

Allegations Against Staff including Low Level Concerns Policy

Contents

- 1.1 [Definitions](#)
- 1.2 [Introduction](#)
- 1.3 [Legal Framework](#)
- 1.4 [Scope of this Policy](#)
- 1.5 [Staff covered by this Policy](#)
- 1.6 [Roles and Responsibilities](#)
- 1.7 [Reporting Concerns and Allegations](#)
- 1.8 [Initial Response](#)
- 1.9 [Confidentiality](#)
- 1.10 [Suspension](#)
- 1.11 [Supporting those Involved](#)
- 1.12 [Outcomes](#)
- 1.13 [Referral to DBS](#)
- 1.14 [Criminal Investigations](#)
- 1.15 [Unsubstantiated, unfounded, false or malicious allegations](#)
- 1.16 [Returning to Work](#)
- 1.17 [Resignations](#)
- 1.18 [Record Keeping](#)
- 1.19 [References](#)
- 1.20 [Non-Recent Allegations](#)
- 1.21 [Monitoring and Review](#)
- 1.22 [Rationale for Low Level Concerns](#)
- 1.23 [Aim of Low Level Concerns](#)
- 1.24 [Recognising Low Level Concerns](#)
- 1.25 [Reporting Low Level Concerns](#)
- 1.26 [Recording Low Level Concerns](#)
- 1.27 [Reviewing Low Level Concerns](#)
- 1.28 [Responding to Low Level Concerns](#)
- 1.29 [Data Protection and Confidentiality](#)
- 1.30 [Appendices](#)
 - [Appendix 1 – Reporting Low Level Concerns Flow Chart](#)
 - [Appendix 2 - Low Level Concern Reporting Form](#)
 - [Appendix 3 – Spectrum of Behaviour](#)

This policy should be read in conjunction with the following:

- Safeguarding and Child Protection Policy
- E Safety Policy
- Code of Conduct
- Harmful Sexualised Behaviours Policy
- Data Protection Policy
- Disciplinary Policy and Procedure

1.1 Definitions

Low Level Concern – A low level concern is any concern relating to a member of staff, including supply staff, contractors or adults acting on behalf of the school, who may have acted in a way that was deemed inconsistent with the staff Code of Conduct which does not meet the harm allegation threshold (as defined below).

Allegation – A behaviour that may have reached the harm threshold, also referred to as a concern. If an allegation is referred to as an ‘allegation that may have reached the harm threshold’ – then it is alleged that a person who works with children;

- may have behaved in a way that has harmed a child
- possibly committed a criminal offence against or in relation to a child
- may have behaved towards a child in a way that indicates they may pose a risk of harm to a child
- may have behaved in a way that indicates they may not be suitable to work with children

Organisational Culture – Is the culture of the organisation (or school) which sets the context and expectation for all behaviour. A positive culture where concerns can be identified and talked about openly is a key element of a strong safeguarding system.

1.2 Introduction

Briarwood School takes its responsibility of care for pupils seriously. We will thoroughly and swiftly investigate allegations of abuse against staff in a fair way that does not prejudice either the pupil or the member of staff; with effective protection for the pupil and support for the person subject to the allegation. This policy will apply to concerns or allegations against those working in or on behalf of the school in a paid or unpaid capacity, including supply staff, volunteers and contractors. Any investigation of an allegation of abuse will be made in line with this policy. We will provide both the accuser and accused with the support they require during the investigation.

The aim of this Policy is to develop an organisational culture in which all concerns about adults (including where the threshold for an allegation is not met) are reported, recorded, shared responsibly to the correct person and dealt with in a timely and appropriate manner. We aim to deeply embed an honest, robust and holistic safeguarding culture of openness, trust and transparency, that everybody is committed to. At Briarwood, we believe safeguarding is everyone’s responsibility. This policy should empower and enable staff to identify and address problematic or inappropriate behaviour and share concerns, no matter how small, about their own or another member of staff’s behaviour, in order to minimise the risk of harm to pupils.

In order to establish this culture, the following are essential;

- initial policy and framework
- robust staff training
- support structure for staff
- effective leadership and governance
- clear processes and procedures

Staff should be clear about professional boundaries and act in accordance with the values and ethos of the organisation at all times. Any behaviour that goes against those specified in the Code of Conduct should be addressed and dealt with according to the guidance detailed in this policy.

1.3 Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- DfE (2024) 'Keeping children safe in education 2024'
- DfE (2023) 'Working Together to Safeguard Children'

1.4 Scope of this policy

This policy covers the process for dealing with allegations that do meet the harms threshold and do not meet the harm threshold (LLC). The thresholds of harm include anyone working in the school, including supply staff, volunteers and contractors, who have:

- 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.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children, including transferable risk, i.e. behaviour that may have happened outside of school that might make the individual unsuitable to work with children.

If the school has any doubt as to whether information which has been shared about a member of staff as a low-level concern meets the harm threshold, the LADO's advice will be consulted.

1.5 Staff covered by this policy

This policy covers allegations against those working in or on behalf of the school in a paid or unpaid capacity, including members of staff, supply staff, volunteers and contractors.

In some cases, the school will have to deal with an allegation against an individual not directly employed by them, e.g. supply staff provided by an employment agency, where the school's disciplinary procedures do not fully apply as agencies will have their own procedures.

In these cases, the school will ensure allegations are dealt with properly and will often take the lead on dealing with the allegation as it has access to all of the necessary information. Under no circumstances will the school decide to cease to use a supply staff member due to safeguarding concerns without finding out the facts and liaising with LADO to determine a suitable outcome.

Any supply agencies used by the school will be informed of the school's process for managing allegations. The school will also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers.

If an allegation is made against a governor, the school will follow its local procedures. Where an allegation is substantiated, the school will follow the procedures to consider removing the governor from office.

For the purposes of this policy "member of staff" refers to staff, supply staff, volunteers and contractors.

1.6 Role and responsibilities

The governing board will be responsible for:

- Ensuring this policy is implemented consistently in the school.
- Ensuring wellbeing support is put in place for staff subject to allegations.
- Making the final decision of whether a member of staff subject to an allegation should be dismissed

The chair of governors will be responsible for acting as the case manager for allegations relating to the Executive Headteacher. The DSL (in conjunction with the Executive Headteacher) will be responsible for acting as the case manager for allegations, unless the allegation relates to them or if there is a conflict of interest if they were the case manager.

The EH will be responsible for:

- Leading investigations into allegations.
- Making the final decision of whether a member of staff subject to an allegation should be suspended

The DSL will be responsible for:

- Conducting a basic enquiry as soon as an allegation is reported.
- Working with the LADO when dealing with allegations.
- Making referrals to children's social care services (CSCS) and/or the police where necessary.
- Looking after the welfare of pupils involved in an allegation and ensuring they are not at risk.

The LADO will provide advice and guidance to the school when considering allegations. Their role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out.

1.7 Reporting concerns and allegations

Staff must report allegations without delay, in line with the following reporting lines:

- Allegations regarding another member of staff will be reported to the Executive Headteacher
- Allegations regarding the Executive Headteacher will be reported to the Chair of Governors

Where there is a conflict of interest in reporting the allegation to the Executive Headteacher, staff will report the concern directly to the LADO. Information regarding the identity of the LADO can be found on the LA's website.

Where a pupil makes a disclosure to a member of staff about the behaviour of another member of staff, staff must follow the reporting lines above.

Once an allegation has been made, a case manager will be assigned to lead the investigation by the EH. The case manager will be a member of SLT as instructed by the EH or, where the EH is the subject of an allegation, the chair of governors.

1.8 Initial response

CSCS and, as appropriate, the police will be contacted immediately if a child has been harmed, there may be an immediate risk of harm to a child, or the situation is an emergency. These reports will be made in line with the school's Child Protection and Safeguarding Policy.

Before contacting the LADO, the case manager will conduct a basic enquiry in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation. During this basic enquiry, the case manager will ensure they collect any information that will be required by the LADO and will be careful not to jeopardise any potential future police investigation.

Once the DSL/EH has conducted the basic enquiry, they will contact the LADO. The case manager and LADO will discuss the nature, content and context of the allegation and decide if:

- No further action is needed.
- A strategy discussion should take place.
- There should be involvement from the police and/or CSCS.

Where the case manager is concerned about the welfare of other children in the community or the staff member's family, they will discuss these concerns with the DSL and conduct a risk assessment of the situation. Where necessary, the DSL will make a referral to CSCS.

If the allegation is about physical contact, e.g. restraint, the strategy discussion or initial evaluation with the LADO will take into account that teachers and other staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the allegation includes behaviour outside of school, an assessment of transferable risk to children with whom the person works will be undertaken where appropriate; advice will be sought from the LADO where there is any doubt.

No further action

Where the initial assessment leads to no further action, the case manager and LADO will:

- Record the decision and justification for it.
- Agree on what information should be put in writing to the individual concerned and by whom.

Strategy discussion

If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion involving the police and/or CSCS will be convened. Strategy discussions will take place in line with the 'Working Together to Safeguarding Children' statutory guidance. For allegations regarding physical contact, e.g. restraint, the right to use reasonable force in line with the school's Physical Intervention Policy will be taken into account.

CSCS will convene the meeting to determine the child's welfare and plan rapid future action if there is reasonable cause to suspect the child is suffering or likely to suffer significant harm. A representative of the school may be invited to the meeting.

The discussion will be used to:

- Share available information.
- Agree the conduct and timing of any criminal investigation.
- Decide whether enquires under section 47 of the Children Act 1989 must be undertaken.

Investigation

Where it is clear than an investigation by the police or CSCS is unnecessary, or the strategy discussion or initial assessment decides that this is the case, the LADO will discuss next steps with the case manager.

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager will discuss how the investigation will be undertaken and who should conduct the investigation. In most cases, the investigation will be undertaken by a senior member of staff at the school. Where there is a lack of appropriate resources within the school to conduct the investigation, or the nature or complexity of the allegation requires it, the allegation will be conducted by an independent investigator.

The case manager will monitor the progress of the investigation to ensure that it is dealt with thoroughly, fairly and as quickly as possible. The first review will take place no later than four weeks after the initial assessment where possible. Dates of subsequent reviews will be set at the review meeting if the investigation continues and will be conducted at least at fortnightly intervals.

Informing the member of staff

The decision of when to inform will be considered carefully on a case-by-case basis, considering guidance from the LADO as required and CSCS and the police if involved. The member of staff subject to an allegation should be informed of the allegation and given as much information as possible, unless there are good reasons not to. In cases where the allegation needs to be reported to CSCS and/or the police, the case manager will seek advice from the LADO, CSCS and police as appropriate regarding what information can be shared.

Supply staff

Where an allegation relates to a member of supply staff, the agency will be fully involved and cooperate with any enquiries from the school, LADO, police and/or CSCS. In these cases, the school will usually take the lead as the agency will not have direct access to the required information.

The school will not decide to stop using a member of supply staff due to safeguarding concerns without first finding out the facts and liaising with the LADO to determine a suitable outcome.

The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school during the investigation.

Organizations or individuals using school premises

Where the school receives an allegation relating to an incident that happened when an individual or organisation was using the premises for the purposes of running activities for children, e.g. community groups or sports associations, the school will inform the LADO and ensure appropriate steps are taken to keep pupils safe and ensure that the allegation is subject to a proper investigation.

1.9 Confidentiality

The case manager and LADO will discuss what information will be shared and with whom, alongside which actions will be taken to manage any possible breaches of confidentiality or press interest.

Reporting restrictions under the Education Act 2002 will be observed. Information regarding an allegation will only be shared with necessary parties. Every effort will be made to protect the privacy of all parties involved in an allegation. Confidentiality will also be maintained to ensure a fair investigation can be undertaken.

All parties involved in an allegation will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

In circumstances where the school needs to make parents aware of an allegation, it will ensure parents and others are aware that there are restrictions on publishing information.

Breaches in confidentiality will be taken seriously and may warrant a separate investigation.

The school will not provide the media with any information regarding an allegation.

1.10 Suspension

Suspension, e.g. remaining under the school's employment but being asked not to attend the school premises, will never be an automatic response when an allegation is reported – options to avoid suspension will be considered prior to taking that decision.

The case manager will report to the EH via an investigation report and the EH will carefully consider whether the circumstances warrant suspension from contact with children at the school, or until the allegation is resolved. Suspension will be considered only in cases where there is cause to suspect a pupil or other pupil at the school is/are at risk of harm, or the case is so serious that it might be grounds for dismissal.

The case manager will seek advice from the school's HR provider and the LADO, as well as the police and CSCS where they have been involved. The following options will be considered by the EH before suspending a member of staff:

- Redeploying the member of staff within the school so that they do not have direct contact with the pupil or pupils concerned
- Redeploying the member of staff to alternative work in the school so the individual does not have unsupervised access to pupils
- Moving the pupil or pupils to classes where they will not come into contact with the member of staff – this decision will only be made if it is in the best interests of the pupil or pupils involved and takes account of their views

The EH will make the final decision on whether the member of staff should be suspended. Where a strategy discussion, or initial assessment, concludes that there should be enquiries by CSCS, and/or an investigation by the police, the LADO will seek the views of the police and CSCS regarding whether the member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff. The decision to suspend will be made on a case-by-case basis following a risk assessment of whether the person poses a risk of harm to children.

If immediate suspension is considered necessary, the case manager will record the rationale and justification for this decision, alongside the alternatives to suspension that were considered and why they were rejected.

Where suspension is deemed necessary, written confirmation will be given to the member of staff within one working day where possible, which will provide as much detail as appropriate for the reasons for the suspension. The member of staff will be told immediately who their named contact is within the school for the period of their suspension.

Where an allegation relates to a member of supply staff, the case manager alongside the EH with the supply agency or agencies where the member of staff is working across a number of schools, whether it is appropriate to suspend the individual, or redeploy them to another part of school, whilst an investigation is carried out.

Where the school is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at the school, immediate action will be taken by the school to ensure the individual does not carry out work in contravention of the order, i.e. not carrying out teaching work, pending the findings of the TRA investigation.

Staff will continue to be paid whilst suspended.

Supporting those involved

Pupils and parents

The welfare of the pupil(s) involved in an allegation will be paramount. Pupils involved will be fully supported in line with the Child Protection and Safeguarding Policy.

The parents of the pupil(s) involved in an allegation will be told about the allegation as soon as possible if they do not already know about it, unless notifying the parents would put the pupil at further risk. The case manager will work with the LADO to agree who should be informed about the allegation.

Parents will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

Parents will be kept informed about the progress of the allegation, including the outcome and any action taken.

Staff who report an allegation

The school will ensure that all staff feel equipped and supported to report any allegations or concerns.

Staff subject to an allegation

Any staff member subject to an allegation will be offered wellbeing support. The school has a duty of care to all staff and will:

- Manage and minimise the stress caused by the allegation.
- Inform the member of staff as soon as possible about the allegation, explaining the likely course of action, guided by the LADO, and the police where necessary.
- Advise the member of staff to contact their trade union representative, or a colleague for support.
- Appoint a named representative to keep the staff member informed about the progress of the case.
- Provide access to counselling or medical advice where appropriate.
- Not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Any information regarding an allegation is confidential and will not ordinarily be shared with other staff or with pupils or parents who are not directly involved in the investigation.

1.11 Outcomes

The following definitions will be used when determining the outcome of an allegation:

- Substantiated: There is sufficient evidence to prove the allegation
- Malicious: There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
- False: There is sufficient evidence to disprove the allegation
- Unsubstantiated: There is insufficient evidence to either prove or disprove the allegation
- Unfounded: There is no evidence or proper basis which supports the allegation being made

The options available to the school will depend on the nature and circumstances of the allegation and the evidence and information available.

1.12 Referral to the DBS

If an allegation is found to be substantiated and the member of staff is dismissed, resigns or otherwise ceases to provide their services to the school, or the school ceases to use the person's services, the school has a legal duty to make a referral to the DBS. For members of teaching staff at the school, the case manager will consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

The school will also make a referral to the DBS where it is considered an individual has engaged in conduct that harmed, or is likely to harm, a child, or if they otherwise pose a risk of harm to a child.

1.13 Criminal investigations

Some allegations may result in a criminal investigation taking place. The police will inform the school and the LADO when:

- A criminal investigation and any subsequent trial is complete.
- It is decided to close an investigation without charge.
- It is decided not to continue to prosecute after the person has been charged.

The DSL / EH and LADO will discuss whether any further action against the member of staff is appropriate, including disciplinary action.

1.14 Unsubstantiated, unfounded, false or malicious allegations

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager will consider whether the pupil and/or person who has made the allegation needs help or may have been abused by someone else and this is a cry for help. If this is the case, the DSL will decide whether a referral to CSCS needs to be made.

If a report is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the individual who made it, in line with the Disciplinary Policy and Procedure (for staff reporters).

Following an allegation concluded to be either unfounded, false, malicious or unsubstantiated, the case manager, in liaison with the LADO if they were involved, will consider the facts and determine whether any lessons can be learnt and if improvements can be made to the school's procedures.

1.15 Returning to work

Where a member of staff has been suspended and it is decided on conclusion of the case that they can return to work, the case manager will decide on the best course of action to facilitate the return to work, seeking advice from the school's HR provider and the LADO where necessary.

The individual's circumstances will be taken into account, and options such as a phased return and the provision of a mentor to provide assistance and support in the short term considered where appropriate.

The case manager will also consider how the staff member's contact with the child who made the allegation can best be managed if they are still attending the school.

The member of staff will be provided with support, including wellbeing support, during their return to work.

1.16 Resignations

If the member of staff leaves, resigns or ceases to provide their services during an investigation, the school will not stop the investigation and will ensure its completion.

The staff member subject to the allegation will be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and supporting evidence and reaching a judgement on the allegation will continue even if the member of staff does not cooperate. The member of staff concerned will be notified of the conclusion of the allegation and sanctions that may be posed.

Settlement agreements

The school will not use settlement agreements (also known as compromise agreements) where there are allegations that indicate a person is a risk or poses a risk of harm to children or is deemed not suitable to work with children.

In limited circumstances, it may be appropriate to use settlement agreements to end the employment relationship on agreed terms. Where a settlement agreement is used, this will not prevent the school from:

- Fulfilling its legal duty to refer cases to the DBS where the referral criteria are met.
- Providing a fair, accurate and truthful reference that is not misleading to potential employers when requested.
- Considering whether to make a referral to the Teaching Regulation Agency (TRA) where the criteria are met.

1.17 Record keeping

Any details of allegations that are found to be malicious or false will be removed from the staff member's personnel record, unless they give their consent for the information to be retained.

For all other allegations, the following information will be kept on the staff member's personnel file:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Details of any action taken, decisions reached and the outcome
- A copy provided to the person concerned, where agreed by CSCS or the police
- A declaration on whether the information will be referred to in any future reference

The school will retain records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the enquiry. All other records will be retained until the staff member subject to the allegation has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is longer.

All records will be managed in line with the school's Data Protection Policy.

1.18 References

References will be provided in line with the school's Safer Recruitment Policy Policy.

The school will ensure that any information provided confirms whether they are satisfied with the applicant's suitability to work with children, and only provide the facts and outcome of any

substantiated safeguarding concerns or allegations that meet the harm threshold within any employment references. References will not include opinions, and cases will not be included where an allegation was found to be false, unfounded, unsubstantiated or malicious; this applies for repeated concerns or allegations found to be false, unfounded, unsubstantiated or malicious.

1.19 Non-recent allegations

If a former pupil makes an allegation to the school that they were abused as a child, they will be advised to report the allegation to the police. Non-recent allegations made by a pupil will be reported to the LADO in line with the LA's procedures for dealing with non-recent allegations.

All pupils and staff will be made aware that abuse can be reported no matter how long ago it happened.

1.20 Monitoring and review

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures to help prevent similar events in the future.

This policy will be reviewed annually by the Executive Headteacher and Governing Board. Any changes to this policy will be communicated to all staff and other relevant stakeholders, e.g. supply agencies.

1.21 Rationale for Low Level Concerns

'Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare of children'
 (KCSIE, Annex C, 2022)

Organisational child abuse is increasingly well documented and rarely will you find a case where the abuse in question occurred in isolation with the absence of preceding grooming by the offender or where staff witnessing these behaviours did not regard them as questionable at the time (McAlinden, A-M, 2012).

Data has shown that historically these 'low level' concerns which did not meet the threshold for harm, were not shared with the designated safeguarding lead or relevant person until after an allegation of abuse was alleged. Similarly, research has shown that where these concerns were shared, there are limited records available for evaluation or escalation, which suggests a lack of reporting and thus ability to establish patterns of behaviour (Farrer & Co, 2022).

1.22 Aim of Low Level Concerns

The low level concerns reporting procedure aims to minimise the risk of harm to pupils through:

- Encouraging an open, trusting and transparent culture of safeguarding
- Enabling the identification of inappropriate, problematic or concerning behaviour, including patterns of behaviour, at the earliest possible stage
- Ensuring staff are clear about professional boundaries and act within these boundaries in accordance with the ethos and values of the school
- Ensuring the behaviours specified in the code of conduct are lived, monitored and reinforced constantly by all staff
- Supporting staff in recognising inappropriate, problematic or concerning behaviour, in themselves and others and enable them to respond to these behaviours

- Empowering and enable staff to share and report any low-level safeguarding concerns
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Identifying any weaknesses in the schools safeguarding system and address any training needs

1.23 Recognising Low Level Concerns

Low level concerns can exist on a wide spectrum, from thoughtlessness to intending to enable abuse. Low level concerns, regardless of how small, may cause a sense of unease or a 'nagging doubt' about a member of staff. This can include inappropriate conduct outside of work hours.

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

- being over friendly with children
- having favourites
- taking photographs of children on personal mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- humiliating pupils

They may arise in many different forms also, from a number of sources. This can include suspicions, complaints or even disclosures. They can stem from parents, other staff, pupils, outside agencies or even as a result of vetting checks within the safer recruitment process.

If staff are unsure about whether a low level concern reaches the harm threshold they should speak to their DSL at the earliest available opportunity, who in turn may contact the LADO.

If any low-level concern relates to the behaviour or conduct of the Safeguarding Lead or Executive Headteacher, then concerns should be reported to the Governing Body.

In order to recognise and respond to low level concerns, staff have a number of documents and resources available to them including:

- Allegations of Abuse Against Staff and Low Level Concerns Policy
- Code of Conduct
- Safeguarding and Child Protection Policy
- Case studies and scenario-based discussions

1.24 Reporting Low Level Concerns

It is crucial that all low-level concerns are shared responsibly with the right person, and recorded and dealt with appropriately. Regardless of how small the concern is, this does not make it 'insignificant'. Staff should follow the 'Reporting a Low Level Concern' flow chart located in **Appendix 1**.

Staff should inform the DSL at the earliest possible convenience and within 24 hours of any low level concerns, or if not available, the DDSL/Head of School. However, if the individual later reflects on the incident and it has been outside of the 24 hour period, reporting is still always encouraged.

Staff should record all low level concerns in writing and record the details of the concern using the form located in **Appendix 2**, including the context and the subsequent action taken (if any) at this point.

The name of the staff member sharing the concern should be and is encouraged to be given keeping in line with a culture of openness and transparency, yet if the individual wants to remain anonymous, then this should be respected as far as reasonably possible. However, it is worth noting 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.

Self-referring is encouraged when staff have found themselves in a situation which may appear compromising to themselves or others or acted in a way that falls below professional standard. If, later on reflection of their behaviour, staff wish to self-refer, they should feel confident to do so.

Self-referring can be positive for a number of reasons including;

- It protects the member of staff reporting
- It enables a potentially difficult issue to be resolved at the earliest possible opportunity
- It demonstrates awareness of expected standards and behaviours
- It highlights the staff's level of self-awareness
- It continues to safeguard pupils to the highest possible standard
- It maintains an open and honest safeguarding culture

If any low-level concern relates to the behaviour of safeguarding lead or executive headteacher, then concerns should be reported to the Governing Body.

1.25 Recording Low Level Concerns

All low level concerns will be handled sensitively and proportionally in a timely manner. The DSL/EH will gather any additional information or evidence they need including witness statements or supporting documentation. All documents will be recorded, signed and dated. The DSL/EH will:

- speak to the person who raised the concern (unless anonymous)
- speak to any possible witnesses if appropriate (unless advised not to do so by the LADO)
- speak to the individual whom the low level concern has been raised if appropriate (again, unless advised not to do so by the LADO).

If the concern has been raised anonymously, the DSL or EH will gather any relevant evidence and witness statements from possible witnesses or staff named within the concern.

If raised via a third party, the DSL or EH will ask for as much information as possible via a written statement from the person reporting the concern and any potential witnesses alongside any other evidence deemed appropriate and necessary.

If a pupil needs to be interviewed, they will be spoken to by a familiar and trusted member of staff such as their Head of School (DDSLs) in the most appropriate manner based on their level of understanding, cognitive ability and preferred method of communication.

1.26 Reviewing Low Level Concerns

At this stage, any investigation of the low level concern will be done discreetly on a need to know basis. Once all evidence has been collated, the DSL/EH will review all the information and establish if:

- the behaviour is consistent with the staff code of conduct
- the behavior constitutes as a low level concern
- the behavior merits consulting with and seeking advice from the LADO (on a no names basis if necessary)
- the behavior has met the harm threshold and a referral to LADO is needed/other external agencies e.g. Police

Some low level concerns may also highlight issues around misconduct or poor performance, and the DSL/EH will consider whether the disciplinary and/or capability procedure needs to be followed, in which case it will be referred to the HR department and ELT for further investigation. The Executive Headteacher is the ultimate decision maker in respect of all low level concerns.

If the same or similar low level concern is shared by two or more members of staff yet the behaviour itself falls in line with the schools Code of Conduct, then further investigation may be needed to analyse patterns of behavior or how this behavior is being perceived.

If a low level concern has been made about an individual on more than one occasion by the same member of staff, then an issue may need to be addressed regarding how the individual in questions behaviour is being perceived by the member of staff reporting.

All records are reviewed termly in order to ensure any patterns of concerning, inappropriate or problematic behaviour is identified at the earliest possible stage. If certain behaviours are indeed believed to have occurred, the DSL will investigate whether this is part of a wider, cultural or environmental issue within the school that has enabled it to occur and revise policies and procedures where appropriate. The DSL/EH will use all records and evaluations as a chance to inform whole school training and future practice by identifying gaps.

All low level concerns will be reported on to the Governing Body termly.

All investigations in to low level concerns will be reviewed in order to established if:

- the Code of Conduct is not clear or needs amending
- the Allegations of Abuse Against Staff and Low Level Concerns Policy is not clear or needs amending
- more training is needed in relation to specific areas

For more guidance on the spectrum of behavior, please see **Appendix 3**.

1.27 Responding to Low Level Concerns

Once all information, witness statements and evidence has been gathered. the DSL and EH will make a decision on any further action. This will be recorded in writing alongside the rationale for decisions and actions taken.

If it is determined the behaviour does not constitute as a low level concern:

The DSL/EH will speak to the person making the allegation, in order to share feedback about how and why the behaviour is consistent with the schools Code of Conduct, values and ethos. The individual who the concern was raised about may not need to be informed and this is up to the discretion of the DSL/EH.

If it is determined the behaviour does constitute as a low level concern:

In many cases, the low level concern will simply require a conversation with the individual in question around their behaviour and why it is problematic, including what change is needed. This can be undertaken by the EH/DSL or delegated to the Head of School.

The DSL/EH/HoS will be clear about the consequences if the individual fails to amend this behaviour and the consequences if they repeat it. Sometimes, an action plan or risk assessment may be deemed appropriate, in which case this will continue to be reviewed regularly with the individual.

Research has shown that long term changes in behaviour are least likely to be achieved by an approach which is critical or threatening in nature (Miller & Rollnick, 1991). Many low-level concerns will be minor in nature and require no further action after an initial discussion around code of conduct with the DSL/EH, whilst others may be dealt with through further training, in order to help maintain a positive professional relationship with the member of staff involved.

The individual will be informed of the actions to be taken (if any) in writing, during a face to face meeting with the DSL/EH. If the individual accused has opposing factual information surrounding the incident in question, this will be fairly recorded.

However, if it is determined the behaviour has triggered the disciplinary procedure due to a misconduct or performance issue, we will ensure the individual has a full opportunity to respond to any factual allegations which form the basis of the case against them.

If it is determined the behaviour merits consulting with the LADO:

If the behaviour is deemed not serious enough to refer to the LADO but nonetheless merits consulting with the LADO for advice, then actions should be taken in accordance with the LADO's advice.

Additionally, if the behaviour itself does not meet the threshold for referring to the LADO, however when combined with additional behaviours or previous concerns about the same individual, then the LADO may be contacted for guidance and advice will be followed.

Where a pattern is identified, the DSL alongside the Executive Headteacher will decide on a course of action, either through the disciplinary process or referred through to LADO (if the harm threshold has been reached).

If it is determined the behaviour has reached harm threshold:

If the concern is escalated to harm threshold, a referral to the LADO must be made

If the concern is deemed to have broken the code of conduct, a formal or informal investigation may be launched and the disciplinary procedure followed.

Please refer to the Safeguarding and Child Protection Policy for further guidance.

1.28 Data Protection and Confidentiality

The Data Protection Act 2018 (DPA 2018) permits organisations to process even the most sensitive personal data where it is necessary for the purposes of protecting children from harm. It has been recommended that the recording of low level concerns meets the relevant threshold of necessity when storing sensitive personal data and thus schools should retain all records of low-level concerns, including those subsequently deemed consistent with the Code of Conduct, in a central low level concerns file.

All records are confidential and held securely in line with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR), only accessible to the Executive Leadership Team.

This is subject to the rights of individuals to object to or seek to erase or correct records about them under data protection law, however it is worth noting, that following a subject access request, if a child's is identifiable even when the child's name is redacted or omitted, it is likely to be inappropriate to share this record with the adult. Each case will be considered on a case by case basis in order to ensure fairness and transparency in line with the Data Protection Act 2018.

All low-level concerns raised about supply staff, visitors or contractors are shared with their employers in order to identify any patterns of inappropriate behaviour.

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.

There may be circumstances where a low-level concern requires reclassification following determination by the DSL/EH. In such cases, the concern must be retained in its original form as originally shared on the central low-level concerns file, as well as on the personnel file (if appropriate). 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.

All records will be kept until the member of staff leaves employment with Briarwood School. Low level concerns will not be included in references unless they relate to issues which would normally be referenced, such as misconduct or subsequent poor performance or the level of concern has met the harm threshold and thus referred to the LADO.

1.29 References

Keeping Children Safe in Education, Department for Education (2024)

Working Together to Safeguard Children, Department for Education (2023)

Guidance for safer working practice for those working with children and young people in education settings (GSWP)

'Grooming' and the Sexual Abuse of Children: Institutional, Internet, and Familial Dimensions, McAlinden, A-M (2012)

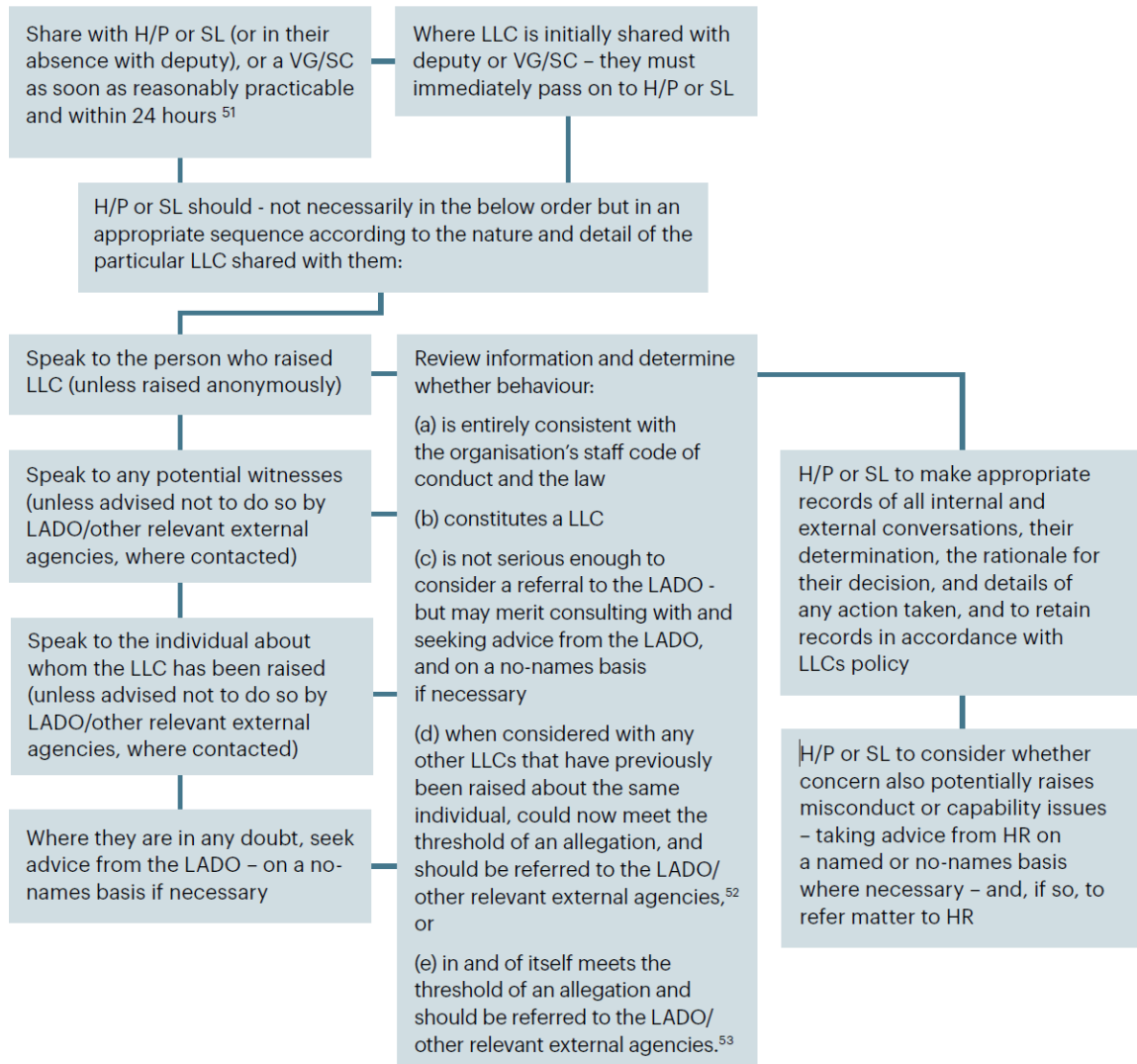
Developing and implementing a low-level concerns policy: A guide for organisations which work with children Safeguarding Unit, Farrer, Eastman, O'Rorke, Fudakowski and Smellie, Erooga, Davies QC, and Foster (2022).

1.30 Appendices

Appendix 1

Reporting Low Level Concerns – Flow Chart

ACTION REQUIRED



Source: *Developing and implementing a low-level concerns policy: A guide for organisations which work with children* Safeguarding Unit, Farrer, Eastman, O'Rorke, Fudakowski and Smellie, Erooga, Davies QC, and Foster (2022).

Appendix 2

Low Level Concern Reporting Form

Please use this form to record any concern, no matter how small, where you feel a member of staff may have acted in a way which:

- Is inconsistent with Briarwood Schools Code of Conduct, including behaviours outside of work
- Goes against the ethos and values of Briarwood School
- Does not meet the harm threshold/is not serious enough to consider making a safeguarding allegation
- Gives you a sense of unease or a 'nagging doubt'

Please provide a precise, chronological and factual record of the low-level concern including:

- The context in which the concern arose
- The name of the member of staff the concern is related to (including if this is a self-referral)
- The name of any witnesses
- Details of the incident which occurred
- Any evidence which will support the concern
- Your name, job role, signature, date

Please note: Whilst some staff may wish to remain anonymous, we encourage all staff to leave their name in line with Briarwood School's safeguarding culture of transparency and honesty. All staff should be reassured this low-level concern will be treated in confidence and handled sensitively, however anonymity cannot be guaranteed due to legal reporting requirements or other legal obligations to share information with appropriate bodies/persons, including legal claims and formal investigations.

Details of Low Level Concern

Name of staff member the concern relates to:

Context of in which the concern arose:

Details of incident:

(please continue on a separate sheet if more space is needed)

Name:

Job Title:

Signature:

Date:

Appendix 3

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.

Source: Developing and implementing a low-level concerns policy: A guide for organisations which work with children Safeguarding Unit, Farrer, Eastman, O'Rorke, Fudakowski and Smellie, Erooga, Davies QC, and Foster (2022).