



LOW LEVEL CONCERN POLICY

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MEMBER OF STAFF WITH RESPONSIBILITY FOR REVIEW:	DIRECTOR OF INCLUSION IN COLLAB WITH DIRECTOR OF PEOPLE
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1. Introduction

At Anglian Learning safeguarding is our most important duty. A critical part in meeting this duty is by ensuring that adults who work with children, do so in a way that is in accordance with the ethos and policies set out by the Academy/Trust, including the Anglian Learning Code of Conduct and Safeguarding Policy.

Low Level Concern is a clear and comprehensible term to describe the act of sharing a concern or allegation which neither may meet the harm threshold set out below, nor is otherwise serious enough to merit a referral to the local authority designated officer (LADO).

2. Aims of Policy

In accordance with the latest version of *Keeping Children Safe in Education (KCSIE) Part 4, Section 1*, we strive to uphold the following:

Para 424. As part of their whole-school approach to safeguarding, schools and colleges 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 or college (including supply teachers, volunteers, and contractors) are dealt with promptly and appropriately.

Para 425. Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold (see *Part 4, S1, para 355*) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

- enable schools and colleges 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 or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

This guidance focuses on low-level concerns regarding adults' behaviour with respect to children including the option of adults either sharing such concerns about the behaviour of other adults, or self-reporting such concerns.

3. What is a low-level concern?

Para 426. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out at *para 355*.

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 or college 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 make 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,
- humiliating pupils.

427. 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.

428. Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

429. It is crucial that any such concerns, including those which do not meet the harm threshold are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

Section A

1. Allegations that may meet the harm threshold.

This is based on *Section 1:part 4, para 355 of Keeping Children Safe in Education*.

This applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer, or contractor, 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 – this includes behaviour taking place both inside and outside of school.

If we're in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).

We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

A 'case manager' will lead any investigation. This will usually be a senior leader/the headteacher, or the CEO where the headteacher is the subject of the allegation. The case manager will be identified at the earliest opportunity.

Our procedures for addressing allegations will be implemented with sound reasoning and appropriate judgement.

All safeguarding concerns/allegations are to be notified to the following Trust leaders immediately:

- CEO | Director of Inclusion | Director of Education | Director of People

2. Suspension of the accused until the case is resolved.

Suspension of the accused will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or there are concerns the individual may tamper with the formal investigation process or destroy evidence.. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child/ren concerned.
- Providing an assistant to be present when the individual has contact with children.
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children.
- Moving the children to classes where they will not encounter the individual, making it clear that this is not a punishment and parents/carers have been consulted.
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the Trust.

The case manager will be supported throughout by an HR Business Partner and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

3. Definitions for outcomes of allegation investigations

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive, or to cause harm to the subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

4. Procedure for dealing with allegations meeting the harm threshold.

In the event of an allegation that meets the criteria set out above, the case manager will take the following steps:

- **Fact Finding:** Conduct basic enquiries in line with local procedures to establish the facts in order to help determine whether there is any foundation to the allegation before continuing with the steps below.
- **LADO referral:** Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is

evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)

Any referral made to LADO must be shared with the following Trust Leaders immediately:

- CEO | Director of Inclusion | Director of Education | Director of People

The named HR contact on the LADO referral form must be completed with details of the relevant HR Business Partner for the school.

A log of all calls with LADO, police or other agencies must be recorded.

- **Inform the Individual:** Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
- **Risk Assess for Suspension:** Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, HR, police and/or children's social care services, as appropriate.
- **Consider referral to Children's Social Care:** Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care.
- **If immediate suspension is considered necessary:** agree and record the rationale for this with the designated officer. All suspensions must then be agreed with the relevant HR Business Partner and Director of People before they occur. A letter confirming suspension and support services available will be sent by the Headteacher, supported by the HR Business Partner. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.
- **If it is decided that no further action is to be taken:** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- **If it is decided that further action is needed,** take steps as agreed with the designated officer to initiate the appropriate action in school and/or consult with the police and/or children's social care services as appropriate.
- **Provide effective support:** for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Employees may make use of our confidential Employee Assistance Programme via Health Assured at any time for legal advice, counselling, support etc. This can be accessed via connect or the Health Assured mobile app. Employees who are members of a Trade Union can also seek support from their union representatives.
- **Inform the parents or carers of the child/children involved about the allegation:** as soon as possible if they do not already know (following agreement with children's social care services

and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.

- **Progress Updates:** Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- **DBS Referral:** Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child. All referrals must have approval from the relevant HR Business Partner before they are processed.

We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, they may request that we pause any internal investigations whilst they undertake their own investigation. Wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

Additional considerations for supply teachers and all contracted staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and consulting with our LADO to determine a suitable outcome.
- The headteacher/case manager will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation.
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required.
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are considered (we will do this, for example, as part of the allegations management meeting or by consulting directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

Organisations or Individuals using school premises or other visitors

In line with para 377 (*Part Four, section one*) of KCSIE, any allegations received relating to any incident/s that may occur when an individual or organisation is using the school premises for the purposes of running activities for children (*for example community groups, sports associations, or service providers that run extra-curricular activities*) we will continue to follow our usual safeguarding policies and procedures, including informing the LADO where deemed necessary.

This approach will also be taken with all visitors to our premises where concerns are raised.

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 and can be held without further investigation, this should be held within 15 working days.

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter and any causes for delays will be logged e.g. lack of union availability to attend meetings or police advice etc.

5. Specific Actions

Action following a criminal investigation or prosecution.

The case manager, supported by the relevant HR Business Partner, will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, considering information provided by the police and/or children's social care services.

Conclusion of a case where the allegation is substantiated.

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Individuals returning to work after suspension.

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager, supported by the relevant HR Business partner, will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation if they are still attending the school.

Unsubstantiated, unfounded, false, or malicious reports

If a report is:

- Determined to be unsubstantiated, unfounded, false, or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation needs help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate.
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it.

Unsubstantiated, unfounded, false, or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false, or malicious, the LADO, case manager and relevant HR Business Partner will consider the appropriate next steps. If they consider that the child and/or person who made the allegation needs help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate.
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it.

Confidentiality and information sharing

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the relevant HR Business Partner, LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality.
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises (*in liaison with our professional media advisers*)

Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on a confidential HR file for the duration of the case. They may also be recorded on the internal safeguarding logging system 'My Concern', where relevant.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation

- Details of how the allegation was followed up and resolved.
- Notes of any action taken, decisions reached and the outcome.
- A declaration on whether the information will be referred to in any future reference.

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached the normal pension age, or for 10 years from the date of the allegation if that is longer.

References

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious.
- Include substantiated allegations, provided that the information is factual and does not include opinions following investigation. The reference should include any steps taken to rectify e.g. re-training etc. and the dates when the issue took place. At our discretion, we may deem it appropriate not to disclose substantiated allegations where they occurred 5+ years previously and no further concerns have been raised during that time.

Learning lessons

After any cases where the allegations are *substantiated*, the case manager and relevant HR Business Partner will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of the following as applicable (*Not an exhaustive list*) :

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be conducted without suspending the individual.

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

6. Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

When an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

Section B

1. Concerns that do not meet the harm threshold.

In line with 'Section 2: Concerns that do not meet the harm threshold' in part 4 of *Keeping Children Safe in Education*, this applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion or Complaint
- Safeguarding concern or allegation from another member of staff
- Disclosure made by a child, parent or other adult within or outside the school.
- Pre-employment vetting checks

We acknowledge the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns to ensure they can be addressed appropriately.

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.
- Empowering staff to share any low-level concerns including the option to self-refer.
- 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.

Responding to low-level concerns

If the concern is raised via a third party, the headteacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern unless it has been raised anonymously.
- To the individual involved and any witnesses

The Headteacher will consult with the relevant HR Business Partner and use the information collected to categorise the type of behaviour and determine any further action, in line with the Trust code of

conduct and other relevant policies. The Headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they should ensure collaboration with the Director of Inclusion and the dedicated HR Business Partner for their school from within the central HR Team.

Record keeping

All low-level concerns should be recorded on Appendix A in the first instance but must be transferred to or our internal log held in each school, and saved in a confidential HR file, unless the concern is about the Headteacher, then the relevant HR Business Partner will hold this.

In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records:

- Will be kept confidential, held securely, and comply with the *Data Protection Act 2018* and UK GDPR (general data protection regulations)
- Will be reviewed regularly by the central HR team so that potential patterns of concerning, problematic or inappropriate behaviour can be identified across the Trust.

Headteachers are responsible for ensuring a log of all low-level concerns are kept by their HR officer. Logs will be reviewed at regular Head/HR meetings throughout the year, in addition, at the end of each term, Headteachers will report an overview to their Local Governing Body (LGB), the Director of Inclusion and Director People.

Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold, we will refer it to the LADO.

Records will be retained at least until the individual leaves' employment with the Trust. At this point it will be reviewed to determine if any information needs to be kept. Consideration will be given to:

- 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
- if, on balance, any record is not considered by the Head Teacher and relevant HR Business Partner to have any reasonably likely value, still less actionable concern, it ought to be deleted accordingly. The process will be monitored and checked by the Central HR team.

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

References

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; provided that the information is factual and does not include opinions. The reference should include any steps taken to rectify e.g. re-training etc. and the dates when the issue took place. At our discretion, we may deem it appropriate not to disclose substantiated concerns where they occurred 5+ years previously and no further concerns have been raised during that time.

- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance.

2. Summary of Behaviour

Safeguarding 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;
- 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.

Low – Level Concern

Any concern – no matter how small, even if no more than a nagging doubt – that an adult may have acted in a manner which:

- Is not consistent with the Anglian Learning Code of Conduct, and/ or
- Relates to their conduct outside of work, which even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

Appropriate Conduct

Behaviour which is entirely consistent with the Anglian Learning Code of Conduct, and the law.

Section C

1. Raising a Concern

Any individual who identifies a low-level concern related to behaviours that fall outside the parameters of Anglian Learning expectations in our code of conduct or KCSIE, is encouraged to utilise this procedure.

This relates to low-level concerns regarding adults' behaviour with respect to children including the option of adults either sharing such concerns about the behaviour of other adults, or self-reporting such concerns.

Please revisit s3 on page 3 for clarity on what constitutes a 'low-level concern'.

At **Appendix B** you will find the form 'Low-Level Concern Report', which should be completed with as much detail as possible. Upon completion this should be emailed to your Headteacher, marked 'CONFIDENTIAL' or handed to them in person. Reports can also be raised verbally, in person.

Please ensure that any concerns raised are kept confidential and not discussed with other colleagues.

If you are in any doubt, or have any queries about the information contained within this policy, please contact the Director of Inclusion, Camilla Saunders: csaunders@anglianlearning.org

Record of Low-Level Concern

Name of DSL/DDSL/SLT who has investigated the concern:		Position in School/ Trust:
Name of HR Business Partner Supporting:		
Date of Record:		
Name of Staff Member accused:		
Nature of the Concern <i>inc. names of people involved:</i>		
Date of alleged incident:		
Actions in summary:	•	
Outcome:	•	
Follow up action:	•	

Detail of Investigation

Chronology of events and actions taken			
When	What	Who	Outcome

Name <i>(Form completed by)</i>	
Signed	
Date	

Appendix B
CONFIDENTIAL

Low Level Concern Report

This form is to be used to raise a low-level concern about a member of staff, as described in the Low-Level Concern policy.

Please raise any low-level concerns about behaviours that you have observed, which are not in line with Keeping Children Safe in Education (KCSIE) or the Anglian Learning Code of conduct.

Once completed, please pass this form on confidentially to your Head Teacher.

All low-level concerns raised must be kept confidential by the person reporting the concern and not discussed with other colleagues.

Name of School:	
Name:	
Name of person to whom this concern relates:	
Today's Date:	
Date and time of Concern:	
Location of Concern:	

Outline of Concern	
Action taken – if any	