



Merchant Taylors'
School

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Low Level Concerns Policy

Revision and Terminology: Please refer to the School's Policies Policy.

Policy owner:	The Executive Head
Type of policy:	Regulatory
Regulatory Body:	Department for Education / Independent Schools Inspectorate
Relevant Legislation / Guidance:	Keeping Children Safe in Education (2023) Working Together to Safeguard Children (2018)
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Linked Policies:	Safeguarding Children and Child Protection Policy Whistleblowing Policy Staff Code of Conduct

1. Principles

- 1.1 The school is committed to the welfare, protection, and safekeeping of all its pupils. If school staff have any concerns about a child's welfare, both physical and mental, they must act on them immediately.
- 1.2 All children have a fundamental right to be protected from harm and from all forms of neglect, abuse and exploitation and should feel safe and secure at school.
- 1.3 Parents should be reassured that it is the aim of the school to always act in the best interests of their child and to encourage the fullest possible involvement and consultation with parents.
- 1.4 Pupils should know that they have a means of raising issues of personal concern. They should feel that their concerns are taken seriously, that they are encouraged to talk and that they are listened to.
- 1.5 Staff, parents or pupils should also raise concerns about any weaknesses in the School's safeguarding systems

2. Purpose of Policy

2.1 What is a Low-Level Concern?

- 2.1.1 The Policy focuses on low level concerns regarding adults' behaviour towards children.
- 2.1.2 The term "low level" concern does not mean that it is insignificant. A low-level concern about the behaviour of a member of staff is one where such behaviour does not meet the 'harms threshold' outlined in 2.2.2 below or is not otherwise serious enough to consider a referral to LADO. It is through a concern as it appears to be inconsistent with the Merchant Taylors' Staff Code of Conduct or expected professional boundaries.
- 2.1.3 A low-level concern about an adult's behaviour towards a child is one that does not meet the 'harms threshold' threshold set out in 2.2.2 below, or is not otherwise serious enough to consider a referral to the LADO. A low level concern is any concern - no matter how small, and even if no more than a 'nagging doubt'.
- 2.1.4 It is crucial that any such concerns should be shared. This will maintain an open and transparent culture within the school, reinforcing its ethos and values; ensure that adults working in the school act within professional boundaries; and enable concerning, problematic or inappropriate behaviour to be identified and addressed early, minimising the risk of abuse.

2.2 What concerns are covered by the Policy?

2.2.1 The school operates a system (described in Section 3) for employees to report low level concerns, these concerns can be reported if they do not meet the 'harms threshold' as follows:

2.2.1.1 behaved in a way that has harmed a child or may have harmed a child.

2.2.1.2 possibly committed a criminal offence against or related to a child.

2.2.1.3 behaved towards a child or children in a way that indicates he or she may pose a risk of harm by working regularly or closely with children.

2.2.1.4 behaved or may have behaved in a way that indicates that they may not be suitable to work with children

2.2.2 In addition, a low-level concern should be reported about an employee if a colleague feels that a member of staff's behaviour is inconsistent with the Staff Code of Conduct including inappropriate conduct outside of work, even if not linked to a particular act or omission, that has caused a sense of unease about that adult's suitability to work with children.

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

- Being over-friendly with children;
- Having favourites;
- Taking photographs of children that they work with on a personal mobile phone;
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door;
- Using inappropriate sexualised, intimidating, or offensive language.

2.2.4 Such behaviour can exist on a wide spectrum, from the inadequate or thoughtless, or behaviour which may look inappropriate but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

2.3 Concerns that are NOT covered by this Policy

2.3.1 Allegations

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

- Behaved in a way that has harmed a child or may have harmed a child;
- Possibly committed a criminal offence against a child;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children;

- Behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include an arrest for possession of a weapon;
- Have, as a parent or carer, become subject to child protection procedures.

2.3.2 Safeguarding concerns

- Concerns about a child's safety or welfare;
- Concerns regarding peer-on-peer abuse.
- Is not consistent with the School's 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 children.

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

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

3.2 The school operates a system for employees to report low level concerns, these concerns can be reported if they do not meet the threshold as outlined in 2.2.2 above or a colleague feels that their a member of staff's behaviour is inconsistent with the Staff Code of Conduct including inappropriate conduct outside of work. This can be done by making direct contact with the Executive Head or their absence is going to be longer than for a 24 hour period, through the respective Head of School for a teaching member of staff or the Chief Operating Officer for a Professional Services member of staff . If the low-level concern is reported to the Head of School/COO it will be assessed and shared with the Executive Head in a timely fashion according to the nature of each particular low-level concern. Ideally, low-level concerns should be shared within 24 hours of a member of staff becoming aware of it.

3.3 If the concern is about the Executive Head, it should be reported directly to the Chair of Governors.

3.4 Low-level concerns relating to supply staff and contractors will be reported to their employers, so that any potential patterns of inappropriate behaviour can be identified.

4. Procedure for managing a low-level concern

4.1 Step 1 - Initial Concern Raised

4.1.1 In the first instance, staff can report verbally to the Executive Head or provide a written summary of their concern addressed to the Executive Head.

- A verbal account will be subject to contemporaneous recording by the Executive Head, ensuring that a written record is taken as information is shared;

- Sound professional judgment will be used in determining what information is necessary to record for Safeguarding purposes;
- Record should include brief context, concise details, and relevant incidents;
- Record to be signed, dated and timed.

4.1.2 Note that staff should feel comfortable to self-refer where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others and, on reflection, they believe that they have behaved in such a way that they consider falls below the professional standards expected by the School.

4.1.3 If the person raising a concern wishes to remain anonymous, this will be respected as far as reasonably possible.

4.2 Step 2 - Response by Executive Head

4.2.1 The Executive Head should speak to the person who is raising the concern; to review the information and decide whether the behaviour is:

4.2.1.1.1 Entirely consistent with the School's Staff Code of Conduct

4.2.1.1.2 Constitutes a low-level concern Is serious enough to consider a referral to the Local Authority Designated Officer (LADO)

4.2.1.1.3 When considered with any other previous low-level concerns about this individual, should be reclassified as an allegation and referred to the Head of School and LADO/any other statutory agencies;

4.2.2 The Executive Head will share information about low level concerns with the respective Head/s of School if the member of staff teaches/works in their school and Chief Operating Officer as soon as possible e.g. weekly meeting or immediately if they meet the allegation threshold or would otherwise be referred to LADO.

4.2.3 Speak to the individual about whom the concern is raised (unless LADO/Police have advised otherwise).

4.3 Executive Head and DSL must make records of:

4.3.1 All low-level concerns raised to the Executive Head must be recorded and include the following information:

4.3.1.1 All internal conversations;

4.3.1.2 All external conversations;

4.3.1.3 The details of the concern and the context in which the concern arose;

4.3.1.4 Details of action taken and the rationale for this

4.3.1.5 The name of the individual sharing the concern (requests for anonymity should be respected as far as reasonably possible)

- 4.3.2 All low-level concerns must be logged on the low-level concerns log held by the People Director

4.4 Step 3 –Decision Making and Next steps

4.4.1 Information shared meets School’s expectations and is compliant with Code of Conduct

- The Executive 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 consistent 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 Low-Level Concerns policy not clear enough?
- Consider training/support of Low-Level Concern policy if the same individual reports similar low-level concerns and it is found to be consistent with Code again.

4.4.2 Information shared does not meet the School’s expectations and is in breach of the Code of Conduct - a low level concern

- 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.

4.4.3 Information gained is above a low-level concern or further evidence gained raised the level of concern

- 4.4.3.1 If further evidence is gained that raises the level of concern, the Executive Head will always access guidance from LADO.

4.4.4 Information gained is deemed borderline

- 4.4.4.1 In cases deemed borderline, informal discussions will be held with the Designated Officer(s) at the Local Authority without naming the individual.

5. Regular Reviews and previous low-level concerns

- 5.1 Records of low-level concerns are reviewed periodically in order to identify any patterns of concerning, problematic or inappropriate behaviour. Should a pattern of behaviour be identified, the School will decide on a course of action depending on the nature of the concerns. This will include referral to the LADO if the harms threshold is met. The review of records will also consider

whether these indicate any wider cultural issues in the School which should be addressed by revising school policies or providing further training.

- 5.2 If an individual has had a previous low-level concern raised against them then a decision may be made to reclassify the concern as an allegation, and the concern will be dealt with in accordance with the School's Safeguarding Policies and Procedures. It may be the case that repeated low level concerns are dealt with under the School's Staff Disciplinary Procedures.

6. Recording and Retention of Information

- 6.1 All records of Low-Level Concerns, (including behaviour deemed by the Executive Head to be entirely consistent with the Code of Conduct) should be retained in the central low level concerns file held by the People Director, Human Resources;
- 6.2 These records are confidential, with a limited number of individuals having access, for example, Executive Team and People Director.
- 6.3 In the event of a decision that behaviour is a low-level concern, the information should not be held on personnel files.
- 6.4 If disciplinary, grievance or whistleblowing procedures are triggered, then a copy should be held on both safeguarding and personnel files.
- 6.5 If the concern is deemed serious enough to consider referral to the LADO, then records should be retained on the personnel file.
- 6.6 If the Low-Level Concern is reclassified as an allegation then files should be moved from Safeguarding to personnel files.
- 6.7 The School will retain all information regarding any level of Safeguarding concern centrally within a secure system, in compliance with the data Protection Act 2019 and the UK General Data Protection Regulations.

7. Timeframe

- 7.1 Low level concern files should be kept unless and until further Government guidance provides of these.
- 7.2 When a staff member leaves and/or takes up new employment, that would then create a natural point at which the content of the file may be reviewed.

8. References

- 8.1 The School will only provide substantiated safeguarding allegations in employment references. Low Level Concerns will not be included in a reference unless they relate to issues which would normally

be included in a reference, for example, misconduct or poor performance. Any matter which has met the threshold for referral to LADO and found to be substantiated, will be referred to in a reference.

9. Other information

9.1 This policy is non-contractual and will be reviewed annually.

9.2 Further guidance on low level concerns can be found in Keeping Children Safe in Education part 4.