



*Achieving together in faith*

**Holy Cross Catholic Multi Academy Company**

**Low-Level Concern Policy  
2024 - 2027**

Responsible for policy	Marina Kelly
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# 1 INTRODUCTION

- 1.1 Catholic schools aim to be places where love of one's neighbour is obvious at all times. As St. John reports, Christ said to His disciples at the Last Supper 'This is my commandment, that you love one another, as I have loved you'.
- 1.2 Catholic schools are staffed by teachers and support staff who are not only qualified and expert in their own field but who also, having freely chosen to work in a Catholic institution, commit themselves to care for and support each other in every way possible consistent with the teachings of Christ, Gospel values, Catholic doctrine, and the ethos of the school.
- 1.3 Holy Cross Catholic Multi MAC Company (MAC) has adopted this policy in order to promote positive working relationships and equal opportunities in employment, so that all employees feel fully valued as members of Christ's family and are free to develop their abilities to the full.
- 1.4 All members of our school communities have a duty to ensure that Gospel values underpin the relationships within the school and should draw on the guidance offered in 'Christ at the Centre'. Whilst not definitive, the core values based on the Beatitudes may be summarised as follows:
  - faithfulness and integrity;
  - dignity and compassion;
  - humility and gentleness;
  - truth and justice;
  - forgiveness and mercy;
  - purity and holiness;
  - tolerance and peace;
  - service and sacrifice (Christ at the Centre' 2008 Fr Marcus Stock STL MA).
- 1.5 The MAC acknowledges its obligation to promote a positive working environment.
- 1.6 The MAC is also aware of its duties under racial, disability and gender equality laws including the training of employees in their responsibilities.
- 1.7 The MAC will ensure that prompt and appropriate action is taken to deal with any low level concerns which come under the scope of this policy.
- 1.8 The MAC expects all those dealing with low level concerns to make objective decisions always acting in the best interest of the child.
- 1.9 This policy will be applied in accordance with statutory regulations for the governance of Holy Cross schools which may apply at any time in accordance

with the procedures and delegations adopted by the MAC under those regulations.

- 1.12 This policy is for use by the MAC and some academies' governance terminology differs within Archdiocesan Multi MAC Companies. This policy uses the term Director to represent Trustees of the Company. The term Local Governing Body is used throughout.

## **2. Rationale**

- 2.1 This policy should be read in conjunction with MAC Child Protection and Child Protection and Safeguarding Policy and Procedures, MAC Staff Code of Conduct and MAC Whistleblowing Policy, to enable staff to share their concerns, no matter how small, about their own or another member of staff's behaviour.
- 2.2 The purpose of the policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour, which are set out in the MAC Code of Conduct, are constantly lived, monitored and reinforced by all staff. The MAC deals with all concerns about adults working in or on behalf of the MAC appropriately and promptly.
- 2.3 The MAC seeks to create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation that could be misinterpreted, might appear compromising to others, and/or on reflection, they believe they have behaved in such a way that they consider falls below expected professional standards.
- 2.4 This policy seeks to:
- Ensure that staff are clear about, and confident to distinguish between, 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 Headteacher;
  - Help staff 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;
  - Help identify any weaknesses in the organisation's safeguarding system.

### 3. Keeping Children Safe in Education September 2022

3.1 The following is taken from Keeping Children Safe in Education September 2022:

424. *As part of their whole school approach to safeguarding, schools and colleges should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.*

425. *Creating a culture in which **all** concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:*

- *enable schools and colleges to identify inappropriate, problematic or concerning behaviour early;*
- *minimise the risk of abuse; and*
- *ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.*

### 4. Defining a Low-Level Concern

4.1 A low-level concern is one that **does not** meet the harm threshold as stated in the school's Child Protection and Child Protection and Safeguarding Policy. That is, when anyone working in a school (including volunteers, supply staff and contractors) 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 he or she may pose a risk of harm to children;
- 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 posing a transferable risk to children).

4.2 Responses and actions to behaviours that may meet the harm threshold are contained specifically within section 11 of the MAC Child Protection and Safeguarding Policy, 'Allegations Regarding Staff (or volunteers)'. These should be reported to the Headteacher without delay.

4.3 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' (i.e. they *believe* it could be a concern) – that an adult working in or on behalf of the MAC 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.

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

- Being over 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; or,
- Using inappropriate sexualised, intimidating or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

## 5. Responsibilities of Staff

- 5.1 It is important that **all** staff are clear of the expectations the MAC stipulates from them as contained in the Staff Code of Conduct. This is covered annually by the Designated Safeguarding Lead, and as part of the MAC and school induction for all new staff.
- 5.2 It is crucial that **any** concerns in relation to a staff member's behaviour, including those which do not meet the harm threshold, are shared responsibly with the Headteacher. This should be done without delay.
- 5.3 Where there are concerns/allegations about the Headteacher, this should be referred to the Chair of Governors (whose contact details can be obtained from the School Reception).
- 5.4 Where there are concerns/allegations about the Catholic Senior Executive Leader (CSEL) or Board of Directors this should be referred directly to the LADO.
- 5.5 Staff members who are concerned about how their behaviour may have been interpreted, or, on reflection, re-evaluate their behaviour as one that may have been in contrary to the MAC Code of Conduct and expectations, should self-refer to the Headteacher.

## 6. Dealing with Low-Level Concerns

6.1 All low-level concerns may be shared verbally with the Headteacher in the first instance. Where the low-level concern is provided verbally, the Headteacher should make an appropriate record of the conversation, either at the time, or immediately following the discussion, paying heed to the details below. Records will be signed, timed, and dated.

A template for recording low level concerns can be found in Appendix 3.

The record should include:

- Details of the concern;
- The context in which the concern arose;
- Action taken; and
- The name of the individual sharing their concerns should also be noted, but if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

Records will remain confidential in accordance with the MAC Data Protection policies and GDPR.

6.2 The record should include:

- Details of the concern;
- The context in which the concern arose;
- Action taken

6.3 The name of the individual sharing their concerns should also be noted, but if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

6.4 Where the low-level concern is provided verbally, the headteacher should make an appropriate record of the conversation, either at the time, or immediately following the discussion, paying heed to the above details. Records will be signed, timed and dated.

6.5 Records will remain confidential in accordance with the MAC Data protection policy and GDPR.

6.6 Consideration should also be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

## **7. Responding to a Low-Level Concern**

- 7.1 The Headteacher will in the first instance satisfy themselves that it is a low-level concern and should not be reclassified as a higher-level concern/allegation and dealt with under the appropriate procedure below.
- 7.2 The circumstances in which a low-level concern might be reclassified are where:
- The threshold is met for a higher-level concern/allegation;
  - There is a pattern of low-level concerns which collectively amount to a higher-level concern/allegation; or
  - There is other information which when taken into account leads to a higher-level concern/allegation.
- 7.3 Where the Headteacher is in any doubt whatsoever, advice will be sought from the LADO, if necessary, on a 'no-names' basis.
- 7.4 Having established that the concern is low-level, the Headteacher will discuss it with the individual who has raised it, and will take any other steps to investigate it as necessary. If the concern has been raised via a third party, the Headteacher should collect 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.
- 7.5 The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken. Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.
- 7.6 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. In dealing with a low-level concern with a member of staff, this will be approached in a sensitive and proportionate way. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
- 7.7 Any conversation with a member of staff following a concern will include being clear with the individual as to why their behaviour is concerning, problematic or inappropriate, what change is required in their behaviour, enquiring what, if any, support they might need in order to achieve and maintain that, and being clear about the 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 or risk assessment may be required. Some concerns may trigger the MAC disciplinary, grievance or whistleblowing procedures, which will be followed where appropriate. Some

concerns may be related to performance management, and advice may be sought from the MAC HR officer/advisor.

## **8. Monitoring of Low-Level Concerns**

8.1 The Headteacher and DSL will securely retain confidential files on low-level concerns. A school central log will be monitored by the School Headteacher and Designated Safeguarding Lead (DSL) on a regular 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. A record will be kept of this review.

8.2 No record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:

- The concern (or group of concerns) has been reclassified as a higher-level concern; or
- The concern (or group of concerns) is sufficiently serious to result in formal action under the MAC grievance, capability or disciplinary procedure.



## Diagram 1. Further Clarity around Allegation vs. Low-Level Concern vs. Appropriate Conduct

### Spectrum of Behaviour

#### 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; 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.

#### Low-Level Concern

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. 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 may have acted in a way that:

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

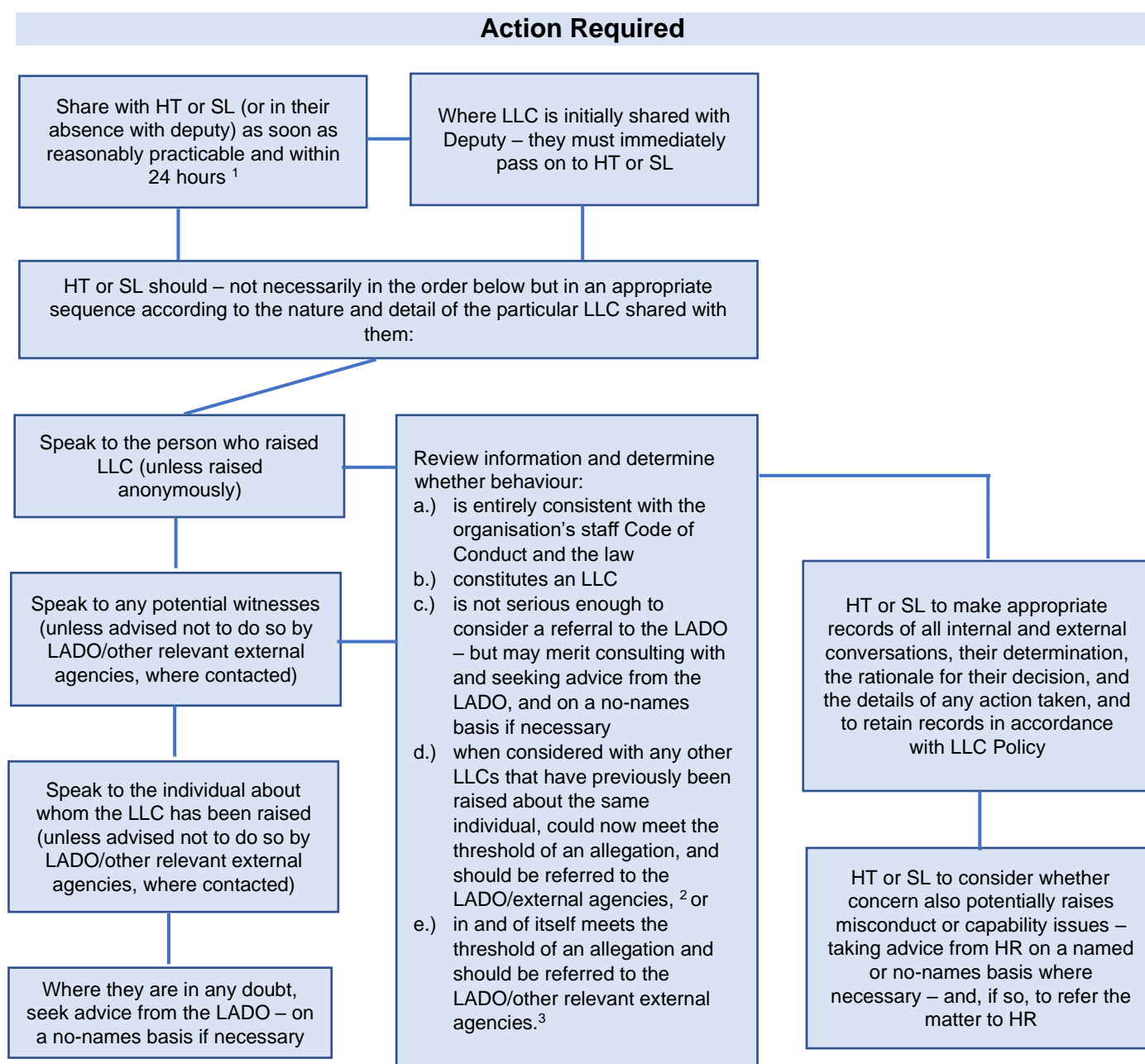
#### Appropriate Conduct

Behaviour which is entirely consistent with the organisation's staff code of conduct, and the law.

## Diagram 2. Flowchart for Sharing Low-Level concerns (LLCs) – action required by staff, Headteacher (HT) or Safeguarding Lead (SL)

If member of staff has an allegation that may meet the harm threshold – they should follow the procedure in the organisation’s safeguarding policy/managing allegations against staff policy. If member of staff has what they believe to be a concern that does not meet the harm threshold – i.e. LLC – they should take the below action.

**KCSIE now requires low-level concerns to be shared with the Headteacher/Principal – unless they relate to the Headteacher/Principal – as per paragraph 74 of KCSIE.**



1. Where the LLC relates to a particular incident.
2. And in accordance with the safeguarding policy/managing allegations against staff policy, and Part 4 of KCSIE, and/or relevant procedures and practice guidance stipulated by Local Safeguarding Partnership.
3. As above.

## Low Level Concern Form

This form can be used to share any concern with the Designated Senior Manager/Headteacher, no matter how small or seemingly insignificant, 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 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.

A concise record is required, including brief context in which the low level concern arose, plus details which are chronological, precise and as accurate as possible, of any such concern and /or relevant incident[s]. [Continue on separate sheets as necessary]. The form should be signed, times and dated.

### Details of CONCERN :

**Name of Staff member :**

**Department and Role :**

**Signed :**

**Time and Date :**

**Received by :**

**At [time] :**

**Date :**

**WAS THE STAFF MEMBER SPOKEN TO? [Good practice will require a response].**

**NO  - Give a brief but valid reason/explanation for not;**

**YES  - Please complete detail below - STAFF MEMBER'S RESPONSE TO CONCERN:**

**ACTION TAKEN:**

Was advice/guidance sought from HR and/or the LADO? Yes :  No :

**Signed :**

**Dated :**

This record form will be held securely, either digitally or in paper form, in one central file in accordance with the School's Code of Conduct and any associated guidance regarding the management of concerns and or allegations and in accordance with School's Data Management practices/policies. 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.