

SAFEGUARDING CONCERNS OR ALLEGATIONS OF ABUSE AGAINST ALL STAFF INCLUDING SUPPLY TEACHERS, VOLUNTEERS AND CONTRACTORS (INCLUDING LOW LEVEL CONCERNS) POLICY

Our mission is to develop happy, confident and successful children who are well prepared for their future.

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Independent Schools Inspectorate	Regulation 7
DSL Review	1st October 2023
Headmaster Review	1st December 2023
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Board of Governors Review and Approval	12th December 2023

INTRODUCTION

This policy must be read in conjunction with the School's:

- [Child Protection and Safeguarding Policy](#).
- [Staff Behaviour Policy](#).
- [Capability](#) and [Grievance](#) Policies.
- [Whistleblowing Policy](#).
- [Data Protection Policy](#).

References to “**Staff**” throughout this policy relate to all members of employed staff, including teaching and support; volunteers; unpaid members of staff; peripatetic and contract; temporary; supply and agency; student placement, including those undertaking initial teacher training and apprentices. It also includes anyone who is part of the governing body.

If staff have safeguarding concerns, allegations or wish to self-report, this should be referred to the Head Teacher in line with the procedures below. Where there are concerns about the Head Teacher, this should be referred to the Chair of Governors. In the event of allegations of abuse being made against the Head Teacher, staff are also referred to the procedures below regarding managing allegations of abuse against staff and refer the matter directly to the Local Authority Designated Officer (LADO) in line with Hertfordshire Safeguarding Children Partnership (HSCP) arrangements.

SECTION 1: SAFEGUARDING CONCERNS OR ALLEGATIONS THAT MAY MEET THE HARMS THRESHOLD

This section is based on ‘Section 1: Allegations that may meet the harms threshold’ in part 4 of Keeping Children Safe in Education 2023 ([KCSIE](#)).

Allegations that do meet the harm test

This is a concern or allegation that may meet the harm threshold. This means the behaviour in question might indicate that a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children.

The School's procedures for managing safeguarding concerns or allegations against staff who are currently working in the School whether in a paid or unpaid capacity follows DfE statutory guidance and [HSCP](#) arrangements and applies when staff have (or are alleged to have):

- 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 that they may pose a risk of harm if they were to work regularly or closely with children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children, including behaviour that may have happened outside of school.
- Has used inappropriate sexualised language.

Allegations that do not meet the above harm test

In this section reference to allegations also covers concerns. These should be dealt with using the School's procedure for handling low-level concerns set out later in this policy.

Allegations against a teacher who is no longer teaching

These should be referred to the Police. Historical (non-recent) allegations of abuse should be referred to the Police and also the LADO. Non-recent allegations made by a child will be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children's social care and the Police.

If an allegation is made against anyone working with children in the School

Before contacting the LADO, the School will conduct a basic enquiry in line with local procedures to establish the facts in order to determine whether there appears to be any foundation to the allegation.

The School should not undertake their own investigation of allegations without prior consultation with the LADO or, in the most serious cases, the Police, so as not to jeopardise statutory investigations. In borderline cases, the School may discuss informally with the LADO on a no-names basis.

When dealing with allegations about a staff member the School will apply common sense and judgment, deal with allegations quickly, fairly and consistently and will support the person subject to the allegation.

1. Concerns including allegations which appear to meet the above reporting criteria are to be reported immediately to the Case Manager (CM) who is the Head Teacher or DSL. If an allegation is reported to the DSL, the DSL will keep the head informed. Where the Head Teacher or DSL is absent or is the subject of the allegation or concern, reports should be made to the Chair of Governors who in those circumstances is the CM. Where the Head Teacher is the subject of the allegation or concern, the Head Teacher must not be informed of the allegation prior to contact with the Chair of Governors and LADO. However, staff may consider discussing any concerns with the DSL and make any referral via them.

2. The CM should immediately discuss the allegation with the LADO and consider the nature, content and context of the allegation and agree a course of action including any involvement of the Police. Where the CM deems there to be an immediate risk to children or there is evidence of a possible criminal offence, or it is an emergency situation, the CM should contact children's social care and as appropriate the Police immediately. All discussions should be recorded in writing, and any communication with both the individual and the parents of the child(ren) agreed. The LADO should be informed within one working day of all allegations that come to the School's attention and appear to meet the criteria or that are made directly to the Police and/or children's social care. The DSL is responsible for ensuring the child is not at risk.

3. Where the CM is concerned about the welfare of other children in the community, or the member of staff's family, they will discuss these concerns with the LADO and make a risk assessment of the situation. It may be necessary for the LADO to make a referral to children's social care.

4. When to inform the individual, who is the subject of the allegation will be considered on a case by case basis and with guidance from the LADO, and if appropriate, the police and/or children's social care. Subject to any objection, the CM will ensure that the individual who is the subject of the allegation is informed as soon as possible and given an explanation of the likely course or action. The CM will appoint a named representative to keep the individual informed of the progress of the case and will consider what other support is appropriate for the individual.

5. The CM should give careful consideration as to whether the circumstances of the case warrant suspension from contact with children at the School or whether alternative arrangements should be put in place until the allegation is resolved. The following alternative arrangements should be considered by the CM before suspending a member of staff:

- Redeployment within the School so that the individual does not have direct contact with the child or children concerned.
- Providing an assistant to be present when the individual has contact with children.
- Redeploying to alternative work in the School so the individual does not have unsupervised access to children.

- Moving the child or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. It should be made making it clear that this is not a punishment and parents have been consulted; or,
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school where available.

These alternatives allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation.

Suspension should not be an automatic response when an allegation is reported. It should be considered only in cases where there is cause to suspect a child or other children at the School is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. The CM will give due weight to the views of the LADO, [Working Together to Safeguard Children](#) and [KCSIE](#) when making a decision about suspension (including with respect to considering alternatives). Where the individual is suspended, the CM will confirm the decision within one working day, and will ensure they know who their point of contact is in the School and shall provide them with their contact details. The CM will also record the rationale and justification for the suspension, including what alternatives were considered and why they were rejected.

6. Where further enquiries are required to enable a decision about how to proceed, the LADO and CM should discuss how and by whom the investigation will be undertaken. The LADO will provide advice and guidance to the School to ensure that an appropriate investigation is carried out. In straightforward cases, the investigation should usually be undertaken by a senior member of staff at the School. Where there is lack of resource, or the nature or complexity of the allegation requires it, an independent investigator may be appointed to undertake the investigation.

7. The CM will ensure that parents are informed as soon as possible and kept informed about progress of the case, subject to any advice from children's social care or the Police. Parents and others will be made aware that there are restrictions on publishing information which may lead to the identification of the teacher subject to the allegation.

8. The CM will monitor the progress of cases to ensure they are dealt with as quickly as possible in a thorough and fair process. The outcome of the investigation of an allegation will record whether it is substantiated (sufficient evidence to prove it), unsubstantiated (insufficient evidence either to prove or disprove it), false (sufficient evidence to disprove it), malicious (sufficient evidence to disprove it and that there has been a deliberate act to deceive or cause harm to the person subject of the allegation) or unfounded (to reflect cases where there is no evidence or proper basis which supports the allegation being made).

9. Reviews are conducted at fortnightly or monthly intervals, depending on the complexity of the case. The first review will take place no later than four weeks after the initial assessment and subsequent review dates will be set at the review meeting.

10. The CM will discuss with the LADO whether a referral to the [Disclosure and Barring Service](#) or [Teaching Regulation Agency](#) should be made where an allegation is substantiated and the person is dismissed or the School ceases to use their services, or the person resigns or otherwise ceases to provide their services. The School has a legal obligation to report promptly to the Disclosure and Barring Service any person (whether employed, contracted, a volunteer or a student) who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. Further, or in the alternative, if an investigation leads to

the dismissal or resignation prior to dismissal of a member of teaching staff specifically, the School must consider making a referral to the [Teaching Regulation Agency](#) and a prohibition order may be appropriate (because that teacher has displayed unacceptable professional conduct, conduct that may bring the profession into disrepute or a conviction at any time for a relevant offence).

11. On conclusion of the case, the CM should review the circumstances of the case with the LADO to determine whether there are any improvements to be made to the School's safeguarding procedures or practices to help prevent similar events in the future. Learning lessons where the allegation is concluded to be either, unfounded, false, malicious or unsubstantiated, the case manager (and if they have been involved, the LADO) should consider the facts and determine whether any lessons can be learned and if improvements can be made.

Where an individual is removed from regulated activity, or would have been removed had the individual not left, including when they are suspended, redeployed to work that is not regulated activity, are dismissed, or have resigned, and the individual has engaged in relevant conduct in relation to children and/or adults, and/or satisfied the harm test in relation to children and/or vulnerable adults, and/or been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence, the School will make a referral to the DBS.

TIMESCALES

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week.
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days.
- If a disciplinary hearing is required, reference should be made to the school [Disciplinary Procedure](#) for process and timescale.

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

SUPPORTING STAFF

The School has a duty of care to its staff, and whilst the welfare of a child is paramount, the School must offer appropriate welfare support to the adult subject to the investigation and potentially their family. This support should include appointing a named representative to keep them informed of the progress of their case and to make sure that they are aware of the support available through the employee assistance programme.

The School will also make every reasonable effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated or considered. Information will also not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

Where initial discussions lead to no further action, the CM and the LADO should record the decision and justification for it and agree what information should be put in writing to the individual concerned, and by whom.

RECORD KEEPING

Allegations found to be malicious or false will be removed from the individual's personnel records unless the individual gives consent for retention of the information. In all other circumstances a written record will be made of the decision and retained on the individual's personnel file in accordance with [KCSIE](#) and a copy will only be provided to the individual concerned. The information to be kept on file includes a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, a note of any action taken, decisions reached and the outcomes, and a declaration on whether the information will be referred to in any future reference. All other records should be retained until the accused has reached pension age, or for a period of 10 years from the date of the allegation, whichever is longer. Records should be reviewed at the end of the retention period in case it is necessary to keep it for longer.

FALSE, UNSUBSTANTIATED, UNFOUNDED OR MALICIOUS ALLEGATIONS

Allegations proven to be false, unsubstantiated, unfounded or malicious will not be included in employer references. If an allegation is shown to be deliberately invented or malicious, the Head Teacher will consider whether any disciplinary action is appropriate against a pupil who made it in accordance with the [School's Behaviour Management Policy](#); or whether the Police should be asked to consider if action might be appropriate against the person responsible even if they are not a pupil.

If an allegation is shown to be deliberately invented or malicious, the DSL should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

In all cases where there are concerns or allegations of abuse, the School will make a serious incident report to the Charity Commission whenever the Commission's guidelines deem it appropriate to do so.

ARRANGEMENTS FOR DEALING WITH SAFEGUARDING CONCERNS OR ALLEGATIONS OF ABUSE ABOUT SUPPLY TEACHERS AND CONTRACTED STAFF

The School's procedures for managing allegations against staff above also apply to staff not directly employed by the School, for example, supply teachers and contractors provided by an employment agency or business. The School will usually take the lead but agencies and businesses should be fully involved (because they have their own policies and procedures) and co-operate with any enquiries from the LADO, police and/or children's social care.

In no circumstances will the School decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. The School will discuss with the agency (or agencies where the supply teacher is working across a number of schools) whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

The School will advise supply teachers being investigated to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the School during the investigation.

When using an agency, the School should inform the agency of its process for managing allegations but also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Where the agency dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, the School must consider whether to refer the case to the Secretary of State (via the [Teaching Regulation Agency](#)).

DEALING WITH SAFEGUARDING CONCERNS AND ALLEGATIONS ABOUT ORGANISATIONS OR INDIVIDUALS USING SCHOOL PREMISES

The School may receive an allegation or concern relating to an incident that happened when an individual or organisation was using the school premises for the purposes of running activities for children and/or vulnerable adults (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, the School will follow their safeguarding policy and procedures, including informing the LADO.

When services or activities at the School are provided under the direct supervision or management of school staff, this Policy will apply in relation to any safeguarding concerns or allegations. Where services or activities are not under the direct supervision or management of the School, the School will seek assurance that any individual or organisation has appropriate safeguarding and child protection policies and procedures in place (and the School will inspect these as needed); and ensure that there are arrangements in place for the provider to liaise with the School on these matters where appropriate. The School will expect, where appropriate, providers to fully comply with the DfE guidance [*After school clubs, community activities, and tuition \(safeguarding guidance for providers\) \(September 2023\)*](#) and will seek assurance in this regard.

The School has arrangements in place for the use of the School premises for non-school activities.

The School's DSL is Samantha Taylor. The DSL is available during and outside of the school day and during and outside of term time and can be contacted via the School Office by telephone on 01442 256143 or email at Samantha.Taylor@westbrookhay.co.uk or Office@westbrookhay.co.uk.

SECTION 2: LOW LEVEL CONCERNS THAT DO NOT MEET THE HARM THRESHOLD

The section is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of [KCSIE](#). It sets out arrangements for dealing with low level concerns or allegations about any member of staff.

WHAT IS A LOW -LEVEL CONCERN?

Low-Level Concerns Policy enables all staff to share any concerns – no matter how small about their own or another member of staff's behaviour with the Headteacher or DSL. Safeguarding and promoting the welfare of children is everyone's responsibility.

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. The School 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 its whole school approach to safeguarding, the School will ensure that it promotes an open and transparent culture in which all safeguarding concerns and allegations about all adults working with children are dealt with promptly and appropriately.

The School takes all concerns about safeguarding seriously and recognises that addressing even low-level concerns is important to create and embed a culture of openness, trust and transparency in which the School's values and expected behaviour of its staff are constantly lived, monitored and reinforced by all staff.

Creating a culture in which all safeguarding concerns and allegations about adults (including those that do not meet the harm threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is crucial. If implemented correctly, this should encourage an open and transparent

culture; enable the School to identify inappropriate, problematic or concerning 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.

DEFINITION

The term low-level concern does not mean that it is insignificant. 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 with children may have acted in a way that way:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the harm threshold or is otherwise not considered serious enough to consider a referral to the LADO.

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 (for example, grooming-type behaviours).

Examples of such behaviour could include, but are not limited to:

- Being overly 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.
- Using inappropriate, intimidating or offensive language.

All staff need to be informed about and be able to identify appropriate, problematic or concerning behaviour and understand the importance of sharing concerns when they observe behaviour which violates the [School's Staff Behaviour Policy](#). Staff do not need to be able to determine in each case whether the behaviour in question constitutes a low-level concern, or if it may meet the harm threshold. Once staff share what they believe to be a low-level concern, that determination should be made by the Headteacher in consultation with the DSL as appropriate.

The [School's Staff Behaviour Policy](#) can be found in the staff handbook and should be read in conjunction with the [Westbrook Charter](#). The aim of the [Staff Behaviour Policy](#) is to provide clear guidance about the standards of appropriate behaviour and actions of its staff so as to not place pupils or staff at risk of harm or of allegation of harm to a pupil. All staff are expected to comply with the standards contained within this policy at all times.

Staff must share all concerns with the Head Teacher or DSL without delay or discussion with any other person so that it can be recorded and dealt with appropriately, sensitively, and proportionately and in a timely manner. If the Headteacher is absent for any reason, low-level concerns should be shared with the Deputy Headteacher or DSL who will ensure they inform the Headteacher immediately on their return.

The Head Teacher is the ultimate decision maker in respect of all low-level concerns.

Where a low-level concern is raised about the Head Teacher, it should be referred to the Chair of Governors. If there is conflict of interest in sharing a low-level concern with the Headteacher, the low-level concern should be shared with the Chair of Governors.

SHARING LOW-LEVEL CONCERNS

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed promptly and appropriately, this should enable the school to identify appropriate, problematic or concerning 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.

We will create this culture by:

- ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others, and the delineation of professional boundaries and reporting lines;
- empowering staff to share any low-level concerns with the Headteacher or DSL, and to help all staff to interpret sharing of such concerns as a neutral act;
- enabling opportunities for staff to speak to the Head Teacher (for example, through weekly drop-in sessions);
- empowering staff to self-report;
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage;
- providing a responsive, sensitive and proportionate handling of such concerns when they are raised;
- helping to identify any weakness in the school's safeguarding system;
- identify inappropriate, problematic or concerning behaviour- including patterns- that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the LADO.

HOW TO SHARE A LOW LEVEL CONCERN

It is important concerns are shared initially with the Headteacher/DSL as soon as reasonable possible and, in any event within 24 hours of becoming aware of it (where the concern relates to a particular incident) although it is never too late to share a low-level concern.

Any concern can be shared verbally with the Headteacher or DSL in the first instance, or a written summary of it can be provided to them via [MyConcern](#) or by email if more appropriate.

Where the low-level concern is provided verbally, the Headteacher or DSL will make an appropriate record of the conversation, either contemporaneously or immediately following the discussion and will exercise sound professional judgement in determining what information is necessary to record for safeguarding purposes.

Where a low-level concern relates to a person employed by a supply agency or a contractor, the School will notify the person's employer so that any potential patterns of inappropriate behaviour can be identified.

SELF-REPORTING

Staff are also encouraged to self-report either by reporting it through [MyConcern](#) or if more appropriate emailing/discussing with the Headteacher or the DSL or Deputy Headteacher if the Headteacher is absent, in the event that they have found themselves in a situation which may be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in a way that may be considered to fall below the expected professional standard.

Staff should wherever possible, proactively self-report- for example if they know they are going to be in a situation which would be deemed a breach of the School's [Staff Behaviour Policy](#), including, for example, where a member of staff:

- (i) has a child who is a student in the school – they may have the mobile number of the child’s friend
- (ii) plays in an external team with a current student and may be within a Whatsapp group with them and;
- (iii) is having to drive a student somewhere, for example an urgent medical appointment.

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 [School’s Staff Behaviour Policy](#).

Self-reporting in these circumstances can be positive for a number of reasons, and staff are encouraged to report on the basis that:

- it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity;
- it demonstrates awareness of the expected behavioural standards and self-awareness as to the member of staff’s own actions or how they could be perceived;
- crucially it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

The School’s aim is to create an environment where staff are encouraged and feel confident to self-report.

If a concern is raised by a third party, the Head Teacher will collect as much evidence as possible by speaking to the person who has raised the concern (if known), to the individual involved and any witnesses. The concern will be recorded in accordance with this policy, in the usual way.

The School will address unprofessional behaviour at an early stage and will support the individual to correct it.

All concerns will be handled sensitively and will be dealt with appropriately and proportionately.

RESPONDING TO LOW LEVEL CONCERNS

Once the Headteacher or DSL has received what is believed to be a low-level concern, they will (not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern, shared with them):

- Speak with to the person who raised the low-level concern (unless it has been raised anonymously).
- Speak to the potential witnesses (unless advised not to do so by the LADO/or 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 external agencies, where they have been contacted).

Review the information and determine whether:

- a) the behaviour is in fact appropriate – i.e. entirely consistent with the [School’s Staff Behaviour Policy](#) and the law;
- b) the behaviour constitutes a low-level concern;
- c) there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern meet the harm threshold, in which case they will consult with the LADO;
- d) in and of itself the behaviour may meet the harm threshold, and should be referred to the LADO/other external agencies; or

- e) when considered with any other low-level concerns that have previously been shared about the same individual, the behaviour may meet the harm threshold and should be referred to the LADO/other external agencies.

Ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern or allegation, their determination, the rationale for their decision and any actions taken, and retain records in accordance with the Low-Level Concerns Policy.

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

What action will be taken if it is determined that the behaviour is entirely consistent with the [School's Staff Behaviour Policy](#) and the law?

- The Headteacher will update the individual in question and inform them of any action taken (as above).
- The Headteacher will 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 School's Staff Behaviour Policy and the law.

What action will be taken if it is determined that the behaviour constitutes a low-level concern?

- Any investigation of low-level concerns will be done discreetly and on a need-to-know basis.
- Most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
- Any such conversation with individuals in these circumstances will include being clear with them as to why their behaviour is inappropriate, problematic or concerning, 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 which is agreed with the individual, and regularly reviewed with them, may also be appropriate.
- Some low-level concerns may also raise issues of misconduct or poor performance which are unrelated to safeguarding. The Headteacher will also consider whether this is the case – by referring to the [School's disciplinary and/or capability procedure](#) and taking advice from HR on a named or no-names basis where necessary.
- If the Headteacher considers that the School's disciplinary or capability procedure may be triggered, they will refer the matter to HR. If HR advise that the School's disciplinary or capability procedure is triggered, the individual will have a full opportunity to respond to any factual allegations which form the basis of capability concerns or a disciplinary case against them.
- Staff should be aware that when they share what they believe to be a low-level concern, the Headteacher will speak to the adult who is the subject of that concern (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted) – no matter

how 'low' level the concern may be perceived to be, to gain the subject's account – and to make appropriate records (as above), which may need to be referenced in any subsequent disciplinary proceedings.

- How the School 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 School's disciplinary and/or capability procedure would apply; or a contractor, Governor, Trustee, Director or volunteer. The School's response will be tailored accordingly.

What action will be taken if it is determined that the behaviour:

In and of itself may meet the harm threshold, or when considered with any other low-level concerns that have previously been shared about the same individual, may meet the harm threshold?

Then it will be referred to the LADO/other relevant external agencies, and in accordance with the School's [Child Protection Policy](#) and Allegations Against Staff- see above, Part 4 of [KCSIE](#) and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.

How low-level concerns are held

- The School will retain all records of low-level concerns (including those which are subsequently deemed by the Headteacher/DSL to relate to behaviour which is entirely consistent with the School's Staff Behaviour Policy) in a central low-level concerns file.
- 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 records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the Headteacher, Chair of Governors, DSL and HR Officer.

How often should the central low-level concerns file be reviewed?

- The Headteacher or DSL 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 inappropriate, problematic or concerning 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 Headteacher/DSL 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.

Record Keeping

All low-level concerns will be recorded in writing. The record will include details of the concern, the context within which the concern arose, and details of the action taken. The name of the reporting individual should also be included, unless they have asked to remain anonymous, which will be respected as far as reasonably possible. However, there may be circumstances where the staff member who raises the concern will need to be named (for example, where disclosure is required by a court or local authority, or under a fair disciplinary process) and, for this reason, the school will not promise anonymity to members of staff who share low-level concerns. The records will be kept confidential,

will be held securely and in compliance with the [Data Protection Act 2018](#) and the [UK GDPR](#) at all times.

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 harm threshold 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/for the same duration as that individual's personnel file and
- will not be included in any onward reference (for more information and exceptions, please see 'References' paragraph below).

Where a low-level concern relates to a person employed by a supply agency or a contractor, the individual's employer will be notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

All staff may, under data protection law, ask to see the content of any low-level concern(s) retained by the school under the low-level concerns policy as it relates to them personally, and may make any reasonable objection as to the fairness or the accuracy of the content. The school will process such requests within the period prescribed by law, subject always to any necessary protection of the rights of the third parties and unless any other relevant exemptions apply (including if complying with the request would be likely to prejudice the safeguarding purpose of the Low-Level Concerns Policy).

All personal data processed in connection with the Low-Level Concerns Policy will be processed in accordance with the School's Privacy Notices and its Data Protection Policy.

REFERENCES

Low-level concerns will not be included in references unless:

- the concern (or group of concerns) has met the threshold for referral to the LADO at the local authority and is found to be substantiated. A low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) will not be referred to in a reference;
- the concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance.

IDENTIFYING PATTERNS OF BEHAVIOUR

The School will also reflect on reported concerns in order to identify any patterns of concerning, problematic or inappropriate behaviour which may indicate an unacceptable culture, or any weaknesses in the School's safeguarding system which may require additional training or modified policies. Where a pattern is identified, the School will decide on a course of action, either through its disciplinary procedures, or, where the pattern moved from a concern to meeting the harms threshold, it will follow the above procedure and refer the matter to the LADO. The rationale for all decisions and actions taken will be recorded by the School.

Where a low-level concern relates to a person employed by a supply agency or a contractor, the individual's employer will be notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

If the School is any doubt as to whether a low-level concern in fact meets the harm threshold the Head will consult with the LADO and take a more collaborative decision-making approach.

ROLE OF GOVERNING BODY

The Headteacher and the DSL will regularly inform the Governance Body about the implementation of the Low-Level Concerns 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.

MONITORING AND REVIEWING

This policy will be monitored to ensure that it is being effectively implemented in practice and will be reviewed annually by the Headteacher and in response to any relevant, legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice. The next scheduled review for the Allegations Against Staff including Low-Level Concerns Policy is September 2024.