

Low Level Concerns Policy

1. Policy Statement

- 1.1 Storyy Group 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 our company wide approach to safeguarding, we will ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the provision (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 us to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of Storyy Group are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the provision.

This Low-Level Concerns Policy operates in conjunction (as appropriate) with the following:

1.3.1 Code of Conduct and Safeguarding Policy

1.3.2 Disciplinary Procedure

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 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 any of Storyy Group's policies.

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 DSL, Operations Lead or Directors. 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 Storyy Group policies 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,

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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 DSL or Directors 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

5.2 Who does the policy apply to?

The policy applies to all **staff** whether working in or on behalf of Storyy Group

6. Definitions

6.1 **Allegation that may meet the harm threshold.** The term ‘allegation’ means it is alleged that an adult who works with children has:

- 6.1.1 behaved in a way that has harmed a child, or may have harmed a child; and/or
- 6.1.2 possibly committed a criminal offence against or related to a child; and/or
- 6.1.3 behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- 6.1.4 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.

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. 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 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.
- 6.2.3 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 DSL or Operations Lead.

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7. Ethos and Culture of Storyy Group

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

8. Data Protection and GDPR

- 8.1 Storyy Group 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 Storyy Group managing allegations 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 terms¹.
- 8.4 If a member of staff who raises a low-level concern does not wish to be named, then Storyy Group will respect their wishes as far as possible. However, staff should be aware that in certain circumstances this anonymity may need to be waived.

All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained by the provision 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. Storyy Group 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)

- 8.5 All personal data processed in connection with the Low-Level Concerns Policy will be processed in accordance with the provisions GDPR Policy.

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

- 9.1 It is important that low-level concerns are shared with the DSL or Directors 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. Concerns should be reported on CPOMS Staff Safe.
- 9.2 If the DSL is absent for any reason, low-level concerns should be shared with the site manager who will ensure they inform the DSL immediately. Concerns should also be recorded on CPOMS staff safe and CPOMS if in relation to a current student.
- 9.3 If any low-level concern relates to the behaviour of the DSL or Directors, it should be referred to staff at Head Office.
- 9.4 If there is a conflict interest with the low-level concern it should be reported directly to the LADO.

10. How should low-level concerns be shared and recorded?

10.1 The concern can be shared verbally with the DSL or Operations Lead in the first instance and/or a written summary of it can be provided to them via CPOMS Staff Safe.

10.2 Where the low-level concern is provided verbally, the DSL will make an appropriate record of the conversation on CPOMS Staff Safe and will exercise sound professional judgment in determining what information is necessary to record for safeguarding purposes.

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

11.1.1 Once the DSL or Operations Lead 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:

11.1.2 Speak to the person who raised the low-level concern (unless it has been raised anonymously).

11.1.3 Speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).

11.1.4 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).

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

11.1.6 Review the information and determine whether the behaviour in question:

- (a) is entirely consistent with Storyy Group'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;

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 Storyy Group's Managing Allegations policy, or

- (d) if 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 Storyy Group's Managing Allegations policy.

11.1.7 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.

11.1.8 Consider whether the concern also potentially raises misconduct or capability issues and, if so, refer the matter to the Directors.

12. 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?

12.1 The DSL or Operations Lead will update the individual in question and inform them of any action taken (as above).

- 12.2 The DSL or Operations Lead 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 Storyy Group’s Staff Code of Conduct and the law.
- 13. What action will be taken if it is determined that the behaviour constitutes a low-level concern?**
- The DSL or Operations Lead 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.
- 13.1 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.
- 13.2 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.
- 13.3 If the DSL and Directors considers that, following the identification of a Low Level Concern, the provisions disciplinary or capability procedure needs to be 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.
- 13.4 Staff should be aware that when they share what they believe to be a low-level concern, the DSL or Operations Lead 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.
- 14. What action will be taken if it is determined that the behaviour:**
- 14.1 **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
- 14.2 **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 Storyy Group’s Managing Allegations Policy.
- 15. How will low-level concerns be held?**
- 15.1 Storyy Group will retain all records of low-level concerns in a central low-level concerns electronic record-CPOMS Staff Safe and on CPOMS if relating to a student.
- 15.2 Where multiple low-level concerns have been shared regarding the same individual these will be kept in
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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 DSL and Directors.

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

- 16.1 The DSL 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.
- 16.2 Where a pattern of behaviour is identified in respect of a specific individual, the DSL and Operations Lead 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.

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

- 17.1 Low-level concerns will be retained securely by Storyy Group for as long as deemed relevant and necessary for a safeguarding purpose unless the provision 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 their employment, any low-level concerns which are held relating to them:

- 17.1.1 will be retained on the internal records and
- 17.1.2 will not be included in any onward reference.

18. 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 DSL and Operations Lead and in response to any relevant legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice.

Reviewed by Natalie Lee - 05/09/2023
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