

**QUEEN ELIZABETH GRAMMAR SCHOOL
WAKEFIELD**

**LOW-LEVEL CONCERNS POLICY
Queen Elizabeth Grammar School**

Document Control

Document Owners & Contact Persons:

Jim Palin, Deputy Headmaster

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POLICY SUMMARY

This offers guidance for all staff if they feel they need to share something that is worrying them about another member of staff who works at QEGS, but that may not necessarily be regarded as a serious allegation or safeguarding matter. It may just be something that sits slightly uncomfortably with them or a “nagging doubt” about a member of staff, or a situation where you feel that the member of staff needs some support and training in order to prevent them being in a position that breaches our behaviour policy. This merely formalises what we already do in the School, where we encourage an environment of transparency and openness, and recognise our duty to support staff to ensure best-practice. The policy offers guidance as to what a low-level concern is; with whom and how to pass on that concern; and information for staff should a low-level concern be raised about them.

THE PURPOSE OF THE POLICY

This guidance is designed to reinforce the robust and holistic safeguarding culture at Queen Elizabeth Grammar School. In practice, this means ensuring that all those who work with children behave appropriately, and that early identification and prompt and appropriate management of concerns about adults are enacted. This guidance should be read in conjunction with the Managing Allegations Policy (for allegations that meet LADO referral) and the Staff Code of Conduct.

Our aim is to create and embed a culture within our community in which all concerns about adults (including where threshold of allegations is not met) are shared responsibly and with the right person and recorded and dealt with appropriately. We aim to promote an open, trusting and transparent culture which enables and encourages everyone to share concerns about any adult working with our students. In turn should enable us to identify concerning, problematic or inappropriate behaviour of staff early, and minimize the risk of abuse.

We aim to ensure that adults working in or on behalf of our school are clear of the professional boundaries and act within them in accordance with the ethos and values of our School. This should ensure that staff avoid the erosion of professional boundaries between staff and student to safeguard both the student and member of staff. In order to achieve this robust holistic safeguarding culture the school will:

- Ensure that staff are clear about, and confident to distinguish, expected and appropriate behaviour from concerning, problematic or inappropriate behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines;
- Empower staff to share any low-level concerns with the Designated Safeguarding Lead (DSL), and to help all staff to interpret the sharing of such concerns as a neutral act;
- Address unprofessional behaviour and help the individual to correct such behaviour at an early stage;
- 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;
- Provide for responsive, sensitive and proportionate handling of such concerns when they are raised
- Help identify any weaknesses in the QEGS safeguarding system.

LOW-LEVEL CONCERNS REGARDING STAFF BEHAVIOUR

Definitions:

'Staff' should be interpreted very widely to mean anyone associated with the school – i.e. whether working for or with QEGS, engaged as a paid employee, worker or self-employed contractor, or unpaid member of staff or volunteer. It also includes anyone who is part of the Governing Body.

This guidance is in reference to behaviour of a member of staff that is below the threshold for a referral to the LADO and is considered a low-level concern. KCSIE 2021 states that the term "low-level concern" (sometimes referred to a neutral notifications) does not mean that it is insignificant: A low-level concern [or neutral notification] is any concern – no matter how small, and even if no more than causing a sense of unease or a "nagging doubt" – than an adult working in or on behalf of the school or college 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 LADO (KCSIE 2021)

The DfE recognize examples of such behaviours as:

- Being over-friendly with children
- Having favourites
- Taking photographs of children on their personal device
- Engaging with a child on a one-to-one basis in a secluded area
- Using inappropriate sexualized, intimidating or offensive language
- A breach of trust or boundaries

However, these are examples, not an exhaustive list.

This guidance distinguishes between behaviour of low-level concern and that which may meet the harm threshold. Staff do not need to be able to determine in each case whether their concern is a low-level concern, or if it is in fact serious enough to consider a referral to the LADO, or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern, that determination should be made by the DSL

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.

HOW CAN SOMEONE SHARE A LOW-LEVEL CONCERN AT QEGS?

- All low-level concerns should be shared with the DSL (or a Deputy DSL in the DSL's absence). The DSL will advise the Head as necessary.
- If the low-level concern relates to the DSL then the report should be made to the Headteacher
- The sharing of low-level concerns should be made as soon as reasonably possible, ideally within 24 hours of becoming aware of it, particularly if this relates to a specific incident.
- However, it is important to note that it is never too late to share a low-level concern

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 Behaviour Policy. Examples of situations where self reporting would be required are provided in the training to staff. It is important to understand that an incident requiring self referral could arise as a consequence of an unpredicted situation or context, not necessarily just the conduct of the member of staff.

The Staff Code of Conduct, in the Safeguarding Policy, asks all staff to share when they have found themselves in a situation that breaches or could be perceived as breaching the policy. This is also emphasized at the new staff safeguarding induction meeting with the DSL. 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.

All staff are encouraged to speak directly to the DSL (who will produce a written record), or to send the DSL a written account – this can be done via email, for example, or by completing a Low-Level Concerns Form (Appendix B) to log the incident or situation.

Reporting a low-level concern about a member of staff

The Safeguarding and Child Protection Policy states that we all have a duty to safeguard our students and that they should report any behaviours that breach or are seen to breach the Staff Behaviour Policy. This is also emphasised at the new staff safeguarding induction meeting with the SLT and DSL.

What if I'm not sure if something is worthy of reporting?

You should still run this past the DSL and allow them to make the professional judgement as to what information is necessary to record for safeguarding purposes. It is better for the whole school community if a consistent judgement is applied on this by one person, rather than a whole series of judgements by different people which can lead to inconsistency at best and to children being harmed at worst.

What happens next?

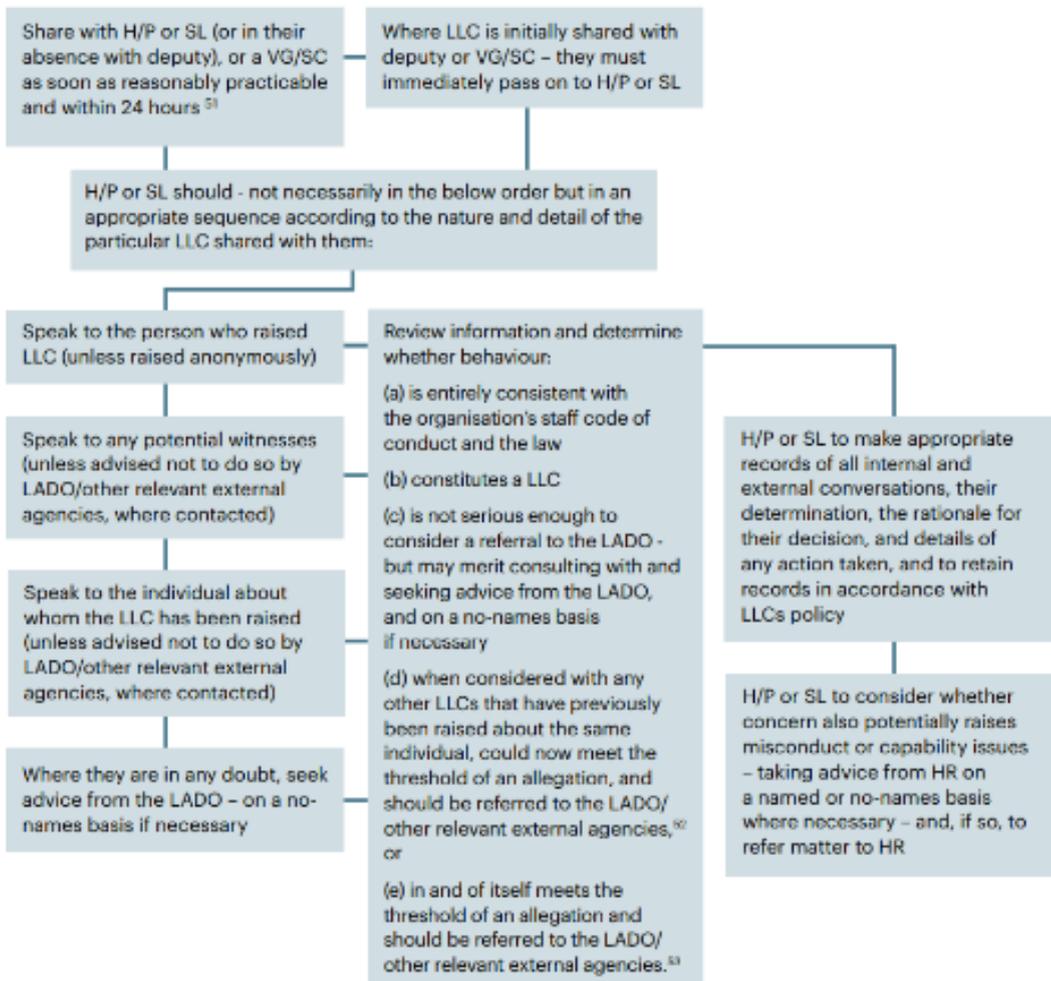
The name of the individual sharing the low-level concern, and their role, should be stated, as should the name of the individual about whom the concern is being raised, and their role within QEGS at the time the concern is raised. If the latter individual has an opposing factual view of the incident, this should be fairly recorded alongside the concern. The record should include brief context in which the low-level concern arose, and 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.

HOW SHOULD A LOW-LEVEL CONCERN BE RESPONDED TO BY THE SAFEGUARDING LEAD?

H/P = Head/Principal

SL = Designated Safeguarding Lead

ACTION REQUIRED



CAN THE SHARING OF A LOW-LEVEL CONCERN BE DONE ANONYMOUSLY?

If the staff member who raises the concern does not wish to be named, then we should 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 it is necessary in order to carry out a fair disciplinary investigation) and, for this reason, anonymity should never be promised to members of staff who share low-level concerns. Where possible, we would try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

WHERE IS THIS INFORMATION STORED?

Reports that meet the low-level concerns criteria are shared by the DSL with the Head teacher are kept on the staff file with HR and on a Low-Level Concerns log with the DSL.

CAN A MEMBER OF STAFF ACCESS RECORDS OF LOW-LEVEL CONCERNS ABOUT THEM?

The nature of this policy is that we encourage buy-in and cooperation from staff in order to establish and maintain a safeguarding culture of openness, accountability and transparency. Contrary to common belief, there is no stand-alone 'safeguarding' exemption that trumps the subject access right. However, data controllers will always be able to prefer children's privacy rights on balance if the circumstances justify it, notably should the record of information relate to a specific child who may be named or identifiable by context. Therefore, there may be some

instances where a child's privacy rights mean a member of staff may not have access to that information. Employment law (in terms of process and decision-making) and data protection law (with its principles of transparency, fairness, accountability and accuracy) support the idea that staff should understand the information held about them and, if appropriate, be able to correct or feed into it. Hence the importance of staff self-reporting and co-operating with this holistic safeguarding culture.

CAN A MEMBER OF STAFF CHALLENGE THE RECORDED CONCERNS ABOUT THEM? Yes. Where there is no privacy issue for a child, then a member of staff should feel they can cooperate with what has been observed and feel they can feed into the report, making corrections should they feel that it is warranted.

HOW LONG WILL THE RECORDS OF LOW-LEVEL CONCERNS ABOUT A MEMBER OF STAFF BE RETAINED?

KCSIE does not prescribe any timeframe here. In order to identify potential patterns forming it is important to maintain all records of low-level concerns for as long as the member of staff works at the school. When a staff member leaves and/or takes up new employment, that creates a natural point at which the content of the file may 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.

Any record of low-level concerns that may be kept about such person is subject to specific review in terms of:

(a) whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or

(b) if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

IN WHAT CIRCUMSTANCES MAY THESE RECORDS BE USED AND WITH WHOM MAY THE RECORDS BE SHARED?

Only the DSL, Headmaster and Head of HR will have access to this information. If there has not been any referral to the LADO then there is no reason to share this information with any prospective employers. Any allegations that were proven to be false, malicious or unsubstantiated would not be included in employer references.

This policy should be read in conjunction with: Staff Code of Conduct, Safeguarding & Child Protection Policy, Managing Allegations Policy, Part Four KCSIE 2021