

CHILD PROTECTION AND SAFEGUARDING - LOW LEVEL CONCERN

Policy applies from EYFS to Sixth Form and to all Staff	
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Version	Date	Paragraph	Material change	Approval
09.22 v1	01.09.2022	All	No material amendments	Mr Luke Goodman
09.23 v1	01.09.2023	N/a	No material amendments	Mr Chris Collins
09.24 v1	01.09.2024	All	Policy updated to reflect Keeping Children Safe in Education 2024 and Information Sharing Advice for Safeguarding Practitioners (May 2024).	Mr Chris Collins

Clifton High School is committed to child protection and safeguarding children and young people and expects all staff, visitors, and volunteers to share this commitment.

Related Policies

Anti-Bullying
 Child Protection and Safeguarding
 Data Protection
 Data Retention
 Staff Code of Conduct
 Staff Disciplinary Procedure
 Staff Grievance Procedure
 Privacy Notices
 Whistleblowing

1. Introduction

Clifton High School understands the importance of having a culture of openness, trust, and transparency where all low-level concerns (including allegations that do not meet the “harm threshold”) about adults working in or on behalf of the School are reported and dealt with promptly, and acknowledges that this is a key element of a strong safeguarding system.

The purpose of this policy is to ensure that that culture is promoted and embedded in the School as part of the whole school approach to safeguarding, in order to:

- enable the School to identify concerning, problematic or inappropriate behaviour early and take action;
- 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 those boundaries, and in accordance with the ethos and values of the School.

2. Who does this policy apply to?

The policy applies to all staff whether working in or on behalf of the School, engaged as a paid employee (including a supply teacher), worker or contractor, or unpaid member of staff or volunteer. It also includes anyone who is a member of the Council of Governors.

Details of members of staff who have specific child protection and safeguarding roles can be found at Appendix 1.

3. What are the aims of this policy?

The aims of this policy are to:

- 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;
- empower staff to share any low-level concerns with the Head of School, and to help all staff to interpret the sharing of such concerns as a neutral act, at the earliest opportunity;
- address unprofessional behaviour and support the individual to correct it 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 Local Authority Designated Officer (LADO);
- provide for responsive, sensitive, and proportionate handling of such concerns when they are raised; and
- help identify any weaknesses in the School's safeguarding system.

4. What is 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 below.

Low Level Concern

A low-level concern is any concern no matter how small (even if it is no more than a sense of unease or a "nagging doubt") that a member of staff 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” (the criteria for which is below) or is otherwise not considered serious enough to consider a referral to the LADO.

Allegation that meets the “harm threshold”

If a member of staff has (or is alleged to have):

- 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 indicated that they may pose a risk of harm if they were to work regularly or closely with children; and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children, including behaviour that may have happened outside of school,

their conduct will have met the “harm threshold”, and the allegation will be dealt with in accordance with the Child Protection and Safeguarding Policy.

Determining whether the concern/allegation meets the “harm threshold”

Although it is important that staff feel comfortable with, and be 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, whether or not it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. That determination should be made by the Head of School once a report has been made to them.

The diagram at Appendix 2 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.

All staff need to be able to identify such behaviour and understand the importance of sharing concerns when they observe behaviour which violates the School’s Staff Code of Conduct.

5. What behaviour might be considered a low-level concern?

Concerning, problematic and/or inappropriate behaviour exists on a wide spectrum – from the inadvertent or thoughtless, through to that which is ultimately intended to enable abuse. 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; and
- humiliating pupils.

6. Sharing low-level concerns

6.1 Procedure

If a member of staff has a concern that meets the low-level concern definition in section 4 above, they should share it to the Head of School as soon as reasonably practicable, 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.

If the Head of School is not available, the low-level concern should be shared with the DSL. If the low-level concern is about the Head of School (or there is a conflict of interests in sharing the concern with the Head of School), it should be referred to the Chair of the Council of Governors.

The diagram in Appendix 4 further illustrates who low-level concerns should be shared with.

The concern can be shared verbally with the Head of School (or DSL in their absence) in the first instance, or a written summary of it can be provided to them and with the option of submitting a Low-Level Concerns Form (at Appendix 3).

Where the low-level concern is provided verbally, the Head of School 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.

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.

6.2 Anonymity

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.

6.3 Self-reporting

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 School'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:

- it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity;
- 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
- crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

The School's aim is to create an environment where staff are encouraged and feel confident to self-refer.

7. Responding to low-level concerns

7.1 How should a low-level concern be responded to?

If a low-level concern is shared with the Head of School, the Head of School (or a person in the Senior Leadership Team to whom the Head of School has delegated the responsibility) will take the following steps (in an appropriate order depending on the nature and detail of the particular concern):

- Speak to the person who raised the low-level concern (unless it has been raised anonymously).
- Speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).
- 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).
- If they are in any doubt as to whether the information which has been shared meets the harm threshold, they should consult with the LADO (on a no-names basis if necessary).
- Review the information and determine whether the behaviour in question:
 - Is consistent with the School's Staff Code of Conduct and the law.
 - Is not serious enough to consider a referral to the LADO but may merit consulting with and seeking advice from the LADO.

- Constitutes a low-level concern.
- When considered with any other low-level concerns previously raised about the individual, could now meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies in accordance with the School's Child Protection and Safeguarding Policy, Part 4 of KCSIE 2024, and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.
- Meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies, and in accordance with the School's Child Protection and Safeguarding Policy, Part 4 of KCSIE 2024, and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.
- Ensure that appropriate and detailed written records are kept of all internal and external conversations regarding the concern, their decision, the rationale for their decision and any actions taken, and retain records in accordance with this policy.
- Consider whether the concern also potentially raises misconduct or capability issues (taking advice from HR and on a named or no-names basis if necessary), and if it does, referring the matter to HR
- Staff may also find it helpful to refer to the diagram at Appendix 4.

The Head of School will be the ultimate decision maker in respect of all low-level concerns, although the Head of School may wish to consult with the DSL and take a collaborative decision-making approach.

7.2 What action will be taken if it is determined that the behaviour is consistent with the School's Staff Code of Conduct and the law?

The Head of School will update the individual in question and inform them of any action taken and 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.

7.3 What action will be taken if it is determined that the behaviour constitutes a low-level concern?

The Head of School 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.



The Head of School will consider the low-level concern together with any other concerns previously raised about the individual, and will decide if, when considered together, the concerns could now meet the threshold of an allegation. If they do, the Head of School will refer the matter to the LADO/other relevant external agencies in accordance with the School's Child Protection and Safeguarding Policy, Part 4 of KCSIE 2024, and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.

If the Head of School decides that the matter shared with them constitutes a low-level concern, they will implement some or all of the steps below:

1. Conversation with the individual about whom the concern has been raised

Staff should be aware that when they share what they believe to be a low-level concern, the Head of School will always speak with the individual about whom the concern has been raised (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, so they can obtain an account from that individual.

Any such conversation with individuals will, if their behaviour is not consistent with the Staff Code of Conduct, 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.

2. Additional measures

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. Ongoing and transparent monitoring of the individual's behaviour may be appropriate, and/or an action plan or risk assessment which is agreed with the individual, and regularly reviewed with them

3. Capability and disciplinary procedures

Some low-level concerns may also raise issues of misconduct or poor performance. The Head of School will also consider whether this is the case by referring to the School's Disciplinary Policy and/or the Capability Policy and taking advice from HR and/or specialist advice as necessary on a named or no-names basis where necessary.



If the Head of School considers that the School's disciplinary or capability procedures may be triggered, they will refer the matter to HR. If HR advise that the School'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.

8. Low-level concerns records

8.1 How should low-level concerns records be held?

The School will retain all records of low-level concerns (including those which are subsequently deemed by the Head of School to relate to behaviour which is entirely consistent with the School's Staff Code of Conduct) in a central low-level concerns file, which is held by the Head of School.

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 only given to a limited number of individuals such as the Head of School and Chair of Governors and HR officer.

8.2 How often should the central low-level concerns file be reviewed?

The Head of School 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.

Where a pattern of behaviour is identified in respect of a specific individual, the Head of School 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.

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

Low-level concern records 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). The School will retain records of low level concerns at least until the individual is no longer engaged by the School.

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

9. References

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

Low-level concerns (or a group of concerns) which have not met the harm threshold (including those allegations/concerns which have been substantiated) and 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.

10. What is the role of the Council of Governors?

The Head of School will regularly inform the Council of Governors about the implementation of this policy and any evidence of its effectiveness, e.g. by including reference to it in any safeguarding reports and providing any relevant data.

The Safeguarding 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.

11. Information sharing and data protection

11.1 Information sharing

The School will protect members of staff's personal data, however it may be required to share information including personal data within the School and with external child protection and safeguarding partners if the School has safeguarding concerns about a child/children involving low-level concerns.

The School follows the following golden rules when sharing information (including personal data):

The golden rules for sharing information (including personal information)

- Protecting a child from harm takes priority over protecting an individual's privacy. The Data Protection Act 2018 and the UK General Data Protection Regulation helps information sharing.
- The School does not need consent to share personal information if a child is at risk.
- Members of staff should seek advice promptly (from the DSL or the Data Protection Lead) if they are uncertain about whether they can share information.
- The School will only share information that is relevant and accurate.
- The School will record its reasons for sharing (or deciding not to share) information.



11.2 Data protection

All staff have the right, under data protection law, to make a subject access request (which would include the right to see the content of any low-level concern(s) recorded and retained by the School 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 this 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).

The School has undertaken a Data Protection Impact Assessment (DPIA) in relation to the processing of low-level concerns, which is subject to ongoing review. A copy of this DPIA may be requested from the Finance Director.

All personal data processed in connection with this policy will be processed in accordance with the School's Privacy Notices and its Data Protection Policy.



Appendix 1 - Details of individuals currently in the roles defined within the Low-Level Concerns Policy

Head of School	Mr Will Phelan Contact details head@cliftonhigh.co.uk
Chair of Governors	Mr James Caddy Contact details jcaddy@cliftonhigh.co.uk
Designated Safeguarding Lead (DSL)	Mr Chris Collins Contact details ccollins@cliftonhigh.co.uk
Finance Director	Mr Michael Stewart Contact details mstewart@cliftonhigh.co.uk
HR	Mr Nick Barnard Contact details nbarnard@cliftonhigh.co.uk
Designated Member of the Council of Governors with responsibility for Child Protection and Safeguarding	Mrs Jane Morrison Contact details jmorrison@cliftonhigh.co.uk Mrs Hilary Vaughan Contact details hvaughan@cliftonhigh.co.uk Dr Jessica Jenkins Contact details jenkins@cliftonhigh.co.uk

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schooloffice@cliftonhigh.co.uk

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Appendix 2 – 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
- 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
- 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
- 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.



Appendix 3 - Low Levels Concern Form

Low-Level Concerns Form

Please use this form to share any concern - no matter how small, and even if the behaviour/incident is causing no more than a sense of unease or a 'nagging doubt' that a member of staff 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.

The record should be concise and include brief description of the 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).

Name of member of staff: Department and Role:
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Concern:

Signed:

Time and Date:

Received by:

At: (time and date)

Action Taken:

Signed:

Time and Date:

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This record will be held securely in accordance with the School's Low-Level Concerns Policy. Please note that low-level concerns will be treated in confidence as far as possible, but the School may be required to share information in order to safeguard a child/children and may also be subject to legal obligations to share information with appropriate persons, including in relation to legal claims and formal investigations.

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Appendix 4 - Sharing Low Level Concerns

If a member of staff has an **allegation that may meet the harm threshold** - they should follow the procedure in the School's Child Protection and Safeguarding policy. If a member of staff has **what they believe to be a concern that does not meet the harm threshold** i.e. a low-level concern, they should share the concern in accordance with the flow diagram below and the Head of School (and DSL) should also follow the steps in the flow chart below.

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Share with Head of School (or in their absence with the DSL) as soon as reasonably practicable and within 24 hours¹

Where the concern is initially shared with DDSL or the DSL – they must immediately pass on to Head of School.

Head of School should, not necessarily in the below order, but in an appropriate sequence according to the nature and detail of the particular LLC shared with them:

Speak to the person who raised LLC (unless raised anonymously)

Speak to any potential witnesses (unless advised not to do so by LADO/other relevant external agencies, where contacted)

Speak to the individual about whom the LLC has been raised (unless advised not to do so by LADO/other relevant external agencies, where contacted)

Where they are in any doubt, seek advice from the LADO – on a no-names basis if necessary.

Review information and determine whether behaviour:

- (a) is consistent with the School's Staff Code of Conduct and the law
- (b) constitutes a LLC
- (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 LLCs that have previously been raised about the same individual, could now meet the threshold of an allegation, and should be referred to the LADO/ other relevant external agencies,² or
- (e) in and of itself meets the threshold of an allegation and should be referred to the LADO/ other relevant external agencies³

Head of School to make appropriate records of all internal and external conversations, their determination, the rationale for their decision, and details of any action taken, and to retain records in accordance with LLCs policy

Head of School to consider whether concern also potentially raises misconduct or capability issues – taking advice from HR / Director of Finance on a named or no-names basis where necessary – and, if so, to refer matter to HR / Director of Finance

¹ Where the LLC relates to a particular incident

² And in accordance with the School's Child Protection and Safeguarding Policy and Allegations Policy and Part 4 of KCSIE, and/or relevant procedures and practice guidance stipulated by Local Safeguarding Partnership

³ As above