



Grays Convent
HIGH SCHOOL

Low-Level Concerns Policy

Allegations against staff that do not meet the significant harm threshold and exemplification

This Policy was adopted by the Governing Body as part of its Child Protection Policy in Autumn 2022 and will be reviewed again in Autumn 2023 or as legislation changes.

Our Mission Statement

At Grays Convent we recognise the value of each individual as a gift from God to the world. We are a Catholic school founded by the La Sainte Union Sisters and our ethos is one of unity, prayer, worship, service and work. We strive to follow the example of the Sacred Hearts of Jesus and Mary by enabling learning to take place in a caring and accepting community. We are blessed by Jesus the Good Shepherd, try to follow him in everything that we do, and in doing so make the most of our God given talents. We are one with God.

Introduction

This policy forms part of the Grays Convent High School Staff Code of Conduct and should be read in conjunction with the school's Child Protection Policy. This Low-Level Concerns Policy is based upon the statutory guidance 'Keeping Children Safe in Education 2022', and the expectations within 'Guidance for Safer Working Practice 2019'. These documents are referenced throughout the policy.

Creating a culture in which all concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, and recorded and dealt with appropriately, is crucial. If implemented well, this should encourage an open and transparent culture, enable our school 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 are clear about professional boundaries and act within them, in accordance with our ethos and values.

Behaviour which is not consistent with the standards and values of Grays Convent High School, and which does not meet the school's expectations specified in our Staff Code of Conduct, needs to be addressed. Such behaviour can exist on a wide spectrum – from the inadvertent or thoughtless, through to that which is ultimately intended to enable abuse. Where a concern about an individual's behaviour meets the threshold of an allegation, clear guidance exists to support the member of staff in responding to these concerns.

It is important to recognise that, in practice, the words 'allegation' and 'concern' can be and are used interchangeably by different people. Sometimes individuals may shy away from the word 'allegation' and express it as a 'concern' instead. The crucial point is that whatever the language used, the behaviour referred to may, on the one hand, be capable of meeting the harm threshold (and hence be referable), or, on the other, it does not meet the harm threshold (in which case it should be treated as a low-level concern).

Aims of the Low-Level Concerns Policy

This policy relates to allegations of abuse made against staff Section 2: concerns that do not meet the harm threshold.

This policy 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 of the Child Protection and Safeguarding Policy.

Concerns may arise through, for example:

- Suspicion
- 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 recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

This policy links to Appendix 3 of the Child Protection and Safeguarding Policy: Allegations of abuse made against Staff Section 2, the Code of Conduct policy and the Safer Working Practices policy, which are distributed to all staff annually.

This policy also relates to the Whistleblowing Policy, which appears on the staffroom wall and is part of our annual safeguarding training.

This policy links to Section 7 of the Southend Essex & Thurrock Safeguarding and Child Protection procedures: Allegations against staff, volunteers and people in positions of trust who work with children

<https://www.escb.co.uk/media/2739/set-procedures-may2022.pdf>

Definition of low-level concerns

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school 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 designated officer at the local authority

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
- Humiliating pupils

Training regarding conduct is given by the Headteacher on the induction of all new members of staff as part of our new staff induction policy, including that of new in year staff.

Supply teachers and volunteers are made aware of our procedures on arrival at the school by the Cover Manager.

Contractors are made aware via our caretaker or the Headteacher and Business Manager should they be carrying out work on a longer-term basis. All contractors' checks are carried out by our Business manager and recorded on the SCR.

Sharing low-level concerns

It is critical that all low-level concerns are ultimately received by the Headteacher. Having one recipient of all such concerns should allow any potential patterns of concerning, problematic or inappropriate behaviour to be identified, and ensure that no information is potentially lost. It is important that low-level concerns are shared with the Headteacher as soon as reasonably possible and, in any event, within 24 hours of becoming aware of the concern where it relates to a specific incident.

We recognise the importance of creating a culture of vigilance, openness, and transparency to encourage all staff to confidentially share low-level concerns so that 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 as per section 7.7 of the Child Protection and Safeguarding policy
- Empowering staff 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

NB Whilst staff should share information with the Headteacher as soon as reasonably possible, it should also be emphasised that it is never too late to share a low-level concern and a delay should never be seen as a barrier to sharing.

If the Headteacher is absent for any reason, low-level concerns should be shared with Dawn Collis, Deputy Headteacher DSL or another member of SLT who will inform the Headteacher as soon as possible.

Anonymity

If the staff member who raises the concern does not wish to be named, then the Headteacher will respect that person's wishes as far as possible.

There may be circumstances where the staff member will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity will never be promised to members of staff who share low-level concerns. Where possible, we will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

Self-Reporting

Occasionally a member of staff may find themselves in a situation which could be misinterpreted, or might appear compromising to others. 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 Staff Code of Conduct. Self-reporting in these circumstances can be positive for a number of reasons: 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 individual's own actions or how they could be perceived and, crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

In line with KCSIE, Grays Convent High School will ensure that there is an environment where staff are encouraged and feel confident to self-refer.

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 in collaboration with the DSL will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct. The Headteacher or member of SLT will always seek advice from the LADO where they are in any doubt whatsoever.

The Headteacher has completed Allegations Against Staff Training and has disseminated that training to the Senior Leadership Team who may be involved in investigating allegations against staff alongside the DSL.

Possible Outcomes from a Low-Level Concern

If it is determined that the behaviour is entirely consistent with the school's staff code of conduct and the law, the Headteacher will:

- update the individual in question and inform them of the action taken as above;
- 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 organisation's staff code of conduct and the law;
- Consider if the situation may indicate that the staff code of conduct or low-level concerns policy are not clear enough, or if further training is required. 11.2 If the same or a similar low-level concern is subsequently shared about the same individual, and the behaviour in question is also consistent with the staff code of conduct, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived by others.

If it is determined that the behaviour constitutes a low-level concern, it will be responded to in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from any potential false allegations or misunderstandings.

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

Any such conversation will include being clear with the individual as to why their behaviour is concerning, problematic or inappropriate, 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. The Headteacher will also consider whether this is the case – by referring to the disciplinary and/or capability procedures and taking advice from the school's HR service if necessary. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for HR.

Where a low-level concern relates to a person employed by a supply agency or a contractor, that concern will be raised with their employers, so that any potential patterns of inappropriate behaviour can be identified. Some concerns may trigger the school's disciplinary, grievance or whistleblowing procedures, which should be followed where appropriate. If the school's disciplinary procedure is triggered, the **school will ensure** that the individual has a full opportunity to respond to any factual allegations which form the basis of a disciplinary case against them.

Staff therefore need to understand 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 – no matter how 'low' level the concern may be perceived to be, to gain the subject's account – and to make appropriate records, which may be referenced in any subsequent disciplinary proceedings. If it is determined that the behaviour, whilst not sufficiently serious to consider a referral to the LADO nonetheless merits consulting with and seeking advice from the LADO, then action will be taken in accordance with the LADO's advice. If, when considered with any other low-level concerns that have previously been shared about the same individual, could now meet the threshold of an allegation, then it should be referred to the LADO in accordance with Part 4 of KCSIE.

Record keeping

All low-level concerns will be recorded in writing. 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 DPA 2018 and UK GDPR
- Records are held on the staff member's personnel file in a secure white envelope, signed by the Headteacher and held in a securely locked cabinet. They can only be accessed by the Headteacher and Business Manager
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. 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 as described in section 1 of Appendix 3 of the Child Protection and Safeguarding policy, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school

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.

Reviewing the Low-Level Concerns File

The Headteacher 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 concerning, problematic or inappropriate behaviour are identified. A record of these reviews will be made and stored alongside the file, along with any subsequent actions taken. Governors will receive relevant data relating to Low-Level Concerns and review anonymised samples of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

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

Appendix A: Low-Level Concerns Flow Chart

