LOVE, COURAGE & RESPECT
Learning and Achieving Through Love, Courage and Respect

BRIGHSTONE C.E. PRIMARY SCHOOL

Low Level Concerns Policy

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Low-level Concerns about Staff Policy

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1. Introduction

This policy applies to Brighstone C.E. Primary School.

The school understands the importance of a positive culture where concerns can be identified and spoken about openly and acknowledges that this is a key element of a strong safeguarding system. This Low-Level Concerns about Staff Policy seeks to ensure that all staff who work with children behave appropriately and to enable the early identification and prompt and appropriate management of concerns.

As part of their whole school approach to safeguarding, schools should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately. Creating a culture in which **all** concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable the school to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the school. (See the school's Safeguarding and Child Protection Policy for how to deal with allegations that might indicate a person would pose a risk of harm if they continue to work with children).

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 working in or on behalf of the school may have acted in a way that is inconsistent with the Staff Code of Conduct, including inappropriate conduct outside work. The term 'low-level' concern does not mean that it is insignificant. Early identification and prompt management of all concerns about the behaviour of adults who work or volunteer with children is critical to effective safeguarding. KCSIE requires low-level concerns to be shared.

Everyone is required to share low-level concerns in this way:

- To ensure there is a formalised mechanism for reporting low-level concerns;
- To allow staff to self-report to the school to protect themselves in situations where they may have found themselves compromised;
- To identify patterns of behaviour that are concerning;
- To ensure the school continues to have a culture of safeguarding in which all staff understand their responsibility to raise concerns

Staff should therefore

a) **report any behaviour by another adult** towards a pupil or another child that may have concerned them

b) **self-report** in any situation where they feel their behaviour towards a pupil or another young person could be misinterpreted or misconstrued or leave them vulnerable

2. Concerns regarding the behaviour of another adult towards a child

A low-level concern should be reported when a member of staff is concerned about the behaviour of another adult towards a pupil or another child. This is not just where it is clear that a professional boundary has been broken: anything which causes staff to have a 'nagging doubt' about the way in which other adults behave or interact with pupils should be notified, in order to protect both pupils and the members of staff involved. Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, to behaviour that may look to be inappropriate.

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; or,
- using inappropriate sexualised, intimidating or offensive language.

3. Self-reporting

From time to time an individual may find him/herself in a situation which might appear compromising to others or which could be misconstrued. Equally, an individual may for whatever reason have behaved in a manner which on reflection he/she considers falls below the standard set out in the school's Staff Code of Conduct. Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how these might be perceived.

4. Reporting Low-level Concerns

Low-level concerns will be shared with the Head in the first instance. Once the Head has received the low-level concern, they will – not necessarily in the order stated below, but in an appropriate sequence according to the nature and detail of the particular concern shared with them

- Speak to the person who raised the low-level concern (unless it has been raised anonymously);
- Review the information and determine whether the behaviour in question is consistent with the school's Staff Code of Conduct and the law or constitutes a low-level concern;
- If they are in any doubt, seek advice from the LADO;
- 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);
- The school must ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for their decision and any actions taken, and retain records in accordance with the Low-level Concerns about Staff Policy;
- These records can highlight where there might be a pattern of such behaviours, and when considered with other low-level concerns previously raised about the same person, could now meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies, and in accordance with the Safeguarding Policy and Part 4 of KCSIE

- Consider whether the concern also potentially raises misconduct or capability issues – taking advice from HR on a named or no-names basis where necessary – and, if so, refer the matter to HR.

Almost always, there will be a perfectly innocent explanation for what has occurred, and staff should not feel awkward about making a report or being the subject of a report. Reporting these types of concerns is a neutral act and the Head will, on receiving a report, decide how to best approach the concern raised.

A member of staff who shares a low-level concern, or a more serious allegation, in good faith will suffer no detriment as a result and will benefit from the protection set out in the school's Whistleblowing Policy.

Some of the circumstances in which staff must make a low-level concern report might be:

- any incident where s/he feels his/her actions or behaviour towards a pupil or that of another adult, may have been misinterpreted or may have given rise to a risk of misinterpretation
- any use by an adult of sexually inappropriate language, references or jokes to a pupil;
- any adult being overfriendly with pupils, allowing first names to be used, or encouraging the use of nicknames of staff or pupils;
- email, messaging, use of social media sites or other communication between adults and pupils outside agreed protocols;
- any incident of physical contact with a pupil when no one else is present, including when administering first aid or medical treatment (school medical staff are exempt from this requirement), and including physical demonstrations in one-to-one sports coaching, music lessons, etc;
- any incident where a staff member has been alone with a pupil or pupils in a vehicle where this has not been authorised in advance;
- any social contact with pupils outside school (other than planned/authorised events, educational visits or trips, or insignificant incidents such as passing a pupil in the street or in a shop or noticing they are sitting, separately, in the same restaurant or cinema) particularly where the member of staff and/or pupil(s) is/are under the influence of alcohol;
- if a pupil becomes aware of and/or uses a staff members home address, mobile or home phone number, or non-school e-mail address other than in line with agreed protocols;
- the fact of, and explanation for, any one-to-one contact with a pupil on school trips, particularly if this takes place in a private space such as a bedroom;
- non-trivial illnesses or accidents on School trips;
- any incident where, for whatever reason, a member of staff has not complied with the Staff Code of Conduct**.**

This is not an exhaustive list. Staff who are unsure of whether to complete a neutral notification are at liberty to discuss the matter with a member of the safeguarding team on a no-names basis. However, following such a discussion, should it be felt that the matter reaches the threshold for notification the member of staff will be expected to refer it. If in doubt, a referral should always be made.

5. Recording Low-level Concerns

All low-level concerns (even those which turn out to be of no concern) will be recorded in writing. The record will set out the details of the concern, the context in which the concern arose and action taken. The name of the individual sharing their concerns should also be noted but if the individual wishes to remain anonymous that should be respected as far as possible. Records will be held securely.

The Head will regularly review the records so that potential patterns of concerning problematic or inappropriate behaviour can be identified. They may identify patterns of behaviour by a particular member of staff, or by a specific type of behaviour across the school. They will consider, whether the reported matter is a low-level concern and whether it should be reclassified as an allegation and dealt with as outlined in the Safeguarding and Child Protection Policy. Where there is any doubt whatsoever about the classification of a reported concern, The Head (as appropriate) will seek advice from the Local

Authority Designated Officer (LADO).

Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record, and with a timeline alongside. These may be used to demonstrate a pattern of behaviour.

6. Reviewing Low-level Concerns

The Head will review the central low-level concerns file periodically 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.

Where a pattern of behaviour is identified in respect of a specific individual, the Head will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether the school should arrange for additional training or a review of any of its policies to reduce the risk of it happening again.

The Head will regularly inform the Governors about the implementation of the Low-Level Concerns about Staff Policy and any evidence of its effectiveness, e.g. by including reference to it in any safeguarding reports and providing any relevant data. The Governance Body will also review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

7. Data Protection and Confidentiality

The school will always respect the personal data of staff (and others, where they may be identifiable) in implementing the Low-level Concerns about Staff Policy and in keeping records of low-level concerns secure.

The Data Protection Act 2018 includes a specific provision which permits organisations to process even the most sensitive personal data where necessary for the purposes of protecting children from harm. Although sharing of low-level concerns will not always involve legally sensitive categories of data, the safeguarding purpose is the same as that under the school's Safeguarding and Child Protection Policy. All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained by the school under the Low-level Concerns about Staff Policy as it relates to them personally and to make any reasonable objection as to the fairness or accuracy of that content.
For further information, please refer to the school's Data Protection Policy.

8. Retaining Records of Low-level Concerns

Low-level concerns will be retained securely by the School for as long as deemed relevant and necessary for a safeguarding purpose unless the school is required to disclose by law (for example, where the threshold of an allegation is met in respect of the individual in question). In most cases, once a staff member leaves the school, any low-level concerns which are held relating to them will be retained at least until the individual leaves the School or for the same duration as that individual's personnel file are kept after leaving the School. Concerns will not be included in any onward reference, except as set in the *References* section below.

9. References

Only those low-level safeguarding concerns (or group of concerns) that have met the threshold for referral to the LADO and are therefore substantiated, can be detailed in a reference.

10. Review

This Policy is Subject to Governor Approval.
This Policy shall be reviewed annually.