



Low Level Concerns Guidance

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Contents

1. Introduction	Page 3
2. Purpose of a Low Level Concerns Guidance	Page 3
3. Allegations that may meet the harm threshold	Page 3
4. Concern that does not meet the harm threshold: Low Level Concerns	Page 3
5. A culture of vigilance and staff training on Low Level Concerns	Page 4
6. Sharing Low Level Concerns	Page 4
7. Anonymity	Page 4
8. Self-Reporting	Page 4
9. Sharing and Recording of Low Level Concerns	Page 4
10. Responding to a Low Level Concern	Page 5
11. Possible outcomes from a Low Level Concern	Page 5
12. Storage of Low Level Concerns	Page 6
13. Reviewing the Low Level Concerns file	Page 7
14. Retaining Low Level Concerns	Page 7
15. Low Level Concerns and References	Page 8
16. Appendices	
Appendix A: Spectrum of Behaviour	Page 8
Appendix B: Responding to a Low Level Concern Procedure	Page 9
Appendix C: Low Level Concerns form	Page 10

1 Introduction

1.1 This low level concerns guidance is based upon the statutory guidance 'Keeping Children Safe in Education 2022' and the expectations within 'Guidance for Safer Working Practice 2022'.

1.2 Creating a culture in which all concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, and recorded and dealt with appropriately is crucial.

2 Purpose of a Low Level Concerns Procedure

2.1 This procedure enables all staff to share any concerns – no matter how small, about their own or another member of staff's behaviour with the Headteacher. Where a low-level concern relates to a Headteacher or other centrally employed Trust staff it should be reported to the Chief Education Officer. If the concern is in relation to the Chief Education Officer, it should be reported to the Chair of the Board of Trustees.

3 Allegations that may meet the harm threshold

3.1 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 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.

3.2 Staff should follow the Managing Allegations Against Staff Policy and ensure all allegations are reported to the Headteacher.

4 Concerns that do not meet the harm threshold: Low Level Concerns

4.1 KCSIE states that, as part of their whole school approach to safeguarding, schools should ensure that they promote an open and transparent culture in which concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

4.2 The term 'low level' concern does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the harm threshold as set out in Section 3. 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 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 – but may merit consulting with and seeking advice from the LADO.

4.3 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 Headteacher.

5 A culture of vigilance and staff training on Low Level Concerns

5.1 The STAR Multi Academy Trust has a culture of openness and trust is fostered within the organisation so that staff can share any concerns about the conduct of colleagues and be assured that these will be received and handled in a sensitive manner.

5.2 Staff are required to read the Low Level Concerns Procedure.

5.3 All new staff will receive training on this procedure on induction.

6 Sharing Low Level Concerns

6.1 All low level concerns should be received by the Headteacher. 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 potentially lost.

6.2 It is important that low-level concerns are shared with the Headteacher as soon as reasonably possible.

6.3 Whilst staff should share information with the Headteacher 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.

6.4 If the Headteacher is absent for any reason, low level concerns should be shared with a clearly identified 'deputy,' who will inform the Headteacher immediately on his return.

6.5 In the event of concerns about the Headteacher, these should be referred to the Chief Education Officer.

7 Anonymity

7.1 If the staff member who raises the concern does not wish to be named, then the Headteacher will respect that person's wishes as far as possible.

7.2 There may be circumstances where the staff member will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity will never be promised to members of staff who share low level concerns.

8 Self-Reporting

8.1 Occasionally a member of staff may find themselves in a situation which could be misinterpreted, or might appear compromising to others. Equally, a member of staff may, 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.

9 Sharing and Recording of Low Level Concerns

9.1 Staff will be given the option of sharing their low level concern verbally with the Headteacher in the first instance, or by completing a low level concerns form, an example of which can be found in Appendix C.

9.2 Where the low-level concern is provided verbally, the Headteacher will make an appropriate record of the conversation using the low level concerns form in Appendix C.

10 Responding to a Low Level Concern

10.1 Once the Headteacher has received the low level concern, they will:

- speak to the person who raised the concern
- speak to any potential witnesses (unless advised not to do so by the LADO/ other relevant external agencies, where they have been contacted);
- speak to the individual about whom the low level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- review the information and determine whether the behaviour:
 - (i) is entirely consistent with their staff code of conduct and the law;
 - (ii) constitutes a low level concern;
 - (iii) is not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO;
 - (iv) when considered with any other low-level concerns that have previously been raised about the same individual, could now meet the threshold of an allegation and should be referred to the LADO
 - (v) in and of itself meets the threshold of an allegation and should be referred to the LADO;

10.2 The Headteacher will always seek advice from the LADO where they are in any doubt whatsoever.

11 Possible Outcomes from a Low Level Concern

11.1 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 as above;
- 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 and the law;

11.2 If the same or a similar low level concern is subsequently shared about 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 by others. 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.

11.3 Any investigation of low-level concerns will be done discreetly and on a need-to-know basis.

11.4 Most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training.

11.5 In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

- 11.6 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.
- 11.7 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.
- 11.8 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 the school'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.
- 11.9 Where a low level concern relates to a person employed by a supply agency or a contractor, that concern will be raised with their employers, so that any potential patterns of inappropriate behaviour can be identified. How an organisation responds to a low level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e. whether they are an employee, or worker to whom the organisation's disciplinary procedure would apply; or a contractor, Governor, Trustee or volunteer who may be subject to alternative procedures.
- 11.10 Some concerns may trigger the school's disciplinary, resolving issues at work 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 other external agencies including the LADO.
- 11.11 If the school's disciplinary procedure is triggered, the 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.
- 11.12 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.
- 11.13 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.

12 Storage of Low Level Concerns

- 12.1 The schools will retain all records of low level concerns (including those which are subsequently deemed by the Headteacher to relate to behaviour which is entirely consistent with the staff code of conduct) in a central electronic low-level concerns file. These records

will be kept confidential and held securely with limited access given to the Headteacher, and the named Deputy.

12.2 Where multiple low-level concerns have been shared regarding the same individual, these will be kept in chronological order as a running record.

12.3 Low level concerns will not be stored on personnel files. Saving low level concerns separately will allow Headteacher and Senior Leaders to spot any potential patterns of behaviour whilst reassuring staff to share low level concerns.

12.4 Referrals made to the LADO where the behaviour in question:

- had not originally been considered serious enough to consider a referral to the LADO but merited consulting with and seeking advice from them;
- is determined to meet the threshold of an allegation when considered with any other low level concerns that have previously been raised about the same individual; or
- in and of itself meets the threshold of an allegation.

12.5 Records relating to the behaviour (as referenced in 12.4) should be placed and retained on the staff member's personnel file, whilst also being retained on the central low level concerns file.

12.6 Material on the personnel file will be retained in accordance with Part 4 of KCSIE which requires schools and colleges in England to produce a clear and comprehensive summary of all allegations (except those which are found to have been malicious), details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, to be kept on the confidential personnel file of the staff member, and a copy provided to them.

13 Reviewing the Low Level Concerns File

13.1 The Headteacher will review the central low level concerns file at least once a half term 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. A record of these reviews will be made and stored alongside the file, along with any subsequent actions taken.

13.2 Governors will receive relevant data relating to Low Level Concerns in order to ensure that these concerns have been responded to promptly and appropriately.

14 Retaining Low Level Concerns

14.1 Low-level concerns will be retained electronically in a central low level concerns file (securely and applying appropriate access restrictions) unless and until further guidance is provided otherwise.

14.2 When a staff member leaves and/or takes up new employment, that creates a point at which the content of the file may be reviewed to ensure it still has value (either as a safeguarding measure or because of its possible relevance to future claims), and is therefore necessary to keep. This is subject to the rights of individuals to object to or seek to erase or correct records about them under data protection law.

15 Low Level Concerns and References

15.1 KCSIE prohibits schools from referring to unsubstantiated, malicious or false allegations in references. Only safeguarding allegations that have been substantiated should be included in references. KCSIE states that: “where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.

15.2 Low level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

Appendices

Appendix A: Spectrum of Behaviour

Allegation

Behaviour which indicates that an adult who works with children 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 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

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 ‘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 - but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

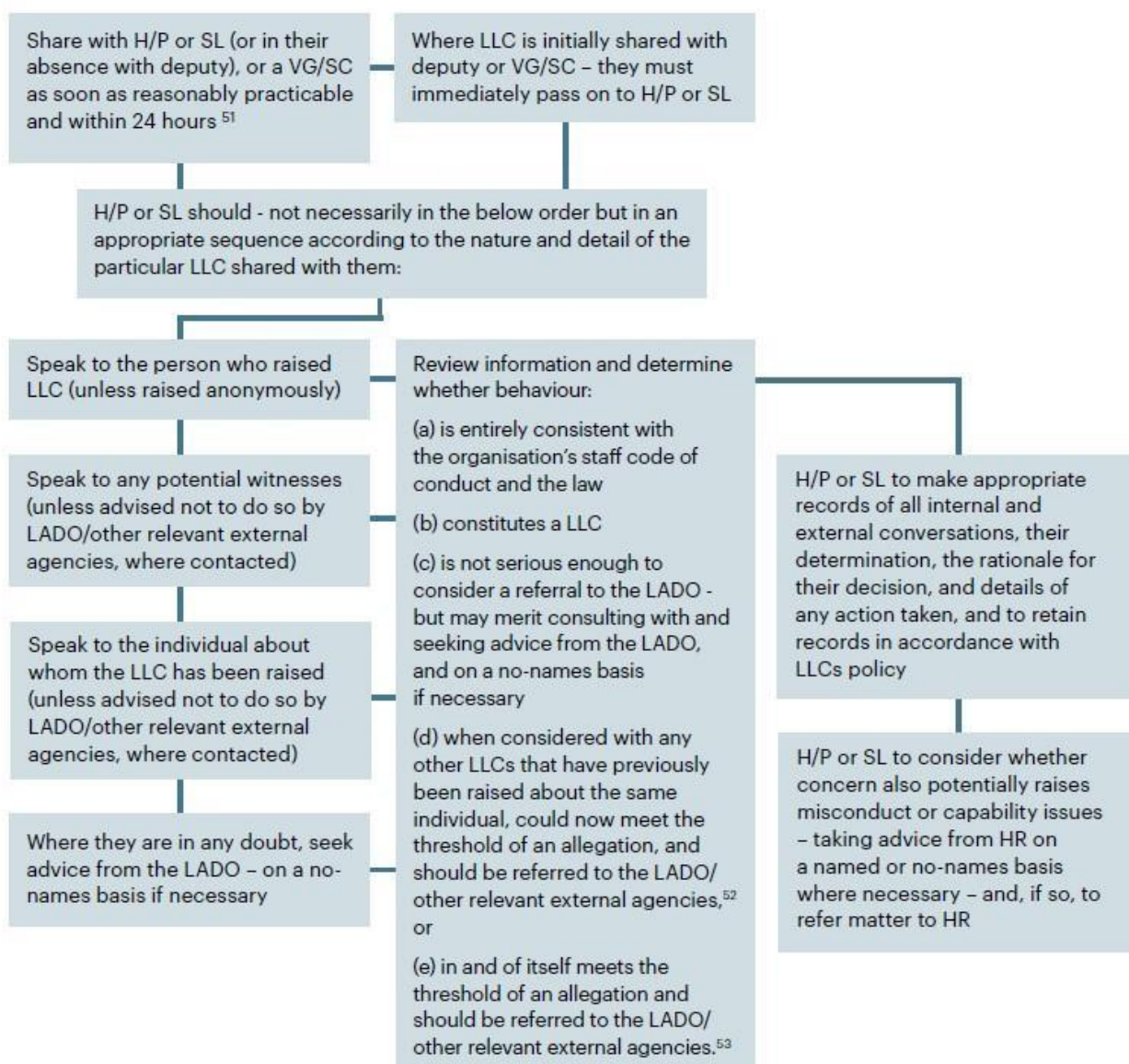
Appropriate Conduct

Behaviour which is entirely consistent with the organisation’s staff code of conduct, and the law.

Appendix B: Responding to a Low Level Concern flowchart

KCSIE now requires low-level concerns to be shared with the Headteacher/Principal – unless they relate to the Headteacher/Principal – as per paragraph 74 of KCSIE (set out in our main guidance).⁵⁰

ACTION REQUIRED



Appendix C: Low Level Concerns Form

Please use this 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 Trust’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.

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 – of any such concern and relevant incident(s). Please use a separate sheet if necessary.

The record should be signed, timed and dated.

Details of CONCERN :

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Name of Staff member :	Department and Role :
Signed :	Time and Date :

Received by :	
At [time] :	Date :

WAS THE STAFF MEMBER SPOKEN TO? [Good practice will require a response].

NO - Give a brief but valid reason/explanation for not;

YES - Please complete detail below - STAFF MEMBER'S RESPONSE TO CONCERN :

ACTION TAKEN :

Was advice/guidance sought from the LADO and or Human Resources Yes : No :

Signed :

Dated :

This record form will be held securely, either digitally or in paper form, in one central, locked file in accordance with the Trust Code of Conduct and any associated guidance regarding the management of concerns and or allegations and in accordance with Trust Data Management practices/policies.

Low Level Concern reporting will be treated as confidential as far as possible, however in certain circumstances it may be necessary to share and or disclose the information with third parties for relevant and necessary reasons. This includes where a reporter has indicated they wish to remain anonymous.

