



Low Level Concerns Policy

St. Paul's Trust understands the importance of acknowledging, recording and reporting **all** safeguarding concerns, regardless of their perceived severity. We understand that, while a concern may be low-level, that concern can escalate over time to become much more serious.

The Trust expects a safe environment for children in our school and childcare settings, and all staff are expected to adhere to high standards of behaviour when it comes to professional conduct regarding pupils and young children. The Trust has clear professional boundaries which all staff are made aware of and will adhere to.

We are committed to ensuring that any safeguarding concerns are dealt with as soon as they arise and before they have had a chance to become more severe, to minimise the risk of harm posed to our school pupils and to all children attending settings across the Trust.

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 (2018) 'Working Together to Safeguard Children'

Definitions

A low-level concern is a concern involving an adult that has acted in a way that:

- Is inconsistent with the Trust's Safeguarding Code of Conduct, including appropriate conduct outside of work; and
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

These instances may not meet the threshold for a safeguarding allegation but still require appropriate investigation, recording and response.

Low-level concerns are differentiated from concerns that can cause harm. The harms threshold is the point at which a concern is no longer low-level and constitutes a threat of harm to a child. This threshold is defined as accusations that an adult has:

- 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 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.

The last bullet point above includes behaviour that may have happened outside of school and childcare settings, that might make an individual unsuitable to work with children, this is known as transferable risk.

While low-level concerns are, by their nature, less serious than concerns which meet the harms threshold, the Trust understands that many serious safeguarding concerns often begin with low-level concerns. The Trust will ensure that all staff are aware of the importance of recognising concerns before they have an opportunity to escalate from low-level to serious.

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 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 pupils.

Staff will also be made aware that behaviour which is unintentional but raises a concern will still be reported. Staff members who engage in low-level inappropriate behaviour in relation to children inadvertently will be made aware and supported to correct this behaviour in line with the Safeguarding Code of Conduct. The Senior Leadership Team 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.

Prevention

The Trust recognises that spotting the early signs of harmful behaviour towards children can be difficult, and that many will be hesitant to report concerns they have about their colleagues' behaviour, particularly the behaviour of their superiors. Staff are encouraged to maintain an attitude that recognises that **abuse can happen anywhere**, in any setting, and that anyone can be a perpetrator regardless of their age, sex, level of authority, personality, etc.

The Trust will ensure that all staff members have received training as part of their induction that outlines appropriate behaviour towards children and young people. All staff will read and sign to say they understand, and adhere to the Safeguarding Code of Conduct and the procedures to follow if they have any concerns about staff behaviour and conduct.

Staff will address any questions they have regarding safeguarding to the DSL. The Trust will work to foster an environment where personal and professional boundaries

are clearly set and respected for all individuals in the Trust, e.g. pupils are not treated as friends and an appropriate professional distance is maintained by staff.

Staff will receive a safeguarding annual update at the very least, to remind them of their responsibilities in protecting children from harm and how to raise concerns and what procedures to follow. Safeguarding will also be on the agenda for supervision and team meetings as a standing item for discussion.

Reporting Concerns

The Trust will promote a culture in which safeguarding children and young people 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 to the Senior DSL in their department, immediately in line with the procedures laid out in the Child Protection and Safeguarding Policy.

Staff members will report concerns 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.

If the concern appears to be serious, i.e. a child appears to be in danger or is at risk of being harmed or is harmed by an adult working or volunteering within the Trust staff must follow the Allegations Against Persons in a Position of Trust process, which is to inform the CEO, or if they are unavailable to the Lead DSL.

When submitting concerns, staff will take care to ensure that they observe the Confidentiality Policy and protect the identity of all individuals to which the concern pertains to as far as possible. Staff members may request anonymity when reporting a concern, and the Trust will endeavour to respect this as far as possible. The Trust 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 or CEO, it should be reported to the chair of governors or Trustees accordingly.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school/nursery etc, staff will also be required to report this to the Senior DSL or headteacher if the concern is within the school, who will, in turn, inform the employer of the subject of the concern.

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 Safeguarding Code of Conduct

The Trust 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 Senior DSL and or headteacher 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.

Evaluating Concerns

Where the Senior Manager/Headteacher is notified of a safeguarding concern, they will use their professional judgement to determine if the concern is low-level or if it must be immediately escalated, e.g. where a child is at immediate risk of harm. When deciding if a concern is low-level, the Senior manager/Headteacher will discuss the concern with the Lead DSL and will seek advice from the LADO where there is any doubt about whether the concern in fact meets the harm threshold. When seeking external advice, we will ensure we adhere to the Data Protection Policy, and the information sharing principles outlined in the Child Protection and Safeguarding Policy, at all times.

To evaluate a concern, the Senior Manager/Headteacher and or the Lead DSL will:

- Speak to the individual who raised the concern to determine the facts and obtain any relevant additional information.
- Review the information and determine whether the behaviour displayed by the individual about whom the concern was reported is consistent with the Staff Code of Conduct and the law.
- Determine whether the concern, when considered alongside any other low-level concerns previously made about the same individual, should be reclassified as an allegation and dealt with alongside the Allegations Against Persons in a Position of Trust Procedures.
- Consult with, and seek advice from, external agencies when in doubt over the course of action to follow.
- Speak to the individual about whom the concern has been raised to inform them of the concern and to give them an opportunity to respond to it.
- Ensure that accurate and detailed records are kept of all internal and external conversations regarding evaluating the concern, and any actions or decisions taken.
- Seek advice and liaise with HR

Acting on concerns

Where the concern is unfounded

If it is discovered upon evaluation that the low-level concern refers to behaviour that was not considered to be in breach of the Staff Code of Conduct, the Senior Manager/Headteacher will speak to the individual about whom the concern was made to discuss their behaviour, why and how the behaviour may have been misconstrued, and what they can do to avoid such misunderstandings in the future. The Senior Manager/Headteacher will also speak to the individual who shared the concern, outlining why the behaviour reported is consistent with Staff Code of Conduct and the law. The Senior Manager/Headteacher will take care to ensure that

conversations with individuals who reported concerns that transpired to be unfounded do not deter that individual from reporting concerns in the future.

The Senior Manager/Headteacher will discuss the concern with the Lead DSL and HR (and if they have been involved, the LADO) to discern whether the behaviour, and the reporting of this behaviour, is indicative of ambiguity in the Trust's policies or procedures, or the training it offers to staff. Where such ambiguity is found, the Lead DSL and Senior Managers will work together to resolve this with input from other senior staff, as necessary.

Where the concern is low-level

Where the Senior Manager/Headteacher determines that a concern is low-level, the Trust will respond to this in a sensitive and proportionate manner. The following procedure will be followed:

The Lead DSL & HR holds a meeting with the individual about whom the concern was reported, during which they will:

- Talk to the individual in a non-accusatory and sympathetic manner.
- Inform them of how their behaviour was perceived by the individual who reported the concern (without naming them, where possible).
- Clearly state what about their behaviour was inappropriate and problematic.
- Discuss the reasons for the behaviour with the individual.
- Inform the individual clearly what about their behaviour needs to change.
- Discuss any support that the individual may require in order to achieve the proper standards of behaviour.
- Allow the individual the opportunity to respond to the concern in their own words.

The Lead DSL or Senior manager/Headteacher asks the individual to re-read the Staff Code of Conduct, depending on the nature of the concern.

The Lead DSL and the Senior Manager/Headteacher will consider whether the individual should receive guidance, supervision or any further training.

Where considered appropriate in the circumstances, the Senior manager/Headteacher will develop an action plan, with input from the individual, that outlines ongoing and transparent monitoring of the individual's behaviour and any other support measures implemented to ensure the staff member's behaviour improves.

Where it is necessary to undergo an investigation into the behaviour, this will be done discreetly, and information will only be disclosed to individuals on a need-to-know basis.

Where any pupil or other individual has been made to feel uncomfortable by the individual's behaviour, they will be offered pastoral support, where appropriate.

The Senior Manager/Headteacher will ensure that all details of the low-level concern, including any resultant actions taken, are recorded and securely stored in line with the Records Management Policy and the Data Protection Policy. The Senior manager/Headteacher will ensure that these records are kept organised and up-to-date, and that it is easy to refer back to them if any other concerns are reported about the same individual.

The specific approach to handling low-level concerns will be adapted on a case-by-case basis. It is unlikely that a low-level concern will result in disciplinary procedures; however, individuals may be given warnings in line with the Disciplinary Policy and Procedure where behaviour does not improve once it is brought to their attention. Where behaviour does not improve over a longer period of time, the concerns will be escalated

and dealt with in line with the Allegations Against Persons in a Position of Trust Procedures.

Where the concern is serious

The Senior Manager/Headteacher may decide upon evaluation that a concern is more serious than the reporter originally thought, e.g. when viewed in conjunction with other evidence or other concerns made about the same individual. Where this decision is made, the concern will be escalated, and dealt with as an allegation. The headteacher will then follow the procedures laid out in the Allegations Against Persons in a Position of Trust Procedures.

Record Keeping

The Trust will retain all records of low-level concerns, including those that were found to be unfounded. HR will ensure that all records include the most accurate and up-to-date information and will store them in the electronic low-level concerns file. HR 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 Senior Manager/Headteacher/Lead DSL and HR 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. HR will keep records of these reviews.

Where any concerning patterns of behaviour have been identified with regard to a member of staff, the Lead DSL will consult with the CEO 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 Trust 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.

Records of low-level concerns will not be kept in the personnel file of the individuals to whom the concerns pertain, unless there have been multiple low-level concerns made about the same individual. Where a concern is thought to be serious and is processed as an allegation, records of this will be kept in staff personnel files. Where multiple low-level concerns have been made about the same individual, these will be kept together, and in chronological order.

Where an allegation is made about an individual who has previously been subject to such allegations, or where a low-level concern is reclassified as a serious concern after meeting the harms threshold, all records of low-level concerns about that

individual will be moved to the staff personnel file and kept alongside records of the allegation.

HR will ensure that all records are kept in a manner that is consistent with the Data Protection Policy. Records will be confidential, **kept password-protected**, and securely destroyed after the staff member to whom the concerns pertain has left the Trust.

HR will only refer to concerns about a staff member in employment references where they have amounted to a substantiated safeguarding allegation, i.e. it has met the harms threshold and has been found to have basis through investigation, or where it is not exclusively a safeguarding issue and forms part of an issue that would normally be included in a reference, e.g. misconduct or poor performance. Low-level safeguarding concerns will not be included in a reference, unless they have comprised a pattern of behaviour that has met the harms threshold.

Monitoring and Review

This policy will be reviewed annually by the Lead DSL, Senior managers & Headteacher, and in response to any new safeguarding requirements or concerns surrounding the wider cultural issues in the Trust.

- **Related Policies:** Safeguarding & Child Protection; Lone Working, Safeguarding Code of Conduct; Allegations Against Persons in a Position of Trust Procedures; Whistleblowing Policy; Data Protection; Protection of Vulnerable Adults & Mobile Phone Policy.

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The next scheduled review for this policy is September 2023.