Low-Level Concerns Policy

Rationale

This policy should be read in conjunction with The Ryleys School's Safeguarding Policy and Procedures, Staff Code of Conduct and Whistleblowing Policy, to enable staff to share their concerns, no matter how small, about their own or another member of staff's behaviour.

The purpose of the policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour which are set out in the school's Code of Conduct are constantly lived, monitored and reinforced by all staff. The school deals with all concerns about adults working in or behalf of the school appropriately and promptly.

The school seeks to create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below expected professional standards.

This policy seeks to

- ensure that staff are clear about, and confident to distinguish between, expected and appropriate behaviour from concerning, problematic or inappropriate behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines
- empower staff to share any low-level concerns with the Headteacher
- help staff address unprofessional behaviour and help the individual to correct such behaviour at an early stage
- identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the LADO
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised
- help identify any weaknesses in the organisation's safeguarding system.

  This policy applies to **all** staff at The Ryleys School.

Defining a Low-Level Concern

A low-level concern is one that **does not** meet the harm threshold as referred to in the school's Safeguarding Policy. That is, when anyone working in a school (including volunteers, supply staff and contractors) 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 (which includes behaviour that may have happened **outside** school posing a transferable risk to children).

  Responses and actions to behaviours that may meet the harm threshold are contained specifically within the School's Safeguarding Policy, 'Complaints made against members of staff'. These should be reported to the Headteacher without delay.

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' (i.e. they *believe* it could be a concern) – 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 of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

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.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

Responsibilities of staff

It is important that **all** staff are clear of the expectations the school stipulates from them as contained in the Staff Code of Conduct. This is covered annually at the onset of a new year by the Headteacher, and as part of the school's induction for new staff.

It is crucial that **any** concerns in relation to a staff member's behaviour, including those which do not meet the harm threshold, are shared responsibly and with the Headteacher. This should be done without delay.

Where there are concerns/allegations about the Headteacher, this should be referred to the Chair of Governors (Mike Benson).

Staff members who are concerned about how their behaviour may have been interpreted, or, on reflection, re-evaluate their behaviour as one that may have been in contrary to the school's code of conduct and expectations, they self-refer to the Headmaster.

Dealing with Low-Level Concerns

All low-level concerns may be shared verbally with the Headmaster in the first instance, but must then be recorded in writing.

The record should include:

- details of the concern
- the context in which the concern arose
- action taken

The name of the individual sharing their concerns should also be noted, but if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

Where the low-level concern is provided verbally, the Headteacher should make an appropriate record of the conversation, either at the time or immediately following the discussion, paying heed to the details above. Records will be signed, timed and dated.

Records will remain confidential in accordance with the school's Data Protection policies and GDPR.

Responding to a Low-Level Concern

The Headteacher will in the first instance satisfy themself that it is a low-level concern and should not be reclassified as a higher level concern/allegation and dealt with under the appropriate procedure below.

The circumstances in which a low-level concern might be reclassified are where:

(a) the threshold is met for a higher-level concern/allegation

(b) there is a pattern of low-level concerns which collectively amount to a higher-level concern/allegation or

(c) there is other information which when taken into account leads to a higher-level concern/allegation.

Where the Headteacher is in any doubt whatsoever, advice will be sought from the LADO, if necessary, on a 'no-names' basis.

Having established that the concern is low-level, the Headteacher will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. If the concern has been raised via a third party, the Headteacher should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken. Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training etc. In dealing with a low-level concern with a member of staff, this will be approached in a sensitive and proportionate way. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

Details of the concern will be recorded along with the rationale for decisions and action taken.

Any conversation with a member of staff following a concern 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 may be required. Some concerns may trigger the school's disciplinary, grievance or whistleblowing procedures, which will be followed where appropriate. Some concerns may be related to performance management and advice may be sought from the school's HR manager.

Monitoring of Low-Level Concerns

The Headteacher will securely retain confidential files on low-level concerns. A central log will be shared and monitored by the school's Senior Leadership Team on a monthly basis 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 will be kept of this review within SLT Minutes.

No record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:

(a) the concern (or group of concerns) has been reclassified as a higher-level concern, or

(b) the concern (or group of concerns) is sufficiently serious to result in formal action under the school's grievance, capability or disciplinary procedure.

Further References

Farrer & Co – Developing and implementing a low-level concerns policy: a guide for organizations which work with children – Adele Eastman, Jane Foster, Owen O'Rorke and David Smellie. 2020

https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concerns-guidance-2020.pd

Department for Education, Keeping Children Safe in Education 2022

Working together to Safeguard Children. Statutory guidance on inter-agency working to safeguard and promote the welfare of children.

https://www.gov.uk/government/publications/working-together-to-safeguard-children--2

Annex A Flow chart for Reporting Concerns

Concern related to a child	Low Level concern related to a member of staff, volunteer or contractor	Allegation related to a member of staff, volunteer or contractor
Any concern that a child is suffering or likely to suffer harm or abuse, or concern related to specific safeguarding issues.	Any concern that an adult may have acted in a manner which: Is not consistent with the Staff Code of Conduct Relates to their conduct outside of work which has caused a sense of unease about that colleague's suitability to work with children.	Behaviour which indicates a member of staff has Behaved in a way that has harmed a child or may have harmed a child. Possibly committed a criminal offence against, or related to, a child Behaved in a way towards a child or children that would indicate they a pose a risk of harm to children
Staff follow the school's Safeguarding Policy and **contact the DSL**, or in their absence, the Deputy DSL. If there is a risk of immediate serious harm to a child a referral should be made to children's social care immediately by the member of staff.	Notify the **Headteacher**	Notify the **Headteacher**