



Low-Level Concern Policy

(Addendum to the Staff Code of Conduct)

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1. Introduction

- 1.1 Swift Academies Trust recognises its responsibility to safeguard the welfare of all children and young people by seeking to protect them from all forms of neglect and abuse.
- 1.2 The Trust recognises that a key aspect of safeguarding is to ensure that those who work with children/young people and/or vulnerable groups behave appropriately and that any concerns about an adult's behaviour are identified early and managed promptly and appropriately.
- 1.3 Where an individual's behaviour falls below the standards expected of those working for/on behalf of the Trust, as detailed in the Code of Conduct, this must be shared with the right person enabling the concern to be dealt with promptly and appropriately.
- 1.4 The Trust recognises that promoting a culture in which all concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, and recorded and dealt with appropriately, is crucial. If implemented well this should encourage an open and transparent culture; enable organisations to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or behalf of the organisation are clear about professional boundaries and act within them, in accordance with the ethos and values of the Trust.
- 1.4 There are two levels of allegation/concern as detailed in Keeping Children Safe in Education (KCSIE 2022):
1. allegations that may meet the harms threshold;
 2. allegations/concerns that do not meet the harms threshold – referred to as 'low-level concerns'.
- 1.4 This policy seeks to provide staff with a safe platform to raise such 'low-level' concerns and provides an overview on the process to be followed. This policy is an addendum to the Staff Code of Conduct.

2. Policy statement

- 2.1 This policy focuses on low-level concerns regarding adult's behaviour towards children and young people. A definition of what a 'low-level' concern(s) is can be found at section 3 of this policy.
- 2.2 The purpose of this policy is to:

- ensure staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;
- contribute to a culture of openness, trust and transparency where behaviour expectations are constantly lived, monitored and reinforced by all staff;
- empower staff to share any 'low-level' safeguarding concerns with the designated senior manager;
- address unprofessional behaviour and support the individual to correct it at an early stage and;
- provide a responsive, sensitive and proportionate means of handling such concerns when they are raised.

2.3 The Trust has an obligation to ensure that it has appropriate procedures/mechanisms in place for dealing with concerns and/or allegations made against those working in or on behalf of the Trust whether in a paid or unpaid capacity – this includes members of staff, external agency staff, contractors, visitors, governors and directors. Therefore, this policy applies to all individuals in these groups.

2.4 All allegations against adults working in the Trust must be reported to the designated senior manager as a matter of urgency. The designated senior manager will then determine if the allegation meets the harms threshold (and therefore potentially pose risk of harm to a child or vulnerable person), and, where it does, the matter will be referred to the Local Authority Designated Officer (LADO) for consideration under the statutory procedures of the Darlington Safeguarding Children Partnership.

2.5 Where the designated senior manager determines that the allegation does not meet the harms threshold, and is therefore a 'low-level' concern, then it will be dealt with under the procedure below. If the designated senior manager is unsure whether the harms threshold has been met, they will take advice from the LADO before determining next steps.

3. Definitions

Designated Senior Managers and Deputy Designated Senior Manager

3.1 The designated senior managers are:

- the Head of the Academy for those working in that Academy
- the Chief Executive Officer for employees within the Corporate team
- the Chief Executive Officer for governors and directors of the Trust

3.2 The appropriate senior manager would be the person relevant to the individual about whom the concern has been raised.

3.3 If the designated senior manager is not available or the concern is raised against a designated senior manager, then the concern should be reported to the deputy designated senior manager as follows:

- the Chief Executive Officer where the allegation is against a Headteacher
- the Chair of the Academy Trust Board where the allegation is against the Chief Executive Officer

3.4 Concerns raised about those not employed by the Trust, for example, agency supply staff, visitors and contractors, must still be reported to the designated senior manager. However, in such cases, their employer will also be notified.

3.5 Concerns raised by third parties or those not employed by the Trust should be reported to the relevant designated senior manager.

Low-level concern

3.6 A low-level concern is any concern about an adult's behaviour towards a child or young person – no matter how small, and even if no more than a 'nagging doubt' – which is:

- inconsistent with the terms detailed in the 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 Local Authority Designated Officer (LADO).

3.7 Although categorised as 'low-level' concerns, the Trust recognises that any conduct that falls below the expectations set out in the staff Code of Conduct is not insignificant. Examples of such behaviour as cited in Keeping Children Safe in Education could include, but are not limited to:

- being over friendly with students;
- having favourites;
- taking photographs of students on their personal mobile phone;
- using inappropriate sexualised, intimidating or offensive language;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door or;
- humiliating children. (KCSIE, 2022)

4. Reporting process

4.1 Where an individual has 'low-level' concerns about a member of staff, external agency staff, contractor, visitor, governor or director this should be reported to the

designated senior manager (or deputy designated senior manager) at the earliest opportunity.

4.2 In the case of concerns which relate to a governor or director, these concerns will be shared by the designated senior manager, the Trust Business Manager and the Chair of the Academy Trust Board.

4.3 It is equally important that an individual is able to make a self-disclosure and share such information about themselves. This could be where they feel a situation may be misinterpreted or might appear compromising to others and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards. In such cases, employees should be advised to make a self-disclosure to their own designated senior manager.

5. Procedure for Managing a 'low-level' Concern

Step 1 – Initial Concern Raised

5.1 All low-level concerns should be reported to the designated senior manager detailing:

- the nature of the concern(s);
- the nature of the concern(s) or the context in which the concern(s) arose, and;
- the action taken.

5.2 A written record of the concerns should be made, including the name of the individual who has shared the concern.

Step 2 – Response by Designated Senior Manager (or Deputy)

5.3 The designated senior manager (or deputy), having spoken to the person who has raised the concern(s), will review the information and make an initial assessment whether the behaviour:

1. is entirely consistent with the Code of Conduct; or
2. constitutes a 'low-level' concern; or
3. is serious enough to consider a referral to the Local Authority Designated Officer (LADO).

5.4 In reaching this determination, the designated senior manager (or deputy) may need to undertake some preliminary investigation and speak to the individual against whom the allegation has been made. However, if there is a potential that the harms threshold has been met, advice should be taken from the LADO before speaking to the individual or undertaking detailed investigations.

5.5 When considering the reported behaviour, any previous 'low-level' concerns that may be held on file/record about this individual, should also be taken into account. This may result in the reclassification of the concern to be an allegation meeting the harm threshold and should therefore be referred to the LADO. At this point the Darlington Safeguarding Children Partnership statutory procedures will apply and consideration under this policy will cease.

Step 3 – Potential outcomes

5.6 Where an allegation has been classified as a 'low-level' concern the designated senior manager (or deputy) will determine an appropriate course of action. The individual against whom the concern has been raised must be notified and given the opportunity to respond to the concern. The designated senior manager may also need to undertake some further investigation depending on the facts of each case.

5.7 The type of action will depend on the nature and severity of the behaviour. It may be sufficient to speak to the individual with whom the concerns have been raised and for them to reflect on their conduct moving forward. Similarly, it may be that further training or a support plan is required. In many cases a positive/supportive conversation with the individual will enable them to meet the expectations moving forward.

5.8 Such a conversation has to be clear:

- why the conduct is concerning, problematic or inappropriate;
- what change is required in their conduct;
- in enquiring about what support they might need in order to achieve and maintain the required conduct and;
- about the consequences should they fail to reach the required standard, or if further concerns are raised and proven.

5.9 Some 'low-level' concerns may raise performance or conduct issues in which case advice and guidance should be taken from the HR team.

6. Record keeping

6.1 The designated senior manager (or deputy) will ensure written records are kept in each case including:

- details regarding the concern raised and who raised it
- the context in which the concern arose
- all internal and external conversations
- how the concern has been investigated
- the decisions that have been made regarding categorisation of the type of behaviour
- what further actions have been taken

- a record of any professional conversations held (see 5.7 – 5.8 above)
- 6.2 This record will be retained on the employee's personal file and will be referred to in the event of a future concern being raised (see 5.5 above). This information will be retained until the individual leaves the employment of the Trust and for six years subsequently, in line with the standard retention period for personnel records. A copy of all the information to be retained on the personal file will be given to the employee.
- 6.3 Where the concern relates to someone working in the Trust but not directly employed, for example, agency supply staff, visitors and contractors, the above records will be held with other records regarding their engagement. These will be held confidentially and securely and will be retained for 6 years following the last period of engagement of that individual.
- 6.4 Where the concern relates to a governor or director, the records will be held by the Trust Business Manager and Governance Officer. These will be held confidentially and securely and will be retained for 6 years following the end of the period of office for that individual.

Employment references

- 6.5 Information relation to 'low-level' concerns will not be included in employment references provided by the Academies Trust unless it relates to issues which would normally be included, for example, misconduct or poor performance.

7. Tracking and Reviewing

- 7.1 Each academy within the Trust will record all concerns relating to staff conduct (including low-level concerns) within their setting (see Appendix A).
- 7.2 This tracker will be reviewed regularly so that potential patterns of inappropriate, problematic or concerning conduct can be identified. Where a pattern of such conduct is identified, the academy will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a 'low-level' concern to meeting the harm threshold, in which case it would be referred to the LADO.
- 7.3 Consideration will also be given to whether there are wider cultural issues within the academy that enabled the behaviour to occur and, where appropriate, policies will be revised, or extra training delivered to minimise the risk of it reoccurring.
- 7.4 The Tracker will be held centrally and overseen by the HR department. This should be reviewed termly with the DSM and shared with governors and the Trust Board.

Appendix A

'Low-level Concern Tracker'.

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