

**Outcomes  
First  
Group.**

**ACORN EDUCATION  
AND CARE**

**OptionsAutism**

# **Low-Level Concerns Guidance & Procedures**



**Bankside School and College**

**Updated 1 September 2023**



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### 1.0 Policy Scope

This policy reflects the statutory requirement for all schools and colleges in England as set out in Section Two of Part Four of [Keeping Children Safe in Education \(KCSiE\) 2023](#). Outcomes First Group also requires our schools in Wales and Scotland to follow this policy and it provides good practice for other settings.

### 2.0 Purpose of Guidance

Outcomes First Group is committed to ensuring that all of the people we support are effectively safeguarded at all times. Safeguarding and child protection must always be the highest priority and at the forefront of everything we do. A whole-school (or setting) approach is required to ensure safeguarding and child protection are embedded in all decisions, planning, policy and day-to-day operations and activities.

Early identification of any inappropriate behaviours, conduct and attitudes displayed by adults and the prompt and appropriate management of such concerns, is fundamental to effectively safeguarding children and young people in the group’s care. Having clear procedures for responding to such concerns is part of creating a culture of openness, transparency and trust where concerns can be identified and openly discussed, enabling adults to raise and share concerns about such behaviours and attitudes displayed by staff or by themselves. This helps to promote an effective and robust safeguarding culture and system and minimises the risk of possible abuse or harm. The procedure for self-reporting or reporting a concern of this nature is referred to as a 'Low Level Concern.'

This policy applies to all schools, colleges and education settings in the Outcomes First Group and to all employees, volunteers and contractors working in those settings. The term 'staff' is used to cover all of those working in or with the school/college/setting. It applies when working both offline and online.

**The Headteacher or equivalent is the ultimate decision maker in respect of low-level concerns. If the concern is about the Headteacher (or equivalent) the Regional Director will be the decision maker.**

This Guidance must be read by all staff, alongside the setting’s Safeguarding Policy and the Outcomes First Group’s Code of Conduct and Ethics, Managing Allegations Against Staff Procedures and Whistleblowing Policy.

### 3.0 What is a Low-level Concern?

#### 3.1 Low-level concerns

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/college** may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, but does not meet the allegations threshold or is not considered serious enough to consider a referral to the Local Authority Designated Officer or local equivalent. Examples may include but are not limited to:

- being over friendly with children;
- having favourites; engaging with a child on a one-to-one basis in a secluded area or behind a closed door;
- using inappropriate sexualised, intimidating or offensive language.
- taking photographs of children on their mobile phone;
- erosion of boundaries

#### 3.2 Clarity around Allegation vs Low-level Concern

An **Allegation** refers to any adult linked to the school who 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 towards a child or children in a way that indicates he or she may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

A **Low-level Concern** refers to any adult linked to our school who has behaved in a way that:

- causes staff to have a 'nagging doubt' about the way in which other adults behave or interact with children, or how their own actions could be viewed should be notified.
- is potentially inconsistent with the Outcomes First Group's *Code of Conduct and Ethics* including inappropriate conduct outside of work
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer or local equivalent

More detailed guidance and case studies on low-level concerns can be found in:

[Developing and implementing a low-level concerns policy \(farrer.co.uk\)](https://www.farrer.co.uk/resources/developing-and-implementing-a-low-level-concerns-policy)

### 4.0 The Setting's Commitment

[NAME OF SETTING] is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment and be clear about the professional boundaries expected of them.

The school is committed to creating an open and transparent culture, which allows staff to raise concerns about other members of staff, including where the threshold for an allegation is not met. Any concerns can then be shared responsibly with the appropriate person, recorded and dealt with as required in order to help protect children and young people from possible harm and abuse.

## 5.0 Sharing Low-level Concerns

There may be occasions when an incident occurs which causes a member of staff to have doubts about the behaviour of another member of staff towards a child. On other occasions, a member of staff may identify concerns about their own behaviour in a specific situation, and how this may be misinterpreted by others. Such situations could put the member of staff in a potentially vulnerable position, they may later reflect following an incident and identify how they could have acted differently.

It is important that such occasions and/or incidents which might give rise to such concerns are reported promptly to the Headteacher or equivalent or the Designated Safeguarding Lead (DSL). In many cases, there is likely to be an innocent and reasonable explanation for what has occurred. However, these concerns must be documented so that any patterns of concerning behaviour can be identified and addressed.

All low-level concerns must be shared with the Headteacher/Principal or DSL. The **DSL must inform the Headteacher/Principal** of all the low-level concerns, in a timely fashion according to the nature of each particular low-level concern. **The Headteacher or equivalent is the ultimate decision maker in respect of low-level concerns.** If the concern is about the Headteacher/Principal, the Regional Director will be the decision maker.

Examples of circumstances in which staff should make a low-level concern are as follows:

- any incident where s/he feels that his/her actions or behaviour towards a child could be misinterpreted;
- any incident which a member of staff is aware of actions of a colleague towards a child which could be misinterpreted;
- any incident of which a staff member is aware where the interactions of a colleague with a child are not appropriate to the child's age or developmental need at that time;
- inadvertent email, messaging, use of social media sites or other communication between staff and children outside agreed protocols;
- any unsupervised contact with a child other than in the context of a one-to-one lesson or discussion about academic, extracurricular or pastoral issues or other situations which fall within expected boundaries of professional conduct;
- any incident where a member of staff has been alone with a child or transporting children in a vehicle where this has not been authorised in advance;
- any inadvertent and potentially inappropriate social contact with children outside of school or college (such as restaurants or pubs);
- if a child uses a staff member's home address, mobile or home phone number, or private e-mail address;
- one-to-one contact with a child on school trip [residential / non-residential] which falls outside expected boundaries of professional conduct;
- use of inappropriate or concerning language around children and young people or to other staff

This is not intended to be an exhaustive list but representative. Anything which causes staff to feel concerned about the way in which other adults behave or interact with children, or how their own actions could be viewed should be notified. This is in order to protect both children and the members of staff involved.

## 6.0 Low-level concerns process

The purpose of a low-level concerns process is to protect both children and the staff working with them. It provides a system for recording observations or situations where there are concerns that do not meet the threshold criteria for referral to the Local Authority Designated Officer or local equivalent.

Confidential records will be kept of any low-level concerns received and will be monitored and regularly reviewed by the Headteacher or equivalent, with the DSL if appropriate, to identify any potential patterns of concerning, problematic or inappropriate behaviour. Any concerns about the Headteacher or equivalent will be monitored and reviewed by the Regional Director.

Low-level concerns which are shared about supply staff and contractors should be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.

If there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, they should consult with their Local Authority Designated Officer or local equivalent.

### 6.1 Procedure following report of a Low-level concern

Following receipt of a concern the Headteacher or equivalent, or the DSL will gather information as required depending on the concern being raised. All information received will be documented in writing. Records will be kept confidentially and shared only with the relevant staff and agencies, if and when the threshold criteria is met. They will be kept separately from the member of staff's personnel record and not referred to in references.

A staff member who makes a low-level concern in good faith will suffer no detriment as a result of raising a concern. However, failure to make a low-level concern notification could constitute misconduct and lead to the implementation of the Outcomes First Group disciplinary procedure.

The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Headteacher or equivalent and DSL. There may be instances where behaviour and conduct is witnessed by multiple staff members. All staff are responsible for addressing and reporting low level behaviour concerns as individuals and not as a group.

The Headteacher or equivalent will determine what action must be taken following the concerns being raised; This may involve speaking to the member of staff the concern has been raised about, which may include:

- what changes need to be made
- agree a support plan and /or additional training if required
- consequences of repeated behaviour/actions

The member of staff will be directed not to discuss with colleagues or attempt to investigate where the reported concern came from.

Unprofessional behaviour must be addressed, and the individual supported to correct it an early stage. Where there is clear evidence that a member of staff's conduct has breached with the Outcomes First Group's Code of Conduct & Ethics, the Disciplinary Policy and Procedure must be followed. Contact HR Operations for advice: [hroperationsadvice@ofgl.co.uk](mailto:hroperationsadvice@ofgl.co.uk)

## 7.0 Storing and handling of Low-Level concerns information

Low-level concerns must be recorded and retained so they can be evaluated over time to identify any concerning patterns of behaviour. A record of any discussions with staff about the low-level concerns must also be kept and retained. These discussions will be stored securely, separately from the member of staff's personnel record within the school's/college's safeguarding systems, with access only by the Headteacher or equivalent and DSL.

Low-Level concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures. Should staff leave the school/college, any record of low-level concerns which are stored about them will be reviewed by the Headteacher or equivalent as to whether or not that information needs to be kept. The Regional Director will make the decision if there are any low-level concerns about the Headteacher/Principal.

Secure arrangements must be in place for the internal handover of this information if the Headteacher/Principal and/or DSL leaves the school/college, are off on long-term sick leave etc.

Consideration will be given to:

- (a) whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or
- (b) if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly

Records will be stored in accordance with the Outcomes First Group's GDPR and Data Protection policies. The Group's Legal Team can be consulted for advice.

The treatment of personal data for the purpose of personnel files and references is important. The school/college must retain a copy of all substantiated, unsubstantiated or false allegations on a staff member's personnel file but should refer only to substantiated allegations in references.

Low-level concerns which do not individually or collectively meet the threshold for referral will be retained in a confidential, school/college safeguarding file but not on personnel files or used on references.

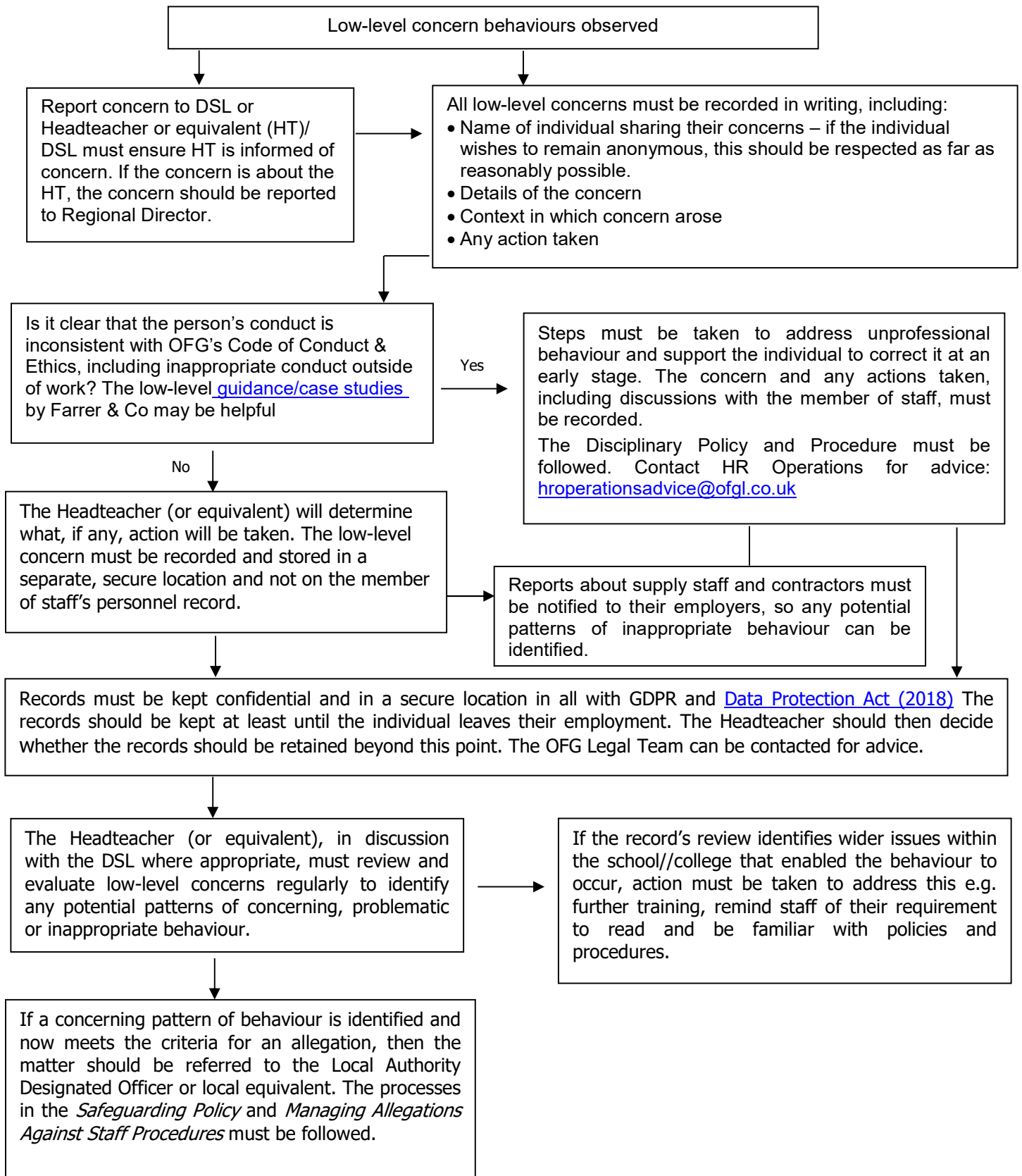
The recording of information should be done following the exercise of sound professional judgement as to what information is necessary for safeguarding purposes. That information, once recorded, must be stored safely and securely only the headteacher/principal and DSL should have access to it. Individuals can request access to information held on them in line with GDPR.

Regular review and oversight of low-level concerns by the Headteacher or equivalent which may be in discussion with the DSL, is required to ensure that the concerns are being handled appropriately and proportionately, that no concerns meet the threshold of an allegation, and that any subtle patterns of concerning behaviour are spotted.

## Appendix A

## Low-level Concerns Flowchart

This process should be followed when there is a concern but it does not meet the threshold for referral to the Local Authority Designated Officer or local equivalent.





We are part of the Outcomes First Group Family, by working together we will build incredible futures by empowering vulnerable children, young people and adults in the UK to be happy and make their way in the world

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