



celtic cross education

Low Concerns Policy
March 2022

Low level concerns about adults working with (or around) children Policy and guidance

(this policy has been taken from a shared template from Kernow Learning who worked in consultation with their Trust schools, DSL network group and external agencies)

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1. Introduction

Celtic Cross Education recognises that the early identification and prompt and appropriate management of concerns about adults, is critical to effective safeguarding. Celtic Cross Education is committed to creating a culture in which all concerns about adults (including where the threshold for an allegation is not met) are shared responsibly and with the right person and recorded and dealt with appropriately. If implemented well this should encourage an open and transparent culture; enabling DSL's to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working for or with the Trust are clear about professional boundaries and act within them, in accordance with the ethos and values of Celtic Cross Education. Behaviour which is not consistent with the standards and values of Celtic Cross Education, and which does not meet the organisational expectations encapsulated in the Code of Conduct, needs to be addressed.

This policy should be read alongside our Safeguarding and Child Protection, Whistleblowing, Disciplinary & Grievance and Staff Code of Conduct Policies.

2. Summary

It may be possible that a member of staff acts in a way that does not cause risk to children but is however inappropriate. Celtic Cross Education is committed to cultivating a culture of staff being able to, in a safe and professional manner, challenge behaviours that cause offense or cause an atmosphere of feeling uncomfortable.

Any member of staff who has a concern about the action/s of another member of staff, volunteer or contractor, or who on reflection, recognises that their own actions could have been viewed as concerning should inform the Head of School.

Celtic Cross Education recognises that a low-level concern about a member of staff may be raised by an external agency, community or family member. In this instance it will be the Head of School's responsibility to have an open and honest discussion with the member of staff.

3. Keeping Children Safe in Education September 2021

The following is taken from Keeping Children Safe in Education September 2021 and identifies what may be considered behaviour relating to low level concern:

What is a low-level concern (LLC)?

409. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out at paragraph 338 (and on page four of this policy in the red box). 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 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.

410. 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 phone.
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.
- Erosion of boundaries

411. 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, through to that which is ultimately intended to enable abuse.

412. 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 schools and colleges from potential false allegations or misunderstandings.

At Celtic Cross Education we have created and maintain a safe environment for our pupils to remain safe from harmful adults. Our Code of Conduct is robust and incorporates all the above guidance. However, this guidance is to ensure staff/volunteers/partners are responsible for their actions at all times.

Examples that may need to be reported:

- Staff that befriend families online who they have met through their role within Celtic Cross Education
- Staff that come to mind in Safer Recruitment/Safeguarding training ('flying low of radar')
- Staff who shout or speak disrespectfully to or about children
- Staff that adopt risky 'alter egos' online
- Staff that are online 'influencers' and use their role within Celtic Cross Education to meet their own needs (for example, to promote their own business or enterprise)
- Staff who 'like' or 'share' inappropriate/extreme material or opinions on social media (for example, making, liking, or sharing derogatory comments about individuals or groups with protected characteristics)
- Staff that are unable to safeguard their own children
- Staff who display coercive/controlling behaviour outside or inside the workplace
- Staff that do not role model the ethos of modern Safeguarding in Education

Staff should be assured that Celtic Cross Education understands that dynamics/relationships within families, neighbours and friendship groups can break down and our Head of Schools will be mindful of assessing delicate personal details. Concerns of this nature will be handled with respect alongside your human right to have a 'personal life' and protect from Malicious allegations. However, any actions that impact on the wellbeing of children and/or vulnerable adults cannot be ignored.

4. Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct

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;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

LOW-LEVEL CONCERN

Any concern no matter how small, even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

- is not consistent with CCE'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

APPROPRIATE CONDUCT

Behaviour which is entirely consistent with CCE's Code of Conduct, and the law.

The below is what Shaun wrote for the CCE policy in October 2021

Sharing low-level concerns (LLCs) – action required by staff, safeguarding lead (DSL)

If member of staff has what they believe to be a LLC – they should take the below action. If member of staff has an allegation – they should follow the procedure in the CCE Safeguarding Policy/ Managing Allegations Against Staff Policy

1. Share with DSL (or in their absence with deputy) as soon as reasonably practicable and within 24 hours
2. DSL to speak to person who raised LLC, review information and determine whether behaviour:
 - (a) is entirely consistent with CCE Code of Conduct, and the law
 - (b) constitutes an LLC
 - (c) is serious enough to consider a referral to LADO
 - (d) when considered with any other LLCs that may have previously been raised about the same individual, should be reclassified as an allegation, and referred to LADO/ other relevant external agencies
3. DSL to seek advice from LADO, if in any doubt – on a no-names basis if necessary.
4. DSL to speak to the individual about whom concern has been raised (unless advised not to do so by LADO/other relevant external agencies, where contacted)
5. DSL to also consider whether LLC also raises misconduct or capability issues – considering any advice from LADO and consulting CEO/HR on a no-names basis where necessary – and, if so, to refer matter to HR
6. DSL to make appropriate records of all internal and external conversations, their determination, the rationale for their decision, and details of any action taken, and to retain records in accordance with LLCs CCE policy

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

Low Level Concerns (LLC) information will in the first instance be informal. However, if once a staff member has challenged low level behaviour and it continues, the Head will address the

behaviour/conduct. A record of these discussions will be stored securely within the (My Concern CPOMS safeguarding system, with access only by the HoS/DSL.

This will be stored in accordance with the school's 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 Head of School/DSL. There may be instances where behaviour and conduct is witnessed by multiple staff members. All staff are responsible for addressing and reporting low level behaviour concerns as individuals and not as a group.

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. Should staff leave Celtic Cross Education, 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

Process to Follow when a low-level concern is raised

The Head of School/DSL will discuss reported concerns with the member of staff. It may not be necessary to name the complainant unless the concern is escalated to formal proceedings. (see relevant policy – Safeguarding; Grievance; Complaint; Staff Code of Conduct; Disciplinary procedure; Whistleblowing)

The Head of School/DSL will discuss

- what changes needs to be made
- agree a support plan if required
- any further action
- consequences of repeated behaviour/actions
- time scale (normally immediate)

The Head of School/DSL will be mindful of Disguised compliance, where the staff member says what is required but minimises said behaviours/actions and little changes.

The member of staff will be directed not to discuss with colleagues and attempt to investigate where the reported concern came from.

Please remember this policy is focused at keeping children, community, and staff safe.

Guidelines for Head of Schools/DSLs

Implementation - the way in which the policy is communicated to staff is key. Carefully designed training that is engaging and includes scenario based discussions should encourage buy-in from staff and volunteers and help to achieve the policy's objectives. In contrast, poor communication of the policy can create suspicion, confusion and toxicity which could be highly damaging to the organisational culture, decreasing rather than increasing reporting.

Allegations v concerns - the relationship between low level concerns and allegations should be made clear. For example, the HoS/DSL receiving the low-level concern must always consider whether it meets the threshold for reporting to the designated officer of the local authority as an allegation. If they are in any doubt they should contact the designated officer for advice. Equally, a series of low-level concerns may cumulatively meet the threshold and need to be treated as such.

Reporting lines – ideally all concerns should be reported to one person so that patterns can be identified.

Handling concerns – handling concerns appropriately and proportionately will strengthen confidence of staff and volunteers. In contrast, handling concerns disproportionately or inappropriately will decrease rather than increase reporting. The way in which concerns are

handled, and the identity of the person handling them, will necessarily depend on the context and nature of the concern being raised.

Retention and Recording concerns - the treatment of personal data for the purpose of personnel files and references is important. KCSIE requires schools to retain a copy of all substantiated, unsubstantiated or false allegations on a staff member's personnel file but to refer only to substantiated allegations in references. Low-level concerns which do not individually or collectively meet the threshold for referral to the LADO will be retained in a confidential, school safeguarding file e.g My Concern/CPOMS but not on personnel files or used on references. The recording of information should be done following the exercise of sound professional judgement as to what information is necessary for safeguarding purposes. That information, once recorded, itself must be carefully treated, in terms of who has access to it, and who needs to know, oversee and review its contents (remembering that individuals have the right to access these records about them under data protection law).

Oversight and review - the regular review of low-level concerns by the HoS/DSL is required to ensure that the concerns are being handled appropriately and proportionately, that no concerns meet the threshold of an allegation, and that any subtle patterns of behaviour are spotted. Getting these points right should create a solid foundation to a transparent culture in which all concerns are shared openly and acted on appropriately. By contrast it can be hard to retrieve a situation if these areas are not considered carefully at the outset.

APPENDIX 1

LOW LEVELS CONCERN FORM – ONLY TO BE USED IF THERE IS AN ISSUE WITH INTERNET CONNECTION AND ACCESS

Please use this form to share any concern – no matter how small, and even if no more than a ‘nagging doubt’ – that an adult may have acted in a manner which:

- is not consistent with CCE 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.

You should provide a concise record – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s) (and please use a separate sheet if necessary). The record should be signed, timed and dated.

Details of concern

Name of staff member subject to LLC	
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Signed		Print name	
Date		Time	

This record will be held securely in accordance with CCE low-level concerns policy. Please note that low-level concerns will be treated in confidence as far as possible, but CCE may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims and formal investigations. With thanks to low-level-concerns-guidance-2020.pdf (farrer.co.uk)

