

Low-level Concerns Policy

Expanse Learning College

September 2024

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Version:

4

This Policy was approved by:

Board of Directors on 12th September 2024

Date for Review:

September 2025

1. Scope

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

2. Introduction

The college believes every student should be:

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

We all recognise our collective responsibility to safeguard the welfare of all students by seeking to protect them from all forms of neglect and abuse. The college recognises that a critical step to safeguarding is to ensure that **all those who work with students** behave appropriately and that any concerns about adult behaviour are identified early and are managed promptly and appropriately.

The college aims to create and embed a culture of transparency and confidence to enable all concerns about staff 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 Low-Level Concerns Policy is to support a culture that enables students and staff to feel confident to report any concern, no matter how small that concern is.

3. Policy Statement

- The welfare of the child is paramount 'The term child is used within this policy to define a person under the age of 18'.
- The welfare and interests of students 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 students

4. Purpose of Policy

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

- 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 to 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

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

- Safeguarding Policy
- Safeguarding Procedure
- GDPR Policy.

5. Legislation and Guidance

- Keeping Children Safe in Education (2024)
- Developing and implementing a Low-Level Concerns Policy (Farrer and Co)

6. Concerns that are not covered by this Policy

Allegations

An 'allegation' means that it is alleged that a person who works with students has:

- Behaved in a way that has harmed a student or may have harmed a student
- Possibly committed a criminal offence against a student
- Behaved towards a student in a way that indicates they may pose a risk of harm to student
- Have behaved in a way in their personal life that raises safeguarding concerns.

- Have a parent or carer, become subject to relevant protection procedures

To report an allegation or peer-on-peer abuse or the welfare of a student please refer to:

- Safeguarding Policy
- Safeguarding Procedure

7. Concerns that are covered within this Policy.

Low-level concern

A low-level concern about an adult's behaviour towards a student that does not meet the allegation threshold set out above or is not otherwise serious enough to consider a referral to the LADO or Adult Duty team. 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 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 students

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

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

- Share concerns with your Head within 24 hours of becoming aware of it
- In the absence of your Head inform an appropriate member of SLT
- If behaviour is from the Head of College, then share concern with the 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 before providing a written summary of concern.

- Verbal account – 'contemporaneous recording by Head'. Ensure written record as information is shared
- Sound professional judgment should be used in determining if information is recorded for Safeguarding purposes
- Record should include brief context, concise details, and relevant incidents
- Record to be signed, dated

Step 2 - Response by Head

- The Head should speak to the person who is raising the concern
- Review the information and decide whether the behaviour is:
 - Entirely consistent with the school Code of Conduct
 - Constitutes a low-level concern
 - Is serious enough to consider a referral to Safeguarding Hub or to the Local Authority Designated Officer (LADO)
 - 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 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 is in doubt about the outcome of Step 2, the Head must discuss the matter with the Director before a decision is made.

Head must record:

- 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 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 inconsistent 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, adult safeguarding team.
- Refer to LADO or adult safeguarding team always and inform Director.

10. Previous low-level concerns.

If an individual has had a previous low-level concern raised against them then the Head must inform the Director. 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 college Safeguarding Policy and Procedure.

11. Recording and Retention of Information.

All records of LLC, (including behaviour deemed by the Head to be entirely consistent with the Code of Conduct) should be retained. These records are confidential, with a limited number of individuals having access, for example Head, Director, 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 file. 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 or adult safeguarding team, then records should be retained on staff personnel file. If the LLC is reclassified as an allegation, then files should be moved from safeguarding to personnel file.

The college will retain all information regarding any level of safeguarding concern centrally within DatabridgeMIS.

12. Review

SLT will review LLC incidents 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 indefinitely within DatabridgeMIS.

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-SAFG-0005
Version:	4
Agreed policy location:	DatabridgeMIS and Company Website
Review Schedule:	12 Months
Does the policy require Governor approval?	Yes

Version Control

Version	Date	Revision	Review Date
1	01/09/2021	First Issue	31/08/2022
2	10/10/2022	Policy reviewed and updated	09/10/2023
3	01/10/2023	Policy reviewed and updated	01/10/2024
4	12/09/2024	Policy reviewed and updated	12/09/2025
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Appendix 1 - Meeting with a staff member who has been found to have 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-name 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 SLT.
- If there are concerns relating to whether the whistleblowing policy or disciplinary or grievance procedures are relevant, then the Head 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 will speak to the adult who is the subject of that concern - no matter how 'low' the concerns.

Appendix 2 - Further information and research.

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 the following factors:

- a) In 17 cases was a failure of staff and management to understand and implement their Safeguarding policies
- b) In 14 reviews the importance of staff and management understanding the dynamics of organisational abuse
- c) In 11 cases was the significance of organisational culture to minimise risk

What does Grooming look like?

Grooming behaviours 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

