The words 'allegation' and 'concern' can be, and are, used interchangeably by different people. Whatever the language used, the behaviour referred to may meet the harm threshold, in which case the procedures outlined in the Managing Allegations Procedures should be followed. If, after careful consideration of the facts, the 'concern' does not meet the harm threshold it will be treated as a low-level concern.

A low-level concern is defined as any concern, no matter how small, 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 an organisation'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

Creating and embedding a school culture

Keeping Children Safe in Education requires Governing Boards to develop and embed a culture of openness and trust in which staff can share any concerns about the conduct of their colleagues and be assured that these will be received in a sensitive manner.

Conditions in the workplace should also enable staff members to feel confident to self-refer in appropriate circumstances.

The recording of low-level concerns is essential to ensure effective and informed safeguarding. If implemented and used successfully, the procedures should promote a healthy, informed and more effective protective culture. Having one recipient of all such concerns should allow any potential patterns of concerning, problematic or inappropriate behaviour to be identified, and ensure that no information is lost.

It is critical that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, in accordance with the ethos and values of the school. Ensuring that low-level concerns are dealt with effectively should also protect those working in or on behalf of the school from potential false allegations or misunderstandings

It is recommended that the Governing Board:

- are updated regularly on the effectiveness of procedures for dealing with low-level concerns. Reference to it should be included in any safeguarding reports, along with any relevant data.
- Monitor staff safeguarding training to ensure that it reflects that staff are required to share all low-level concerns directly with the Headteacher as soon as reasonably possible and, preferably, within 24 hours of becoming aware of a particular incident.

Self- reporting

Occasionally a member of staff may find themselves in a situation which could be misinterpreted, or might appear compromising to others or for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the staff code of conduct (Appendix 1)

Self-reporting in these circumstances can be positive for a number of 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.

Sharing Concerns

Staff are expected to share any concerns, no matter how small, about their own or another member of staff's behaviour with the Headteacher/ Assistant Headteacher to whom concerns should be reported.

Staff may share their low-level concern verbally with Headteacher/ Assistant Headteacher in the first instance, or provide them with a written summary of it.

Where there are concerns/allegations about the headteacher, this should be referred to the chair of governors, or chair of the management committee.

Where a low-level concern relates to a person employed by a supply agency or a contractor, that concern should be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.

If a staff member who raises the concern does not wish to be named, then as far as possible that person's wishes should be respected. There may be circumstances where the staff member will need to be named and, for this reason, anonymity cannot be promised to members of staff who share low-level concerns.

Staff should be aware that if they share what they believe to be a low-level concern, the Headteacher/ Assistant Headteacher will speak to the adult who is the subject of that concern – no matter how 'low' level the concern may be perceived to be, to gain the subject's account and to make appropriate records.

Responding to reports of Low-level concerns

An investigation of low-level concerns should be done discreetly and on a need-to-know basis.

The information collected will help the Headteacher/ Chair of Governors to categorise the type of behaviour and determine what further action may need to be taken.

The Headteacher/ Chair of Governors will determine whether a report of a low- level concern meets the harm threshold, if it does, the procedures for “managing allegations” will be followed.

Once the Headteacher/Chair of Governors has determined that a low-level concern has been reported, they should deal with the matter in accordance with the school’s wider staff behaviour policies.

The information will be reviewed and the Headteacher/ Chair of Governors will determine whether the behaviour is entirely consistent with the staff code of conduct. 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.

Such a situation may indicate that the staff code of conduct is not clear or the briefing and/or training has not been satisfactory. If it is determined that the behaviour is entirely consistent with the organisation’s staff code of conduct and the law the Headteacher will need to update the individual in question and should 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 staff code of conduct,

Other low-level concerns may be most appropriately dealt with by means of management guidance and/or training.

Management guidance will simply require a conversation with the individual about whom the concern has been raised. a ‘values-based conversation’ is more likely to be effective and help maintain a positive professional relationship with the member of staff concerned. Any such conversation should 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 which is agreed with the individual, and regularly reviewed with them, may also be appropriate.

Where the low-level concerns raise issues of misconduct or poor performance reference should be made to the school’s disciplinary and/or capability procedure and advice from HR should be sought.

A record of the determination made together with the rationale for the decision and any action taken should be made.

Record Keeping

KCSIE requires schools to keep allegations on staff personnel files unless they are malicious, however, no guidance exists on the storing of records relating to low-level concerns. Schools can decide where its records of low-level concern are kept, but they must be kept confidential, held securely, and comply with the DPA 2018 and the UK GDPR. It is recommended that these records are retained at least until the individual leaves the school's employment.

Where a low-level concern raises issues of misconduct or poor performance, or trigger disciplinary, grievance or whistleblowing procedures records will need to be made and retained on the staff member's personnel file in the usual way.

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold it should be referred to the LADO. 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.

Support & Links

Additional information and support can be accessed from:

- [Developing and implementing a low-level concerns policy: A guide for organisations which work with children](#), Farrer and Co (2021)
- A helpful reference point for identifying low level concerns and informing and developing school/college staff of the expectations as reflected in the staff code of conduct see [Guidance for safer working practice for those working with children and young people in education settings](#),
- The NSPCC has also developed a [webpage](#) about responding to low-level concerns about adults working in education. This includes example behaviour codes for staff and volunteers.

Appendix 1

CODE OF CONDUCT FOR STAFF

1 Introduction

The School/college values and respects all members of the community. Colleagues are expected to work in co-operation and collaboration, within an ethos of mutual trust and confidence. All employees and volunteers must be committed to promoting the safety, welfare and interests of children (pupils/students) as paramount. Staff are expected to place the wellbeing, development and progress of children/young people at the heart of their professional practice.

- 1.1 The public is entitled to expect the highest standards of conduct from all the School college/ employees. To serve the School/college, you should implement its policies and perform your duties, with integrity, honesty, impartiality and objectivity.
- 1.2 The purpose of the Code is to assist you in carrying out your job by making clear the standards of behaviour the School/college requires you to meet. It incorporates the existing laws, regulations and conditions of service you should be most aware of in your work for the School.

2 Scope

- 2.1 The Code applies to all employees of the School/college. The Code also applies to contractors, agency staff, volunteers and those on student/work experience placements working on behalf of the School.
- 2.2 You should read the Code in conjunction with professional standards, other school /college policies, requirements and guidance regarding standards of conduct in particular areas of work. This list is not exhaustive and you should familiarise yourself with any relevant guidance which may be provided in relation to your particular area of work. You should address any further queries you have to your line manager, senior leader or Headteacher.

3 Accountability

- 3.1 As an employee, you must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.
- 3.2 If you fail to comply with the Code's provisions, this may result in action under the School's Disciplinary Procedure.

4 Maintenance of Standards

4.1 You should inform your line manager/head teacher if you identify any deficiency in the service provided by the School, resulting from breaches of this Code. If you have concerns about raising the deficiency with your line manager, and wish to maintain confidentiality, you can use the School's /Colleges Confidential Reporting Code. Under this code you should make disclosures about possible malpractice to:

- a) Your line manager
- b) Where (a) is inappropriate, the Headteacher or a senior leader
- c) Where (a) and (b) are inappropriate, you should approach the Chair of Governors
- d) Where the disclosure relates to potential harm/abuse of a child, you should contact the Local Authority Designated Officer (LADO), contact details can be found in the Child Protection procedures and on the County Council website
- e) If the concern is regarding financial irregularities or fraud then you should report to the Headteacher/Chair of Governors. Where this is not appropriate you should contact the Audit Service at the Local Authority.

4.2 Honesty and Integrity

You must maintain high standards of honesty and integrity in your work. You should treat all pupils/students, colleagues, parents/carers and visitors with respect and professional

courtesy. You should maintain professional boundaries and avoid behaviour which may lead any reasonable adult to question your behaviour, motivations or intentions

- 4.3 In order to maintain high standards of working practice with and/or around children, you are expected to comply with 'safe working practice' guidance.

Safeguarding Pupils/Students

You have a duty to safeguard pupils/students from:

Physical abuse

Sexual abuse

Emotional abuse

Neglect

Specific safeguarding issues as outlined by the DfE guidance, Keeping Children Safe in Education, which includes responsibilities in relation to Prevent.

You must take reasonable care of pupils/students under their supervision with the aim of ensuring their welfare and safety. Failure to do so may be regarded as neglect.

You must comply with school/college policy that supports the wellbeing of pupils/students and this includes co-operation and collaboration with external agencies that support the welfare of children/young people.

There is a duty to safeguard pupils/students includes the duty to report any concerns about a pupil/student and to have a working knowledge of the procedures in place for this. You have a professional responsibility to inform an appropriate person if it is believed that a colleague is behaving in a way that compromises the wellbeing and safety of any child/young person or

group of children or young people. You should know about and have access to the Confidential Reporting Code and the Whistleblowing Procedure and feel able to use this.

4.4 Setting an Example

All staff who work in schools/colleges set examples of behaviour and conduct which can be copied by pupils/students.

You must, therefore, demonstrate high standards of conduct in order to encourage our pupils/ students to do the same and avoid putting yourself at risk of allegations of abusive or unprofessional conduct.

You must follow guidance in line with safer working practices.

You must not have any electronic communication, other than via the school's platforms, and/or accept as friends, pupils/students under the age of 18 including ex pupils, this includes the use of personal mobiles, and or social networking sites or media.

Expectations in relation to staff use of electronic communication, including the internet, are detailed in the school's/College policy, listed in Appendix 1. Attention is particularly drawn to section 6, of that policy, which covers the use of social media. You have a responsibility to familiarise yourself with the policy and adhere to the requirements entailed.

4.5 Dress and Appearance

Your appearance, dress and behaviour is expected to promote appropriate boundaries and working relationships between the pupils and the staff/volunteer body, as role models and responsible adults in a position of trust. You should dress in ways that are appropriate and relevant to your role. You should dress in ways that are not likely to cause offense, embarrassment, distract or give rise to misunderstanding.

At Bramley Vale Primary School we have decided that jeans and trainers are not appropriate for school. We like to dress smartly but comfortably. It is also not appropriate to show certain parts of the body such as the torso in crop-tops.

Also to cover any tattoos which are distracting/inappropriate in content.

No excessive piercings on face or mouth.

4.6 Conduct Outside Work

You must not behave in a manner which any reasonable adult would question your suitability to work with children or young people.

You must not engage in conduct outside work which could easily damage your own reputation and that of the school/college and this is especially important in and around our immediate local community

5 Disclosure of Information

5.1 The School is committed to open government and to rights of public scrutiny and participation. Legislation, including the Freedom of Information Act 2000 and the Data Protection Act 1998, requires that certain types of information must be made available to the public and other recognised third parties and to employees. Advice and guidance on the requirements of the Freedom of Information and Data Protection Acts is available from the Legal Services' Division at County Hall and requests may be made through the Headteacher.

5.2 You have a responsibility to safeguard the security and confidentiality of personal information you hold and you should ensure that only the appropriate amount of information required is provided to those who have a clearly established and legitimate need to use it. Advice and guidance on existing statutory or common law obligations regarding confidentiality is also available to the school from the Legal Services' Division at County Hall.

- 5.3 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.

6 Relationships

6.1 The Local Community, School Users and Other Employees

- 6.1.1 You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all users, groups and individuals within that community. These responsibilities apply equally to your conduct with fellow employees, contractors, agency staff, volunteers and those on student/work experience placements.

- 6.2 You are expected to work as part of a whole school team.

- 6.3 You should take positive steps to understand the roles of other colleagues in the children's workforce. You are expected to cooperate with other professional colleagues who have a role in enabling children/young people to thrive and succeed.

- 6.4 You should follow the school's ethos and approach in any communication with parents and carers.

6.2 Contractors

- 6.2.1 If you engage in the provision of work under contract, or supervise contractors or have any other official relationship with contractors or have previously had or currently have a relationship in a private or domestic capacity with contractors, you should formally declare that relationship to your Headteacher/Chair of Governor.

- 6.2.2 Orders and contracts must always be awarded on merit, in accordance with Financial Regulations and Standing Orders in Relation to Contracts, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 6.2.3 As a private citizen, you should be aware of possible conflicts of interest when you buy goods or use the services of firms who have dealings with the School and you should follow official procedures relating to the disclosure of any such transactions.

7 Equalities

- 7.1 You must comply with the School's Equalities Policy and legal requirements relating to equality issues. The School is committed to promoting equality of opportunity, preventing unlawful discrimination in all of its activities and to valuing diversity.

8 Appointment and other Employment Matters

- 8.1 If you are involved in the appointment of employees, you should be aware that it is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant or have/have had a close association with the applicant.
- 8.2 You should not be involved in decisions relating to discipline, promotion or pay and conditions adjustments for another employee who is a relative or with whom you have/have had a close association.
- 8.3 Where you have been provided with a "benefit in kind" or other untaxed income, whether this has been funded from the school's delegated budget, private school fund or parental contributions this must be formally recoded within the school for notification to the County

Council. Where you are uncertain about whether you need to declare a “benefit in kind” or untaxed income you should discuss this with your Headteacher, who should consult with the County Council’s Shared Service Centre.

9 Taking Other Employment

9.1 You should not undertake additional employment (paid or unpaid), or allow your name to be put forward for consideration for such work, if your proposed additional work either will or has the potential to:

- Create a conflict of interest
- Overlap with official duties
- Make use of material to which you have access by virtue of your position
- Weaken public confidence in the School

You should, in any case, inform your Headteacher of any proposed secondary employment if you consider that any of the bullet points above apply. In general, there is no reason why someone should not be able to work simultaneously in two or more schools. This would not in itself create a conflict of interest and, therefore, the permission of your current employer is not required in order for you to seek additional employment, provided that none of the specific issues set out in the bullet points above would apply.

9.2 For supply staff only.

If you have or are seeking additional employment either paid or unpaid in other establishments, or allow yourself to be considered for such work, the work in question should not;

- Create a conflict of interest
- Overlap with official duties
- Make use of material to which you have access by virtue of your position
- Weaken public confidence in the School or Council

When you consider any proposed other employment which may conflict with these requirements, you should inform your line manager(s) and you may be required to seek the agreement of Headteacher/Governing Board to the proposed additional employment. Supply teachers do not need the permission of a school that they are working with in order to seek

additional employment, provided that none of the bullet points above would apply. In normal circumstances there would not be a conflict of interest.

10 Personal Interests

10.1 Personal interests must not conflict with your public duty. An official position or information acquired in the course of your employment must not be used to further personal interests or for the interests of others.

10.2 You must declare to your Headteacher/Chair of Governors any:

- External financial or non-financial interest in any existing or proposed contract with the school or other organisational decision
- Membership of any organisation which could conflict with the School's interests

10.3 You should make any such declaration in writing to your Headteacher. Any such declaration by a Headteacher should be made in writing to the Chair of Governors.

11 Stewardship

11.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the School for personal use unless authorised in advance to do so. You should strive to ensure value for money to the local community and to avoid legal challenge to the School.

11.2 Personal Use of Internet and Email – any personal use must be in accordance with the School's current Acceptable Use of IT, Internet and Electronic Communication Policy and Guidance.

11.3 Personal Telephone Calls:

[Schools should amend the details below if their situation is different, e.g, where there is no mobile phone access, it may be that staff use school phones for personal use, 'in line with agreed school policy']

- Personal mobile phones should not be used for any outgoing personal telephone calls, other than in exceptional circumstances (e.g. no signal available). In these circumstances the school telephone may be used, following the school's procedure for such use, recording and payment.
- Such outgoing calls/texts and personal incoming calls should occur infrequently and be kept as short as possible. For those working with children, calls/texts should not be made/taken during lessons, except in emergencies. As stated in the Acceptable Use of IT, Internet & Electronic Communication, 'Staff should not engage in 'recreational' chatting during working time, on email or through instant messaging, that results in lost productivity or distracts other employees from their work.'
- School mobile phones should not be used for personal use, except in emergency.
- Accredited professional association/union representatives may utilise the school telephone in accordance with the Facilities Agreement.

11.4 Intellectual Property is property which enjoys legal protection and is a result of intellectual effort, including patents, copyright, trademarks, designs and software. Where developed in the course of your duties, such intellectual property is the property of the School. You should not make use of the School's intellectual property to conduct private work.

11.5 Any copies of material taken for use within the School must only be as allowed under the Copyright Act and under the appropriate licensing agreement.

12 Corruption

12.1 You must be aware that it is a serious criminal offence for you to corruptly receive or give any gift, loan, fee, reward or advantage for doing or neglecting to do something or showing favour or disfavour to any person in your official capacity.

13 Hospitality and Gifts

- 13.1 You should only accept hospitality in the form of refreshments/attendance at events if there is a genuine need to impart information or to represent the School. All other offers of hospitality/gifts should be firmly, but politely refused. You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the School.
- 13.2 You should report the offer of hospitality, whether accepted or not, to your line manager, and should ensure that all such offers are recorded in the appropriate hospitality register.
- 13.3 If gifts are offered or you suspect that an improper motive exists, you should always decline the offer and report it to your Headteacher/Chair. This includes any preferential rates offered for goods and services. Headteachers should report the offer to the Chair of Governors regardless of whether the offer is accepted or declined.

14 Sponsorship

- 14.1 Where an outside organisation is seeking to sponsor a School activity, whether by invitation, tender, negotiation or voluntarily, the Code's provisions concerning acceptance of hospitality or gifts and working with contractors apply. No sponsorship deal should be made without the prior agreement of your Governing Board.
- 14.2 Where the School wishes to sponsor an event or service, you must declare in writing to your Headteacher any possible conflict of interest or any benefit which you or a member of your family, or anybody with whom you have a close association, is likely to receive. Similarly, where the School is providing sponsorship in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

15 Contact with the Media

- 15.1 Any enquiries from the media on work-related matters should be referred to the Headteacher and Chair of Governors who are advised to contact the Local Authority's Public Relations Division. You should seek formal authorisation from the Headteacher, who should consult the Public Relations Division, before you speak, write or give interviews to the media.
- 15.2 If you wish to publish books, articles or letters you have written in connection with your duties, you must first consult your Headteacher who will consult with the Governing Board and take legal advice.

Approved and Signed:

Chair of Governors _____ Date: _____

Headteacher _____ Date: _____

Appendix 1

A number of additional sources of guidance are listed here. However, this list is not exhaustive and you should ensure that you familiarise yourself with any relevant guidance which may be provided in respect of your particular area of work. Any queries in this respect should be addressed to your line manager or the Headteacher.

Personnel Policies and Procedures of the School

- Terms and Conditions of Employment
 - Confidential Reporting Code and Whistleblowing
 - The Disciplinary Procedure
 - Acceptable Use of IT, the Internet and Electronic Communication Policy and Guidance
 - Equality and Diversity Policy
 - Grievance Procedure
 - Dealing with Complaints of Harassment
 - Managing Allegations of Abuse against School Staff
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- Financial Regulations, incorporating Standing Orders
 - Freedom of Information Act 2000
 - Computer Misuse Act 1990
 - Policy Statements on AIDS and other Infectious Diseases
 - Safeguarding Policy and Child Protection Procedure (Derbyshire/Derby City Safeguarding Children Board procedure)
 - Keeping Children Safe in Education (DfE)
 - Guidance for Safer Working Practice for Adults who work with Children & Young People in Education Settings
 - Teachers' Standards 2012 (see below)

Appendix 2

Teachers' Standards 2012

The section from the document relating to conduct, as opposed to teaching practice, is copied below.

Preamble

Teachers make the education of their pupils their first concern, and are accountable for achieving the highest possible standards in work and conduct.

Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils.

Part Two: Personal and Professional Conduct

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others,
 - not undermining fundamental British values, including
 - democracy, the rule of law, individual liberty and mutual
 - respect and tolerance of those with different faiths and

- beliefs
- ensuring personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities