

Low-level Concerns Policy

Sept 2021

Version 1

1. Scope

This policy applies to all staff at Expanse Learning College (Hereafter referred to as the college).

2. Introduction

The school believes every child and young person should be:

- in an enjoyable and safe environment
- be protected from abuse.

This is the responsibility of everyone and the school recognises its responsibility to safeguard the welfare of all children and young people by seeking to protect them from all forms of neglect and abuse. The school recognises that a critical step to safeguarding is to ensure that all those who work with children and young people in our school behave appropriately and that any concerns about an adult's behaviour are identified early and are managed promptly and appropriately.

The school aims to create and embed a culture of transparency and confidence to enable all concerns about an adult's behaviour (including those below the referral threshold) that are below the expected standards and values of our organisation and does not meet the organisational expectations encapsulated within our Code of Conduct, can be shared responsibly, with the right person, enabling them to be dealt with promptly and appropriately.

The aim of the school's Low Level Concerns Policy is to support a culture that enables staff to feel confident to report any concern, no matter how small that concern is. This policy is endorsed by the school Governing Body.

3. Policy Statement

- The welfare of the child is paramount *'The term Children or young person is used within this policy to define a person under the age of 18'*.
- The welfare and interests of children are paramount in all circumstances regardless of age, ability or disability, gender reassignment, race, religion or belief, sex or sexual orientation, socioeconomic background
- All allegations, suspicions of harm and/or abuse and related concerns will be taken seriously and responded to swiftly fairly and appropriately
- Everyone is required to work in partnership to promote the welfare health safety and development of children

4. Purpose of Policy

The Policy focuses on low level concerns regarding adults' behaviour towards children.

- To treat and embed a culture of openness
- Ensure staff are clear about and are confident to distinguish expected and problematic behaviour
- Empower staff to share any low-level concern with the Head of College Address unprofessional behaviour at an early stage
- Identify concerning, problematic or inappropriate behaviour
- Provide for responsive, sensitive and proportionate handling of such concerns
- Help identify weaknesses in the organisation's safeguarding systems

Relevant policies and guidance

This policy should be read in conjunction with the following policies:

- Safeguarding Children Policy – including:
 - Recording and Retention of Safeguarding Records;
 - Allegations towards Staff;
 - Speak Up Speak Out;
 - Staff Code of Conduct.
- GDPR Policy.

5. Legislation and Guidance

- Keeping Children Safe in Education (2021)
- Developing and implementing a Low-Level Concerns Policy: A guide for organisations which work with children - Farrer and Co 2020

6. Concerns that are NOT covered by this Policy

Allegations.

An 'allegation' means that it is alleged that a person 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 a child
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- Have behaved in a way in their personal life that raises safeguarding concerns.
- Have, a parent or carer, become subject to child protection procedures

Please Note: These concerns do not have to directly relate to a child but could, for example, include an arrest for possession of a weapon

To report an allegation please see the school's Managing Allegations Against Staff section of the safeguarding policy '[ELCO-ORG-001 – Safeguarding Policy\(v2\)](#) & '[ELCO-ORG-008 – Safeguarding Procedure](#)'.

To report a concern of child peer-on-peer abuse or the welfare of a child, please see the school's safeguarding policy '[ELCO-ORG-001 – Safeguarding Policy\(v2\)](#) & '[ELCO-ORG-008 – Safeguarding Procedure](#), this can be found on the website.

7. Concerns that ARE covered within this Policy.

Low-level concern.

A low-level concern about an adult's behaviour towards a child that does not meet the allegation threshold set out above or is not otherwise serious enough to consider a referral to the LADO. A low-level concern is any concern - no matter how small, and even if no more than a 'nagging doubt' - that an adult may have acted in a manner which:

- Is not consistent with an organisation's 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

8. What to do if you have a low-level concern?

All low-level concerns should ultimately be received by the Head of College.

- Share concerns with your Head of College within 24 hours of becoming aware of it
- In the absence of your Head of College inform an appropriate member of SLT either the Director for Pre-16 Programmes or the Designated Safeguarding Lead.
- If behaviour is from the Head of College, then share concern with the relevant Director.
- Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

9. Procedure for managing a low-level concern

Step 1 - Initial Concern Raised.

In the first instance, staff can report verbally to the Head of College or to the Head of College before providing a written summary of concern.

- Verbal account – 'contemporaneous recording by Head of College'. Ensure a written record is taken as information is shared
- Sound professional judgment should be used in determining what information is necessary to record for Safeguarding purposes (see Recording and Retention of Safeguarding Records Policy)
- Record should include brief context, concise details, and relevant incidents
- Record to be signed, dated and timed

Step 2 - Response by Head of College

- The Head of College should speak to the person who is raising the concern
- Review the information and decide whether the behaviour is:
 - I. Entirely consistent with the school Code of Conduct*
 - II. Constitutes a low-level concern*
 - III. Is serious enough to consider a referral to Safeguarding Hub or to the Local Authority Designated Officer (LADO)*
 - IV. When considered with any other previous low-level concerns about this individual, should be reclassified as an allegation and referred to Safeguarding Hub, the LADO/any other statutory agencies*

- Where the Head of College is in any doubt, then they should seek advice from the Local Authority Safeguarding Hub/LADO
- Speak to the individual about whom the concern is raised (unless LADO/Police have advised otherwise if within (iii) or (iv) above). If the Head of College is in doubt about the outcome of Step 2, the Head of College must discuss the matter with the Director/Proprietor before a decision is made.

Head of College must make records of:

- All internal conversations
- All external conversations
- Their decision
- The rationale for their decision; and
- Any action taken

Step 3 –Decision Making and Next steps.

Information shared meets organisations expectations and is compliant with Code of Conduct • Head of College to inform the individual concerned what was shared about their behaviour and give them an opportunity to respond

- Speak to person who shared the low-level concern, providing feedback about how and why the behaviour is in/consistent with the Code of Conduct and the law
- Consider if a review of the Code of Conduct is necessary - is the Code not clear? Has the training been unsatisfactory? Is the LLC policy not clear enough?
- Consider training/support of LLC policy if the same individual reports similar low-level concerns and it is found to be consistent with Code again.
- A sensitive and proportionate response is essential
- Maintain confidence that concerns will be handled promptly and effectively, whilst protecting staff from potential false or malicious allegations
- Any investigation is on a 'need to know' basis
- Some concerns may not give rise to further action; others may be dealt with by management guidance and/or training
- In many cases, a positive/supportive conversation with the individual will enable them to meet expectations moving forward (see appendix 1)

“It has been long understood that lasting change in behaviour is least likely to be achieved by an approach experienced as critical or threatening.”

If further evidence is gained that raises the level of concern

- Access guidance from Designated Safeguarding Lead and/or LADO
- Refer to LADO always and inform Head of College/Director.

10. Previous low-level concerns.

If an individual has had a previous low-level concern raised against them then the Head of College must inform Human Resources. Information available will be reviewed and a decision may be made to reclassify the concern as an allegation, and the concern will be dealt with in accordance with the school’s Safeguarding Policies and Procedures.

11. Recording and Retention of Information.

All records of LLC, (including behaviour deemed by the Head of College to be entirely consistent with the Code of Conduct) should be retained in Databridge

These records are confidential, with a limited number of individuals having access, for example Head of College, Proprietor, DSL and Safeguarding Governor.

In the event of a decision that behaviour is a low-level concern, the information should not be held on personnel files. If disciplinary, grievance or whistleblowing procedures are triggered, then a copy should be held on both safeguarding and personnel file. If the concern is deemed serious enough to consider referral to the LADO, then records should be retained on the personnel file. If the LLC is reclassified as an allegation, then files should be moved from Safeguarding to personnel files.

The school will retain all information regarding any level of Safeguarding concern centrally within Databridge.

12. Review

Senior Leadership Team will review LLC records on Databridge periodically to ensure such concerns are being dealt with appropriately, and any potential problematic behaviour patterns are identified.

13. Timeframe

Low-level concern files will be stored on Databridge indefinitely. When a staff member leaves and/or takes up new employment, that would then create a natural point at which the content of the file may be reviewed.

14. Monitoring Arrangement

This policy will be reviewed every 12 months

Impact of non-compliance:

Staff:	Disciplinary action, prosecution, prohibition from teaching.
Student:	Not applicable
Legislation/organisational:	Reputational damage, litigation, statutory and non-regulated compliance. prosecution
Compliance lead:	Safeguarding Lead/Governor
Policy Reference:	ELCO-POL-SFG-005
Version:	1
Agreed policy location:	DatabridgeMIS and Company Website
Does the policy require Governor approval?	Yes

Approval

Prepared by Lorraine Woosey 01/09/2021  Head of Care and Development (Designated Safeguarding Lead)	Approved by Tony Brown 06/09/2021  CEO	Counter Signatory Richard King 06/09/2021  Director of Schools, Pre 16 Education	Governor Approval Christine Galligan 10/09/2021  Governor (Safeguarding Lead)
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Version Control

Version	Date	Revision	Review Date
1	01/09/2021	First Issue	31/08/2022
2			
3			
4			
5			

Appendix 1 - Meeting with a staff member who has been found to of breached the Code of Conduct (low-level concern has been founded)

Holding a 'values-based conversation' is important to be effective and help maintain a positive, professional relationship with the member of staff:

"I am sure you subscribe to the school values, so help me understand how you came to behave in a way which is not in keeping with those, so that we can understand what actions or support you might need so that we can both be confident that it will not happen again...?"

The conversation must be clear:

- Why their behaviour is concerning, problematic or inappropriate
- What change is required in their behaviour
- Enquire what support they might need to achieve and maintain that
- Being clear about the consequences should they fail to reach the required standard
- Ongoing and transparent monitoring of behaviour may be required
- An action plan or risk assessment (agreed by the individual) to be regularly reviewed, may also be appropriate.

Some low-level concerns may raise performance/misconduct issues. Advice from HR or the LADO may be necessary.

Remember when speaking to HR, this is a Safeguarding issue and if necessary, can be conducted on a no-names basis.

- The response to the low-level concern will need to be tailored to the individual i.e., whether a teaching assistant, teacher, support staff, volunteer or a member of the senior leadership team for example.
- If there are concerns relating to whether the whistleblowing policy or disciplinary or grievance procedures are relevant then the Head of College should exercise their professional judgement and seek advice from the Safeguarding Hub or the LADO and other external agencies.
- Staff need to be trained to understand that when they share what they believe to be a low level concern, the Head of College will speak to the adult who is the subject of that concern - no matter how 'low' the concerns.

Why is it important to share low level concerns?

“Agencies providing services to children ... should ensure that there is a culture of openness and trust is fostered within the organisation in which staff can share any concerns about the conduct of colleagues and be assured that these will be received in a sensitive manner.” Research supporting importance of sharing low level concerns Marcus Erooga’s 2016

Research into 20 serious case reviews relating to abuse in the UK from 2010-2016 found:

- a) a factor in 17 cases was a failure of staff and management to understand and implement their Safeguarding policies (including around sharing their concerns)
- b) Emphasised in 14 reviews was the importance of staff and management understanding the dynamics of organisational abuse (including grooming) and
- c) A factor identified in 11 cases was the significance of organisational culture to minimise risk

What does Grooming look like?

In the 2016 research, grooming behaviours were described as follows (not an exhaustive list):

- Direct use of authority to offend
- Using material or practical benefits for victims
- Providing support for isolated children
- Favouring, children
- Use of alcohol

The method of commencement of abuse included:

- Erosion of boundaries
- Slow progression to abuse
- Use of trust and authority
- Meeting the child’s needs (including physical and emotional)
- Developing relationships with the child’s family.

Research identifies the potential for three types of abusers.

Preferential offenders are those who have a conscious desire to sexually abuse children, and who either do not see or are not easily deterred, by obstacles. Jimmy Saville is a classic example of a preferential offender.

Opportunistic offenders are those who abuse because potential victims are available and potentially vulnerable, and the organisational setting either inadvertently facilitates, or fails to prevent, abusive activity.

Situational offenders are those whose propensity to abuse is previously unknown or unacknowledged, and their offending is specific to the set of organisational factors which perpetuates their offending. behaviours, not the person.

There is a perception that people can accurately judge people, or profile a sex offender. The importance, in fact, is to focus instead on specific behaviours. “If we educate adults to be informed about, and to identify, concerning problematic or inappropriate behaviour rather than think they can recognise dangerous people, they can be prepared to act when they observe behaviour which violates a Code of Conduct”.

Appendix 3 - Managing low level concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors

