

The GALLERY TRUST



A community of special schools

Dealing with Low-Level Concerns

This policy has been written in line with Keeping Children Safe in Education 2022 (KCSIE)

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Chair of Trustees	Chris Scrivener
Chair of LAB/RIB	Julie Tridgell
Designated Manager for Gallery Trust	Alison Beasley
Designated Trustee for Safeguarding	James Shryane

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Contacts		
Role	Name	Contact details
Head of School	Hannah Shuker	Hannah.shuker@orionacademy.co.uk
Designated Safeguarding Manager	Alison Beasley	a.beasley@thegallerytrust.co.uk
Chair of RIB/LAB	Julie Tridgell	j.tridgell@thegallerytrust.co.uk
Safeguarding Trustee	James Shryane	j.shryane@thegallerytrust.co.uk
Chair of Trustees	Chris Scrivener	c.scrivener@thegallerytrust.co.uk
LADO	Jo Lloyd	jo.lloyd@oxfordshire.gov.uk

Definitions	
Staff	Applies to all staff, paid or unpaid, working in or on behalf of the School (including supply teachers, contractors, volunteers)
RIB	Rapid Improvement Board
LAB	Local Academy Board
Member	Applies to RIB or LAB members
DSM	Designated Safeguarding Manager for The Gallery Trust
LADO	Local Authority Designated Officer

1. Policy Statement

1.1 Safeguarding and promoting the welfare of children is everyone’s responsibility. The Gallery Trust and the schools within it, understand the importance of a positive culture where concerns can be identified and spoken about openly and acknowledge that this is a key element of a strong safeguarding system. This Low-Level Concerns Policy seeks to ensure that all staff who work with children behave appropriately and to enable the early identification and prompt and appropriate

management of concerns.

1.2 As part of its whole school approach to safeguarding, our school Orion Academy will ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the schools (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

1.3 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, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

- encourage an open and transparent culture;
- enable the 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 these boundaries, and in accordance with the ethos and values of the School.

1.4 This Low-Level Concerns Policy operates in conjunction (as appropriate) with the following:

- The School's Staff Code of Conduct
- Safeguarding and Child Protection Policy
- Capability and Disciplinary Procedures
- Whistleblowing Policy
- Allegations of Abuse Policy

2. Introduction to the concept and importance of sharing low-level concerns

2.1 Behaviour which is not consistent with the standards and values of our School and Trust, and which does not meet the organisational expectations as stated in the School's 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.

2.2 All staff need to be informed about, and be able to identify concerning, problematic or inappropriate behaviour and understand the importance of sharing concerns when they observe behaviour which violates the School's Staff Code of Conduct.

3. What is the Low-Level Concerns Policy?

3.1 This Low-Level Concerns Policy enables all staff to share any concerns, **no matter how small**, about their own or another member of staff's behaviour with the Head or the

DSL. If the concern is about the Headteacher, the staff member must raise their concern with the Designated Safeguarding Manager for the Trust: Alison Beasley

3.2 This policy supports staff in taking action to always act in the best interests of the child.

4. What is the purpose of the Low-Level Concerns Policy?

4.1 The purpose of the Low-Level Concerns Policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour which are set out in the School's Staff Code of Conduct are constantly lived, monitored and reinforced by all staff.

5. What are the aims of the Low-Level Concerns Policy?

5.1 The aims of the Low-Level Concerns Policy are to:

- Ensure that 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
- Provide a clear understanding of professional boundaries and reporting lines;
- Empower staff to share any low-level concerns with the Head / DSL, or Trust DSM (where applicable);
- To reassure all staff to interpret the sharing of such concerns as a neutral act;
- Address unprofessional behaviour and support the individual to correct it at an early stage;
- Identify concerning, problematic or inappropriate behaviour including any patterns that may need to be consulted upon with or referred to, the Local Authority Designated Officer;
- Provide a responsive, sensitive and proportionate approach to handling of such concerns when they are raised, and;
- Help identify any weaknesses in the School's safeguarding system.

6 Allegations that may meet the harm threshold.

6.1 The term 'allegation' means it is alleged that an adult who works with children 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.

In terms of managing cases of allegations that may meet the harm threshold, these might indicate a person would pose a risk of harm if they continue to work in their

present position, or in any capacity with children in a school. These concerns must be reported to the LADO as soon as possible (but must be within 24 hours) See our Allegations Management Policy for full details.

7 Concerns that do not meet the harm threshold i.e. a low-level concern.

The term 'low-level concern' does not mean that it is insignificant, it means that an adult's behaviour towards a child does not meet the harm threshold set out above (at paragraph 6.1).

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 may have acted in a way that:

- is inconsistent with the School's Staff Code of Conduct, including inappropriate conduct outside of work
- does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO, consideration will still always be given around whether the concern merits consulting with and seeking advice from the LADO

Although it is important that staff feel comfortable with, and are clear about, the concept of low-level concerns, and know what to do if they have such a concern, they do not need to be able to determine in each case whether their concern is a low-level concern, or whether it meets the threshold of an allegation that needs reporting to the LADO.

Once staff share what they believe to be a low-level concern, that determination should be made by the Head and/or DSL, Trust DSM. Appendix 1 further illustrates the distinction between an allegation that may meet the harm threshold, and a concern (including an allegation) that does not meet the harm threshold i.e. a low-level concern.

8. School Culture

The School promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School are dealt with promptly and appropriately. We work to embed a culture of "it could happen here" and "we will always act in the best interests of our students"

As stated above, Safeguarding is Everybody's business.

9. Data Protection and Confidentiality

- 9.1 Our School will always respect the personal data of staff (and others, where they may be identifiable) in implementing the Low-Level Concerns Policy and in keeping records of low level concerns secure.
- 9.2 The Data Protection Act 2018 includes a specific provision which permits organisations to process even the most sensitive personal data where necessary

for the purposes of protecting children from harm. Although sharing of low-level concerns will not always involve legally sensitive categories of data, the safeguarding purpose is the same.

- 9.3 A proportionate approach must be taken by all to consider what personal data is in fact necessary to share and record by way of low-level concern(s) in each case in order to support the safeguarding purpose and to ensure the information is accurate, fair and as far as possible recorded in neutral terms.
- 9.4 If a member of staff who raises a low-level concern does not wish to be named, then the School will respect their wishes **as far as possible**. However, staff should be aware that in certain circumstances this anonymity may need to be waived
- 9.5 Low level concern documentation will be held securely by the DSL/Head of School/
- 9.6 All low level concern records will be kept separately and will not be stored on the individual staff members personnel file, unless the low level concern is deemed as hitting the threshold of an allegation, or meets the threshold for disciplinary proceedings.
- 9.7 Low level concerns will not be shared in a reference unless the low level concern is deemed as hitting the threshold of an allegation, or meets the threshold for disciplinary proceedings and is concluded as substantiated.
- All personal data processed in connection with the Low-Level Concerns Policy will be processed in accordance with the School's Privacy Notices and its Data Protection Policy.

10. Who should staff share low-level concerns with?

10.1 It is important that low-level concerns are shared with the Head of School (Hannah Shuker) or the DSL - (Charlotte Roberts) as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it is never too late to share a low-level concern. Where the concern has been shared with the DSL he will inform the Head as soon as practicably possible.

10.2 If the Head of School or the DSL is absent, or not available for any reason, low-level concerns should be shared with a Deputy DSL, or the Trust DSM. The deputy DSL's will ensure the DSL and Head of School are informed of the situation on their return. Advice and guidance can be sought at any time from the Trust DSM.

10.3 If any low-level concern relates to the behaviour of the Head, it should be referred to the Trust DSM.

10.4 If there is a conflict of interest in sharing a low-level concern with the Head, the low-level concern should be shared with the Trust DSM, unless there is conflict of interest in doing so, in which case it should be reported to the Safeguarding Trustee. Please refer to the diagram at Annex 2.

10.6 Once the Head of School has been informed of the low-level concern they may seek advice from the Trust DSM and involve the DSL with the handling of that low-level concern, as necessary/appropriate.

11. Should staff who share low-level concerns be able to remain anonymous?

11.1 Staff are encouraged to consent to be named when sharing low-level concerns, as this will help to create a culture of openness and transparency. If the staff member who raises a low level concern does not wish to be named, our School will respect that person's wishes as far as possible. However, there may be circumstances where the staff member will need to be named (for example, where disclosure is required by a court or local authority, or as part of a disciplinary process) and, for this reason, our School will not promise anonymity to members of staff who share low-level concerns.

12 Should staff share concerns about themselves (i.e. self-report)?

12.1 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 our School's Staff Code of Conduct. Self-reporting in these circumstances can be positive for a number of reasons, and staff are encouraged to self report on the basis that:

- 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 member of staff'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.

12.2 The School's aim is to create an environment where staff are encouraged and feel confident to self-refer.

13. How should low-level concerns be shared and recorded?

13.1 The concern can be shared verbally with the Headteacher or DSL in the first instance, or a written summary of it can be provided to them via email.

13.2 Where the low-level concern is provided verbally, the Head of School will make an appropriate record of the conversation, using our low level concern form, either contemporaneously or immediately following the discussion and will exercise sound professional judgement in determining what information is necessary to record for

safeguarding purposes.

13.3 Where a low-level concern relates to a person employed by a supply agency or a contractor, the School will notify that person's employer so that any potential patterns of inappropriate behaviour can be identified.

13.4 An overview of low level concerns will be held by the Headteacher, so any patterns or repeated behaviour can be tracked and escalated if necessary.

14. How should a low-level concern be responded to?

14.1 Once the Head of School has received the low-level concern, they will (not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them):

- Speak to the person who raised the low-level concern (unless it has been raised anonymously).
- Speak to any potential witnesses (unless advised not to do so by the LADO/DSM/other relevant external agencies, where they have been contacted).
- Speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/DSM/other relevant external agencies, where they have been contacted).
- If they are in any doubt, seek advice from the DSM or LADO
- Review the information and determine whether the behaviour in question:
 - is entirely consistent with the School's Staff Code of Conduct and the law;
 - constitutes a low-level concern;
 - when considered with any other low-level concerns previously raised about the same person, could now meet the threshold of an allegation, and should be referred to the LADO/DSM/other relevant external agencies, and in accordance with the School's Safeguarding Policy, Part KCSIE 2022, and the relevant procedures and practice guidance stipulated by the Oxfordshire Safeguarding Children Board or

14.2 Ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for their decision and any actions taken, and retain records in accordance with this Policy.

14.3 Consider whether the concern also potentially raises misconduct or capability issues – taking advice from the Trust HR department

15. What action will be taken if it is determined that the behaviour is entirely consistent with the School's Staff Code of Conduct and the law?

15.1 The Head of School will update the individual in question and inform them of any

action taken (as above).

15.2 The Head of School will 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 School's Staff Code of Conduct and the law.

16. What action will be taken if it is determined that the behaviour constitutes a low-level concern?

16.1 The Head of School will respond in a sensitive and proportionate way ensuring that they maintain confidence that such concerns, when raised, will be handled promptly and effectively, whilst 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.

16.2 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.

16.3 Any such conversation with individuals in these circumstances will include:

- being clear with them 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 the change in their behaviour;
- 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.

16.4 Some low-level concerns may also raise issues of misconduct or poor performance. The Head of School will also consider whether this is the case – by referring to the School's disciplinary and/or capability procedure and taking advice from the HR department and/or taking specialist advice as necessary

16.5 If the Head of School considers that the School's disciplinary or capability procedure may be triggered, they will refer the matter to the HR department. The Trust disciplinary procedure will then be followed

16.6 Staff should be aware that when they share what they believe to be a low-level concern, the Head of School will speak to the adult who is the subject of that concern

(unless advised not to do so by the LADO/DSM/other relevant external agencies, where they have been contacted) – no matter how ‘low’ level the concern may be perceived to be, to gain the subject’s account – and to make appropriate records (as above), which may be referenced in any subsequent disciplinary proceedings.

16.7 How the School responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e. whether they are an employee (paid or unpaid) to whom the School’s disciplinary and/or capability procedure would apply; or a contractor, Governor, or volunteer. The School’s response will be tailored accordingly.

17. Patterns of low level concerning behaviour

There may be instances where the reported concern, 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, or in and of itself meets the threshold of an allegation? Then it will be referred to the LADO/DSM/other relevant external agencies, in accordance with the School’s Safeguarding Policy, Schools allegation management policy and Part 4 of KCSIE 2022

18. Storage of records of low-level concerns?

18.1 The School will retain all records of low-level concerns (including those which are subsequently deemed by the School to relate to behaviour which is entirely consistent with the College’s Staff Code of Conduct) in a central low-level concerns file, in a system that is accessible by the Trust DSM

18.2 Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record, and with a timeline alongside. These records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the Head, The Chair of the RIB, The Trust DSM and the Head of HR.

18.3 The Head of School and the Trust DSM 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.

18.4 Where a pattern of behaviour is identified in respect of a specific individual, the Head of School will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether the School should arrange for additional training or a review of any of its policies to reduce the risk of it happening again.

18.5 Low-level concerns will be retained securely by the School for as long as deemed

relevant and necessary for a safeguarding purpose unless the School is required to disclose by law (for example, where the threshold of an allegation is met in respect of the individual in question).

In most cases, once a staff member leaves the School, any low-level concerns which are held relating to them:

- will be retained at least until the individual leaves the School or for the same duration as that individual's personnel file;
- will not be included in any onward reference (see below for full details around references).

19. References

19.1 Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated, it will be referred to in a reference.

19.2 Low-level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding will not be included in references. However if the concerns relate to issues which would normally be included in a reference, for example, misconduct or poor performance these will be shared if asked for in the reference questions.

20. What is the role of the Trust DSM, Trustees and LAB/RIB members?

20.1 The Head will regularly inform the LAB/RIB members about the implementation of the Low Level Concerns Policy and any evidence of its effectiveness, e.g. by including reference to it in any safeguarding reports and providing any relevant data.

20.2 The Trust DSM is able to offer support and guidance to the school around low level concerns.

20.3 The Head of School will inform the DSL of any low level concerns that have a safeguarding element.

20.2 The DSM will have oversight of low-level concerns (that have a safeguarding element) to ensure that these concerns have been responded to appropriately, proportionately and consistently and will report annually to the Trustees.

20.3. The Low-Level Concerns Policy will be monitored to ensure that it is being effectively implemented in practice and will be reviewed annually by the Trust DSM and the Head of School in response to any relevant legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice.

Appendix 1: Summary of behaviours

Allegation

Behaviour(s) which indicates that an adult that works with children may have;

- **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 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.**

Low level concern

Does not mean that it is insignificant. It means that the adult's behaviour towards a child does not meet the threshold set out above. 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 may have acted in a way that;

- **Is inconsistent with the School's Staff Code of Conduct, which includes inappropriate conduct out of school**
- **Does not meet the allegation threshold or is otherwise not serious Enough to consider a referral to the LADO. A consultation with the LADO may still take place if the low-level concern has a safeguarding element.**

Appropriate Conduct

Behaviour which is entirely consistent with the Schools Staff Code of Conduct, and in line with expected behaviour for staff in our School and Trust

Appendix 2 - Flowchart for Sharing Low-Level Concerns

