



#equippedforlife

The
Westgate School

The Westgate School's Low-Level Concerns Policy

Date Approved by HT:

Date for Revision:

1. Statement of Principles

- 1.1 The Westgate School 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.

2. Statement of Intent

- 2.1 The purpose of this 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.

3 Legislation

- 3.1 The Department for Education's (DfE) Keeping Children Safe in Education (KCSIE) states that it is vital that there is a whole-school approach to safeguarding and everyone works to create a safe culture within the organisation. This means all concerns and allegations against adults working in the establishment, including school staff, supply teachers, volunteers, and contractors, are dealt with promptly and effectively. Therefore, it is critical that all allegations against staff are recorded and dealt with appropriately. This will lead to an open culture at The Westgate School where concerning and problematic behaviour is identified early, minimising the risk of abuse. It also gives the message that our school takes our responsibility of safeguarding the students within our care seriously and that we practice safer recruitment to ensure all staff are appropriate to work with children and young people. In addition, it will ensure that adults working in or on behalf of The Westgate School are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of our school.

4. Definitions

- 4.1 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 in or on behalf of The Westgate School may have acted in a way that is inconsistent with the Staff Handbook, including inappropriate conduct outside of work.
- 4.2 The term 'low-level' concern does not mean that it is insignificant. Early identification and prompt management of all concerns about the behaviour of adults who work or volunteer with children is critical to effective safeguarding.
- 4.3 The Westgate School requires low-level concerns to be shared to:
- 4.3.1 *ensure there is a formalised mechanism for reporting low-level concerns; and*
 - 4.3.2 *allow staff to self-report to The Westgate School to protect themselves in situations where they may have found themselves compromised; and*
 - 4.3.3 *identify patterns of behaviour that are concerning; and*
 - 4.3.4 *ensure The Westgate School continues to have a culture of safeguarding in which all staff understand their responsibility to raise concerns.*

5 Staff Responsibilities

- 5.1 All staff at The Westgate School should:
- 5.1.1 *report any behaviour by another adult towards a pupil or another child that may have concerned them; and*
 - 5.1.2 *self-report in any situation where they feel their behaviour towards a pupil, or another young person could be misinterpreted or misconstrued or leave them vulnerable.*

6 Low-Level Concerns

- 6.1 A low-level concern should be reported when a member of staff is concerned about the behaviour of another adult towards a pupil or another adult. This is not just where a professional boundary has been broken: anything which causes staff to have a 'nagging doubt' about the way in which other adults behave or interact with pupils should be notified to protect both pupils and the members of staff involved.
- 6.2 Concerning behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate. Examples of such behaviour could include, but are not limited to:
- 6.1.1 *being over friendly with children; or*
 - 6.1.2 *having favourites; or*
 - 6.1.3 *taking photographs of children on their mobile phone; or*
 - 6.1.4 *engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or*
 - 6.1.5 *using inappropriate sexualised, intimidating, or offensive language.*

7 Self-Reporting

- 7.1 An individual may find him/herself in a situation which might appear compromising to others, or which could be misconstrued. Equally, an individual may for whatever reason have behaved in a manner which on reflection he/she considers falls below the standard set out in The Westgate School's Staff Handbook.
- 7.2 Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how these might be perceived.

8 Reporting Low-Level Concerns

- 8.1 Low-level concerns will be shared with the Headteacher in the first instance, or the Designated Safeguarding Leader/Deputy Designated Safeguarding Leader 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. In extenuating circumstances, a member of the Safeguarding Team may be contacted in the absence of these members of staff.
- 8.2 If the allegation is made against the Headteacher, the low-level concern should be raised to the Chair of Governors.
- 8.3 Where there is a conflict of interest between the Headteacher and Chair of Governors considering a low-level concern, it should be raised to the LADO.
- 8.4 A member of staff who shares a low-level concern, or a more serious allegation in good faith, will suffer no detriment as a result and will benefit from the protection set out in The Westgate School's Whistleblowing Policy.
- 8.5 Almost always, there will be a perfectly innocent explanation for what has occurred, and staff should not feel awkward about making a report or being the subject of a report. Reporting these types of concerns is a neutral act and the designated member of staff will, on receiving a report, decide how to best approach the concern raised.

- 8.6 Some of the circumstances in which staff must make a low-level concern report might be:
- 8.6.1 *any incident where an adult believes that their actions or behaviour towards a pupil or that of another adult, may have been misinterpreted or may have given rise to a risk of misinterpretation; or*
 - 8.6.2 *any use by an adult of sexually inappropriate language, references, or jokes to a pupil; or*
 - 8.6.3 *any adult being overfriendly with pupils, allowing first names to be used, or encouraging the use of nicknames of staff or pupils; or*
 - 8.6.4 *email, messaging, use of social media sites or other communication between adults and pupils outside agreed protocols; or*
 - 8.6.5 *any incident of physical contact with a pupil when no one else is present, including when administering first aid or medical treatment (medical staff are exempt from this requirement), and including physical demonstrations in one-to-one sports coaching, music lessons, etc.; or*
 - 8.6.6 *any incident where a staff member has been alone with a pupil or pupils in a vehicle where this has not been authorised in advance; or*
 - 8.6.7 *any social contact with pupils outside of school (other than planned/authorised events, educational visits or trips, or insignificant incidents such as passing a pupil in the street or in a shop or noticing they are sitting, separately, in the same restaurant or cinema) particularly where the member of staff and/or pupil(s) is/are under the influence of alcohol; or*
 - 8.6.8 *if a pupil becomes aware of and/or uses a staff members home address, mobile or home phone number, or non-school e-mail address other than in line with agreed protocols; or*
 - 8.6.9 *the fact of, and explanation for, any one-to-one contact with a pupil on a school trip, particularly if this takes place in a private space such as a bedroom; or*
 - 8.6.10 *non-trivial illnesses or accidents of pupils on a school trips; and*
 - 8.6.11 *any incident where, for whatever reason, a member of staff has not complied with the Staff Handbook.*
- 8.7 This is not an exhaustive list. Staff who are unsure of what may constitute a low-level concern are at liberty to discuss the matter with a member of the Safeguarding Team on a no-names basis. However, following such a discussion, should it be felt that the matter reaches the threshold for notification, the member of staff will be expected to refer it. If in doubt, a referral should always be made.
- 8.8 Once a colleague has received the low-level concern, they will – not necessarily in the order stated below, but in an appropriate sequence according to the nature and detail of the particular concern shared with them – seek to investigate the concern:
- 8.8.1 *speak to the person who raised the low-level concern (unless it has been raised anonymously); and*
 - 8.8.2 *review the information and determine whether the behaviour in question is consistent with The Westgate School's Staff Handbook and the law and thus constitutes a low-level concern; and*
 - 8.8.3 *if there are in any doubt, advice will be sought from the LADO – on a no-names basis if necessary; and*
 - 8.8.4 *speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted); and*
 - 8.8.5 *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); and*
 - 8.8.6 *consider whether the concern also potentially raises misconduct or capability issues – taking advice from H.R. on a named or no-names basis where necessary – and, if so, refer the matter to H.R.*

9 Actions

- 9.1 The Headteacher and/or Designated Safeguarding Leader(s) 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.
- 9.2 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.
- 9.3 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. In addition, an action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate.
- 9.4 Some low-level concerns may also raise issues of misconduct or poor performance. The Headteacher will also consider whether this is the case by referring to the Staff Handbook and taking advice from H.R. and/or taking specialist advice as necessary, on a named or no-names basis where necessary.
- 9.5 If the Headteacher and/or Designated Safeguarding Leader(s) considers that The Westgate School's disciplinary or capability procedure may be triggered, they will refer the matter to H.R.. If H.R. advises that The Westgate 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.
- 9.6 How The Westgate School responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e., whether they are an employee or worker to whom The Westgate School's disciplinary and/or capability procedure would apply; or a contractor, Governor, or volunteer. The Westgate School's response will be tailored accordingly.

10 Record Keeping

- 10.1 The Headteacher and/or Designated Safeguarding Leader(s) will consider whether the reported matter is a low-level concern and if it should be reclassified as an allegation and dealt with as outlined in the Child Protection Policy. Where there is in any doubt whatsoever about the classification of a reported concern, advice from the Local Authority Designated Officer (LADO) on a no-names basis will be sought.
- 10.2 The Headteacher and/or Designated Safeguarding Leader(s) will ensure that appropriate and detailed records are kept electronically 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 Child Protection Policy.
- 10.3 The Headteacher, Designated Safeguarding Leader(s) and/or H.R. Administrator will have access to these records, as well as the Safeguarding Team/Chair of Governors in necessary and appropriate.

11 Reviewing Low-Level Concerns

- 11.1 The Headteacher and/or Designated Safeguarding Leader(s), in conjunction with colleagues from the Safeguarding Team/H.R. Administrator if appropriate, will regularly review the records so that potential patterns of concerning problematic or inappropriate behaviour can be identified. The intention is to identify patterns of behaviour by a particular member of staff, or by a specific type of behaviour across the school.
- 11.2 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 may be used to demonstrate a pattern of behaviour.
- 11.3 Where a pattern of behaviour is identified in respect of a specific individual, the Headteacher and/or Designated Safeguarding Leader(s) will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether The Westgate School should arrange for additional training or a review of any of its policies to reduce the risk of it happening again.
- 11.4 Records can highlight where there might be a pattern of concerning behaviours, and when considered with other low-level concerns previously raised about the same person, could meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies, and in accordance with the Safeguarding and Promoting the Welfare of Pupils Policy, Part 4 of KCSIE, and the relevant procedures and practice guidance stipulated by The Westgate School's Child Protection Policy.
- 11.5 All low-level concerns (even those which turn out to be of no concern) will be recorded in writing. The record will set out the details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concern will also be noted but if the individual wishes to remain anonymous that should be respected as far as possible. Records will be held securely by the Designated Safeguarding Leader.
- 11.6 The Headteacher and/or Designated Safeguarding Leader(s), will regularly inform the Chair of Governors about the implementation of the Low-Level Concerns Policy and any evidence of its effectiveness, e.g., by including reference to it in any safeguarding reports and providing any relevant data. The Governance Body will also review an anonymised sample of low-level concerns at regular intervals, to ensure that these concerns have been responded to promptly and appropriately.

12 Retaining Records of Low-Level Concerns

- 12.1 Low-level concerns will be retained securely by The Westgate School for as long as deemed relevant and necessary for a safeguarding purpose unless our school is required to disclose by law (for example, where the threshold of an allegation is met in respect of the individual in question).
- 12.2 In most cases, once a staff member leaves The Westgate School, any low-level concerns which are held relating to them will be retained at least until the individual leaves our school or for the same duration as that individual's personnel file are kept after leaving The Westgate School.
- 12.3 Low-level concerns will not be included in any onward reference, except those low-level safeguarding concerns (or group of concerns) that have met the threshold for referral to the LADO and are therefore substantiated, can be detailed in a reference.

13 Data Protection and Confidentiality

- 13.1 The Westgate School 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.
- 13.2 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 The Westgate School's Child Protection Policy.
- 13.3 All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained by The Westgate School 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.
- 13.4 If the content of a low-level concern is disputed, it may not be appropriate for our 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).

14 Monitoring Arrangements

- 14.1 This policy will be reviewed by the Deputy Headteacher who is responsible for The Westgate School's 'Safeguarding' in conjunction with the Safeguarding Team at the beginning of each academic year. At every review, it will be shared with the Governors and approved by the Headteacher.

15 Links with Policies

- 15.1 This policy is linked to, but not exclusively or extensively, to The Westgate School's:
 - 15.1.1 *Whistleblowing Policy*
 - 15.1.2 *Staff Handbook*
 - 15.1.3 *Child Protection Policy*
 - 15.1.4 *Behaviour Policy*
 - 15.1.5 *Data Protection Policy*