



ST TERESA
of **CALCUTTA**
Catholic Academy Trust

STOC Low Level Concerns Policy

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1. Introduction	3
2. Definitions	4
2.1 Concern or allegation that may meet the harm threshold.	4
2.2 Concern or allegation that does not meet the harm threshold: low-level concern.	4
2.3 Grooming behaviours:.....	5
2.4 Preferential offenders –.....	5
2.5 Opportunistic offenders –	5
2.6 Situational offenders –	5
3. Purpose	7
4. Procedures in school for reporting low-level concerns.....	7
5. Procedures in school if staff wish to remain anonymous	8
6. If staff wish to self-report.....	9
7. How reports should be shared and recorded	9
8. How Headteachers should respond	9
9. How we hold low-level concerns	10
10. How we review the concerns.....	10
11. How long we will keep the records for.....	11
12. Will low level concerns be used in a reference.....	11
13. Role of the Central Executive Team and Local Governing Body.....	11

St Teresa of Calcutta Catholic Academy Trust

Central Low-Level Concern Policy

This St Teresa of Calcutta Catholic Academy Trust Central Low-Level Concern Policy sets out:

- Why we need this new policy which enables all staff to share any concerns, no matter how small, about their own or another member of staff's behaviour.
- Some key definitions.
- The purpose of the policy.
- The procedures in each school for sharing low-level concerns.
- What we should do if staff wish to remain anonymous.
- What to do if staff wish to self-report.
- How reports should be shared and recorded.
- How Headteachers should respond.
- Where concerns will be held.
- How they will be monitored.
- Where records should be kept and for how long.
- Whether low-level concerns should be referred to in a reference.
- What is the role of the Central Executive Team and the local governing bodies.

This policy has been developed alongside the Trust Guidance for Safe Working Practice in Education (Code of Conduct), Central Safeguarding and Child Protection Policy, Allegations Policy, Dignity at Work Policy and individual school Safeguarding and Child Protection Policy.

The policy has been developed following Farrer & Co guidance: Developing and implementing a low-level concerns policy: a guide for organisations which work with children (September 2022).

It is in line with up-to-date guidance from Keeping Children Safe in Education September 2023.

1. Introduction

- 1.1 This policy has been developed in line with Keeping Children Safe in Education September 2023, following guidance in Part Four, Section Two: Concerns or allegations do not meet the harm threshold.
- 1.2 It should be read in conjunction with our Guidance for Safe Working Practice for Education (Code of Conduct).
- 1.3 This policy should be seen as a means to give clear guidance. It is noted that in a number of cases where adults have gone onto sexually abuse children in an organisation it is rare to find cases "...where the abuse occurred in the absence of preceding grooming by the offender, and whilst not always, it is usually the case that

- such preparatory conduct was observed and regarded as questionable at the time by others.”¹
- 1.4 Often this behaviour was not shared with relevant individuals at the organisation until after substantive abuse was alleged against the offender.
 - 1.5 Case studies demonstrate that the perpetrator may be popular with children/adults; or may use their power or supposed influence on those in positions of responsibility to minimise allegations; or may behave in a way in a school environment which can be deemed as flaunting rules, lack of regard to behaviour policies or other school expectations; and/or may be aggressive with others or dominant. In some cases, their behaviour with adults may also transgress what is deemed as professional behaviour i.e., sexually inappropriate language or humour. What has been a running theme is that there may be concerns about an individual’s behaviour that is often not shared.
 - 1.6 Often there are indicators with a breach of boundaries in the relationship with the victim. Sometimes this breach is conscious as part of the grooming context but in other cases they may be innocent or unintentional. What is clear is that when it is breached, the relationship can be harder to restore back to where proper boundaries are respected.
 - 1.7 We are at our best to safeguard children and young people when we adhere to our boundaries in every respect. This will be the safest environment for children. This is why the Guidance for Safe Working Practice (Code of Conduct) is important that we adhere to this and speak up when we see our colleagues behaving in such a way that creates a nagging doubt, can be misinterpreted and does not follow our Code of Conduct. It may well be that the actions are unintentional, however, we must maintain a culture that ‘it could happen here.’

2. Definitions

- 2.1 **Concern or allegation that may meet the harm threshold.** This means that the behaviour in question might indicate that a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children (i.e., in connection with their employment or voluntary activity) if a concern is raised/it is alleged that they 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 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.**²
- 2.2 **Concern or allegation that does not meet the harm threshold: low-level concern.** The term ‘low-level’ concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing

¹ Paragraph 41 Farrer & Co: Developing and implementing a low-level concerns policy: a guide for organisations which work with children, September 2022.

² This includes behaviour outside of school or college, that might make an individual unsuitable to work with children, which is known as transferable risk.

a sense of unease or a 'nagging doubt' – that an adult working with children 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 harm threshold; or is otherwise not serious enough to merit a referral to the LADO.**

- 2.3 **Grooming behaviours:** terminology used to describe the process undertaken when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Children and young people who are groomed can be sexually abused, exploited or trafficked. Grooming can take place over a short or long period of time - from weeks to years. Groomers may also build a relationship with the young person's family or friends to make them seem trustworthy or authoritative. They use their position of trust and/or authority to offend, often, but not always, demonstrating a veneer of respect.
- 2.4 **Preferential offenders** - those who have a conscious desire to sexually abuse children and who either do not see or are not easily deterred by obstacle.
- 2.5 **Opportunistic offenders** - those who abuse because potential victims are available and potentially vulnerable, and the organisational setting either inadvertently facilitates or fails to prevent, abusive activity.
- 2.6 **Situational offenders** - those whose propensity to abuse is previously unknown or unacknowledged, and their offending is specific to the set of organisational factors which potentiates their offending.³
- 2.7 The spectrum of behaviour is included on the next page and is taken from Appendix C of Farrer & Co Developing and implementing a low-level concerns policy: a guide for organisations which work with children, September 2022.
- 2.8 All staff refers to all adults who work for St Teresa of Calcutta Catholic Academy Trust, who volunteer for the Trust, are contracted to the Trust or are an apprentice. It includes staff who use the premises for extra-curricular activities.

³ 2.4-2.6 taken from Paragraph 4.6 Farrer & Co: Developing and implementing a low-level concerns policy: a guide for organisations which work with children, September 2022.

Concern or allegation that may meet harm threshold

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. 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 working with children 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 harm threshold, or is otherwise not serious enough to merit a referral to the LADO.

Appropriate conduct

Behaviour which is entirely consistent with the organisation’s staff code of conduct, and the law.

3. Purpose

- 3.1 At St Teresa of Calcutta Catholic Academy Trust, we want to make sure that each of our schools has a culture where concerns can be identified and spoken about openly.
- 3.2 Creating a culture where all concerns and allegations about adults (including those that do not meet the harm threshold) are shared responsibly and with the right person, and recorded and dealt with appropriately, is crucial in order to safeguard children and young people. To do this, our organisational culture has to be positive, open and honest. It is incumbent upon school leaders that they foster this culture whereby staff feel that their concerns are listened to and acted upon appropriately so that we can identify inappropriate, problematic or concerning behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the organisation are clear about professional boundaries and act within them.
- 3.3 Our Guidance for Safe Working Practice in Education (Code of Conduct) explicitly identifies behaviours which are not in line with our expectations as an organisation.
- 3.4 Through creating this culture, we can identify behaviour that is not consistent with our standards and can be addressed.
- 3.5 We recognise that this behaviour can exist on a wide spectrum - from the inadvertent and unintentional to that which is ultimately intended to enable abuse. Where behaviour is inadvertent and unintentional or misinterpreted, this policy outlines how we deal with such behaviour.
- 3.6 We must accept as an organisation that 'it could happen here.' However, this policy outlines what we must do to minimise that risk.
- 3.7 We know that there is some resistance to instances being identified as 'low-level concerns' however we use the language that is in line with Keeping Children Safe in Education September 2023. It is suggested that this is a neutral term that can be used to share concerns that may not reach the threshold of harm as identified in 2.1 and diagram 2.7.
- 3.8 We want to empower all staff to share any low-level concerns so that we can address unprofessional behaviour and support the individual to correct it at an early stage.
- 3.9 Identify any inappropriate, problematic or concerning behaviour including patterns of behaviour.
- 3.10 Ensure that we can be responsive, sensitive and proportionate when handling concerns.
- 3.11 This policy will help us to identify any weaknesses in the school's safeguarding systems.
- 3.12 Ultimately, all low-level concerns are for the Headteacher to make a decision over and procedures for outlining how to make a concern are identified in Section 4.
- 3.13 If there are low-level concerns about the Headteacher then please refer to 4.9.
- 3.14 If there are low-level concerns about a member of the Central Team, then this should be reported to the Headteacher who will discuss with the Director of Safeguarding.

4. Procedures in school for reporting low-level concerns.

- 4.1 We expect all schools within our Catholic Academy Trust to follow the same procedures.
- 4.2 Whilst we recognise that each school has a different context, with Safeguarding it is important that we centralise all aspects of reporting, recording and monitoring.

- 4.3 Headteachers are the member of staff to deal with allegations against staff. They can delegate to a Deputy Headteacher or relevant Senior Member of staff to undertake basic fact finding but they are the case manager for any allegation whereby it is alleged that anyone in the school, including supply teachers, volunteers and contractors where a concern/allegation may meet the harm threshold.⁴ If in doubt they should seek advice from the local authority designated officer (LADO).
- 4.4 Headteachers should always be informed about low-level concerns and should be the ultimate decision maker in respect of all low-level concerns. This is so that if there are patterns that other staff may not be aware of, it can be addressed by one recipient and ensure that no problematic or concerning behaviour is lost. However, it may be appropriate to delegate fact finding to a DSL, Deputy Headteacher or relevant Senior Member of Staff.
- 4.5 To make sure that low-level concerns are reported, all staff should make sure that the concerns are shared with the Headteacher either in person or via email. The Headteacher will give them the option to put their concerns in a simple proforma as attached at Appendix A.
- 4.6 Low-level concerns may also come from children and/or parents. They may also come from outside the school from the wider community.
- 4.7 The Headteacher should ensure that all low-level concerns are recorded and include the action taken, including the reasons for this.
- 4.8 Headteachers should maintain an atmosphere of openness with the Central Team and seek to inform and/or ask if there are any concerns in relation to low-level concerns that they are unsure about. They do not need to divulge the name of the member of staff for whom the concern is about.
- 4.9 If the concerns are related to the Headteacher then the Executive Director for Primary/Secondary Education and the Chair of Governors should be contacted. They will liaise with the Director of Safeguarding.
- 4.10 If the concerns are related to a member of the Central Trust Team, then they must report to the Headteacher who will discuss with the Director of Safeguarding.

5. Procedures in school if staff wish to remain anonymous.

- 5.1 If the member of staff who raises the concern does not wish to be named, then the organisation should respect that person's wishes as far as possible.
- 5.2 We would hope that our organisational culture is strong enough that staff do speak to the Headteacher in person and do not put in anonymous concerns about their colleagues. It is imperative that we recognise that safeguarding is everyone's responsibility and by creating a culture where staff are not afraid to share, we can ensure our code of conduct is constantly lived, monitored and reinforced by all staff.
- 5.3 There may be times when the member of staff who raised the concern will need to be named and anonymity can never be promised.
- 5.4

⁴ This includes: behaving 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 he or she 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.

6. If staff wish to self-report

- 6.1 Occasionally a member of staff may find themselves in a situation whereby they find themselves in a situation which may be misinterpreted.
- 6.2 The Guidance for Safe Working Practice (Code of Conduct) outlines how to minimise this risk through notifying the Headteacher in advance of any potentially compromising situations e.g., if a member of staff has a child in the school and their friends visit, where they have contact with families outside of school.
- 6.3 Members of staff may have behaved in a manner which, on reflection, they feel falls below the standard set out in Guidance for Safe Working Practice (Code of Conduct). We encourage self-reporting so that it enables a potentially difficult issue to be addressed at the earliest opportunity.

7. How reports should be shared and recorded

- 7.1 If a low-level concern is reported verbally, the Headteacher should make a note of this as identified at 4.5. This note should be made as close to being reported and not longer than using the proforma at Appendix A.
- 7.2 The Headteacher should offer the person raising the concern the opportunity to complete the written proforma.
- 7.3 If the member of staff raising the concern is unwilling to do this, the Headteacher must make sure they include in their notes:
 - The name of the individual sharing the concern.
 - Their role.
 - The name of the individual who the concern is related to.
 - Their role within the organisation.
 - A brief context in which the low-level concern arises.
 - Concise (chronological) details of the concern.
- 7.4 If the concern is about the Headteacher then the same procedures must be followed with the Executive Director for Primary/Secondary Education and/or Chair of Governors.

8. How Headteachers should respond

- 8.1 Headteachers should respond to all concerns in a sensitive and proportionate way so that a) they are demonstrating that such concerns will be handled promptly and effectively; and b) protecting staff from any potential false low-level concerns or misunderstandings.
- 8.2 If they are concerned by what they have heard may relate to harm as outlined in 2.1 then speak to the LADO; if they want advice about low-level concerns either the Director of Safeguarding or Executive Director for Primary/Secondary with **no names revealed**.
- 8.3 They should speak to the person who raised the concern (if they haven't already done so); delegate if appropriate to DSL or relevant Deputy to undertake fact finding which may include speaking to the individual; review the information that is provided.
- 8.4 If the behaviour is appropriate and in line with the Guidance for Safe Working Practice (Code of Conduct) then Headteachers should make sure that this is recorded on the proforma and dated and signed. They should identify their determination, the

rationale for their decision and any action taken. Make sure the individual it relates to is informed and provide any appropriate support.⁵

- 8.5 If the behaviour constitutes a low-level concern, then determine if it does not give rise to any ongoing concerns and if it requires a conversation, or if further training or support may be necessary. Be clear with the individual what is inappropriate, problematic or concerning and what changes need to happen. It may be that it is monitored through an agreed period of time and/or risk assessment which protects the member of staff from any further concerns.
- 8.6 The low-level concern might relate to disciplinary issues and be unrelated to Safeguarding. Therefore, please discuss with the HR team at the Central Trust. At this point the Trust HR procedure will advise the next steps.
- 8.7 In the case of a supply teacher or contractor, notify their employer.
- 8.8 If there are any patterns of behaviour and lessons not learnt, discuss with HR team. Be alert to periods of time in between low-level concerns and if there are any factors related to the wellbeing of the individual which may mean some behaviours are out of character. If in doubt, discuss with the Director of Safeguarding on a no-name basis.
- 8.9 If it is determined that the behaviour a) in of itself may meet the harm threshold or b) when considered with any other low-level concerns that have previously been shared may have reached the harm thresholds, then it should be referred to the LADO. As in Central Trust Safeguarding and Child Protection Policy, also notify the Director of Safeguarding on a no-name basis.

9. How we hold low-level concerns

- 9.1 Any low-level concern should be stored confidentially with only access afforded to a limited number of individuals i.e., Headteacher, DSL and the individual they report to.
- 9.2 If there are a number of low-level concerns, they should be held chronologically.
- 9.3 They can be stored electronically or on a central file that should be accessible if, for example, the Headteacher was to move on.
- 9.4 They can be stored with Child Protection files.
- 9.5 They should outline the decision made, the rationale and any follow up actions.
- 9.6 Where a referral has been made to the LADO in relation to harm as identified in 2.1 and 8.2, 8.9 then these records should be kept.
- 9.7 Similarly, where an investigation takes place after an allegation in relation to harm then these records should be kept on personnel files unless they are found to be false and malicious. If the outcome is judged to be substantiated, unfounded or unsubstantiated then these are to be kept on staff personnel files with the member of staff informed whether they will be included on any reference.
- 9.8 If in the case of 9.6 and 9.7 are met, the low-level concerns should be still kept centrally within the low-level concerns file. This is so that we can identify, for example, patterns, potential gaps in training or Safeguarding Practice.

10. How we review the concerns

⁵ Concerns about a member of staff's performance and/or behaviour will, for many staff, prove to be a stressful experience. It is important that the Headteacher spends time with the member of staff and assures them about appropriate behaviour and ensure that they know that an open culture will mean that sometimes difficulties and challenges will occur and it is better that this is addressed early rather than being left to fester.

- 10.1 The Headteacher will review the low-level concerns file periodically and more often if there appears to be a pattern concerning an individual and/or a number of concerns submitted by a child/parent.
- 10.2 The Headteacher will bi-annually review files with the Director of Safeguarding from the Central Team. These will be anonymised.
- 10.3 If, in the case, the Central Executive Team, undertake a 'lessons learned' review or audit as identified in the Central Trust Safeguarding and Child Protection Policy then a low-level concern may form part of this review or audit.

11. How long we will keep the records for

- 11.1 Low-level concerns will be kept on a central file which is access controlled as in 9.1.
- 11.2 KCSIE 2023 states in Paragraph 417 in relation to allegations: All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.
- 11.3 For low-level concerns it recommends in paragraph 440 that: It is for schools and colleges to decide how long they retain such information, but it is recommended that it is retained at least until the individual leaves their employment. At St Teresa Calcutta Catholic Academy Trust, for the purpose of review we will retain for 12 months until after an individual leaves the school or the Trust.

12. Will low level concerns be used in a reference.

- 12.1 Low-level concerns can not be used in a reference. Only if they relate to issues such as poor performance which would be part of a reference should.
- 12.2 Where an investigation has taken place following an allegation, only if the outcome is substantiated will they be included in the reference.

13. Role of the Central Executive Team and Local Governing Body

- 13.1 Roles of the Central Executive Team and Local Governing Body are outlined in Central Trust Policy.
- 13.2 Bi-annual reviews will take place with the Director of Safeguarding in relation to low-level concerns and are expected to form the basis for an annual review of Safeguarding.
- 13.3 Low-level concerns should be included in the annual report to governors in relation to Safeguarding.