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Low-Level Concerns Policy

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1. Introduction

At Gillshill Pelican Preschool we take safeguarding very seriously. This includes ensuring that adults who work with children do so in a way that is in accordance with the ethos and policies set out by the setting, including the Staff Code of Conduct. This policy sets out the detail and processes for staff regarding any low-level concerns they may have.

2. Keeping Children Safe in Education (KCSIE) September 2022

‘Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold (see Part Four - Section one) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical’ (KCSIE 2022 part four 425)

If implemented correctly, this should:

‘enable settings to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the setting are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.’ (Farrer & Co)

3. Definition

Definition: Concern or allegation that does not meet the harm threshold: low-level concern. The term ‘low-level’ concern does not mean that it is insignificant. 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 working with children may have acted in a way that:

- is inconsistent with an organisation’s staff code of conduct, including inappropriate conduct outside of work.

- does not meet the harm threshold; or is otherwise not serious enough to merit a referral to the LADO.

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

- Poor or mismanagement of behaviour
- having favourites;
- inadvertent or thoughtless behaviour.
- is inconsistent with the staff Code of Conduct policy, including inappropriate conduct outside of work.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances.

It is crucial that any such concerns, including those which do not meet the harm threshold (see Part Four - Section one), are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of the setting from potential false allegations or misunderstandings. (KCSIE 2022 part four 426-429)

4. Implementing the Policy

Staff must be fully notified of the low-level concerns policy and of its purpose, partly for its proper implementation but also under the data protection principles of fairness and transparency. As a general rule, if the policy is being applied correctly, staff should not be in the dark about either the existence or the nature of a low-level concern about them. Reference to a low-level concerns policy should be made in any privacy notice to staff. (Farrer & Co 2022 7.7)

5. Storing and use of Low-Level Concerns and follow-up information

Low Level Concerns forms, and follow-up information will be stored securely within the settings safeguarding systems. This will be stored in accordance with the settings GDPR and data protection policies. The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Designated Safeguarding Lead/ Manager, Deputy or Committee Chair if applicable.

Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures. Whenever staff leave the setting any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept. Consideration will be given to: (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.

6. Self-reporting

Staff should, wherever possible, proactively self-report – for example, if they know they are going to be in a situation which would be deemed a breach of the staff code of conduct, including, for example, where a member of staff

- (i) plays in an external sports team with family members of children who attend the setting and they may be on a WhatsApp group with them, where potentially photographs and information could be shared
- (ii) is having to drive a child somewhere – for example for an urgent medical appointment

- (iii) If behaviour has been managed in a way that is not in accordance with the settings Behaviour and Code of Conduct Policy

7. Procedure

A member of staff who has a concern about another member of staff should inform their Designated Safeguarding Lead about their concern using a Low-Level Record of Concern Form. (example attached)

If the Designated Safeguarding Lead/ Manager cannot be contacted, then the Deputy Designated Safeguarding Lead or if applicable the Chair of the Governing Committee should be contacted instead. Steps should be taken to address the unprofessional behaviour and support the individual to correct it an early stage.

The Low-Level Concern should be recorded in writing within 24 hours of the concern being raised and should include:

- Name(s) of the individual sharing their concerns
- Names of any witnesses
- Details of the concern – date, time
- Context in which the concern arose
- Action taken

If the individual raising the concern wishes to remain anonymous then that should be respected as far as is possible. However there may be circumstances where the staff member will need to be named and for this reason, anonymity should never be promised to those sharing low level concerns.

If it is determined that the behaviour constitutes a low-level concern, then:

(a) any investigation of low-level concerns should be done discreetly and, on a need,-to-know basis;

(b) 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.

(c) 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.

(Farrer & Co 2022, 8.20.2)

All low-level concerns should be responded to in a sensitive and proportionate way – on the one hand demonstrating 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.

References

Keeping Children Safe in Education 2022

Developing a Low-Level Concerns Policy. Farrer & Co 2022

