Low-level concerns policy

1. Introduction

This policy is based upon the statutory guidance detailed within Keeping Children Safe in Education 2026 and the expectations within Guidance for Safer Working Practice 2022. It should be read in conjunction with the following academy/federation policies:

- Child protection and safeguarding policy.
- CLF reasonable restraint policy.
- Code of conduct policy.
- Recruitment, selection and disclosures policy and procedure.
- Whistleblowing policy.
- Anti-bullying/Peer on peer abuse policy.
- Behaviour policy.
- Data protection policy.
- E-Safety policy.
- Self-harm policy.
- Policy on supporting children in care.
- Attendance policy (including the safeguarding response to children who go missing).

All policies can be accessed on the CLiF staff intranet. If staff are unsure where to access these policies, they should liaise with their Principal / central department lead or Designated Safeguarding Lead.

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, and recorded and dealt with appropriately, is crucial. If implemented well this should encourage an open and transparent culture, enabling our academies / central teams 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 them.

Behaviour which is not consistent and does not meet the federation's expectations, specified in the 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 or cause harm. Where a concern about an individual's behaviour meets the threshold of an allegation, clear guidance exists to support the relevant member of staff in responding to and reporting these concerns.

It is important to recognise that, in practice, the words 'allegation' and 'concern' can be and are used interchangeably by different people. Sometimes individuals may shy away from the word 'allegation' and express it as a 'concern' instead. The crucial point is that whatever the language used, the behaviour referred to may, on the one hand, be capable of meeting the harm threshold (and hence be referable), or, on the other, it does not meet the harm threshold (in which case it should be treated as a low-level concern).

2. Purpose

Safeguarding and promoting the welfare of children is everyone's responsibility. The purpose of this policy is to create and embed a culture of openness, trust, and transparency in which the clear values and expected behaviour set out in the staff code of conduct, are constantly lived, monitored, and reinforced by all staff.

This policy enables all staff to share any concerns – no matter how small – about their own or another member of staff's behaviour with the Principal / central department lead, Designated Safeguard Lead (DSL) or, if absent, the Vice Principal or Deputy Designated Safeguarding Lead (DDSL) or Executive Principal.

In order to achieve this purpose, the federation will:

- Ensure that through annual safeguarding training and CPD, 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.
- Recognise the importance of professional boundaries and when to report.
- Empower staff to share any low-level safeguarding concerns with the Principal / central department lead, and to create a culture where staff are supported to interpret the sharing of such concerns as a neutral act.
- 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 the Local Authority Designated Officer (LADO) for safeguarding.
- Ensure all concerns that are raised are handled sensitively and proportionately.
- Help identify any areas for development in the organisation's safeguarding system as well as any training needs.

3. Allegations that may meet the harm threshold

The term 'allegation of harm' means that it is alleged that the action(s) of a person who works with children meet(s) the harm threshold as specified below:

- 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.

4. Alleged behaviours that are potentially racially motivated or intentionally prejudicial

Behaviours of this nature from staff members would normally meet the harm threshold and should be reported to the Principal / central department lead, or Executive Principal, in their absence. The Principal / central department lead (or Executive Principal) will normally refer such concerns to the LADO. The LADO will normally share any such details with the police, who will determine whether the alleged actions meet the threshold for a criminal investigation.

5. Concerns that do not meet the harm threshold (low-level concerns)

Low-level concerns are a clear and comprehensible term to neutralise the act of sharing a concern which neither meets the harm threshold, nor is otherwise serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO on a no names basis, if necessary.

The term 'low level' concern does not mean that it is insignificant, but rather the adult's behaviour towards a child does not meet the harm threshold as set out under point 8. 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 an organisation'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; or
- relates to their conduct outside of work, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

Examples of low-level concerns could include (but are not limited to):

- being over friendly with children.
- having favourites.
- taking photographs of children on the employees mobile phone.
- engaging with a child one-to-one in a secluded area or behind a closed door; and/or
- using inappropriate sexualised, intimidating, or offensive language.

Whilst individually behaviours that are low-level of concern may not meet the threshold for concern nor warrant more detailed enquiries or action, where a pattern of similarly concerning behaviours is identified over a period of time, this may warrant more detailed enquiries or action.

6. Sharing low-level concerns

Low-level concerns should, in the first instance, be reported to the Principal / central department lead. If they are absent, the concerns should be reported to the Vice Principal / line manager and/or the Executive Principal. If the concerns are about the Principal / central department lead, these should be reported to the Executive Principal.

Concerns can be raised verbally, but usually, staff are asked to follow this up with a written summary (appendix 11). The record must be signed, timed, and dated by the staff member sharing the concern. The Principal / central department lead may also make a written record of the conversation. The record should include brief context in which the low-level concern arose, and concise details (which are chronological and as precise and accurate as possible) of any such concerns and relevant incident(s).

It is important that low-level concerns are shared with the Principal / central department lead 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 should also be emphasised that it is never too late to share a low-level concern.

The member of staff reporting the concern does not need to determine whether their concern is low-level, nor whether it is not serious enough to consider a referral to the LADO, nor whether it meets the threshold of an allegation. Once they have shared what they believe to be a low-level concern, that determination will be made by the Principal / central department lead with the support and advice of the HR Employee Relations team, where appropriate, and responded to in line with this policy.

7. Anonymity

If the staff member who raises the concern does not wish to be named, the Principal / central department lead will respect that person's wishes as far as reasonably possible. However, there may be circumstances in which the staff member may need to be named (for example, where it is necessary in order to carry out a fair investigation/disciplinary process) and, for this reason, anonymity will never be promised to members of staff who share low-level concerns. Where possible, staff will be encouraged to consent to be named, as this will help to create a culture of openness and transparency.

If it becomes necessary to identify the person raising the concern this will be explained to them, and support will be provided should they wish. We will not tolerate any victimisation of detrimental treatment towards somebody who raises a concern and will take all reasonable action to support employees raising a concern using this policy.

8. Self-reporting

The federation fosters a culture whereby staff are encouraged and feel confident to self-report if they have found themselves in a situation which might be misinterpreted, or they have behaved in a way that they recognise falls below professional standards 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 staff code of conduct.

Self-reporting under these circumstances can be positive for a number of reasons:

8.1 it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity.

8.2 it demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived; and,

8.3 it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

Staff are also able to seek support from their trade union representative prior to or following self-reporting.

9. Responding to a low-level concern

Upon receipt of a low-level concern, the Principal / central department lead, with the support of the HR Employee Relations Team, may:

9.1 Review the information and determine whether the behaviour:

- constitutes a low-level concern.
- is entirely consistent with the staff code of conduct and the law (it's important to note that, it is possible for the individual's actions to not be considered a safeguarding concern, low-level or otherwise, and still to have potentially breached the staff code of conduct).
- is not serious enough to consider a referral to the LADO – but may merit consulting and seeking advice from the LADO by way of a sense-check.
- when considered with any other low-level concerns that have previously been raised about the same individual, whether this could now meet the harm threshold and should be referred to the LADO.

9.2 Speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary, or completed low-level concerns form has been provided.

9.3 Liaise with the Human Resources Employee Relations team to discuss whether the concern would be considered low-level, based on the account provided by the staff member who reported it. If there is any doubt at all, the Principal / central department lead should contact the LADO before investigating or proceeding any further.

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

9.5 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).

The Principal / central department lead may seek advice from the LADO where they are in any doubt whatsoever.

Whilst responding to any incident the Principal / central department lead, with the support of the HR Employee Relations Team, will make appropriate notes of:

- all internal conversations – including the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses (subject to the above).
- all external conversations – for example, with the LADO/other external agencies (where they have been contacted).
- the action taken and the rationale for the decision taken.
- will keep a simple chronology of events

10. Possible outcomes from a low-level concern

10.1 **The behaviour is consistent with the code of conduct and the expectations set out in Keeping Children Safe in Education 2026:** If it is determined that the behaviour is entirely consistent with the federation's code of conduct and the law the Principal / central department lead, with the support of the HR Employee Relations Team will:

- Update the individual in question and inform them of the action taken as above.
- 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 federations code of conduct and the law.
- Consider if the situation may indicate that staff are not as clear as they could be about the code of conduct or low-level concerns policy and whether further training is therefore required.

If the same or similar low-level concern is subsequently shared about the same individual and the behaviour in question is also inconsistent with the federations code of conduct expectations, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived by others. Additional training may also be provided in these circumstances.

10.2 **The behaviour is not consistent with the code of conduct and the expectations set out in Keeping Children Safe in Education 2026:** It is possible for an individual's actions to not be considered an obvious safeguarding concern, low-level or otherwise, yet to still be considered inappropriate or inadvisable and to have potentially breached the staff code of conduct and that a pattern of such low-level concerns, over time, could call into question an individual's suitability to work with children. Such low-level conduct concerns should be addressed appropriately by the Principal / central department lead with the support and guidance of Human Resources.

If it is determined that the behaviour constitutes a low-level concern, it will be responded to 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 investigations of low-level concerns will be done discreetly and will only involve individuals who are authorised to receive such information, with the support of the HR Employee Relations Team.

Most low-level concerns, by their very nature are likely to be minor and will not give rise to any ongoing concern and, accordingly, will not require any further action with the staff member. However, some low-level concerns may be most appropriately dealt with by means of a professional conversation, management guidance and/or training. The Principal / central department lead should, in most cases, seek the advice of the HR Employee Relations Team in holding, recording, implementing, and reviewing any such actions.

Any such conversation 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 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. Staff can seek advice from their trade union representative on the action plan, should they wish to.

11. **Referring low level concerns to the LADO:** A referral will be made to the LADO, normally by the Principal / central department lead, where any behaviour in question:

    - is determined to meet the threshold of an allegation when considered with any other low-level concerns that have previously been raised about the same individual.
    - had not originally been considered serious enough to consider a referral to the LADO but, upon further investigation, the information gathered gives further cause for concern.
    - in and of itself meets the threshold of an allegation.
    - If it is determined that the behaviour, whilst not sufficiently serious to consider a referral to the LADO, nonetheless merits consulting with and seeking advice from the LADO, action will be taken in accordance with the LADO's advice.

12. **Low level concerns and other federation policies:** Some low-level concerns may trigger the use of the federation's disciplinary, capability, grievance, or whistleblowing procedures. Where low-level concerns are raised which require other internal processes to be followed, the Principal / central department lead, with the support of the HR Employee Relations Team, will exercise their professional judgement on which process is best to follow and may seek advice from other external agencies including the LADO, as necessary.

    If it is determined that the concern should be investigated in line with the CLF's disciplinary procedure, the individual about whom the concern has been raised will be provided with a full opportunity to respond to any safeguarding allegations in line with the process as outlined within the disciplinary procedure

13. **Low level concerns regarding staff not directly employed by the federation:** Where a low-level concern relates to a person employed by a supply agency or a contractor, that concern will be raised with their employer, so that any potential patterns of inappropriate behaviour can be identified. How an organisation responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern. It may be appropriate for the Principal / central department lead of the academy / location at which that agency worker or contractor is placed to refer the individual to the LADO. It may also be appropriate for statements to be taken to provide to the agency or contractor to assist them in carrying out their own investigation. Advice should be taken from your HR Employee Relations in determining the right course of action.

14. **Storing low-level concerns**

    The federation will retain all records of low-level concerns (including those which are subsequently deemed by the Principal / central department lead to relate to behaviour which is not entirely consistent with the staff code of conduct) in a secure central electronic low-level concerns file. These records will be kept confidential and held securely with access limited to the Principal / central department lead, Executive Principal, the federation Safeguarding Lead and relevant HR colleagues.

    Where multiple low-level concerns have been shared regarding the same individual, these will be kept in chronological order as a running record.

    A record of a low-level concern will only be kept on an individual's file if there has been some form of support and training agreed as the result of a documented professional conversation with that individual. Any other information will be securely destroyed in accordance with our Document Retention Policy.

    Storing low-level concerns in this way will allow the Principal / central department lead to spot any potential patterns of behaviour that may need addressing.

    Any information held on a personnel file will be retained in accordance with Part 4 of KCSIE which requires schools and colleges in England to produce a clear and comprehensive summary of allegations (except those which are found to have been malicious), details of how the allegation was followed up and resolved,

and a note of any action taken and decisions reached, to be kept on the confidential personnel file of the staff member and a copy provided to them.

When a staff member leaves and/or takes up new employment, 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. This will be subject to the rights of individuals to object to or seek to correct records in accordance with the CLF Data Protection Policy.

15. Reviewing the low-level concerns data

The Principal / central department lead will review the central low-level concerns data for their academy / department 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 and addressed appropriately. A record of these reviews will be made and stored alongside the file, along with any subsequent actions taken.

Members of the HR Employee Relations team and the federation's Safeguarding Leads may regularly review academy low-level concerns data in order to ensure that these concerns have been responded to promptly and appropriately.

16. Low-level concerns and references

Only safeguarding allegations that have been substantiated would normally be included in references. Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, should also normally be referred to in a reference.

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

Associated Forms:
Low Level Concerns Reporting Form - Word Low Level Concerns Reporting Form - PDF