Low-level Concerns Policy 2022-2023

LOW-LEVEL CONCERNS POLICY

Newcastle upon Tyne Royal Grammar School

POLICY SUMMARY:

This offers guidance for staff if they feel they need to share something that is worrying them about another member of staff who works at RGS, 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 about a member of staff, or something that you feel that 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 should enable staff to feel empowered to report situations where adults in the School community are not quite "getting it right". This should be regarded as a positive approach for two distinct reasons:

1. To allow for early intervention with staff whose actions or behaviour may be blurring the boundaries of our Staff Behaviour Policy, and to avoid things escalating to a more problematic state.

and/or:

2. To allow for the identification of any patterns of low-level concerning behaviour which may place children at risk

This guidance is designed to reinforce the robust, transparent and holistic safeguarding culture at the Royal Grammar School. This guidance should be read in conjunction with the Managing Allegations Policy (for allegations that meet LADO referral) the Staff Behaviour Policy, and the ***Guidance for safer working practice for those working with children and young people in education settings****, 2022*.

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. 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 slippage of boundaries between staff and student to safeguard both the student and member of staff.

In order to achieve this robust holistic safeguarding culture the RGS should:

- 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;

- encourage staff to self-report should they feel their conduct or behaviour may have fallen short of the Staff Behaviour Policy

- 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; and

- help identify any weaknesses in the RGS's safeguarding system.

LOW-LEVEL CONCERNS REGARDING STAFF BEHAVIOUR:

Definitions:

'**staff**' should be interpreted very widely to mean any adult associated with the RGS – i.e. whether working for or with the RGS, 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 2022 states that the term "low-level concern" (sometimes referred to as *neutral notifications)* 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" – 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 2022)*

The DfE recognize such behaviours as (but not limited to):

- Using inappropriate offensive, sexualized or intimidating language

- Being over-friendly with children

- Having favourites or students developing high-dependency relationships with them

- Taking photographs of children on their personal device

- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door

- A breach of trust or boundaries

This guidance distinguishes between behaviour of low-level concern and that which may meet the harms 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 (see Appendix A).

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 an organisation'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 the organisation's Code of Conduct, and the law.

(Source: Farrer & Co, 2020)

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

- All low-level concerns should be shared with the DSL (or a Deputy DSL in the DSL's absence).
- 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 standards set out in the Staff Behaviour Policy.

The Staff Behaviour Policy asks all staff to share when they have found themselves in a situation that breaches or could be perceived as breaching the Staff Behaviour Policy. This is also emphasized during 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 and no "grey areas" are allowed to develop.

How to report: 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 *Staff Behaviour 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 emphasized at the new staff safeguarding induction meeting with the DSL. A reminder about this is given at the start of each academic year in the staff briefing and a reminder of how to communicate concerns via email or Teams chat to the DSL, and that this is handled with discretion.

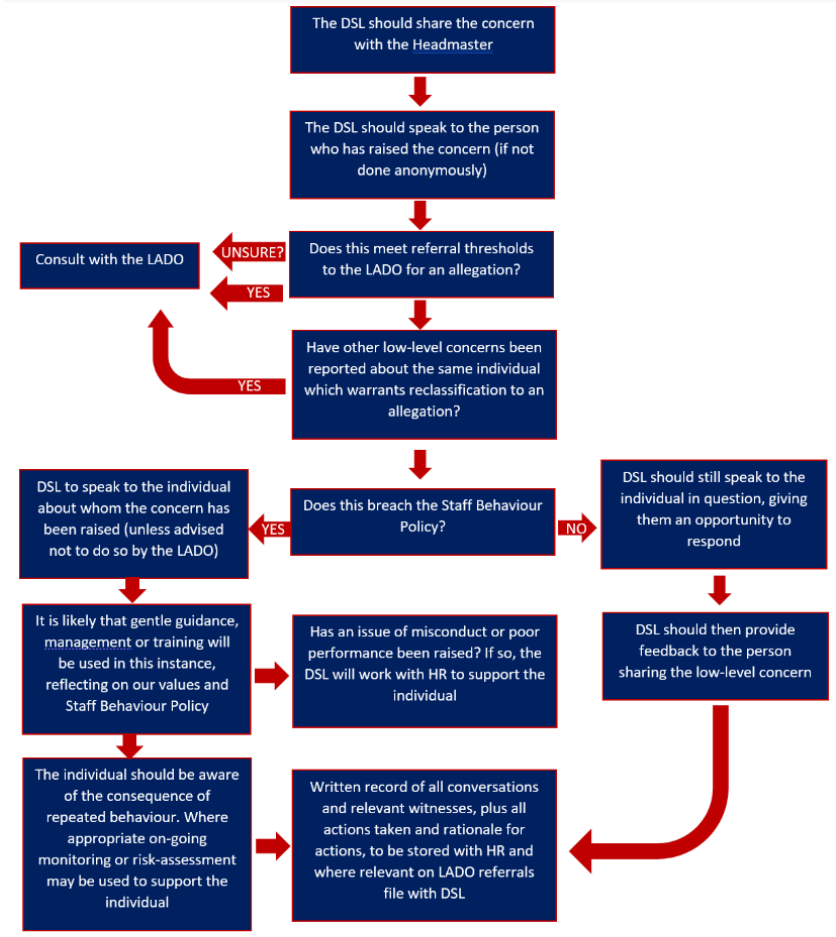
What if I am not sure it classes as something worthy of reporting?

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.

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 RGS 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?



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 kept on a Low-Level Concerns log by the DSL, to which the Headmaster and HR have access.

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 Behaviour Policy

Safeguarding & Child Protection Policy

Managing Allegations Policy

Part Four KCSIE 2022

Guidance for safer working practice for those working with children and young people in education settings, 2022

APPENDIX A:

When an allegation should be referred to the LADO:

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 an organisation'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 the organisation's Code of Conduct, and the law.

(Farrer & Co, 2020)

APPENDIX B:

Low-Level Concern Form

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 the Royal Grammar School Newcastle's Staff Behaviour Policy, and/or
- relates to their conduct outside of work which, even if not link 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 a 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 (if not anonymous), timed and dated.

Please share this form with the Sarah Longville (Deputy Head Pastoral & DSL): s.longville@rgs.newcastle.sch.uk

Details of concern:

Name of staff member:	**Department and role:**
Concern:	
Your name:	Signed: Date:

CONTACT DETAILS

Royal Grammar School, Eskdale Terrace, Newcastle upon Tyne NE2 4DX

Tel: 0191 281 5711

General enquiries: hm@rgs.newcastle.sch.uk
or communications@rgs.newcastle.sch.uk

www.rgs.newcastle.sch.uk