



BHES

“Low Level Concerns Policy”

Note: in this policy reference to governing body or governors refers to the management committee and its members.

Where contextually appropriate for school read service.

BHES: Bristol Hospital Education Service & The Meriton

LADO: Local Area designated Officer

DSL: Designated Safeguarding Lead

GDPR: General Data Protection Regulation

KCSIE: keeping Children Safe in Education

Date adopted: 14/10/2021

HISTORY OF POLICY CHANGES

Date	Page	Details of Change
April 2022	All	Removal of Meriton logo Reformatted Reviewed – no changes to body of information

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1. Principles

As part of our approach to safeguarding, we promote an open and transparent culture in which all concerns about all adults working in or on behalf of BHES (including casual staff, volunteers and contractors) are dealt with promptly and appropriately. A culture in which all concerns about adults, including allegations that do not meet the harms threshold (see ‘Managing allegations against staff’ policies and Keeping Children Safe in Education (2021), section four) are shared responsibly and with the right person, recording and dealt with appropriately, is of paramount importance. Our aim is to create an open and transparent culture to enable us to identify concerning, problematic or inappropriate behaviour early, minimise the risk of abuse and ensure that adults working on behalf of the trust are clear about professional boundaries so that they can act within these boundaries and in accordance with the ethos and values of BHES. BHES is committed to ensuring Low-Level Concerns are monitored, recorded and dealt with appropriately to create a safer culture for all staff, pupils and visitors.

This policy has been written with reference to *Keeping Children Safe in Education (2021)*.

This policy should be read alongside the BHES Safeguarding Policy.

2. Distinction between an allegation and a low-level concern

A culture encouraging reporting of Low-Level Concerns enables staff to share any concerns they may have, no matter how small, about their own or their colleagues' behaviour.

Concerns should not be limited to Safeguarding but could relate to behaviour which does not meet the professional standards expected within the service.

a. WHAT IS AN ALLEGATION?

The term '**allegation**' means that it is alleged that a person 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.

The last bullet point above includes behaviour that may have happened outside of BHES, that might make an individual unsuitable to work with children. This is known as transferable risk, examples of this may include if they:

- have behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include an arrest for the possession of a weapon.
- have, as a parent or carer, become subject to child protection procedures.
- are closely associated with someone in their personal lives (e.g., partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the adult is responsible in their employment/volunteering.

b. WHAT IS A LOW-LEVEL CONCERN?

A **low-level concern** does not mean it is insignificant, it is any concern about an adult's behaviour towards a child that does not meet the allegation threshold set out above or is not otherwise serious enough to consider a referral to the LADO.

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 on behalf of BHES may have acted in a manner which:

- is not consistent with the BHES's Code of Conduct, including inappropriate conduct outside of work and
- does not meet the allegations threshold or is otherwise considered serious enough to consider a referral to the LADO.

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

- being overly 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.
- using inappropriate sexualised, intimidating or offensive language.

BHES recognises that such behaviours can exist on a wide spectrum, from the thoughtless behaviour that may look to be inappropriate but may not be in specific circumstances, through to behaviour which is ultimately intended to enable abuse.

3. Importance of sharing low-level concerns

It is crucial that any low-level concerns, including those that do not meet the allegation/harm threshold are shared responsibly and with the right person, so that they can be recorded and dealt with appropriately. Ensuring that they are dealt with effectively will also protect those working in or on behalf of BHES from potential false allegations or misunderstandings.

It is necessary to ensure that a culture of openness and trust is fostered within an organisation in which staff can share any concerns about the conduct of colleagues and be assured that these will be received in a sensitive manner. It is well documented that organisational child sexual abuse is often preceded by grooming, and that such conduct was observed and considered questionable. This could be targeted at protective adults, not just children or vulnerable adults. This behaviour was rarely reported to the relevant individual in the organisation, was not recorded, and not available later for evaluation of patterns emerging. Research has shown that it is not possible for individuals to accurately judge people, as there is no one profile to describe everyone who abuses a child, so focus should be placed upon specific behaviours.

To minimise the risk of situational offending, there needs to be a culture of allowing the confidence to speak out. This requires a robust framework, policy, training, support and leadership to facilitate this and a willingness to accept that abuse could happen in any organisation.

4. Staff code of conduct and child protection and safeguarding policies

This Low Level Concerns Policy will be shared with staff as part of their code of conduct and will form an appendix to the main BHES Safeguarding Policy. This is to ensure that staff know what a low-level concern is, that it is not insignificant and how important it is to share these concerns. The purpose of this policy is to create and embed the openness, trust and transparency ethos on which BHES is built, and which aligns with BHES's values. These are constantly live, monitored and reinforced by all BHES staff.

In order to ensure that this policy is implemented, the management Committee will:

- Ensure all staff are clear about what appropriate behaviours are and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others.
- Empower staff to share any low-level safeguarding concerns about a member of staff, including casual staff, volunteers and contractors with the Headteacher unless the concern is about the Headteacher, then the concern should be shared with the chair of governors (as per para 74, KCSIE 2021)
- Address unprofessional behaviour, supporting the individual to correct it at an early stage.
- Provide a responsive, sensitive and proportionate handling of such concerns when they are raised.
- Help identify any weakness in the service's safeguarding systems and processes.

5. Sharing low level concerns

Low-level concerns about a member of staff should be reported to the Headteacher. Where the concern is about the Headteacher, then the concern should be shared with the chair of governors (as per para 74 KCSIE 2021). In the event that the Headteacher is unavailable, concerns should be reported to the DSL and passed onto the Headteacher as soon as is reasonably possible.

BHES creates an environment where staff are encouraged and feel confident to self-refer, where, for example they have found themselves in a situation which could be misinterpreted, might appear compromising to others and/or on reflection they believe that they behaved in such a way that they consider falls below the expected professional standards and contravenes the staff code of conduct. Low-level concerns relating to casual staff or contractors should also be reported to the Headteacher and recorded in accordance with this policy. Their employer will then be notified about the concern so that any potential patterns of inappropriate behaviours can be identified.

6. Recording low level concerns

All low-level concerns will be initially reported in writing and given to the Headteacher, who will record the subsequent actions. The record will contain:

- the details of the concern.
- the context in which the concern arose.
- the action taken.
- the name of the individual sharing their concerns (although if the individual wishes to remain anonymous this should be respected as far as possible).

See Appendix 1 for Low Level Concerns report form

All low-level concerns will be dealt with sensitively and will not be recorded on CPOMS, in order to ensure confidentiality.

Records will be kept confidentially and securely in an electronic file stored centrally, with limited general access, complying with the Data Protection Act 2018 and the UK GDPR. These records will be reviewed periodically, as a new low-level concern is raised, so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Should a pattern be identified, the Headteacher will decide on a course of action either via the Disciplinary Procedures or if the concerns now meet the harms threshold, this will be referred to the LADO.

Consideration will also be given to whether there are wider cultural issues within BHES which enabled the behaviour to occur and take remedial actions e.g., review of policies, additional training, to minimise the risk of repetition.

These records will be retained until the individual leaves the employment of BHES.

7. Responding to low-level concerns

After a low-level concern has been reported to the Headteacher or Chair of Governors, they will respond accordingly by collecting as much evidence as possible, by speaking:

- Directly to the person who raised the concern (unless it has been raised anonymously).
- To the individual involved and any witnesses.

The collection of information will enable the Headteacher or Chair of Governors, to categorise the type of behaviour and determine what further action may need to be taken.

8. Data protection

The Data Protection Act 2018 makes specific provision for the processing of personal data necessary for safeguarding children from harm. The Information Sharing Code of Practice (Information Commissioner's Office 2019) specifically cites safeguarding of children as a 'clear example of a compelling reason' to share personal data. Where a concern is low-level, rather than an allegation, the balance between safeguarding interest and personal data rights will be considered carefully to ensure it is a reasonably necessary measure that the data should be shared.

9. Should low-level concerns be referred to in a reference?

BHES will only provide substantiated safeguarding allegations in references. Low level concerns will not be included in references unless they relate to issues that would normally be included in a reference e.g., misconduct or poor performance. Therefore, low level concerns that refer only to safeguarding will not be referred to, unless a group of concerns has met the harms threshold for a referral to the LADO who has found it to be substantiated.

10. Linked policies and documents

- Managing allegations against staff policy
- Keeping Children Safe in Education (2021), section four
- Child Protection and Safeguarding policy
- Online Safety policy
- Acceptable Use Agreement
- Staff Code of Conduct
- UK GDPR
- Data Protection Act 2018
- Disciplinary Procedures
- Information Sharing Code of Practice (Information Commissioner's Office 2019)

Appendix 1 - Low-Level Record of Concern Regarding A Staff Member

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 BHES 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.

Where possible please speak with the Headteacher as soon as possible. It is also helpful to document your concerns, which can be done using this form and then passed to the Headteacher.

When completed, please pass this form to the Headteacher. If the concern is about the Headteacher, please pass it onto the Chair of Governors.

Remember, a low-level concern is different to an allegation. See the table below for a definition:

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.

Name of adult writing this concern:

Name of adult whom this concern is about:

Date written:

Signature:

Please write your concerns below:

You should provide a concise record – including 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). Consider any contextual information that may be appropriate to know.