

LOW LEVEL CONCERNS POLICY AND PROCEDURE

Person(s) responsible for updating the policy:	Richard Woodland, Director of Inclusion & Joss Davis, Director of People
Dates consulted on with recognised unions:	From: 17/07/2023 To:
Date approved by Trustees:	
Date of next review:	September 2024

Mission, Vision and Values



Vision

Every child in a great school



Mission

Empowering children to impact positively on society



Values

Collaboration
Aspiration
Integrity
Compassion

WeST Core Values

WeST holds four core values which underpin the engagement, motivation and retention of employees, no matter what their role in the organisation.

- Collaboration**
Creating a shared vision and working effectively across boundaries in an equitable and inclusive way to skillfully influence and engage others. Building and securing value from relationships, developing self and others to achieve positive outcomes.
- Aspiration**
Having high expectations, modelling the delivery of high quality outcomes. Showing passion, persistence and resilience in seeking creative solutions to strive for continuous improvement and excellence.
- Integrity**
Acting always with the interests of children and young people at our heart, and with a consistent and uncompromising adherence to strong moral and ethical principles. Communicating with transparency and respect, creating a working environment based on trust and honesty.
- Compassion**
Recognising need in others and acting with positive intention to promote well-being and improve outcomes.

Providing Accessible Formats

If you are unable to use this document and require it in a different format please contact Human Resources.

WeST Policy Suite

All Trust HR Policies are accessible via the WeST Staff Portal. Please contact your local administrative office or Human Resources for log-in details.

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1. Introduction

The policy relates to all schools and business units within Westcountry Schools Trust (WeST) including the Early Years Foundation Stage where such provision exists. The policy will be reviewed annually to ensure compliance with current regulations and law and must be read in conjunction with the current version of KCSIE (in particular Part 4), WeST Child Protection and Safeguarding Policy and the current version of [Developing and Implementing a Low-Level Concerns Policy \(Farrer & Co, 2022\)](#)

The intention is that this policy does not erode contractual terms protected under TUPE.

2. Purpose

This policy sets out a framework whereby all staff are expected to report concerns, no matter how small, about their own behaviour or that of another member of staff, volunteer, supply teacher, contractor or other person working at a WeST school or site.

Its purpose is to help create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour set out in the WeST Child Protection and Safeguarding policy are lived, monitored, and reinforced.

3. To whom does the policy apply?

This policy applies to all staff and other individuals who work or volunteer in a WeST school or business unit. Where staff work across multiple sites any low-level concerns about colleagues should be reported to the relevant person at the site in question, e.g. Headteacher/Principal.

4. Responsibilities

The Headteacher/Principal will inform the local Hub Advisory Board (HAB) about the implementation of the low-level concerns policy including any evidence of its effectiveness, e.g. with relevant data. The HAB safeguarding champion may also review an anonymised sample to ensure that these concerns have been handled appropriately. Such monitoring by the HAB should take place at least annually, but may be required more frequently if a large number of low-level concerns are reported.

The WeST Director of People and Director of Inclusion will liaise to ensure that the WeST HR Committee receives appropriate information from executive team activity and local governing boards about the efficacy of this policy and its implementation across the Trust.

5. Definition of a low-level concern

A low-level concern is any concern, no matter how small, even if no more than causing a sense of unease or a 'nagging doubt', that a person working in or on behalf of WeST may have acted in a way that:

- is inconsistent with the Staff Code of Conduct, including inappropriate conduct outside of work (specifically related to safeguarding), and
- does not meet the allegations threshold of harm, or is otherwise not considered serious enough, to make a referral to the LADO.

Examples of behaviour that could require reporting of a low-level concern include, but are not limited to:

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

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

It is crucial that any such concerns, including those which do not meet the harm threshold, are shared responsibly with the right person, and are recorded and dealt with appropriately. Ensuring all concerns are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

6. Reporting low-level concerns

Where a low-level concern has been identified, this must be reported as soon as possible to the Headteacher/Principal (or CEO in the case of the WeST core team); this includes self-reported concerns. However, it is never too late to share a low-level concern if this has not already happened.

Where the Headteacher/Principal (or CEO in the case of the WeST core team) is not available, the information will be reported to the Designated Safeguarding Lead (or Deputy), i.e. the most senior member of staff acting in this role.

Low-level concerns about the Headteacher/Principal will be reported to the CEO. If the CEO is not available such concerns will be reported to a Director of Education.

Low-level concerns about the CEO will be reported to the Chair of Trust.

Low-level concerns about Hub Advisory Board members or Trustees will be reported to the Chair of Trust.

Where the low-level concern has been reported to the Designated Safeguarding Lead (or Deputy), they will inform the Headteacher/Principal (or CEO in the case of the WeST core team) of the details as soon as possible.

Can the person reporting the low-level concern remain anonymous?

The person bringing forward the concern will be named in the written record. Where they request to remain anonymous, this will be respected as far as possible. However, there may be circumstances where this is not possible, e.g. where a fair disciplinary investigation is needed or where a later criminal investigation is required and in such cases this will be explained and signposting to relevant support will be offered.

Should staff report concerns about themselves (i.e. self-report)?

It may be the case that a person finds themselves in a situation which could be misinterpreted, or might appear compromising to others. Equally, they may have behaved in a manner which on reflection they consider falls below the standard set out in the Staff Code of Conduct. In these circumstances they should self-report.

This will enable a potentially difficult situation to be addressed at an early opportunity if necessary. WeST schools and business units will work proactively to create an environment where staff are encouraged and feel safe to self-refer.

Where behaviour is consistent with the Staff Code of Conduct, feedback will be given to both parties to explain why the behaviour was consistent with the Staff Code of Conduct. Where behaviour is not consistent with the Staff Code of Conduct, the necessary action will be taken in line with this policy and where appropriate the WeST Disciplinary Policy. This may result in informal action, such as professional advice, training or development and/or formal action.

7. Recording and retention of concerns

A summary of the low-level concern should be written down, signed, timed, dated and shared by the person bringing the information forward. Appendix A contains a Low-Level Concern (LLC) Form that can be used for this purpose. However, not having access to the form should not prevent a concern being shared.

The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Headteacher/Principal.

Where concerns are reported verbally to the Headteacher/Principal (or CEO in the case of the WeST core team) a record of the conversation will be made by the Headteacher/Principal (or CEO in the case of the WeST core team) which will be signed, timed, and dated.

All LLC Forms or written records will be held in a single file within each WeST school or business unit, with copies provided to the employee as appropriate. Whether held electronically or in hard copy this file must be stored securely and in accordance with GDPR and the Data Protection Policy.

In all cases of low-level concerns the following records will be made and appended to the LLC Form/written record:

- all internal conversations, including any relevant witness statements;
- all external conversations, e.g. with the LADO;
- the decision made and the rationale for it;
- any action taken.

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

Where there is a change of headteacher/principal that does not allow for a direct hand-over of the LLC file, appropriate arrangements will be made for the records to be stored securely and passed to the new headteacher/principal immediately that they start in post.

Should the low-level concerns file be reviewed?

The Headteacher/Director will review the central file in each WeST school or business unit annually and/or when a new concern is filed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified and referred to the LADO if required. Such patterns of behaviour might include those associated with a particular location or setting, group of staff or interactions with an individual staff member. A cover note will be added to the file to state date of review, person conducting review and any actions taken.

A record of these reviews will be retained and will be available to appropriate members of the WeST Executive Leadership team as required to allow them to fulfil their wider quality assurance role.

Records will be retained for the entire term of employment plus six years (in accordance with the Trust's record retention guidance). If there is a clear safeguarding purpose for retaining specific information, then – in line with other records of safeguarding value – such information should be retained for the longer term; similarly, longer-term retention is also justifiable (and to be recommended) where a record may be necessary to keep in connection with an employment claim, or a claim brought by a pupil. This is subject to the rights of the individuals to object to, or seek to erase or correct records about them under the data protection law.

KCSIE makes clear that such retention periods are for the data controller to determine in accordance with need. In the case of doubt the Trust's Data Protection Officer should be consulted.

8. Responding to low-level concerns

Where a low-level concern has been raised this will be taken seriously and dealt with promptly. The Headteacher/Principal or CEO (in the case of the WeST core team), or Chair of Trust (in the case of the CEO) will:

- Speak to the person reporting the concern to gather all the relevant information;
- Consider whether it is appropriate to contact the LADO for advice and guidance;
- Speak to the individual, unless advised not to do so by the LADO or police, about the concern raised to ascertain their response.
- If appropriate, take advice from the WeST HR team

Where necessary to form a view on next steps, further relevant information will be gathered via a 'fact find' process. This may involve speaking to any potential witnesses to establish factual information related to the concern. **In all such cases, advice should be sought from the WeST HR Team.** The information reported and gathered will then be reviewed to determine whether the behaviour:

- is consistent with WeST's Code of Conduct and Dignity at Work Policies, in which case no further action will be required;
- constitutes a low-level concern, in which case no further action may be required, or additional training/guidance/support may be required to rectify the behaviour via normal day-to-day management processes. The employee should understand that failure to improve or a repeat of the behaviour may lead to further action being taken, e.g. via the Capability and Disciplinary Procedures. WeST recognises the advice¹ around the benefit of 'values-based conversations' rather than a critical or threatening approach when speaking to staff about concerns. Management advice, guidance or support (outside of the Disciplinary Policy) should be recorded and followed up in writing within 5 working days;
- is serious enough to consult with or refer to the LADO, in which case the LADO should be contacted and their advice followed as to whether referral should be made;
- when considered with previous low-level concerns about the same individual could now meet the threshold of an allegation, in which case the LADO should be contacted and their advice followed as to whether referral should be made;
- in and of itself meets the threshold of an allegation and should be referred to the LADO and/or other relevant external agencies.

Where the Headteacher/Principal (or CEO in the case of the WeST core team) has any doubt whatsoever as to how to respond to a concern they should seek advice from the LADO, on a no-names basis if necessary.

¹ [Developing and Implementing a Low-Level Concerns Policy \(Farrer & Co, 2022\)](#) (page 14)

9. References

Schools or business units should only include in references substantiated safeguarding concerns/allegations (including a group of low-level concerns about the same individual) that meet the harm threshold.

Low-level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

10. Advice and support

The Director of Inclusion or Director of People will provide advice and support to the officers, HAB members or Trustees involved in the application of this policy at any stage. As part of which they, or their delegate, may be in attendance at relevant meetings.

Employees are encouraged to seek support from their trade union/professional association in the first instance.

Procedural guidance relating to this policy is available from the Human Resources Department or the Director of Inclusion. Where a referral to Occupational Health or the counselling service is necessary, this should be made by the employee's line manager.

11. Confidentiality

Any parties affected by or involved in the application of this policy will be expected to maintain an appropriate level of confidentiality. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy. Failure to maintain confidentiality may result in action being taken under the disciplinary policy arrangements.

Disclosure of information may also be a breach under the Data Protection Act (2018) and may lead to action being taken under the provisions of that Act, in addition to action being taken under the disciplinary policy.

APPENDIX A

Low-level Concern Form *Insert School Name*

Name of person about whom concerns have been raised:	
Job title:	
Department:	
Details of the concern: Provide a concise record, including a brief context in which the low level concern arose, and details which are chronological and as precise and accurate as possible. Please use a separate sheet if necessary.	
Name of person completing form (PRINT NAME)	
Job title:	
Time and Date when form completed:	
Form received by Name (PRINT NAME):	
Job title:	
Receipt time and date:	
Have low level concerns been raised about this individual previously? • If so, provide brief chronological notes. • Consider whether this history, alongside the current concern now meet the threshold for referral set out in KCSIE Section 4, Part 1	

Action Taken: Provide a concise, chronological record of how the concern was followed-up, including details of any conversations held. Ensure that there is sufficient detail to understand the decision-making process that led to either no further action or an action(s). Please use a separate sheet if necessary	
Headteacher signature:	
Signature time and date:	

This form should be held in a single secure file within each WeST school or business unit. This may be electronic or in hard copy.

POLICY HISTORY

Policy Date	Summary of change	Contact / Responsibility for Policy	Version/ Implementation Date	Review Date
January 2023	Transferred to updated Policy Template. Recording, Retention and References updated, plus other minor amendments to comply with updated guidance and take account of revised governance arrangements.	Richard Woodland	January 2023	September 2023
June 2023	Reviewed in line with updated policy template, checked for gender neutral language and alignment with revised governance arrangements and delegated authority to act	Joss Davis	June 2023	September 2024