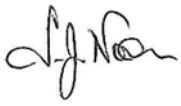


**School Name**

**Low-Level Concerns Policy**

<b>Version</b>	<b>2</b>
Approved by	St Thomas Aquinas Trust Board of Directors
Approval date	December 2022
Frequency of review	After 24 months
Next review date	December 2024
Applicable to	All St Thomas Aquinas Catholic Multi-Academy Trust schools and central team
Signature, Chair of Directors	

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**Commitment to equality**

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. Our key policies ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Low-Level Concerns Policy has been subject to consultation with the Recognised Trade Unions. It was approved and adopted by the CMAT as detailed on page 1.

**Monitoring**

The policy will be monitored to ensure consistency of application and adherence to Equalities legislation. It will be reviewed after 24 months in consultation with the Recognised Trade Union.

**1. Scope and Purpose**

- I.1 This Low Level Concerns Policy applies to you if you are an employee or worker at the CMAT. Safeguarding and promoting the welfare of children is everyone’s responsibility and therefore those who otherwise work in (for example on external supply or as a contractor) or volunteer at one of the schools within the CMAT are also expected to comply with the main provisions of this policy.
- I.2 The purpose of this policy is to create and embed a culture in which the clear values and expected standards of behaviour, which are set out in the CMAT Code of Conduct to safeguard and promote the welfare of all pupils, are lived and reinforced by all staff ensuring that any and all concerns about adults working in, or on behalf of, the CMAT/School are identified and dealt with appropriately and promptly.
- I.3 The policy aims to:
- ensure staff are clear about expected and appropriate behaviour to minimise the risk of low-level concerns occurring and to ensure that staff act at all times in accordance with the ethos and values of the CMAT;
  - empower staff to share any low-level concerns with the Headteacher. If the concern is about the Headteacher this should be reported to the CEO – [nlockyer@aquinas-cmat.org](mailto:nlockyer@aquinas-cmat.org)
  - help staff identify and address any unprofessional behaviour and help the person to correct any such behaviour at an early stage;
  - create an open and transparent culture where staff are comfortable to ‘self-refer’ where for example they have found themselves in a situation that could be misinterpreted and/or on reflection believe they have behaved in such a way that they consider falls below the expected professional standards as outlined in the Code of Conduct;
  - create a culture in which all low-level concerns are recorded fully, shared responsibly and with the correct person, and are dealt with in a manner which is responsive, sensitive and proportionate.
- I.4 This Policy should be read in conjunction with the school’s Safeguarding and Child Protection Policy, the CMAT Code of Conduct, Teachers’ Standards (for teaching staff) and the current version of Keeping Children Safe in Education, a copy of which can be accessed via the link below: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- I.5 As detailed in the Code of Conduct, Staff must also be familiar with the document “Guidance for safer working practice for those working with children and young people in education settings” (Safer Recruitment Consortium, February 2022) and must comply with the expectations detailed in that document. A link to the Safer Recruitment Consortium website is provided below where you can find the Guidance document – <https://saferrecruitmentconsortium.org/>
- I.6 Where concerns meet the threshold for action under either the Whistleblowing Policy or the Grievance Policy and Procedures, such concerns are outside the scope of this Policy, and those policies should be used instead as applicable.

I.7 The following meet the harm threshold, are outside the scope of this Policy, must be dealt with in accordance with the **Safeguarding Managing Allegations** Policy, and must be reported immediately to the Headteacher/Designated Safeguarding Lead (where the Headteacher is not available) or CEO (in the case of a Headteacher or a member of the CMAT Central Team).

When anyone working in the school (including volunteers, supply staff and contractors):

- 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 (which includes behaviour that may have happened **outside** school/work posing a transferable risk to children).

## 2. Definition of a low-level concern

2.1 A low level concern is not insignificant but is behaviour towards a child which, although being a matter of concern, **does not** meet the harm threshold for an allegation as detailed in the CMAT Allegations and Low-Level Concerns Policies..

2.2 A low level concern is any concern which could impact on a person's suitability to work with children (no matter how small and even if causing no more than a genuine sense of unease or a 'nagging doubt'). A low-level concern arises where an adult working in or on behalf of the CMAT/School may have acted in a way that:

- is inconsistent with 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) but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

2.3 Possible examples of low-level concerns could include, but are not limited to:

- being over friendly with children;
- having favourites and giving gifts;
- 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; or
- humiliating a pupil.

2.4 The CMAT recognises that such behaviour can exist on a wide spectrum, from inadvertent or thoughtless or behaviour that might appear on the surface to be inappropriate but might not be in specific circumstances through to that which is ultimately intended to enable abuse. However, behaviour which is not consistent with the Code of Conduct or the ethos and values of the CMAT and which could call into question the person's suitability to work with children does need to be

addressed to ensure we have an ongoing safeguarding culture based on vigilance and a mind-set of 'it could happen here'.

### 3. Responsibilities of Staff

3.1 All staff must be familiar with and clear about the expectations that the CMAT has of them as detailed in the Code of Conduct.

3.2 Staff must ensure that **any** concerns in relation to the behaviour of an adult working in or on behalf of the CMAT/School are shared without delay in accordance with the following:

Concern relates to behaviour of:	Concern should be shared with:
School based volunteer or supply staff based in school	Headteacher (or DSL* in an emergency where the Headteacher is not available)
School Support Staff	Headteacher (or DSL* in an emergency where the Headteacher is not available)
Teaching staff (other than the Headteacher)	Headteacher (or DSL* in an emergency where the Headteacher is not available)
Headteacher	CEO <a href="mailto:nlockyer@aquinas.cmat.org">nlockyer@aquinas.cmat.org</a>
Staff in Central Team (other than the CEO)	CEO <a href="mailto:nlockyer@aquinas-cmat.org">nlockyer@aquinas-cmat.org</a>
CEO, a Governor or a Director	Chair of the CMAT <a href="mailto:snoon@aquinas-cmat.org">snoon@aquinas-cmat.org</a>
Chair of the CMAT	Director of Education <a href="mailto:Peter.Giorgio@nottingham-des.org.uk">Peter.Giorgio@nottingham-des.org.uk</a>

\*Where the concern has been shared with the DSL they will inform the Headteacher as soon as practically possible.

3.3 The individual reporting the concern must keep the information confidential and not share the concern with others apart from the Headteacher or CEO (where the concern is in respect of the Headteacher or a member of the Central Team).

3.4 Although staff should be clear about the concept of low-level concerns and know what to do if they have such a concern, they do not need to determine in each case whether their concern is in fact low-level or whether it is of a more serious nature. Once staff share what they believe to be a low-level concern, that determination should be made by the Headteacher or CEO.

3.5 The assumption is that any individual reporting a concern is doing so in good faith, and they will not be treated unfavourably for having raised such a concern.

- 3.6 Staff who are concerned about how their own behaviour may have been misinterpreted, or who on reflection re-evaluate their behaviour as one that may have been contrary to the expectation set out in the Code of Conduct, should self-refer to the Headteacher (or CEO for a Headteacher or a member of the CMAT Central Team).

Staff are encouraged to self-refer and should feel confident to do so on the basis that:

- it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity;
- all issues will be dealt with in a sensitive and proportionate way;
- self-referral demonstrates awareness of the expected behaviour standards and self-awareness as to the member of staff's own actions or how they could be perceived; and
- it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour as outlined by the Code of Conduct and in keeping with the ethos and values of the CMAT.

#### 4. Responding to a Low-Level concern

- 4.1 All low-level concerns may be shared verbally in the first instance but must then be recorded in writing on the school's Low-level concerns Reporting Form, (Appendix 2) either at the same time or immediately following the discussion, by the person with whom the concern has been shared.

The initial record should include:

- details of the concern – sound professional judgment should be exercised to determine what information it is necessary to record for safeguarding purposes;
- the context in which the concern arose;
- the name of the individual sharing their concerns.
- the staff members signature and the date the concern was recorded.

- 4.2 The Headteacher (or CEO where applicable) should, in the first instance, speak to the person who raised the low-level concern to gather any further information.

- 4.3 **The Headteacher (or CEO) should satisfy themselves that it is a low-level concern and should not be reclassified to a higher-level concern/allegation, seeking advice from the CMAT Safeguarding Director: [mgillespie@aquinas-cmat.org](mailto:mgillespie@aquinas-cmat.org) and as applicable, the CMAT HR Team: [kfrith@aquinas-cmat.org.uk](mailto:kfrith@aquinas-cmat.org.uk). Further advice can also be sought from the Local Authority Designated Officer (LADO), on a no names basis, if necessary and In such cases any action will be taken bearing in mind the LADO's advice.**

- 4.4 A low-level concern might be reclassified in cases where there is a pattern of substantiated low-level concerns about the same individual which collectively amount to a higher-level concern/allegation.

4.5 The Headteacher/CEO/Chair (as applicable) will:

- seek to obtain as much information as possible including speaking to any witnesses and to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies as applicable). The individual about whom the low-level concern has been raised may be accompanied by a work colleague or a representative from a recognised trade union. The gathering of information will be done discreetly and on a need-to-know basis;
- record all details, including their rationale for their decision on any further action taken or not taken;
- detail what action was taken where applicable;
- retain records in accordance with the CMAT DATA Policy; and
- detail what action was taken where applicable.

4.6 Reports about externally employed supply staff, contractors and local authority visiting staff must be notified to their employers so that any potential patterns of inappropriate behaviour can be identified.

4.7 Where it is determined that the behaviour was in fact entirely consistent with the Code of Conduct and the law, the Headteacher /CEO will:

- update the individual in question;
- speak to the person who shared the low-level concern to provide them with feedback about how and why the behaviour was consistent with the Code of Conduct and the law;
- consider if further training is required and/or provide feedback to the CMAT HR Team about any points in the Code of Conduct or Low-Level Concerns Policy which need further clarification.

4.8 Where it is determined that the behaviour constitutes a low-level concern, the Headteacher/CEO as appropriate will respond in a sensitive and proportionate manner. The CMAT recognises that it is likely that most low-level concerns will be dealt with by means of management guidance, training etc., and may simply require a conversation with the individual about whom the concern has been raised. Such a conversation should include:

- detailing why their behaviour is concerning, problematic or inappropriate;
- what change is required in their behaviour;
- asking what, if any, support they may need in order to achieve and maintain the expected standard of behaviour;
- being clear about the possible consequences if they fail to reach the required standard or repeat the behaviour in question.

Ongoing and transparent monitoring of the individual's behaviour may be appropriate. An action plan which is agreed with the individual and regularly reviewed with them may also be appropriate.

6.3. Some low-level concerns may also raise issues of misconduct or performance which does not meet the required standard such that further action may be needed in accordance with the Disciplinary or Capability Policies. In such cases the Headteacher/CEO should seek further advice from the CMAT HR Team. Where it is deemed appropriate to investigate through the Disciplinary Policy and Procedure, the individual will be made aware of this and will have a full opportunity to respond to any factual allegations which form the basis of a disciplinary case against them.

6.4 Records will remain confidential, stored in a central on-line file and held in accordance with the CMAT's Data Protection Policy and GDPR and requirements

## **5. Monitoring of low-level concerns**

5.1 The Headteacher (or CEO for members of the Central Team) will securely retain confidential files on low-level concerns. The records will be shared and monitored with the DSL on a monthly basis to ensure that all such concerns are being dealt with promptly and appropriately and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. For staff working in the Central Team the monitoring will normally be undertaken by the CEO and the Director of Safeguarding

5.2 A proportionate approach must be taken by all to consider what personal data regarding low-level concerns is in fact necessary to share and record to support the safeguarding process. Information should be accurate, fair and as far as possible recorded in neutral terms.

5.3 Where a pattern of such behaviour is identified, the Headteacher (or CEO where applicable) will decide on a course of action which may include:

- informal line management advice and guidance about conduct falling short of the standard expected;
- a determination that a pattern of substantiated low-level concerns about the same individual collectively amount to the harm/allegation threshold having been met and that further action should therefore be taken in accordance with the Safeguarding/Managing Allegations Policies, and therefore a referral to the LADO should be made; and/or
- disciplinary action being taken in accordance with Disciplinary Policy and Procedure where applicable.

5.4 Advice should be taken as appropriate from the CMAT HR Team and the Director of Safeguarding.

5.5 The Headteacher (or CEO where applicable) should also consider whether anything needs to be done to minimise the risk of similar behaviour happening again such as whether further training is needed or whether amendments need to be made to local practices or further guidance issued at CMAT and/or local level.



## **6. Low-level concerns and References**

6.1 No record will be made of a low-level concern (or a group of low-level concerns) on an individual's personnel file or referred to in job references unless:

- the concern or group of concerns has met the harm/allegation threshold, has therefore been referred to the LADO and has been found to be substantiated and/or
- the concern (or group of concerns) is sufficiently serious to have resulted in formal action and sanctions under the CMAT's Disciplinary or Capability procedure which would normally be included in a reference.

## **7. Monitoring**

The policy will be monitored to ensure consistency of application and adherence to Equalities legislation.

## APPENDIX 1

### SCHOOL NAME'S LOW-LEVEL CONCERNS REPORTING FORM

Use this form to share any concern with the Headteacher, no matter how small or seemingly insignificant, even if causing no more than a sense of unease or a 'nagging doubt' – that an adult may have acted in a way that is inconsistent with the Schools' Code of Conduct [including inappropriate conduct outside of work] and/or in a way that on first glance does not appear to meet the allegation, 'harm' threshold.

Continue on separate sheets as necessary.

<b>NAME OF STAFF MEMBER FOR WHOM THE CONCERN IS BEING RAISED</b>	
<b>DATE(s) TIME(s) OF CONCERNING INCIDENT(s)</b>	
<b>BRIEF CONTEXT IN WHICH THE LOW-LEVEL CONCERN AROSE</b>	
<b>DETAILS OF CONCERN- CHRONOLOGICAL, PRECISE AND AS ACCURATE AS POSSIBLE</b>	
<b>Name of Staff member raising the concern</b>	<b>Department and Role</b>
<b>Signed</b>	<b>Time and Date</b>

**ACTION TAKEN BY THE HEADTEACHER**

**DETAILS OF INITIAL FACT FINDING CARRIED OUT**

**STAFF MEMBER'S RESPONSE TO THE CONCERN RAISED**

**OUTCOME/ACTION TAKEN**

This record form will be held securely in one central digital file, and monitored with the DSL on a monthly basis, along with other concerns received, to identify any potential patterns of problematic or inappropriate behaviour.

Low Level Concern reporting will be treated as confidential as far as possible, however in certain circumstances it may be necessary to share and or disclose the information with third parties for relevant and necessary reasons. This includes where a reporter has indicated they wish to remain anonymous.