



LOW LEVEL CONCERNS POLICY

Last review date	October 2024
Date approved by the Trust Board (Education Committee)	October 2024
Date for next review	October 2025

Document Control

Document version numbering will follow the following format. Whole numbers for approved versions, eg 1.0, 2.0, 3.0 etc. Decimals will be used to represent the current working draft version, eg 1.1, 1.2, 1.3 etc. For example, when writing a procedural document for the first time the initial draft will be version 0.1.

The table below provides details of the changes made to this document, to inform those reviewing and approving the document.

Document Edition	Section	Details of Change
0.1	All	New policy to meet best practice for Trusts
1.0	All	Approved by the Trust Board 12/10/22
1.1	All	Reviewed in line with KCSIE 2023
2.0	All	Approved by Trust Board (Education Committee) 31 October 2023
3.0	All	Approved by Trust Board (Education Committee) 9 October 2024

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Introduction

The Leading Edge Academies Partnership (the 'Trust') is a team of school leaders that aim to be Leading Edge and pioneering in their approach to education and well-being. We are a growing family of like-minded schools that offer a values-based education to the communities we serve and welcome staff, workers, pupils, parents/carers and volunteers from all different ethnic groups and backgrounds.

The term 'Trust Community' includes all staff, trustees, governors, pupils, parents/carers, volunteers and visitors.

We are a values-based Trust, which means all actions are guided by our three 'Es' as follows:

- **Excellence** – 'Outstanding quality'
- **Evolution** – 'Continuous change'
- **Equity** – 'Fairness and social justice'

This policy is based on the value of **'Equity'**

Related policies

This policy links to the following guidance documents:

- Safeguarding and Child Protection Policy
- Whistleblowing Policy
- Grievance Policy
- Staff Code of Conduct
- Allegations Against Staff Policy
- Keeping Children Safe in Education (DfE)

Policy Statement

The Trust recognises its statutory and moral duty to safeguard and promote the safety and welfare of pupils and understands that staff play a vital role in meeting these responsibilities. The Trust aims to create an open and transparent culture where all concerns about all adults involved with our schools are dealt with promptly and appropriately. We aim to identify any concerning, problematic or inappropriate behaviour early; minimise the risk of abuse and ensure that adults working in or on behalf of our Trust are clear about professional boundaries and act within these boundaries, and in accordance with our Trust ethos.

Creating a culture where all concerns about adults (including those that do not meet the threshold of an allegation) are shared responsibly and with the right person and recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage a more open and transparent culture; enable individual schools to identify concerning behaviour early; minimise the risk of abuse and ensure that adults working within our trust are clear about professional boundaries and act within these boundaries and in accordance with the ethos and values of the Trust.

This policy should be read alongside our Safeguarding and Child Protection, Allegations Against Staff, Whistleblowing, Grievance and Staff Code of Conduct Policies.

In this and all the Trust's policies, staff can expect to be treated in line with the Trust's values and with due regard to their wellbeing.

Summary

It may be possible that a member of staff acts in a way that does not cause risk to children but is considered inappropriate. The Trust is committed to cultivating a culture of staff being able to challenge behaviours that cause offense or cause an atmosphere of feeling uncomfortable, in a safe and professional manner.

The purpose of this policy is to ensure that:

- staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from inappropriate, problematic or concerning behaviour, in themselves and others;
- staff are empowered to share any low-level safeguarding concerns;
- unprofessional behaviour in staff is addressed and the individual supported to correct it at an early stage.
- Concerns are handled and responded to sensitively and proportionately when they are raised.

Any member of staff who has a concern about the action(s) of another member of staff, volunteer or contractor, or who on reflection, recognises that their own actions could have been viewed as concerning, should inform the Headteacher.

The Trust recognises that a low level concern about a member of staff may be raised by an external agency, community or family member. In this instance, it will be the Headteacher's responsibility to have an open and honest discussion with the member of staff.

Definition

The term 'low level' concern does not mean that it is insignificant. It means that the behaviour towards a child does not meet the harm threshold for an allegation.

'Keeping Children Safe in Education' defines a low level concern as:

"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 consider a referral to the LADO"*

Avoiding and identifying low level concerning behaviour

Behaviour defined as a 'low level concern' can exist on a spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate but is not in specific circumstances, through to that which is ultimately intended to enable abuse.

Our schools ensure that staff are clear about what appropriate behaviour is through their induction and regular reinforcement through training and policies, such as:

- Staff Code of Conduct
- Safeguarding and Child Protection
- Teachers' Standards (for teaching staff)
- 'Avoiding Allegations' guidance

Examples of inappropriate behaviour and/or behaviour which is inconsistent with the Code of Conduct could include, but is 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.
- Erosion of boundaries
- Befriending families online who they have met through their role within The Trust
- Staff that come to mind in Safer Recruitment/Safeguarding training ('flying low of radar')
- Shouting or speaking disrespectfully to or about children
- Adopting risky 'alter egos' online
- Staff that are online 'influencers' and use their role within The Trust to meet their own needs (for example, to promote their own business or enterprise)
- Staff who 'like' or 'share' inappropriate/extreme material or opinions on social media (for example, making, liking or sharing derogatory comments about individuals or groups with protected characteristics)
- Using offensive language or making derogatory comments about individuals or groups with protected characteristics
- Staff that are unable to safeguard their own children
- Staff who display coercive/controlling behaviour outside or inside the workplace
- Staff that do not role model the ethos of modern Safeguarding in Education

Staff should be assured that The Trust understands that dynamics/relationships within families, neighbours and friendship groups can break down and our Headteachers will be mindful of assessing delicate personal details. Concerns of this nature will be handled with respect alongside your human right to have a 'personal life' and protection from malicious allegations. However, any actions that impact on the wellbeing of children and/or vulnerable adults cannot be ignored.

Process to follow when a low level concern is raised

All low level concerns should be shared confidentially with the Headteacher or Designated Safeguarding Lead (DSL). Where concerns are shared with the DSL the DSL should inform the Headteacher of these in a timely fashion.

The staff member(s) reporting the concern must keep the information confidential and not share the concern with anyone else apart from the Headteacher 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 will be the ultimately decision-maker in respect of all low-level concerns, although may wish to consult the DSL (where this is not the Headteacher) and take a more collaborative decision-making approach.

Where there is any doubt as to whether the information shared meets the harm threshold, the Headteacher/DSL will consult with the Local Authority Designated Officer (LADO).

The Headteacher (or nominated deputy) will collect as much evidence as possible by speaking:

- Directly to the person who raised the concern (unless it has been raised anonymously)
- The individual involved

- Any witnesses

When speaking to the member of staff involved it may not be necessary to name the complainant unless the concern is escalated to formal proceedings. (see relevant policy – Safeguarding; Grievance; Complaint; Staff Code of Conduct; Disciplinary procedure; Whistleblowing).

The Headteacher will discuss with the member of staff:

- what changes need to be made
- agree a support plan if required
- any further action
- consequences of repeated behaviour/actions
- time scale (normally immediate)

The Headteacher will be mindful of disguised compliance, where the staff member says what is required but minimises said behaviours/actions and little changes.

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

Please remember this policy is focused at keeping our children, community, and staff safe.

Storing and use of low level concerns and follow-up information

All low-level concerns should be recorded in writing, including details of the concern, the context in which the concern arose, and action taken. This should include a record of any evidence collected and the rationale for decisions and actions taken. The name of the individual sharing their concerns should be noted, although if the individual wishes to remain anonymous that should be respected as far as reasonably practical.

This information will be stored securely within the school's safeguarding systems, with access only by the Headteacher and DSL. This will be stored in accordance with the Trust's GDPR and data protection policies, and will be retained at least until the individual leaves the school's employment.

Records will be reviewed so that potential patterns of inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is identified, the Headteacher will decide on a course of action, using disciplinary procedures where appropriate. Where a pattern of behaviour moves from a low-level concern to meeting the harm threshold, it will be referred to the LADO.

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 Trust, any record of low level concerns stored about them will be reviewed as to whether or not that information needs to be kept.

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, less actionable concern and ought to be deleted accordingly.

Monitoring

This policy will be updated in line with changes to KCSiE/annually.

Appendix 1

Clarity around Allegation vs Low level Concern vs Appropriate Conduct

Allegation:

Any adult linked to our 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.

Low Level Concern:

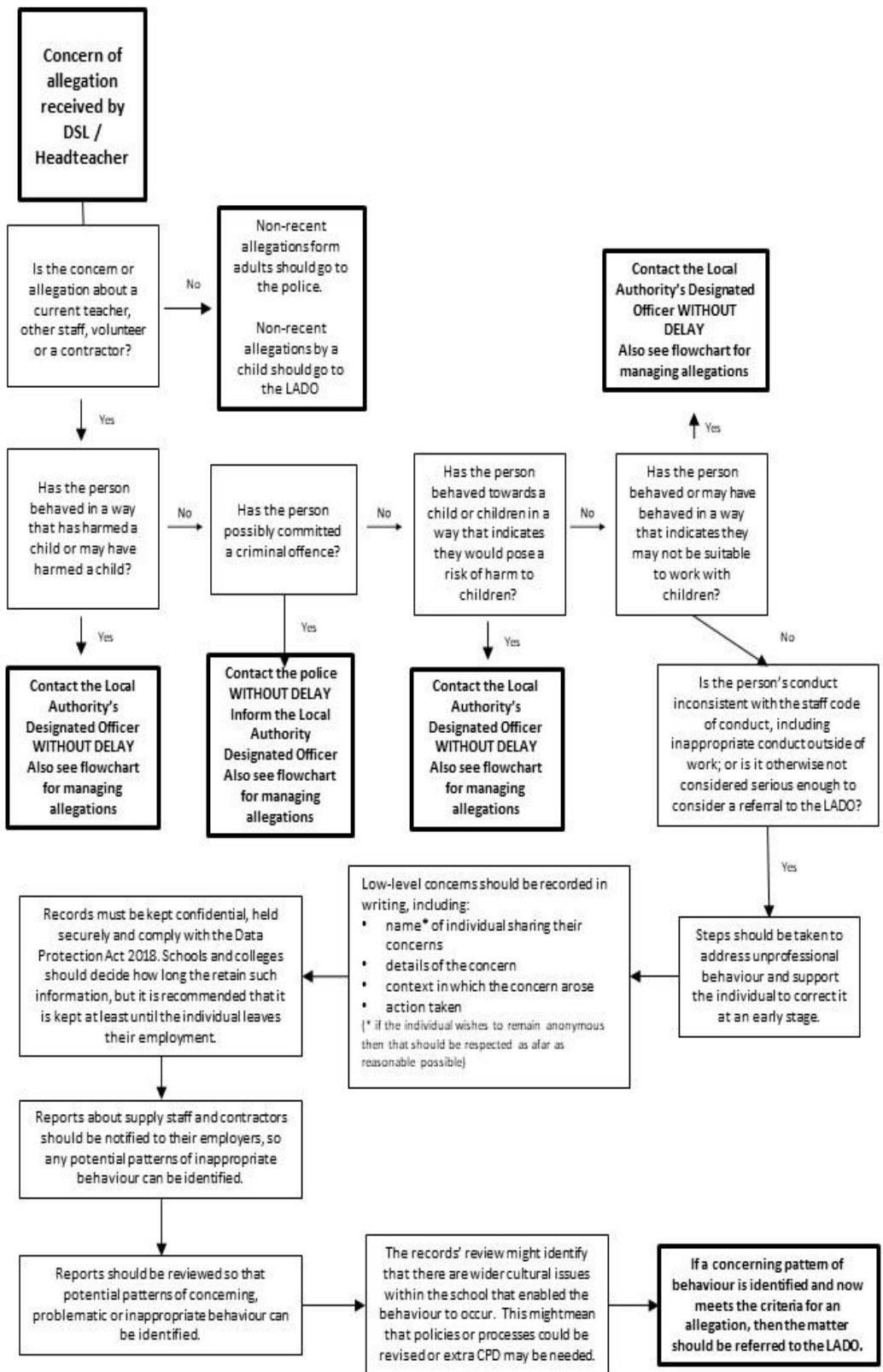
Any adult linked to our school who has behaved in a way that:

- * Is inconsistent with the staff code of conduct and ethos of the Trust, 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 LADO.

Appropriate:

- * Behaviour which is entirely consistent with our school's Code of Conduct and the Law.

Sharing low level concerns – action required by



Examples From Cases – Two Serious Case Reviews

Nigel Leat was a classroom teacher who taught at a first school in Somerset for fifteen years. A disclosure by a child to her mother in 2010 led to the discovery of his abuse. It is now known that 20 pupils were witnesses to or possible victims of sexual abuse by Nigel Leat. At a court hearing in May 2011 Nigel Leat pleaded guilty to 36 sexual offences, including 22 counts of sexually assaulting a child under 13 and eight counts of sexual assault by penetration of a child under 13.

William Vahey was a history teacher who taught at ten international schools in nine different countries between 1972 and 2014. Vahey committed suicide in March 2014 following the discovery by a maid of indecent images of children on his computer. It is now known that he drugged and abused at least 54 students at an independent international day school in London where he taught for four years.

In both cases a number of staff, parents and pupils discussed concerns with each other or a member of the senior management team. A number of these concerns, taken in isolation, were not treated by the school as meeting the threshold for reporting to the LADO at the time. For example, Vahey *"undermined other staff and was disrespectful to junior staff,"* and *"gave out chocolates and sweets in class [and] cookies linked to games during evening activities."* Leat *"had favourite pupils within his class [who were] invariably girls and were invariably described by staff members as pupils who were less academically able, emotionally needy or vulnerable"; "had been taking photographs of children using his mobile phone,"* and *"getting changed for PE in his class [which was] used as a thoroughfare by staff and pupils."*

Many concerns were not reported to anyone. In the case of Leat, only 11 of the 30 recorded incidents were reported to the school. All staff interviewed for the Serious Case Review said that it was common knowledge amongst school staff that Leat allowed pupils to be over familiar with him, and *"spoke to and joked with his pupils in a manner which was inappropriate to his role."* As the Serious Case Review explains, staff were sufficiently concerned about Leat's behaviour to attempt to ensure that pupils identified as likely favourites of his were allocated to other classes on the basis that remaining in Leat's class might be emotionally harmful to them. However, these staff did not report their concerns to the school child protection officer or Headteacher at the time.

Neither school had a formal mechanism for reporting, recording or handling these low level concerns. As a result, when they were reported, the concerns were shared with different people and each concern was dealt with in isolation. No one person was aware of all the concerns, and no one was therefore able to 'join the dots' and identify a pattern of concerning behaviour. Concerns, therefore, were either dismissed or, where they were investigated, they were viewed as isolated incidents and the staff member's explanation was accepted.

These and numerous other cases illustrate the importance of sharing, recording and handling low level concerns, so that concerning patterns of behaviour can be identified as soon as possible and appropriate action be taken swiftly in response.