



APPLEFORD SCHOOL
LOW-LEVEL CONCERN POLICY

This policy applies to the whole school, including boarding

This policy is publicly available on the school website and on request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.

All who work, or volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours including activities away from school. This policy also takes into consideration the National Minimum Standard (NMS) for residential special schools (RSS).

We have a whole school approach to safeguarding, which is the golden thread that runs throughout every aspect of the school. All our school policies support our approach to safeguarding (child protection). Our fundamental priority is our children and their wellbeing; this is first and foremost.

The overarching aim of the school's Low-Level Concern Policy is to facilitate a culture in which the clear values and expected behaviours which are set out in our Staff Behaviour Policy, previously known as Staff Code of Conduct are lived, constantly monitored, and reinforced by all staff. In particular, the intention of this policy is to:

- maintain a culture of openness, trust and transparency in which staff are confident and clear about expected behaviours of themselves and their colleagues;
- ensure staff feel empowered to raise any low-level concern, whether about their own or a colleague's behaviour, where that behaviour might be construed as falling short of the standards set out in the school's Staff Behaviour Policy and Safeguarding and Child Protection policies.
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised – maintaining on the one hand confidence that concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from false allegations or misunderstandings.

Related Documents:

- Staff Behaviour Policy (previously Staff Code of Conduct)
- Whistleblowing Policy
- Safeguarding Children – Child Protection Policy
- Keeping Children Safe in Education (September 2024)

Monitoring and Review: This policy is subject to continuous monitoring, refinement and audit by Dr Peter Gardner (Managing Director), the Advisory Board and Mr David King (Headmaster). The Proprietor will undertake a full annual review of this policy and procedures, inclusive of its implementation and the efficiency with which the related duties have been discharged. This discussion will be formally documented in writing. The Proprietor recognises the expertise staff build by undertaking safeguarding training and managing safeguarding concerns. Any deficiencies or weaknesses recognised in arrangements or procedures will be remedied immediately and without delay. All staff will be informed of the update/reviewed policy and it is made available to them in either a hard copy or electronically.

Policy Agreed: September 2024

Date Published: September 2024

Next Review: September 2025

Signed

Dr Peter Gardner (Proprietor and Managing Director)

Mr David King (Headmaster and Company Director)

What is a low-level concern? A low-level concern is any concern, no matter how small and even if no more than a 'nagging doubt', that an adult may have acted in a manner inconsistent with the school's Staff Behaviour Policy or simply – even if not linked to a particular act or omission – a sense of unease as to the adult's behaviour particularly towards or around children. This also relates to an individual's conduct outside of school.

Scope: All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours, including activities away from school. All new employees and volunteers are required to state that they have read, understood and will abide by this policy and its procedural documents and confirm this by signing their 'Induction New Staff' form.

As part of our whole school approach to safeguarding, we ensure that we promote an open and transparent culture in which all concerns (including allegations that do not meet the harms threshold) about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are shared responsibly and confidentially with the right person. Concerns are recorded online and dealt with appropriately, to enable the school to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the school. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings. The School takes very seriously its responsibility to implement clear procedures for sharing low-level concerns confidentially.

Low-Level Concerns about an adult: From time to time an individual may find themselves in a situation which might appear compromising to others or which could be misconstrued. Equally, an individual may for whatever reason have behaved in a manner which on reflection he/she considers falls below the standard set out in the Staff Behaviour Policy. Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived. As such, the school sees self-reporting of low-level concerns as an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour. From time to time an individual may notice behaviour or actions in others which leave them concerned. These are behaviour or actions which fall short of a formal allegation of abuse (see definition below). These tend to be behaviours which indicate that the school's Staff Behaviour Policy has not been met. Any such concerns can be dealt with as a Low-Level Concern.

Self-reporting: On occasion, a member of staff may make a self-report if they feel as though they have acted in a way that:

- could be misinterpreted
- could appear compromising to others
- they realise, upon reflection, falls below the standards set out in within the Staff Behaviour Policy (Staff Code of Conduct) or violates the Inappropriate Relationships with Pupils Policy within the Staff Behaviour Policy (Staff Code of Conduct).

It is important that any low-level concern (even self-referrals) are not made to the Headmaster or DSL/DDSL **within a close, personal relationship**. (Spouse, blood related, romantically involved or close friends). It is preferable to inform a different DSL/DDSL in this case, or in the case of the Headmaster, to contact Dr Peter Gardner who is Managing Director and Proprietor.

What is the difference between an allegation and a low-level concern?

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
- 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
- Has 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 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 children for whom the adult is responsible in their employment/volunteering.

A **low-level concern** does not meet the above threshold but is any concern, no matter how small, that an adult may have acted in a manner which:

- Is not consistent with the school's Staff Behaviour Policy

- Relates to their conduct outside school 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.

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

- Being over-friendly with children. This could include, but is not limited to, communicating with a child through personal social media or allowing inappropriate conversations or enquiries to occur with pupils, e.g. conversations that are about a staff member's personal life or are of a sexual nature
- Having favourites. This could include, but is not limited to, calling pupils by pet names or terms of endearment or buying pupils gifts
- Taking photographs of children on their personal 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
- Humiliating pupils.

Staff will remain aware of the fact that all pupils under the age of 18, regardless of the phase and year group they are at within the school, are children by law – resultantly, staff will ensure that they do not assume maturity on behalf of a pupil and do not engage with pupils as they would with their own peers.

What should I do if I have a low-level concern? Where a low-level concern exists, it should be reported to the Headmaster or the DSL who will discuss it as soon as reasonably possible with the Headmaster. In any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident). This should be via email to the Headmaster (but staff must ensure the recipient of the email is in a position to respond and not away from school for the day) or a telephone call. The concern must not be recorded on CPOMS.

How will my low-level concern be handled? 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 will be made by the Headmaster with the DSL.

The DSL will discuss all low-level concerns they receive with the Headmaster as soon as possible and in any event within 24 hours of becoming aware of it. As per para. 440 of KCSiE (DfE: Sept. 2024), the Headmaster is the ultimate decision maker in respect of all low-level concerns at our school. These decisions are made with the support of the DSL. The Headmaster will, in the first instance, satisfy himself that it is a low-level concern and should not be reclassified as an allegation and dealt with under the appropriate procedure.

The circumstances in which a low-level concern might be reclassified as an allegation are where:

- a) the threshold is met for an allegation
- b) there is a pattern of low-level concerns which collectively amount to an allegation or
- c) there is other information which when considered leads to an allegation.

Where the Headmaster is in any doubt whatsoever, advice will be sought from the LADO, if necessary on a no-names basis. Having established that the concern is low-level, the DSL or Headmaster as appropriate will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training etc. Dependent on the nature of the low-level concern and specific circumstances, the following actions could include:

- A verbal warning
- A written warning
- Dismissal from the school (this would likely be in conjunction with a referral to the LADO and/or Children's Social Care)

Staff members may request anonymity when reporting a concern, and the school will endeavour to respect this as far as possible. The school will not, however, promise anonymity to staff members who report concerns in case the situation arises where they must be named, e.g. where it is necessary for a fair disciplinary hearing. In line with the Whistleblowing Policy, staff will be protected from potential repercussions caused by reporting a genuine concern.

Staff will remain aware of the fact that all pupils under the age of 18, regardless of the phase and year group they are at within the school, are children by law – resultantly, staff will ensure that they do not assume maturity on behalf of a pupil and do not engage

with pupils as they would with their own peers. Staff will be aware that where there is any doubt regarding whether the behaviour of another adult is appropriate, this should be reported to the DSL, Headmaster, or other nominated person immediately.

Inappropriate behaviour can exist on a wide spectrum, from inadvertent or thoughtless behaviour to behaviour which is ultimately intended to enable abuse. Examples of inappropriate behaviour that would constitute a low-level concern that should be reported to the DSL include, but are not limited to:

- being overly friendly with children – this could include, but is not limited to, communicating with a child through personal social media or allowing inappropriate conversations or enquiries to occur with pupils, e.g. conversations that are about a staff member's personal life or are of a sexual nature;
- having favourites – this could include, but is not limited to, calling pupils by pet names or terms of endearment or buying pupils gifts;
- taking photographs of children on their personal mobile phones or devices;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door;
- humiliating pupils.

Staff will be aware that some of the above low-level concerns may meet the harms threshold depending on certain factors, e.g. the age or needs of the child or the content of exchanged messages, and that some of the above incidents may not be concerns in context, e.g. a pre-approved, one-to-one meeting with a child behind a closed door between the child and a school counsellor who has received all appropriate safety checks.

Staff will also be made aware that behaviour which raises concerns may not be intentionally inappropriate, and that this does not negate the need to report the behaviour. Staff members who engage in low-level inappropriate behaviour in relation to pupils inadvertently will be made aware and supported to correct this behaviour in line with the Staff Code of Conduct. The Headmaster will also evaluate whether additional training would be beneficial for any staff members exhibiting concerning behaviour, or the staff cohort as a whole where low-level concerning behaviour is seen more widely.

School culture: The school understands that spotting the early signs of harmful behaviour towards children can be difficult, and that many will be hesitant to report concerns they have about their colleagues' behaviour, particularly the behaviour of their superiors. Staff are encouraged to maintain an attitude that recognises that abuse can happen anywhere, in any setting, and that anyone can be a perpetrator regardless of their age, sex, level of authority, personality, etc.

The school will ensure that all staff members have received training as part of their induction that outlines appropriate behaviour towards pupils for staff members. All staff will read, understand, and adhere to this policy, as well as Staff Behaviour Policy (Staff Code of Conduct). Staff will address any questions they have regarding safeguarding to the DSL. The school will work to foster an environment where personal and professional boundaries are clearly set and respected for all individuals in the school community, e.g. pupils are not treated as friends and an appropriate professional distance is maintained by staff.

The school will ensure that all staff are sufficiently trained surrounding the reporting of safeguarding concerns as part of their induction, and that refresher training is conducted as necessary. The school will ensure that all staff understand how to recognise and report safeguarding concerns. Staff will be trained to identify inappropriate, concerning, or problematic behaviour towards pupils that may indicate a safeguarding concern, and how to identify signs of abuse or harm in pupils.

Reporting concerns: The school will promote a culture in which safeguarding pupils is the uppermost priority, beyond any perceived professional loyalties to colleagues, ensuring that staff are actively encouraged to report concerns, regardless of their relationship with the staff member.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, staff will also be required to report this to the Headmaster, who will, in turn, inform the employer of the subject of the concern so as to aid the employer in identifying any potential patterns of inappropriate behaviour.

Evaluating concerns: Where the Headmaster is notified of a safeguarding concern, he will use his professional judgement to determine if the concern is low-level or if it must be immediately escalated, e.g. where a child is at immediate risk of harm. When deciding if a concern is low-level, the Headmaster will discuss the concern with the DSL and will seek advice from the LADO where there is any doubt about whether the concern in fact meets the harm threshold. When seeking external advice, the Headmaster will

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ensure they adhere to the General Data Protection Regulations (GDPR) Data Protection Policy, and the information sharing principles outlined in the Safeguarding (Child Protection) Policy at all times. To evaluate a concern, the Headmaster and DSL will:

- speak to the individual who raised the concern to determine the facts and obtain any relevant additional information;
- review the information and determine whether the behaviour displayed by the individual about whom the concern was reported is consistent with the Staff Behaviour Policy (Staff Code of Conduct) and the law;
- determine whether the concern, when considered alongside any other low-level concerns previously made about the same individual, should be reclassified as an allegation and dealt with alongside the Confidentiality Policy and Allegations of Abuse against Staff as stated in Safeguarding (Child Protection) Policy (currently in force) cited in Keeping Children Safe in Education (KCSIE) (also currently in force);
- consult with, and seek advice from, external agencies when in doubt over the course of action to follow;
- speak to the individual about whom the concern has been raised to inform them of the concern and to give them an opportunity to respond to it.

Ensure that accurate and detailed records are kept of all internal and external conversations regarding evaluating the concern, and any actions or decisions taken.

Acting on concerns - Where the concern is unfounded: If it is discovered upon evaluation that the low-level concern refers to behaviour that was not considered to be in breach of the Staff Behaviour Policy (Staff Code of Conduct), the Inappropriate Behaviour with Pupils Policy within the Staff Behaviour Policy (Staff Code of Conduct) and the law, the Headmaster will speak to the individual about whom the concern was made to discuss their behaviour, why and how the behaviour may have been misconstrued, and what they can do to avoid such misunderstandings in the future. The Headmaster will also speak to the individual who shared the concern, outlining why the behaviour reported is consistent with school standards and the law. The Headmaster will take care to ensure that conversations with individuals who reported concerns that transpired to be unfounded do not deter that individual from reporting concerns in the future.

The Headmaster will discuss the concern with the DSL (and if they have been involved, the LADO) to discern whether the behaviour, and the reporting of this behaviour, is indicative of ambiguity in the school's policies or procedures, or the training it offers to staff. Where such ambiguity is found, the DSL and Headmaster will work together to resolve this with input from other staff members, as necessary.

Where the concern is low-level: Where the Headmaster determines that a concern is low-level, the school will respond to this in a sensitive and proportionate manner. The following procedure will be followed:

- The DSL holds a meeting with the individual about whom the concern was reported, during which they will:
 - talk to the individual in a non-accusatory and sympathetic manner;
 - inform them of how their behaviour was perceived by the individual who reported the concern (without naming them, where possible);
 - clearly state what about their behaviour was inappropriate and problematic;
 - discuss the reasons for the behaviour with the individual;
 - inform the individual clearly what about their behaviour needs to change;
 - discuss any support that the individual may require in order to achieve the proper standards of behaviour;
 - allow the individual the opportunity to respond to the concern in their own words.
- The DSL asks the individual to re-read the Staff Behaviour Policy (Staff Code of Conduct) and/or the Inappropriate Relationships with Pupils Policy within the Staff Behaviour Policy (Staff Code of Conduct), depending on the nature of the concern;
- The DSL and the Headmaster will consider whether the individual should receive guidance, supervision or any further training;
- Where considered appropriate in the circumstances, the Headmaster will develop an action plan, with input from the individual, that outlines ongoing and transparent monitoring of the individual's behaviour and any other support measures implemented to ensure the staff member's behaviour improves;
- Where it is necessary to undergo an investigation into the behaviour, this will be done discreetly, and information will only be disclosed to individuals on a need-to-know basis;
- Where any pupil or other individual has been made to feel uncomfortable by the individual's behaviour, they will be offered pastoral support, where appropriate.

The Headmaster will ensure that all details of the low-level concern, including any resultant actions taken, are recorded and securely stored in line with the General Data Protection Regulations (GDPR) Data Protection Policy. The Headmaster will ensure that these records are kept organised and up-to-date, and that it is easy to refer back to them if any other concerns are reported about the same individual.

The specific approach to handling low-level concerns will be adapted on a case-by-case basis. It is unlikely that a low-level concern will result in disciplinary procedures; however, individuals may be given warnings in line with the Staff Disciplinary Policy and Procedure where behaviour does not improve once it is brought to their attention. Where behaviour does not improve over a longer period of time, the concerns will be escalated and dealt with in line with the Confidentiality Policy and Allegations of Abuse against Staff as stated in Safeguarding (Child Protection) Policy (currently in force) cited in Keeping Children Safe in Education (KCSIE) (also currently in force)

Where the concern is serious: The Headmaster may decide upon evaluation that a concern is more serious than the reporter originally thought, e.g. when viewed in conjunction with other evidence or other concerns made about the same individual. Where this decision is made, the concern will be escalated, and dealt with as an allegation.

Record keeping: The school will retain all records of low-level concerns, including those that were found to be unfounded. The Headmaster will ensure that all records include the most accurate and up-to-date information and will store them in the electronic low-level concerns file. The Headmaster will ensure that all low-level concerns are stored in an organised and consistent manner, to ensure they can be easily reviewed and analysed where necessary.

Records will include:

- a clear and comprehensive summary of the concern;
- the context in which the concern arose;
- details of how the concern was followed up and resolved;
- a note of any action taken, decisions reached, and the outcome;
- the name of the individual sharing concerns – if the individual wishes to remain anonymous, this will be respected as far as reasonably possible.

The DSL will periodically review the recent low-level concerns made to ensure that they are being appropriately dealt with and to check for any problematic or concerning behaviour patterns amongst the staff cohort as a whole. The DSL will keep records of these reviews. Where any concerning patterns of behaviour have been identified with regard to a member of staff, the DSL will consult with the Headmaster to decide on a course of action. Where a pattern of behaviour has become so concerning that it meets the harms threshold, this will be referred to the LADO as soon as practicable. It should be considered whether there are any wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies, including this one, could be revised, or extra training provided to staff to decrease the risk of it happening again.

Records of low-level concerns will not be kept in the personnel file of the individuals to whom the concerns pertain, unless there have been multiple low-level concerns made about the same individual. Where a concern is thought to be serious and is processed as an allegation, records of this will be kept in staff personnel files. Where multiple low-level concerns have been made about the same individual, these will be kept together, and in chronological order.

Where an allegation is made about an individual who has previously been subject to such allegations, or where a low-level concern is reclassified as a serious concern after meeting the harms threshold, all records of low-level concerns about that individual will be moved to the staff personnel file and kept alongside records of the allegation.

Appendix - Low-Level Concern Form

Please use this form to share 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 Appleford School’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.

You should provide a concise record – including 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, timed, and dated.

Name of Staff Member:

Department/Role:

Details of concern (please state any specific dates).

Name of referrer:

Signed:

Date:

Time:

Received by:

At: (time)

On: (Date)

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Context: (include any historical information, for example, any previous low-level concerns, any LADO consultation, and or referrals).

Action Taken: (please specify, including rationale for action and outcome).

Signed:

This record will be held securely in accordance with Appleford School's low-level concerns policy. Please note that low-level concerns will be treated in confidence as far as possible, but Appleford School may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims and formal investigations.