Low-Level Concerns Policy

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Introduction

A positive culture where concerns can be identified and spoken about openly is a vital component of a strong safeguarding system. All adults who have contact with children in our setting must behave appropriately and behaviour which is not consistent with the standards and values of our setting and which does not meet the expectations set out in our staff 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 abuse. It is crucial that all concerns about adults, including allegations that do not meet the harm threshold (low-level concerns), are shared responsibly and with the right person, and recorded and dealt with appropriately.

Legislation

This policy is in line with Keeping Children Safe in Education (KCSIE) 2026. This is guidance for schools but early years and childcare settings must have regard for it.

Aims

- To create a positive and transparent culture where concerns can be discussed openly and where staff are able to share any concerns, no matter how small, about their own or others' behaviour.
- To ensure all staff are aware of their professional boundaries and behave appropriately, in line with the setting's policies, procedures, code of conduct, values and ethos.
- To enable the early identification and prompt and appropriate management of concerns about staff.
- To minimise the risk of abuse.
- To protect staff from false allegations and misunderstandings.

In order to meet these aims, we will ensure that staff are clear about what appropriate behaviour is and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, both in themselves and in others. We will do this through having regular discussions of behaviour at staff meetings and support and supervision sessions.

Terminology: Allegations, Concerns and Harm Threshold

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 referrable), or, on the other, it does not meet the harm threshold (in which case it should be treated as a low-level concern). So,

the focus should not be on the language used by the person disclosing it; the focus should, instead, be on the behaviour being described.

Allegations That May Meet the Harm Threshold

The term 'allegation' means that it is alleged that a person 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.

Where an allegation meets this harm threshold, it should be dealt with in line with our Staff Allegation Procedure as set out in our Child Protection Policy.

Allegations That Don't Meet the Harm Threshold – Low-Level Concerns

Where an allegation doesn't meet the harm threshold, it will be dealt with under this Low-Level Concerns Policy. This does not mean that it is insignificant, but any concern, no matter how small, that is inconsistent with our Staff Code of Conduct, including inappropriate conduct outside of work.

Procedure for Dealing with a Low-Level Concern

- Concerns should be shared with the Designated Safeguarding Lead (DSL) or Deputy. This can be done verbally or by providing a written summary. If it is shared verbally, a written record of it will then need to be made (using Low-Level Concerns Recording Form). The name and role of the person raising the concern should be stated, but if they want to remain anonymous, we will respect this as far as possible. However, there may be circumstances where we cannot promise anonymity.
- If it is a low-level concern, the DSL or Deputy will undertake a factfinding exercise. This will include speaking to the person the concern has been raised about and may include reviewing CCTV and/or talking to any potential witnesses. If it is not possible to ascertain at this point if this is an allegation or a low-level concern, further investigation may be required.
- The information gathered from this will then be reviewed to decide whether the behaviour (i.) is entirely consistent with our staff code of conduct and the law, (ii.) constitutes a low-level concern, (iii.) is not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no names basis if necessary, (iv.) when considered with any other low-level concerns that have previously been raised about the same individual,

could now meet the threshold of an allegation and should be referred to the LADO/other relevant external agencies, or (v.) in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies;

- Where there is any doubt whatsoever, we will seek advice from the LADO - on a no-names basis if necessary.
- Appropriate person, for example the DSL or Line Manager, to take any steps to address the concern/behaviour and to support the person to correct it at an early stage. This will be done sensitively and discreetly and might simply require having a conversation.
- In some circumstances, we may manage the concern under our Disciplinary Policy.
- If the behaviour is determined to be in line with our Staff Code of Conduct and the law, we will provide feedback to the person the concern was raised about as to how and why this is.
- The DSL or Deputy will give appropriate feedback to the person who raised the concern.
- All concerns will be recorded in writing, including:
    - Name of individual sharing the concern (unless they want to remain anonymous).
    - Details of the concern.
    - Context in which the concern arose.
    - Conversations with witnesses/others within the setting.
    - Conversations with the LADO/other external agencies (if applicable).
    - Action taken.
- If the concern is about an agency member of staff or contractor, the DSL will also notify their employer so that any potential patterns of inappropriate behaviour can be identified.
- Records will be reviewed regularly so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. For on-going issues, a clear chronology will be kept.
- If the review identifies that there are wider cultural issues within the setting that enabled the behaviour to occur, the DSL and/or Manager will review any relevant policies and procedures and may organise extra CPD.
- If a concerning pattern of behaviour is identified and escalates to meet the harm threshold, then the matter will be referred to the LADO.

If it is determined that the behaviour is entirely consistent with our Staf Code of Conduct and the law, we will review the Staff Code of Conduct and Low-Level Concerns Policy to ensure both are clear.

Self-Reporting

Staff should feel encouraged and confident to self-report anything that could be perceived as a low-level concern about themselves. Any member of staff can self-report to the DSL or Deputy at any time, if:

- They find themselves in a situation which could be misinterpreted, or might appear compromising to others;
- They may have behaved in a manner which, on reflection, they consider falls below the standard set out in the Staff Code of Conduct.

Self-reporting in these circumstances can be positive for a number of reasons: it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity; 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, crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

Supporting Staff

We recognise we have a specific duty to ensure the health, safety and welfare of all of our staff. With this in mind, the Manager, DSL and Deputy (whoever is involved in dealing with the concern) will be mindful of their duty of care to those involved. All concerns will be dealt with sensitively and discreetly and on a need-to-know basis. Appropriate support will be given to those involved, depending on the nature of the concern.

Concerns Raised by Parents or Carers

We recognise and understand the difference between a cause for concern, a complaint and a safeguarding allegation. When a concern about a member of staff is raised by a parent or carer, this does not automatically mean it meets the threshold for an allegation, even if the parent or carer raises it as a safeguarding concern. When a concern is raised, the Manager and/or DSL will decide which level it is at and will speak with the parent or carer about the rationale behind this.

Record Keeping

- A written record of all low-level concerns will be made, using the setting's Low-Level Concerns Recording Form. This will be used to record details of the concern and the enquiry into it.
- We will retain all records of low-level concerns (including those which are subsequently deemed to relate to behaviour which is entirely consistent with the Staff Code of Conduct) in a central low-level concerns file. 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.

- Records will be kept confidential and held securely and will only be accessed by those who need to access them. In most cases this will be the DSL, Deputy DSL, Manager and Registered Person.
- The rationale for storing such records on a central file, rather than in staff members' personnel files, is that (a) it makes it easier to address possible issues (particularly around clarity of Staff Code of Conduct) and review the file and spot any potential patterns of concerning, problematic or inappropriate behaviour; and (b) it reassures staff and encourages them to share low-level concerns.
- Where an issue also triggers our Disciplinary, Grievance or Whistleblowing Procedures that requires records to be made and retained on a staff member's personnel file, this will be done in the normal way, in addition to the records of the low-level concern(s) being retained in a central low-level concerns file.
- The DSL or Deputy DSL will review the central low-level concerns file 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. A record of these reviews will be made.
- There is no specific retention period for a low-level concerns record. We will therefore keep the record until further guidance states otherwise. However, when a member of staff leaves, any low-level concerns recorded about them will be reviewed to determine whether the record has any value (either as a safeguarding measure or its relevance to any future claims) and therefore necessary to keep or not.

References

We have chosen to follow the guidance in KCSIE on providing references, which prohibits unsubstantiated, unfounded, false or malicious allegations being referred to in a reference. KCSIE states that:

- Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference. See paragraphs 302 & 499 for further information on references. Substantiated safeguarding allegations that meet the harm threshold should be included in references, provided that the information is factual and does not include opinions.

- Employers should only provide substantiated safeguarding concerns/allegations (including a group of low-level concerns about the same individual) that meet the harm threshold in references. 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.

Appendices

Appendix A: Level of Risk Table

These examples are not exhaustive, nor will the examples set out below be appropriate in every context.

LADO referral	Low-level concern /LADO Guidance	Appropriate Conduct
An allegation made which meets the threshold for referral to the LADO and appears in the first instance to meet the threshold for referral to police. Allegations that may meet the harms threshold relate to: •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 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.	Behaviour/concerns that do not meet the setting's code of conduct but **may** not meet the allegation thresholds. Refer to setting's low-level concern policy and procedure. There may have been a series or patterns of low-level concerns which cumulatively meet the threshold of an allegation, and result in a referral to LADO. **If the designated safeguarding lead is unclear whether the incident meets the threshold of harm/risk of harm, they may need to seek guidance from the LADO before deciding if the concern or allegation meets the threshold of harm.**	Behaviour which is consistent and in line with the setting's code of conduct and law.
Taking and sharing images of children in a state of undress, sexual Abuse.	Trying to help a child with intimate or personal care tasks which the child can undertake independently.	Using physical intervention to stop a child from running into the road during an outing.
Physically harming a child with intent, with or without leaving a mark. Force feeding, physical restraining or using force as a form of punishment, verbally bullying or humiliating, deliberately leaving children in soiled clothing.	Threatening to use corporal punishment. Indulges in fun fights, tickling, or 'rough play' with children. Use insensitive or unprofessional language or using inappropriate gestures around children including inappropriate nicknames which may demean, humiliate, or might be interpreted as such.	A qualified first aider causes an injury when carrying out CPR on a casualty in cardiac arrest.
Social care involvement with own children. Conviction or caution such as a conviction for assault.	Bringing the setting into disrepute, for example through the inappropriate use of social media. Undermining the fundamental British values/expressing prejudicial views.	Shouts at children if warning in an emergency/safety situation.
Persistent noncompliance with setting policies (babysitting, changing, behaviour, lone working, touch, mobile phone, social media), persistent blurring of work life boundaries, domestic abuse, using illegal substances.	Social contact or communication with children or parents and carers outside of the setting without agreement with the setting's manager. Discussing personal, sexual relationships in the presence of children.	Comforts a child who is hurt of distressed in line with setting's positive handling/code of conduct.
	Showing favouritism to a child or behave in a manner which is either favourable or unfavourable to children. Handling of children that is inconsistent with the setting's positive handling policy such as gripping a child's hand too tightly if holding hands.	

Appendix B: Record Keeping Form for Low-Level Concern

Please use this form to record any concern (no matter how small) when an adult may have acted in a way which is not consistent with School's Out Henleaze's code of conduct (including relating to their conduct outside of work) if the concern does not meet the threshold of an allegation. This record will be held securely in accordance with <Name of setting's> low-level concerns policy.

Date and time of record:	
Reporting *(If the person who raises the low-level concern does not wish to be named, the DSL/manager will respect that person's wishes as far as possible. Anonymity can never be promised when adults share low-level concerns. Where possible adults are encouraged to consent to being named to help create a culture of openness and transparency. If the adult is self-reporting, then they should put their own name and role here).*	
Full Name of the adult reporting the concern:	
Role:	
Details of the adult involved *(who the concern is about)*	
Full Name:	
Role:	
Section 1. Details of the alleged incident/concern	
Date and time of incident:	**Location of incident:**
Details of the incident/concern: *(Provide an accurate and precise account of the concern/incident in chronological order and include the context in which the low-level concern arose, who is involved and what has happened. Include details of any witnesses including witness statements, and a statement from the adult involved, include any other relevant or contextual information and precipitating factors that may be appropriate to factor in. Where the low-level concern is provided verbally then this form can be used to record the verbal conversation).* **Signed by:**	
Section 2: To be completed by the Manager/DSL	
Conclusion of incident/concern: *(Including rationale on why this concern does not meet the threshold of an allegation)*	
Action taken: *(This may include training, support and supervision, or the setting's disciplinary procedure being used to address conduct or performance, it may include strengthening the setting's own safeguarding policies and procedures).*	
Review of actions taken: *(Where multiple low-level concerns have been shared regarding the same individual, these will be kept in chronological order as a running record).*	

Name of Manager/DSL:		**Signature:**