

<b>Policy document control box</b>	
Policy title	<b>Low Level Concerns</b>
Policy owner (including job title)	Rob Watson (Director of Education)
Version	1.03
Red Balloon Educational Trust (RBET) Norfolk approving body	RBET Trustees
Date of meeting when version approved	October 9 <sup>th</sup> , 2024
Date of next review	September 2024

<b>Contents</b>	
Purpose	2
Policy statement, provision and safeguards	2
Defining a low-level concern	2
Responsibilities of staff	3
Dealing with low-level concerns	3
Responding to a low-level concern	4
Monitoring of low-level concerns	4
Other RBET Norfolk policies that should be read in conjunction with this one	5

## ***Purpose***

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 Centre's Code of Conduct are constantly lived, monitored and reinforced by all staff. RBET Norfolk deals with all concerns about adults working in or behalf of the Centre appropriately and promptly.

## ***Policy statement, provision and safeguards***

The Centre seeks to create an environment where staff are encouraged and feel confident to self-refer when, for example, they have found themselves in a situation which 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.

This policy seeks to

- ensure that staff are clear about expected and appropriate behaviour and are confident about distinguishing it 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 Head of Centre;
- help staff address unprofessional behaviour and help the identified individual to correct such behaviour at an early stage;
- identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted 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 Centre's safeguarding system. This policy applies to all staff at RBET Norfolk.

## **Defining a low-level concern**

A low-level concern is one that does not meet the harm threshold as stated in the Centre's Safeguarding Policy. That is, when anyone working in the Centre (including volunteers, supply staff and contractors) has:

- behaved in a way that has harmed a student, or may have harmed a student; and/or
- possibly committed a criminal offence against or related to a student; and/or
- behaved towards a student or students in a way that indicates they may pose a risk of harm to them; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with students (which includes behaviour that may have happened outside the Centre posing a transferable risk to students).

Responses and actions to behaviours that may meet the harm threshold are contained specifically within RBET Norfolk's policy 'Dealing with Allegations Regarding Staff'. These should be reported to the Head of Centre without delay.

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 might be a concern) – that an adult working in or on behalf of the Centre 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.

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

- being over friendly with students;
- having favourites;
- taking photographs of students on the adult’s mobile phone;
- engaging with a student one-to-one in a secluded area or behind a closed door;
- or,
- using inappropriate sexualised, intimidating or offensive language.

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

### **Responsibilities of staff**

It is important for all staff to be clear of the expectations the Centre has of them, as contained in the Staff Code of Conduct, and as elaborated in new staff induction.

Any concerns in relation to a staff member’s behaviour, including any which do not meet the harm threshold, must be shared responsibly with the Head of Centre. This should be done without delay.

Any concerns or allegations about the Head of Centre should be referred to the Chair of Governors (whose contact details can be found in RBET Norfolk’s Safeguarding Policy document).

Staff members who are concerned about how their behaviour may have been interpreted or who, on reflection, re-evaluate their behaviour as having been in contradiction to the Centre’s code of conduct and expectations, should self-refer to the Head of Centre.

### **Dealing with low-level concerns**

All low-level concerns may be shared verbally with the Head of Centre in the first instance, but must then be recorded in writing using the “My Concern” software. The record should include:

- details of the concern;
- the context in which the concern arose;
- the action taken.

The name of the person sharing their concerns should also be noted, but if that person wishes to remain anonymous then that should be respected as far as reasonably possible. Where the low-level concern is communicated verbally, the Head of Centre should make an

appropriate record of the conversation, either at the time or immediately following the discussion, paying heed to the details above. Records will be signed, timed and dated. Records will remain confidential in accordance with the school's Data Protection policies and GDPR.

### **Responding to a low-level concern**

The Head of Centre will, in the first instance, satisfy themselves that it is a low-level concern, should not be reclassified as a higher level concern/allegation, and should be dealt with under the appropriate procedure below.

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

- the threshold for a higher-level concern or allegation is met;
- there is a pattern of low-level concerns which collectively amount to a higher-level concern or allegation, or
- there is other information which, when taken into account, leads to a higher-level concern or allegation.

Where the Head of Centre 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 Head of Centre will discuss it with the person who has raised it and will take any other necessary steps to investigate it. If the concern has been raised via a third party, the Head of Centre 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.

This evidence will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this should be recorded, along with the rationale for the decisions and action they take. Reports about supply staff and contractors will be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.

### **Monitoring low level concerns**

All reported low level concerns will be recorded. The record will include details of the concern, the date of the concern, the context in which the concern arose and the action taken. Unless they wish to remain anonymous the person who shared the concerns will also be noted. All records will be kept confidential and stored securely in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

The Safeguarding Governor will be made aware that a low level concern has been raised and will ensure the matter has been appropriately addressed, reporting to the Governing Body or, where deemed appropriate, referring to the Chair of Governors in a timely manner.

## Related legislation and documents

- External Documents
  - Students Act (Gov. UK 1989)
  - Students Act (Gov. UK 2004)
  - General Data Protection Regulation - UK UK GDPR (May 2018)
  - Human Rights Act (Gov. UK 1998)
  - Education Act (Gov. UK 2002)
  - Education and Skills Act (Gov. UK 2008)
  - Equality Act 2010
  - Sexual Offences Act (Abuse of Trust) ( Gov. UK 2003)
  - Female Genital Mutilation Act (Gov. UK 2003)
  - Information Sharing; Advice for practitioners providing safeguarding services to students, young people, parents and carers (Gov.UK July 2018)
  - Counter-terrorism and Security Act (Gov.UK 2015)
  - Keeping Students Safe in Education - KCSiE (Gov.UK Sept 2023)
  - Revised Prevent Duty Advice for Schools (Prevent Duty Guidance: for England and Wales Gov.UK (July 2015)
  - Students Missing Education (Gov.UK Sept 2016)
  - Pace Code C 2019
  - Public Sector Equality Duty
  - Teacher misconduct: the prohibition of teachers (Gov.UK October 2015)
  - Working Together to Safeguard Students: A guide to inter-agency working to safeguard and promote the welfare of students (Gov.UK July 2018)



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.

Details of the concern will be recorded along with the rationale for decisions and action taken.

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 school's 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 Red Balloon HR.

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

The Head of centre will securely retain confidential files on low-level concerns. No record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:

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

Records of low-level concerns should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified and responded to. Where a pattern of behaviour is identified, the Head of Centre should decide on a course of action. This might be internal disciplinary procedures, or referral to the LADO if the harm threshold is met.

The Head of Centre must consider if any wider cultural issues in school that enabled the behaviour to occur and if appropriate policies could be revised or extra training delivered to minimise the risk of recurrence. The rationale for all decisions and actions taken must be recorded.

## **Other Red Balloon Norfolk policies that should be read in conjunction with this one**

- Staff Code of Conduct
- Safeguarding policy