



Low Level Concerns Policy

(otherwise known as Neutral Notifications Policy)

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1. Introduction : Organisational Culture

At St Christopher's The Hall, ('the School'), the Governors, SLT and all staff recognise that an organisational culture must set the context and expectations of all behaviours in the School. This must be a positive culture, where concerns can be identified and shared confidently and openly and responsibly with the right person and recorded and dealt with appropriately as a key element of a strong safeguarding system.

In practice, this means ensuring that all adults who work with children at the School, behave appropriately and the early identification of and prompt and appropriate management of concerns about these adults is critical to effective safeguarding.

The School recognises that:

- (a) if implemented well, this will encourage a transparent and open culture, enabling us to:
 - (i) identify concerning, problematic or inappropriate behaviour early
 - (ii) Minimise the risk of abuse
 - (iii) ensure that adults working in or behalf of the School are clear about professional boundaries and act within them, in accordance with the ethos and values of our School.
- (b) the governors, Head Teacher and SLT play a key role in communicating the assumptions, values, beliefs, and norms we expect all members of the School to exhibit.
- (c) behaviour which is not consistent with our standards and values, and which does not meet our expectations encapsulated in our staff Code of Conduct, needs to be addressed.
- (d) such behaviour can exist on a wide spectrum – from the inadvertent or thoughtless, through to that which is ultimately intended to enable abuse.
- (e) If this is not adopted, the School risks enabling the creation of further victims through missed opportunities to identify and effectively intervene in concerning, problematic or inappropriate behaviour.

The School acknowledges that this Low-Level Concerns policy is part of a culture that enables staff to share ANY concerns (including allegations that do not meet the harm threshold), no matter how small, according to the Department for Education revised statutory guidance for schools and colleges in England, Keeping Children Safe in Education 2022 (KCSIE).

2. Definition of this Policy

The School uses 'low-level' concern as a clear term to neutralise the act of sharing a concern which neither meets the allegation threshold set out below, nor is otherwise serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

The School considers a written 'Low-Level Concerns policy to be an important part of the suite of safeguarding policies.

All staff can share any concerns – no matter how small – about their own or another member of staff's behaviour with the Head Teacher or, in their absence, with the Safeguarding Lead, and in their absence, the Deputy Safeguarding Lead.

The School recognises that Safeguarding and promoting the welfare of children is everyone's responsibility.

3. Purpose of this Policy

The purpose of the 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 at the School.

In order to achieve this purpose, the School will:

- (a) ensure that all 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, and the delineation of professional boundaries and reporting lines
- (b) empower staff to share any low-level concerns with the Head Teacher, who will also share this with the DSL, and to help all staff to interpret the sharing of such concerns as a neutral act
- (c) address unprofessional behaviour and support the individual to correct it at an early stage
- (d) identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the LADO
- (e) provide for responsive, sensitive and proportionate handling of such concerns when they are raised
- (f) help identify any weaknesses in our safeguarding system.

4 Staff Code of Conduct

At the School, we have a clear and robust staff Code of Conduct.

All staff are briefed on this Code of Conduct so as to be clear on the standard of behaviour expected of them

All staff are expected to adhere to the School's Staff Code of Conduct and expectations at all times at all levels of our organisation.

The Code of Conduct is a live document, available at all times in the School's shared drive Mandatory policies folder

Any attempt to bypass policies or procedures, regardless of status, will be investigated.

All staff are encouraged and empowered to share any concerns about problematic or inappropriate behaviour that is not appropriate which violates the School's staff Code of Conduct.

5. Allegations versus 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 School recognise that there is a distinct difference between the definition of these two words with *specific reference to behaviour*:

Allegation: behaviour that meets the harms threshold and is referable

Concern : behaviour that does NOT meet the harms threshold and should be treated as a low level concern

We recognise that the focus should not be on the language used by the person disclosing it but rather *on the behaviour being described*.

(See Appendix A for the Spectrum of Behaviour)

6. Behaviour that Constitutes an Allegation

Allegation

Behaviour which indicates 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.

(For further details, see Part 4 KCSIE and section 5.6 in our Child Protection and Safeguarding Policy)

7 Low-Level Concerns - Concerns that do not meet the Harms Threshold

7.1 Definition

The term 'low-level' concern does not mean that it is insignificant; it means 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 behaved in a way that:

- is inconsistent with the Schools staff Code of Conduct, including inappropriate conduct outside of work
- does not meet the allegations threshold, or is otherwise not considered serious enough to determine a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

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 an organisation's staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO - but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

7.2. Reporting Low-Level Concerns

All low level concerns must be:

1. Shared with The Head Teacher who will make the decision as to the level of behaviour on the spectrum (see Appendix A) :
 - i. low- level concern
 - ii. referral to the LADO
 - iii. meets the threshold of an allegation
2. Shared with the Head Teacher as soon as possible after the event, preferably within 24 hours.
3. Shared with the DSL in the absence of The Head Teacher (or the DDSL in the absence of the DSL) who will inform the Head Teacher immediately on their return
4. Shared with the Chair of Governors if the concern relates to The Head Teacher
5. Be received in a sensitive manner

(KCSIE paragraph 74)

The School importantly recognises that *it is never too late to report a concern.*

7.3 Recording Low-Level Concerns

Staff should be given the option of sharing their low-level concern verbally with the Head Teacher in the first instance and then providing them with a written summary of it using the low- level concerns form in Appendix B

Where the low-level concern is provided verbally, the Head Teacher should make an appropriate record of the conversation, either contemporaneously or immediately following the discussion.

Sound, professional judgement will be exercised by the Head Teacher in determining what information is necessary to record for safeguarding purposes but the following information should be recorded:

- The name of the individual sharing the low-level concern
- their role
- the name of the individual about whom the concern is being raised
- their role within the organisation at the time the concern is raised
- If the latter individual has an opposing factual view of the incident, this should be fairly recorded alongside the concern.
- brief context in which the low-level concern arose
- concise details (which are chronological and as precise and accurate as possible) of any such concern and relevant incident(s).

- The record should be signed, timed and dated.

7.4 Response to Reported Low-Level Concerns

Once the Head Teacher, or in their absence the DSL/DDSL, 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):

1. Speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary, or completed low-level concerns form has been provided
2. Speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted)
3. Speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted)
4. Review the information using the Spectrum of Behaviour in Appendix A as a guide, and determine whether the behaviour:
 - a. is entirely consistent with the School's staff Code of Conduct and the law (GREEN)
 - b. constitutes a low-level concern (AMBER)
 - c. is not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary (AMBER)
 - d. when considered with any other low-level concerns that have previously been raised about the same individual, could now meet the threshold of an allegation and should be referred to the LADO/ other relevant external agencies, or
 - e. in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies
5. Where they are in any doubt whatsoever, seek advice from the LADO - on a no-names basis if necessary
6. Make appropriate records of:
 - a. all internal conversations – including with the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses (subject to the above);
 - b. all external conversations – for example, with the LADO/other external agencies (where they have been contacted, and either on a no-names or names basis);
 - c. their determination
 - d. the rationale for their decision
 - e. any action taken.

8. Determination of the Reported Concerns

8.1 Appropriate Conduct

Appropriate Conduct

Behaviour which is entirely consistent with the organisation's staff code of conduct, and the law.

The Head Teacher should:

- (a) update the individual in question and inform them of the action taken
- (b) 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.

If the same, or a similar, low-level concern is subsequently shared by 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, if not about the behaviour itself.

8.2 Behaviour that constitutes a Low-Level Concern

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 an organisation's staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO - but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phones
- engaging with a child on a one-to-one basis in a secluded area behind a closed door
- using inappropriate sexualised, intimidating or offensive language

The Head Teacher should:

- respond to raised concerns in a sensitive and proportionate way
- handle them promptly and effectively
- protect staff from any potential false allegations
- be discreet 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.

A 'values-based conversation' is more likely to be effective, and help maintain a positive professional relationship with the member of staff concerned. Any such conversation should 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 for 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 Head Teacher will also consider whether this is the case – by referring to the Schools Disciplinary Procedure and taking advice on a named or no-names basis where necessary.

If the Head Teacher considers that the School's Disciplinary Procedure may be triggered, they should refer the matter to the Chair of Governors.

Any such referral should be made by the Head Teacher having received the low-level concern and not by individual staff members.

It is essential that there is close liaison and appropriate information sharing between the Head Teacher and Chair of Governors so that an holistic view of the individual can be taken.

Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for The Chair of Governors

Some concerns may trigger the School's Disciplinary, grievance or whistleblowing procedures, which should be followed where appropriate.

Where low-level concerns are raised which in fact require other internal processes to be followed, it is sometimes difficult to determine how best to investigate the concern and which procedure to follow.

In this instance, The Head Teacher will exercise their professional judgement and, if in any doubt, they should seek advice from other external agencies including the LADO

If The Chair of Governors deems that the Schools Disciplinary Procedure is triggered, the individual will have a full opportunity to respond to any factual allegations which form the basis of a disciplinary case against them.

If the School ultimately disciplines or dismisses a staff member for cumulative alleged 'breaches' of the staff Code of Conduct which were not brought contemporaneously to the individual's attention, and to which they have not had a proper opportunity to respond, clearly there will be a lack of fairness and natural justice and the risk of a finding of unfair dismissal by an Employment Tribunal.

Staff need to be trained to understand that when they share what they believe to be a low-level concern, the Head Teacher 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 (as above), 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, and on a no-names basis if necessary, then action (if/as necessary) should be taken in accordance with the LADO's advice.

8.3 Behaviour that constitutes an Allegation

Allegation

Behaviour which indicates 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.

When behaviour 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 should be referred to the LADO/other relevant external agencies, and in accordance with the School Child Protection and Safeguarding Policy.

9. The Importance of Sharing Low-Level Concerns

These are:

- To be aware of potentially questionable conduct by any member of staff
- To keep a well documented record of any questionable conduct to eliminate confusion of account
- To be available for evaluation as part of a history or pattern of behaviour
- To minimise risk
- To avoid patterns of unwanted behaviour escalating to reach the harm threshold
- To encourage an organisational culture of openness and trust between staff
- To reinforce the Importance of clear professional boundaries between staff and pupils.
- To ensure the School is a safe environment for our pupils where boundaries are adhered to in every respect in which staff perform their role

10. Anonymity

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

However, 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 should never be promised to members of staff who share low-level concerns.

We encourage staff to consent to be named, as this will help to create a culture of openness and transparency

11. 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 School's Staff Code of Conduct.

In these circumstances we encourage self reporting for a number of positive reasons:

- (a) it is self- protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity
- (b) it demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived
- (c) it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

12. Recording of Low-Level Concerns

Records will be retained of low-level concerns (including those which are subsequently deemed by the Head Teacher to relate to behaviour which is entirely consistent with the staff Code of Conduct) in a central low-level concerns file (either electronic or hard copy).

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 Safeguarding Committee, and the individual they report to.

13. Holding of Records

The Head Teacher will store the central low-level concerns file with the other safeguarding and child protection records.

The rationale for storing such records on a central file, rather than in staff members' personnel files, is that

- (a) it makes it easier to:
 - (i) address possible issues referred to
 - (ii) review the file and spot any potential patterns of concerning, problematic or inappropriate behaviour; and
- (b) it reassures staff and encourages them to share low-level concerns.

Some low-level concerns may also involve issues of misconduct or poor performance, or they may trigger our disciplinary, grievance or whistleblowing procedures.

Where these issues require records to be made and retained on the staff member's personnel file, this will be done in the normal way, in addition to the records of the low-level concern(s) being retained in a central low-level concerns file.

13.1 Reclassification

There may be circumstances where a low-level concern (or group of concerns) requires reclassification following determination by the Head Teacher recording on the relevant staff member's personnel file.

In such cases, we still consider it vitally important to retain the low-level concern(s) (as originally shared) on the central low-level concerns file, as well as on the personnel file.

That is because the value of a central low-level concerns file risks being diluted if potentially significant contextual information is removed, or divided across two separate files.

13.2 Referral to LADO/ External Agencies

Specifically, if a referral is made to the LADO/other external agencies where the behaviour in question:

(i) had not originally been considered serious enough to consider a referral to the LADO but merited consulting with and seeking advice from them;

or

(ii) is determined to meet the threshold of an allegation when considered with any other low-level concerns that have previously been raised about the same individual;

or

(iii) in and of itself meets the threshold of an allegation

then records relating to the behaviour should be placed and retained on the staff member's personnel file, whilst also being retained on the central low-level concerns file.

A duplicate of all previous records of low-level concerns relating to the same individual from the central low-level concerns file should be placed in the staff member's personnel file

Material on the personnel file should be retained in accordance with Part 4 of KCSIE – which requires schools and colleges in England to produce a clear and comprehensive summary of all allegations (except those which are found to have been malicious), details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, to be kept on the confidential personnel file of the staff member, and a copy provided to them.

14. Central Low-Level Concerns File Review

The Head Teacher should review the central low-level concerns file half-termly or more regularly if needed, 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 should be made. Updates should be shared regularly with the DSL and Safeguarding Governor.

15 . Length of Time Records Kept

In accordance with KSCIE, legislation and in compliance with the DPA 2018 and GDPR UK, the School adopts a purpose-based approach to retention and deletion.

Low- level concerns will therefore be retained on our central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.

However, when a staff member leaves and/or takes up new employment, that creates a natural point at which the content of the file will be reviewed to ensure it still has value (either as a safeguarding measure or because of its possible relevance to future claims), and is therefore necessary to keep.

This is subject to the rights of individuals to object to or seek to erase or correct records about them under data protection law.

16. Referral of a Low-Level Concern in a Reference

KCSIE prohibits schools and colleges in England from referring to unsubstantiated, malicious or false allegations in references.

Only safeguarding allegations that have been substantiated should be included in references.

- where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference
- low level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

17. The Role of the Governing Body

The Head Teacher should regularly inform the Governing Body about the implementation of the Low-Level Concerns Policy and any evidence as to its effectiveness. For example, by including reference to it in any safeguarding reports, and providing any relevant data.

The Governing Body should also review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

18. Conclusion

There is now more than sufficient empirical evidence to justify the implementation of a formal written low-level concerns policy by organisations which work with children across all sectors, and the fact that the recording of such concerns is essential in practical terms to ensure effective and informed safeguarding.

If implemented and used successfully, it should promote a healthy, informed and more effective protective culture at the School.

APPENDIX A - SPECTRUM OF BEHAVIOUR

Allegation

Behaviour which indicates 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.

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 an organisation's staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO - but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation's staff code of conduct, and the law.

APPENDIX B



LOW-LEVEL CONCERN REPORTING FORM

Thank you for reporting your concerns to the safeguarding team; we are grateful to you for taking the safety and welfare of our pupils seriously. Please fill in the below form, including as much detail as you can, and return it directly to the Head Teacher or in their absence the DSL. Please refrain from discussing this concern with anyone other than the Head Teacher until the matter has been dealt with. We ask that you keep all details, including the name of the staff member to whom the concern pertains, confidential.

YOUR DETAILS	
Name (optional)	
Role	
Date and time of completing this form	
DETAILS OF INDIVIDUAL WHOM THIS CONCERN IS ABOUT	
Name	
Role	
Relationship to the individual reporting the concern e.g. manager, colleague	
DETAILS OF CONCERN	
<p>Please include as much detail as possible, Think about the following: What behaviour and/or incident are you reporting? What exactly happened? Why does the behaviour/ incident worry you? Why do you believe the behaviour and or incident is not consistent with our Staff Code of Conduct?</p>	

DETAILS OF ANY CHILDREN OR YOUNG PEOPLE INVOLVED	
Name (s)	
Do you believe there is a risk of harm to the above children or young people, either now or in the future, as a result of the individual's behaviour? Explain your answer.	
NEXT STEPS	
What would you like to see happen in response to your concern?	
Are you willing to meet with the Head Teacher to discuss your concern? Please circle and delete as appropriate.	YES NO
Please state any other information that you believe is relevant to the	

