

PANGBOURNE

Low Level Concerns Policy

	SMT REVIEW	HEADMASTER REVIEW:
Last action	December 2021	Approved December 2021 by HM
Next action	September 2022	Approval due September 2022 HM

1. Policy Statement

- 1.1 Pangbourne College ('the School') understands the importance of a positive culture where concerns can be identified and spoken about openly and acknowledges that this is a key element of a strong safeguarding system. This Low-Level Concerns Policy seeks to ensure that all staff who work with children behave appropriately and to enable the early identification and prompt and appropriate management of concerns.
- 1.2 As part of its whole school approach to safeguarding, the School will ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.
- 1.3 Creating a culture in which **all** concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; 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.
- 1.4 This Low-Level Concerns Policy operates in conjunction (as appropriate) with the following:
 - 1.4.1 College's Staff Code of Conduct Safeguarding Policy
 - 1.4.2 Safeguarding Policy
 - 1.4.3 Disciplinary Procedure
 - 1.4.4 Capability Procedure
 - 1.4.5 Grievance Procedure
 - 1.4.6 Whistleblowing Policy
 - 1.4.7 Data Protection Policy

2. Introduction to the concept and importance of sharing low-level concerns

- 2.1 Behaviour which is not consistent with the standards and values of an organisation, and which does not meet the organisational expectations encapsulated in the College's Staff Code of Conduct, needs to be addressed. Such behaviour can exist on a wide spectrum – from the inadvertent or thoughtless, through to that which is ultimately intended to enable abuse.
- 2.2 All staff need to be informed about and be able to identify concerning, problematic or inappropriate behaviour and understand the importance of sharing concerns when they observe behaviour which violates the College's Staff Code of Conduct.

3. What is the Low-Level Concerns Policy?

- 3.1 The Low-Level Concerns Policy enables all staff to share any concerns – **no matter how small** – about their own or another member of staff's behaviour with The Head or the Designated Safeguard Lead (DSL), Mr Rupert Bancroft.. Safeguarding and promoting the welfare of children is everyone's responsibility.

4. What is the purpose of the Low-Level Concerns Policy?

- 4.1 The purpose of the Low-Level Concerns 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 College's Staff Code of Conduct are constantly lived, monitored and reinforced by all staff.

5. What are the aims of the Low-Level Concerns Policy?

- 5.1 The aims of the Low-Level Concerns Policy are to:
- 5.1.1 ensure that staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines;
 - 5.1.2 empower staff to share any low-level concerns with the Head and to help all staff to interpret the sharing of such concerns as a neutral act;
 - 5.1.3 address unprofessional behaviour and support the individual to correct it at an early stage;
 - 5.1.4 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 Local Authority Designated Officer ("LADO");
 - 5.1.5 provide for responsive, sensitive and proportionate handling of such concerns when they are raised; and
 - 5.1.6 help identify any weaknesses in the College's safeguarding system.

6. Definitions

- 6.1 Who does the policy apply to?
- 6.1.1 The policy applies to all **staff** whether working in or on behalf of the School, engaged as a paid employee (including supply teacher), worker or contractor, or unpaid member of staff or volunteer. It also includes anyone who is part of the Governing Body.
 - 6.1.2 **Designated Safeguarding Lead (DSL)** means the DSL at the School. The DSL is Mr Rupert Bancroft, member of the Senior Leadership Team.
 - 6.1.3 **Governing Body** means those individuals who are responsible for the School's governance - i.e. Governors.
 - 6.1.4 **The Head** means the Headteacher of the College - Mr Thomas Garnier

- 6.1.5 **Allegation that may meet the harm threshold.** The term 'allegation' means it is alleged that an adult who works with children has:
- 6.1.6 behaved in a way that has harmed a child, or may have harmed a child; and/or
- 6.1.7 possibly committed a criminal offence against or related to a child; and/or
- 6.1.8 behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- 6.1.9 behaved or may have behaved in a way that indicates they may not be suitable to work with children.

In terms of managing cases of allegations that may meet the harm threshold, these might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school.

- 6.2 **Concern (including an allegation) that does not meet the harm threshold – i.e. a low-level concern.** The term 'low-level concern' does not mean that it is insignificant, it means that an adult's behaviour towards a child does not meet the harm threshold set out above (at paragraph 6.2). 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:

- 6.2.1 is inconsistent with the College's Staff Code of Conduct, including inappropriate conduct outside of work; and
- 6.2.2 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.

Although it is important that staff feel comfortable with, and are clear about, the concept of low-level concerns, and know what to do if they have such a concern, they do not need to be able to determine in each case whether their concern is a low-level concern, or if it is not serious enough to consider a referral to the LADO, or whether it 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 Head.

The diagram at Annex 1 further illustrates the distinction between an allegation that may meet the harm threshold, and a concern (including an allegation) that does not meet the harm threshold – i.e. a low-level concern.

7. School Culture

- 7.1 The School promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School are dealt with promptly and appropriately.

8. Data Protection and Confidentiality / Respecting the rights of all

- 8.1 The School will always respect the personal data of staff (and others, where they may be identifiable) in implementing the Low-Level Concerns Policy and in keeping records of low-level concerns secure.
- 8.2 The Data Protection Act 2018 includes a specific provision which permits organisations to process even the most sensitive personal data where necessary for the purposes of protecting children from harm. Although sharing of low-level concerns will not always involve legally sensitive categories of data, the safeguarding purpose is the same as that under the College's Safeguarding Policy.
- 8.3 A proportionate approach must be taken by all to consider what personal data is in fact necessary to share and record by way of low-level concern(s) in each case in order to support the safeguarding purpose and to ensure the information is accurate, fair and as far as possible recorded in neutral terms.
- 8.4 If a member of staff who raises a low-level concern does not wish to be named, then the School will respect their wishes as far as possible. However, staff should be aware that in certain circumstances this anonymity may need to be waived (as explained further in paragraph [10] below).
- 8.5 All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained by the School under the Low-Level Concerns Policy as it relates to them personally and to make any reasonable objection as to the fairness or accuracy of that content. The School will process such requests within the period prescribed by law, subject always to any necessary protection of the rights of third parties and unless any other relevant exemptions apply (including if complying with the request would be likely to prejudice the safeguarding purpose of the Low-Level Concerns Policy). If the content of a low-level concern is disputed, it may not be appropriate for the School to delete or alter the original record, but a note may be recorded alongside reflecting the staff member's alternative account or objection(s).
- 8.6 The School has undertaken a Data Protection Impact Assessment ("DPIA") in relation to the processing of low-level concerns, subject to ongoing review and any necessary updates from time to time. [A copy of this DPIA may be requested from the Head or [person with data protection responsibility at the School].
- 8.7 All personal data processed in connection with the Low-Level Concerns Policy will be processed in accordance with the School's Privacy Notices and its Data Protection Policy.

9. Who should staff share low-level concerns with?

- 9.1 It is important that low-level concerns are shared with the Head or the DSL - Mr Rupert Bancroft, as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it is never too late to share a low-level concern. Where the concern has been shared with the DSL he will inform the Head as soon as practicably possible.
- 9.2 If the Head is absent for any reason, low-level concerns should be shared with the DSL (Mr Rupert Bancroft - Senior Deputy Head and Deputy Head Pastoral) or another Deputy Head, such as Samantha Greenwood (Deputy Head Academic and SLT) or Mr Richard Follett (Deputy Head Co-Curricular and SLT), who will ensure they inform the Head immediately on their return.

- 9.3 If any low-level concern relates to the behaviour of the Head, it should be referred to the Chair of Governors - Mr Patrick Roberts.
- 9.4 If there is a conflict of interest in sharing a low-level concern with the Head, the low-level concern should be shared with the Chair of Governors, unless there is conflict of interest in doing so, in which case it should be reported directly to the LADO.
- 9.5 The diagram at Annex 2 further illustrates who low-level concerns should be shared with.
- 9.6 Once the Head has been informed of the low-level concern then he may involve the DSL with the handling of that low-level concern, as necessary/appropriate.
- 10. Should staff who share low-level concerns be able to remain anonymous?**
- 10.1 Staff are encouraged to consent to be named when sharing low-level concerns, as this will help to create a culture of openness and transparency. If the staff member who raises a low-level concern does not wish to be named, the School will respect that person's wishes as far as possible. However, there may be circumstances where the staff member will need to be named (for example, where disclosure is required by a court or local authority, or under a fair disciplinary process) and, for this reason, the School will not promise anonymity to members of staff who share low-level concerns.
- 11. Should staff share concerns about themselves (i.e. self-report)?**
- 11.1 Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the College's Staff Code of Conduct. Self-reporting in these circumstances can be positive for a number of reasons, and staff are encouraged to self-report on the basis that:
- 11.1.1 it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity;
- 11.1.2 it demonstrates awareness of the expected behavioural standards and self-awareness as to the member of staff's own actions or how they could be perceived; and
- 11.1.3 crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.
- 11.2 The School's aim is to create an environment where staff are encouraged and feel confident to self-refer.
- 12. How should low-level concerns be shared and recorded?**
- 12.1 The concern can be shared verbally with the Head in the first instance, or a written summary of it can be provided to them via email.
- 12.2 Where the low-level concern is provided verbally, the Head will make an appropriate record of the conversation, either contemporaneously or immediately following the discussion and will exercise sound professional judgment in determining what information is necessary to record for safeguarding purposes.

- 12.3 Where a low-level concern relates to a person employed by a supply agency or a contractor, the School will notify that person's employer so that any potential patterns of inappropriate behaviour can be identified.

13. How should a low-level concern be responded to?

- 13.1 Once the Head has received the low-level concern, they will – not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them:
- 13.1.1 Speak to the person who raised the low-level concern (unless it has been raised anonymously).
 - 13.1.2 Speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).
 - 13.1.3 Speak 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, where they have been contacted).
 - 13.1.4 If they are in any doubt, seek advice from the LADO – on a no-names basis if necessary.
 - 13.1.5 Review the information and determine whether the behaviour in question:
 - (a) is entirely consistent with the College's Staff Code of Conduct and the law;
 - (b) constitutes a low-level concern;
 - (c) is 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;
 - (d) when considered with any other low-level concerns previously raised about the same person, could now meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies, and in accordance with the College's Safeguarding Policy, Part 4 of KCSIE 2021, and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership - West Berkshire Children's Services; or
 - (e) in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies, and in accordance with the College's Safeguarding Policy, Part 4 of KCSIE 2021, and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership - West Berkshire Children's Services.
 - 13.1.6 Ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for their decision and any actions taken, and retain records in accordance with the Low-Level Concerns Policy.
 - 13.1.7 Consider whether the concern also potentially raises misconduct or capability issues – taking advice from the HR department on a named or no-names basis where necessary – and, if so, refer the matter to the HR department.

- 13.2 Staff may also find it helpful to refer to the diagram at Annex 2.
- 14. What action will be taken if it is determined that the behaviour is entirely consistent with the School's Staff Code of Conduct and the law?**
- 14.1 The Head will update the individual in question and inform them of any action taken (as above).
- 14.2 The Head will speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with the School's Staff Code of Conduct and the law.
- 15. What action will be taken if it is determined that the behaviour constitutes a low-level concern?**
- 15.1 The Head will respond in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively, whilst on the other hand protecting staff from any potential false allegations or misunderstandings. Any investigation of low-level concerns will be done discreetly and on a need-to-know basis.
- 15.2 Most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
- 15.3 Any such conversation with individuals in these circumstances will include being clear with them 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 which is agreed with the individual, and regularly reviewed with them, may also be appropriate.
- 15.4 Some low-level concerns may also raise issues of misconduct or poor performance. The Head will also consider whether this is the case – by referring to the School's disciplinary and/or capability procedure and taking advice from the HR department and/or taking specialist advice as necessary, on a named or no-names basis where necessary.
- 15.5 If the Head considers that the College's disciplinary or capability procedure may be triggered, they will refer the matter to the HR department. If the HR department advises that the College's disciplinary or capability procedure is triggered, the individual will have a full opportunity to respond to any factual allegations which form the basis of capability concerns or a disciplinary case against them.
- 15.6 Staff should be aware that when they share what they believe to be a low-level concern, the Head will speak to the adult who is the subject of that concern (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted) – no matter how 'low' level the concern may be perceived to be, to gain the subject's account – and to make appropriate records (as above), which may be referenced in any subsequent disciplinary proceedings.
- 15.7 How the School responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e. whether they are an employee or worker to whom the College's disciplinary and/or capability procedure would

apply; or a contractor, Governor, or volunteer. The School's response will be tailored accordingly.

16. What action will be taken if it is determined that the behaviour:

- 16.1 **Whilst not sufficiently serious to consider a referral to the LADO nonetheless merits consulting with and seeking advice from the LADO, and on a no-names basis if necessary?** Then action (if/as necessary) will be taken in accordance with the LADO's advice; or
- 16.2 **When considered with any other low-level concerns that have previously been shared about the same individual, could now meet the threshold of an allegation, or in and of itself meets the threshold of an allegation?** Then it will be referred to the LADO/other relevant external agencies, and in accordance with the College's Safeguarding Policy, Part 4 of KCSIE 2021 and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership - West Berkshire Children's Services.

17. How should low-level concerns be held?

- 17.1 The School will retain all records of low-level concerns (including those which are subsequently deemed by the School to relate to behaviour which is entirely consistent with the College's Staff Code of Conduct) in a central low-level concerns file.
- 17.2 Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record, and with a timeline alongside. These records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the Head, The Chair of Governors and the Head of HR.
- 17.3 **How often should the central low-level concerns file be reviewed?**
- 17.4 The Head will review the central low-level concerns file periodically 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 of these reviews will be made.
- 17.5 Where a pattern of behaviour is identified in respect of a specific individual, the Head will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether the School should arrange for additional training or a review of any of its policies to reduce the risk of it happening again.

18. How long should records of a low-level concern be kept?

- 18.1 Low-level concerns will be retained securely by the School for as long as deemed relevant and necessary for a safeguarding purpose unless the School is required to disclose by law (for example, where the threshold of an allegation is met in respect of the individual in question). In most cases, once a staff member leaves the School, any low-level concerns which are held relating to them:

18.1.1 will be retained at least until the individual leaves the School / for the same duration as that individual's personnel file; and

18.1.2 will not be included in any onward reference, except as set out at paragraph 20.

18.2 Low-level concerns will be retained on the College's central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.

19. References

19.1 Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated, it will be referred to in a reference.

19.2 Low-level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

20. What is the role of the Board of Governors?

20.1 The Head will regularly inform the Board of Governors about the implementation of the Low-Level Concerns Policy and any evidence of its effectiveness, e.g. by including reference to it in any safeguarding reports and providing any relevant data.

20.2 The Board of Governors will also 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.

21. Monitoring and Review

The Low-Level Concerns Policy will be monitored to ensure that it is being effectively implemented in practice and will be reviewed annually by the Head and in response to any relevant legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice.

Annex 1 - 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 the 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 – 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 School's Staff Code of Conduct, and the law.

ANNEX 2 - Sharing Low-Level Concerns (LLCs) – Action Required By Staff and The Head

If a member of staff has an **allegation that may meet the harm threshold** – they should follow the procedure in the College's safeguarding Policy

If a 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 2021 now requires low-level concerns to be shared with The Head – unless they relate to The Head – as per paragraph 74 of KCSIE 2021.

