



HR Service

# Diocese of Nottingham Catholic Multi-Academy Trusts

Low Level Concerns  
Policy



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### Low Level Concerns Policy

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Commitment to equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Low Level Concerns Policy has been subject to consultation with the Recognised Trade Unions. It was approved and adopted by the CMAT as detailed below:

<b>Policy Approved by:</b>	<b>Date of Approval</b>
Board of Directors – Our Lady of Lourdes Catholic Multi Academy Trust	<b>8<sup>th</sup> February 2023</b>
Board of Directors – St Ralph Sherwin Catholic Multi Academy Trust	
Board of Directors – St Thomas Aquinas Catholic Multi Academy Trust	

**It will be reviewed after 24 months in consultation with the Recognised Trade Unions.**

**Signed by Director of the CMAT:** 

**Signed by CEO:** 

## I. DEFINITIONS

In this Low Level Concerns Policy, unless the context otherwise requires, the following expressions, where they appear, shall have the following meanings:

- i. 'CMAT' means the Catholic Multi Academy Trust, that is the company responsible for the management of the Central Team and the Academies and, for all purposes, means the employer of staff within the Central Team and the Academies.
- ii. 'Board' means the board of Directors of the CMAT who are responsible for carrying out the employment functions of the CMAT.
- iii. 'Central Team' means all staff employed in the Central Office functions of the CMAT.
- iv. 'Chair' means the Chair of the Board of the CMAT as appointed from time to time.
- v. 'Companion' means a willing work colleague not involved in the subject matter under which the policy is being invoked, a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member.
- vi. 'Diocesan Education Service' means the education service provided by the diocese in which the CMAT is situated, which may also be known, or referred to, as the Diocesan School Commission.
- vii. 'Directors' means directors appointed to the Board of the CMAT from time to time.
- viii. 'Governor' means a member of the Local Governing Body of the School
- ix. 'Headteacher' means the most senior teacher in the School who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Executive Headteacher.
- x. 'Local Governing Body' means the Governors appointed from time to time to carry out specified functions in relation to the School as delegated by the CMAT.
- xi. 'School' means the Academy named at the beginning of this Policy and Procedure and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- xii. 'Working Day' means any day on which you would ordinarily work if you were a full-time employee. In other words, 'Working Day' will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Policy and Procedure.

## 2. SCOPE AND PURPOSE

- 2.1 This Low Level Concerns Policy applies to you if you are an employee or worker at the CMAT. Safeguarding and promoting the welfare of children is everyone's responsibility and therefore those who otherwise work in (for example on external supply or as a contractor), or volunteer at, one of the schools within the CMAT or who act as Governors or Trustees within the CMAT are also expected to comply with the main provisions of this Policy.
- 2.2 The purpose of this policy is to create and embed a culture in which the clear values and expected standards of behaviour, which are set out in the CMAT Code of Conduct to safeguard and promote the welfare of pupils, are lived and reinforced by all staff ensuring that any and all concerns about adults working in, or on behalf of, the CMAT/School are identified and dealt with appropriately and promptly.
- 2.3 The policy aims to:
- ensure staff are clear about expected and appropriate behaviour to minimise the risk of low-level concerns occurring and to ensure that staff act at all times in accordance with the ethos and values of the CMAT;
  - empower staff to share any low-level concerns with the relevant person (as detailed in section 4.2 below);
  - help staff identify and address any unprofessional behaviour and help the person to correct any such behaviour at an early stage;
  - create an open and transparent culture where staff are comfortable to 'self-refer' where for example they have found themselves in a situation that could be misinterpreted and/or on reflection believe they have behaved in such a way that they consider falls below the expected professional standards as outlined in the Code of Conduct;
  - create a culture in which all low-level concerns are recorded fully, shared responsibly and with the correct person, and are dealt with in a matter which is fair, responsive, sensitive and proportionate.
- 2.4 This Policy should be read in conjunction with the CMAT Safeguarding Policy, the CMAT Code of Conduct, Teachers' Standards (for teaching staff) and the current version of Keeping Children Safe in Education, a copy of which can be accessed via the link below:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

- 2.5 As detailed in the Code of Conduct, Staff must also be familiar with the document “Guidance for safer working practice for those working with children and young people in education settings” (Safer Recruitment Consortium, May 2019) and must comply with the expectations detailed in that document. A link to the Safer Recruitment Consortium website is provided below and the Guidance document is available by clicking on the link in the ‘Guidance for safer working practice’ section:

<https://saferrecruitmentconsortium.org/>

- 2.6 Where concerns meet the threshold for action under either the Whistleblowing Policy or the Grievance Policy and Procedure, such concerns are outside the scope of this Policy and those policies should be used instead where applicable.

- 2.7 **The following meet the harm threshold, are outside the scope of this Policy, must be dealt with in accordance with the Safeguarding/Managing Allegations Policies and must be reported immediately to the Headteacher/Designated Safeguarding Lead or CEO (in the case of a Headteacher or a member of the CMAT Central Team).**

When anyone working in a school (including volunteers, supply staff and contractors):

- 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 (which includes behaviour that may have happened **outside** school/work posing a transferable risk to children).

### 3. WHAT IS A LOW LEVEL CONCERN?

- 3.1 A low level concern is not insignificant but is behaviour towards a child which, although being a matter of concern, **does not** meet the harm threshold for an allegation as detailed in the CMAT Safeguarding Policy.
- 3.2 A **low level concern** is **any** concern which could impact on a person's suitability to work with children (**no matter how small and even if no more than causing a genuine sense of unease or a 'nagging doubt'**). A low-level concern arises where an adult working in or on behalf of the CMAT/School may have acted in a way that:
- is inconsistent with the Code of Conduct, including inappropriate conduct outside or work, and
  - does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO) but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.
- 3.3 Possible examples of low-level concerns could 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; or
  - Using inappropriate sexualised, intimidating or offensive language.
  - Humiliating a pupil
- 3.4 The CMAT recognises that such behaviour can exist on a wide spectrum, from inadvertent or thoughtless or behaviour that might appear on the face of it to be inappropriate but might not be in specific circumstances through to that which is ultimately intended to enable abuse. However, behaviour which is not consistent with the Code of Conduct or the ethos and values of the CMAT and which could call into question the person's suitability to work with children does need to be addressed to ensure we have an ongoing safeguarding culture based on vigilance and a mind-set of 'it could happen here'.

## 4. RESPONSIBILITIES OF STAFF

- 4.1 **All** staff must be familiar with and clear about the expectations that CMAT has of them as detailed in the Code of Conduct.
- 4.2 Staff must ensure that **any** concerns in relation to the behaviour of an adult working in or on behalf of the CMAT/School are shared without delay in accordance with the following:

<b>Concern relates to behaviour of:</b>	<b>Concern should be shared with:</b>
School based volunteer or supply staff based in school	Headteacher (or DSL if not available *)
School support staff	Headteacher (or DSL if not available *)
Teaching staff (other than the Headteacher)	Headteacher (or DSL if not available *)
Headteacher	CEO
Staff in Central Team (other than the CEO)	CEO
CEO, a Governor or a Trustee	Chair of CMAT

\* Where the concern has been shared with the Designated Safeguarding Lead (DSL), they will inform the Headteacher as soon as practicably possible.

A copy of the CMAT's 'Managing Low-level Concerns' Flowchart is attached as **Appendix A**. The Appendix also includes the contact details for the Chair and CEO of the CMAT.

- 4.3 The individual reporting the concern must keep the information confidential and not share the concern with others apart from the Headteacher/DSL (or CEO where the concern is in respect of the Headteacher or a member of the Central Team).
- 4.4 Although staff should be clear about the concept of low-level concerns and know what to do if they have such a concern, they do not need to determine in each case whether their concern is in fact low-level or whether it is of a more serious nature. Once staff share what they believe to be a low-level concern, that determination should be made by the Headteacher/CEO/Chair of the CMAT as detailed in section 5 below.
- 4.5 The assumption is that any individual reporting a concern is doing so in good faith and they will not be treated unfavourably for having raised such a concern.



- 4.6 Staff who are concerned about how their own behaviour may have been interpreted, or who on reflection re-evaluate their behaviour and feel this may have been contrary to the expectation as detailed in the Code of Conduct, should self-refer to the relevant person as detailed in 4.2 above

Staff are encouraged to self-refer and should feel confident to do so on the basis that:

- it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity;
- all issues will be addressed fairly and will be dealt with in a sensitive and proportionate way;
- self-referral demonstrates awareness of the expected behaviour standards and self-awareness as to the member of staff's own actions or how they could be perceived and
- it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour as outlined by the Code of Conduct and in keeping with the ethos and values of the CMAT.

## **5. RESPONDING TO A LOW-LEVEL CONCERN**

- 5.1 All low-level concerns may be shared verbally in the first instance but must then be recorded in writing, either at the same time or immediately following the discussion, by the person with whom the concern has been shared.

The initial record should include:

- details of the concern – sound professional judgment should be exercised to determine what information it is necessary to record for safeguarding purposes;
- the context in which the concern arose;
- the name of the individual sharing their concern.

The record should also be signed and dated.

- 5.2 The Headteacher (or CEO/Chair of the CMAT where applicable) should, in the first instance, speak to the person who raised the low-level concern to gather any further information.
- 5.3 The Headteacher (or CEO/Chair of the CMAT) should satisfy themselves that it is a low-level concern and should not be reclassified to a higher-level concern/allegation seeking advice from the CMAT Director of Safeguarding/CMAT Safeguarding Lead as applicable (see Appendix A for contact details) and the CMAT HR Team as needed. Further advice can also be sought from the Local Authority Designated Officer (LADO), and on a no names basis, if necessary and in such cases any action will be taken bearing in mind the LADO's advice.

- 5.4 A low-level concern might be reclassified in cases where there is a pattern of substantiated low-level concerns about the same individual which collectively amount to a higher-level concern/allegation.
- 5.5 The Headteacher/CEO/Chair (as applicable) will:
- seek to obtain as much information as possible including speaking to any witnesses and 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 as applicable). The individual about whom the low-level concern has been raised may be accompanied by a work colleague or a representative from a recognised trade union. The gathering of information will be done discreetly and on a need to know basis;
  - record all details, including their rationale for their decision on any further action taken or not taken; and
  - detail what action was taken where applicable;
  - retain records in accordance with the CMAT Data Protection Policy.
- 5.7 Reports about externally employed supply staff, contractors and local authority visiting staff must be notified to their employers so that any potential patterns of inappropriate behaviour can be identified.
- 5.8 Where it is determined that the behaviour was in fact entirely consistent with the Code of Conduct and the law, the Headteacher will:
- update the individual in question;
  - speak to the person who shared the low-level concern to provide them with feedback about how and why the behaviour was consistent with the Code of Conduct and the law;
  - consider if further training is required and/or provide feedback to the CMAT HR Team about any points in the Code of Conduct or Low-Level Concerns Policy which need further clarification.

5.9 Where it is determined that the behaviour constitutes a low-level concern, the Headteacher/CEO/Chair (as applicable) will respond in a fair, sensitive and proportionate manner. The CMAT recognises that it is likely that most low-level concerns will be dealt with by means of management guidance, training etc. and may simply require a conversation with the individual about whom the concern has been raised. Such a conversation should include:

- detailing why their behaviour is concerning, problematic or inappropriate;
- what change is required in their behaviour;
- asking what if any support they might need in order to achieve and maintain the expected standard of behaviour;
- being clear about the possible 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 which is agreed with the individual and regularly reviewed with them may also be appropriate.

5.10 Some low-level concerns may also raise issues of misconduct or performance which does not meet the required standard such that further action may be needed in accordance with the Disciplinary or Capability Policies. In such cases the Headteacher should seek further advice from the CMAT HR Team. Where it is deemed appropriate to instigate the Disciplinary Policy and Procedure, the individual will be made aware of this and will have a full opportunity to respond to any factual allegations which form the basis of a disciplinary case against them.

5.11 Records will remain confidential and be held in accordance with the CMAT's Data Protection Policy and GDPR and requirements. Further details of where the records will be held within the CMAT are given in **Appendix B**.

## **6. MONITORING OF LOW LEVEL CONCERNS**

6.1 The Headteacher (or CEO for members of the Central Team) will securely retain confidential files on low-level concerns. The records will be shared with and monitored by the Senior Leadership Team (SLT) on a monthly basis 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. For staff working in the Central Team the monitoring will normally be undertaken by the CEO and the Directors of Performance and Standards.

6.2 A proportionate approach must be taken by all to consider what personal data by way of low-level concerns it is in fact necessary to share and record to support the safeguarding process. Information should be accurate, fair and as far as possible recorded in neutral terms.

- 6.3 Where a pattern of such behaviour is identified, the Headteacher (or CEO/Chair of the CMAT where applicable) will decide on a course of action which may include:
- informal line management advice and guidance about conduct falling short of the standard expected;  
or
  - a determination that a pattern of substantiated low-level concerns about the same individual collectively amount to the harm/allegation threshold having been met and that further action should therefore be taken in accordance with the Safeguarding/Managing Allegations Policies and/or
  - disciplinary action being taken in accordance with Disciplinary Policy and Procedure where applicable;
- 6.4 Advice should be taken as appropriate from the CMAT HR Team, the Director of Performance and Standards and the CMAT Director of Safeguarding/CMAT Safeguarding Lead.
- 6.5 The Headteacher (or CEO/Chair of the CMAT where applicable) should also consider whether anything needs to be done to minimize the risk of similar behaviour happening again such as whether further training is needed or whether amendments need to be made to local practices or further guidance issued at CMAT and/or local level.

## **7. LOW LEVEL CONCERNS AND REFERENCES**

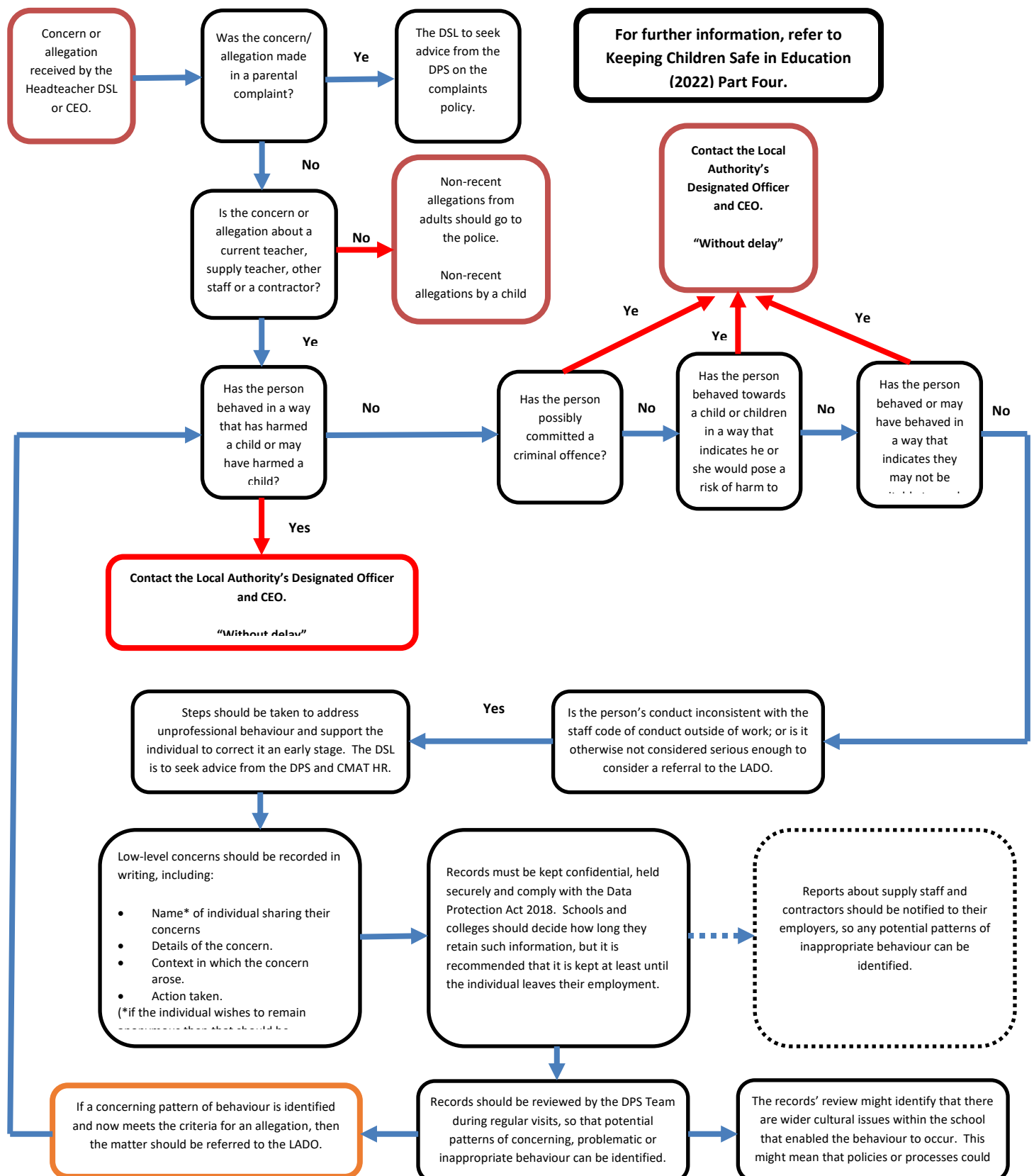
- 7.1 No record of a low-level concern (or a group of low-level concerns) will be referred to in job references unless:
- The concern or group of concerns has met the harm/allegation threshold, has therefore been referred to the LADO and has been found to be substantiated and/or
  - The concern (or group of concerns) is sufficiently serious to have resulted in formal action and sanctions under the CMAT's Disciplinary or Capability procedure which would normally be included in a reference.

## **8. MONITORING**

The policy will be monitored to ensure consistency of application and adherence to Equalities legislation.

## Appendix A – Managing Low-level Concerns Flowchart

Managing **Low Level** concerns raised made against/Concerns raised in relation to teacher, including supply teachers, other staff, volunteers.



### What is a low level concern?

The term "low-level" concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out at KCSIE (2022) paragraph 353. 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 school or college may have acted in a way that: