

## Low Level concern

### Individuals, Contractors, Staff, Governors, Volunteers, Work Experience

#### 1. Principles

In line with Keeping Children Safe in Education, The Romero Catholic Academy are committed to ensuring low-level concerns are monitored, recorded and dealt with appropriately to create a safer culture for all staff, pupils, students and visitors.

The Romero Catholic Academy has a moral, legal, and social responsibility to provide a fun and safe environment for all those who learn in our schools. As part of their whole school or college approach to safeguarding, schools and colleges we ensure that we always promote an open and transparent culture in which all concerns about all individuals working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

#### 2. Scope and references

This policy sets out good practice and provides guidance on how to deal with situations and put in safeguards where a low-level concern may be encountered to ensure promoting of a safe culture and preventing possible harm. It will work in conjunction with all schools within The Romero Catholic Academy policies and procedures, including, but not exclusive to, school safeguarding policy, GDPR, health and safety, Prevent strategy, Safer Recruitment policy and Transport policy.

This policy has been written with reference to the following document (January 2020) by Farrer and Co [Developing and implementing a low-level concerns policy \(farrer.co.uk\)](https://www.farrer.co.uk)

#### 3. Distinction between an allegation and a low-level concern

A culture encouraging reporting of **low-level concerns** enables to staff to share any concerns they may have, no matter how small, about their own or the individual's behaviour.

Concerns should not be limited to safeguarding but could relate to behaviour which does not meet the professional standards expected within the Romero Catholic Academy.

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;
- Or behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

An **allegation** can also relate to an individual's behaviour outside of work, and their relationships with others, 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 individual is responsible in their employment/volunteering.

A **low-level concern** is any concern about an individual'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 a 'nagging doubt' – that an individual 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 individual's suitability to work with children.



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 should be made by the safeguarding lead.

#### 4. Importance of sharing low-level concerns

It is necessary to ensure 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 individuals, not just children or vulnerable individuals. 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.

#### 5. Implementing a written low level concerns policy.

Initial points to consider are firstly that we follow KCSIE. It can be incorporated within an existing policy, such as the Safeguarding policy or be written as a stand alone, as this is. Implementation is key. To be effective, the policy must have a 'buy in' from all staff and leaders across the organisation must be seen to adhere to and model the expected values and behaviour of the organisation as written in the policy.

For staff to understand and engage with the policy, it will be necessary to provide training. This will be incorporated in both the safeguarding induction training for new staff and the annual safeguarding training for all staff.

Any concerns or issues relating to the low-level concern policy will be include the quarterly reports to the board.

#### 6. 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 2021) 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.

#### 7. How should low-level concerns be held

Records should be retained (including those subsequently deemed to relate to behaviour which is entirely consistent with the code of conduct) in the safeguarding log. Where there are multiple low-level concerns relating to the same individual these will be kept in chronological order as a running record. These records should be kept confidential and held securely with only the ssm, the lead dso and hr having access.

Where concerns also involve issues of misconduct or poor performance, or disciplinary, grievance or whistleblowing procedures are triggered, the normal records required would still be made and kept according to procedure in addition to the low-level concerns records. Where the low-level concern is serious enough to be referred to the LADO, the relating records will be placed and retained on the staff member's personnel file. Where a low-level concern is reclassified as an allegation, then the records relating to it will be treated accordingly. Refer also to the TRCA Allegations of Abuse against Staff policy.



## 8. Review of the central low-level concerns file

The Senior Safeguarding manager (CEO) will review the central low level concerns file (incorporated in the safeguarding log) periodically to ensure such concern are being dealt with promptly and appropriately and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. A record of these reviews should be made.

## 9. How long to keep records of a low-level concern

There is currently no guidance on the retention of low-level concerns, but the point at which an employee leaves the organisation would be considered a natural point at which the content of the file may be reviewed to ensure it still has value (either as a safeguarding measure or because of its possible relevance to future claims) and is therefore necessary to keep.

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

With reference to KCSIE guidance, which is only applicable to schools and colleges, allegations which are proven to be false, unsubstantiated or malicious, should not be included in employer references. Likewise, a history of repeated concerns which have all been found to be false, unsubstantiated or malicious should also not be included in any reference. Misconduct or consistent poor performance, where relevant, may be included. This would not normally include low-level safeguarding concerns unless the threshold is met for referral and found to be substantiated, where it should then be referred to in a reference. Where kcsie does not apply, consideration must be given to legal obligations and duty of care in giving accurate references. Further guidance may be sought from EFL.

## 11. Role of the board

The MAC wide lead DSL (CEO) will include in the half termly reports to the Board of Directors, the information about the implementation of the low-level concern policy and any evidence as to its effectiveness, with any relevant data.

The MAC wide lead DSL (CEO) who is board level, will review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.





## Low level concern – reporting form

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 and emailed to the CEO via [HR@romeromac.com](mailto:HR@romeromac.com). The CEO will have oversight of any submitted forms.

Low-level concerns may arise in several ways and from a number of sources. For example: **suspicion**; **complaint**; or **disclosure** made by a child, parent, or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

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 individual may have acted in a way.

The term ‘low-level’ concern does not mean that it is insignificant. 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 in or on behalf of the school or college 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 harm threshold or is otherwise not serious enough to consider a referral to the LADO.

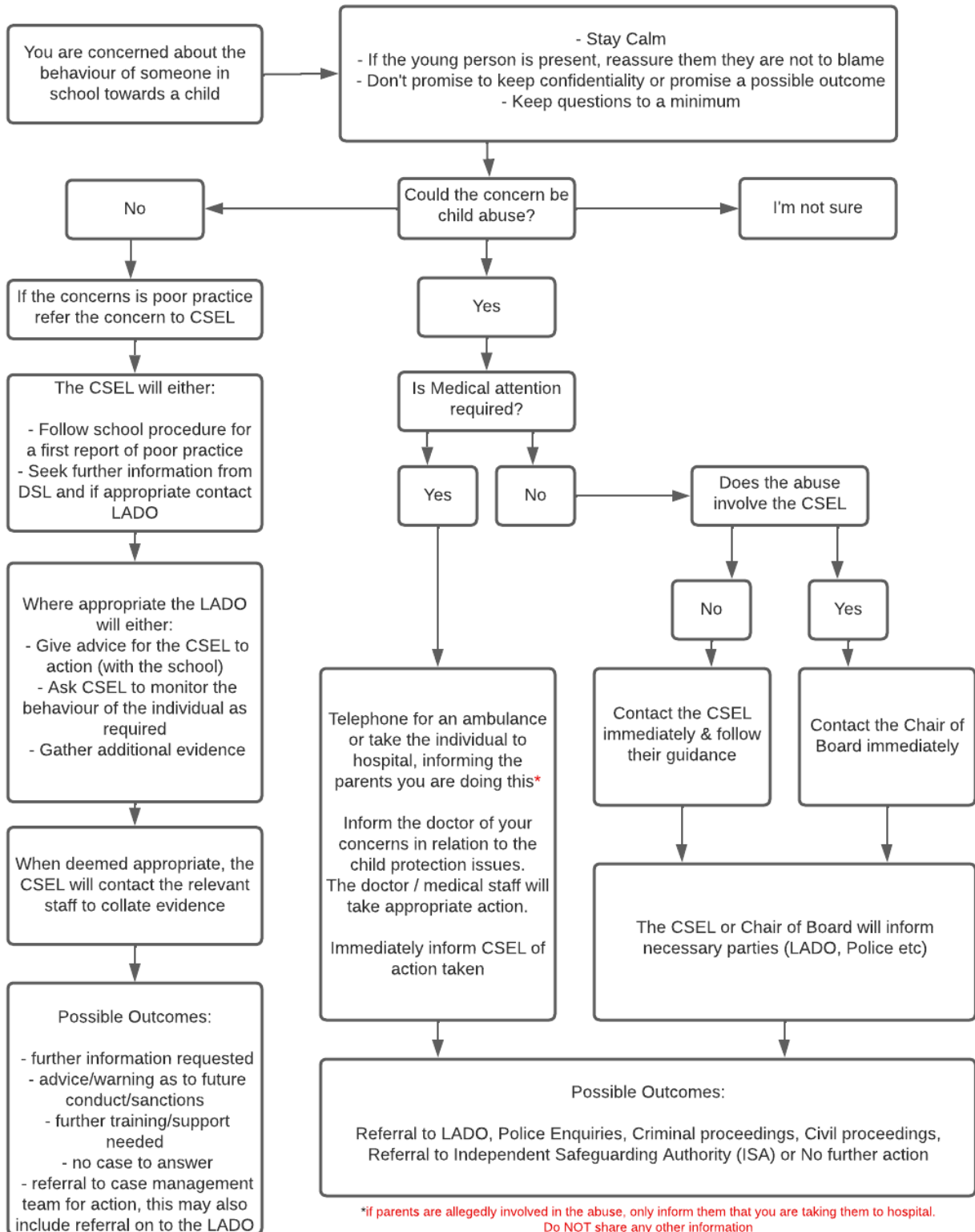
Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating children.

### Details of concern:

<b>Name of staff member reporting:</b>	
<b>Name of Individual</b>	
<b>Role within school</b> (e.g. volunteer governor employee)	
<b>Date:</b>	
<b>Detail of incident or incidents</b>	





(Using Lucid App)