



Leigh Academy
Ebbsfleet

Low Level Concerns Policy and Threshold Criteria - Leigh Academy Ebbsfleet

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1 Introduction

1.1 This low level concern guidance is based upon the statutory guidance 'Keeping Children Safe in Education 2025' and the expectations within 'Guidance for Safer Working Practice'.

1.2 Creating a culture in which all concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, and recorded and dealt with appropriately is crucial.

1.3 What is a low-level concern?

KCSIE sets out that a low-level concern is any concern that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work;
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the Local Authority Designated Officer (LADO).

Examples given in KCSIE include:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone, contrary to school policy;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door;
- humiliating children.

The guidance states that low-level concerns can be raised in several ways and from differing sources, for example suspicion, complaint or disclosure made by a child, parent or other adult. They may also be raised as a result of vetting checks.

2 Purpose of a Low Level Concerns Procedure

2.1 This procedure enables all staff to share any concerns – no matter how small, about their own or another member of staff's behaviour with the Principal. Where a low-level concern relates to a Principal or other centrally employed Trust staff it should be reported to the Richard Taylor, People Director or Emma Elwin (Academies Director/Trust Safeguarding Lead). Advice can be provided by

Marla England, Safeguarding Advisor if you are unsure. If the concern is in relation to the Chief Education Officer, it should be reported to the Chair of the Board of Trustees.

3 Allegations that may meet the harm threshold

3.1 The term 'allegation of harm' means that it is alleged that a person who works with children meets the harm threshold as specified below:

- 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.

3.2 Staff should follow the **Managing Allegations Against Staff Policy** and ensure all allegations are reported to the Principal.

4 Concerns that do not meet the harm threshold: Low Level Concerns

4.1 KCSIE states that, as part of their whole school approach to safeguarding, schools should ensure that they promote an open and transparent culture in which concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

4.2 The term 'low level' concern does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the harm threshold as set out in Section 3.

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 may have acted in a way that:

- is inconsistent with an organisation's staff code of conduct, including inappropriate conduct outside of work
- does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO.

4.3 Staff do not need to be able to determine in each case whether their concern is a low level concern, or if it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. Once staff have shared what they believe to be a low level concern, that determination should be made by the Principal.

5. A culture of vigilance and staff training on Low Level Concerns

5.1 The Leigh Academies Trust has a culture of openness and trust that is fostered within the organisation so that staff can share any concerns about the conduct of colleagues and be assured that these will be received and handled in a sensitive manner.

5.2 Staff are required to read the Low Level Concerns Procedure.

5.3 All new staff will receive training on this procedure on induction as part of their Safeguarding Training.

6 Sharing Low Level Concerns

6.1 All low level concerns should be received by the Principal. Having one recipient of all such concerns should allow any potential patterns of concerning, problematic or inappropriate behaviour to be identified, and ensure that no information is potentially lost.

6.2 It is important that low-level concerns are shared with the Principal as soon as reasonably possible. The Principal will then share this via a [Google form](#) with Richard Taylor, Lorraine Mottram, Marla England and Emma Elwin.

6.3 Whilst staff should share information with the Principal as soon as reasonably possible, it should also be emphasised that it is never too late to share a low level concern and a delay should never be seen as a barrier to sharing.

6.4 If the Principal is absent for any reason, low level concerns should be shared with Richard Taylor, Lorraine Mottram, Marla England, Emma Elwin or the Academies Director who will inform the Principal immediately on his return.

6.5 In the event of concerns about the Principal, these should be referred by the Academies Director, Richard Taylor or Emma Elwin to the Chief Education Officer.

7 Anonymity

7.1 If the staff member who raises the concern does not wish to be named, then the Principal will respect that person's wishes as far as possible.

7.2 There may be circumstances where the staff member will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity will never be promised to members of staff who share low level concerns.

8 Self-Reporting

8.1 Occasionally a member of staff may find themselves in a situation which could be misinterpreted, or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the staff code of conduct.

9 Sharing and Recording of Low Level Concerns

9.1 Staff will be given the option of sharing their low level concern verbally with the Principal in the first instance, or by completing a low level concerns form.

9.2 Where the low-level concern is provided verbally, the Principal will make an appropriate record of the conversation using the low level concerns [Google form](#).

10 Responding to a Low Level Concern

10.1 Once the Principal has received the low level concern, they will:

- speak to the person who raised the concern
- Alert Richard Taylor, Lorraine Mottram, Marla England or Emma Elwin via the allocated [Google Form](#)
- speak to any potential witnesses (unless advised not to do so by the LADO/ other relevant external agencies, where they have been contacted);
- 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);
- review the information and determine whether the behaviour: (i) is entirely consistent with their 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; (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 (v) in and of itself meets the threshold of an allegation and should be referred to the LADO;

10.2 The Principal will always seek advice from the LADO where they are in any doubt whatsoever.

10.3 The Principal will need to work collaboratively with the People Partners and defer to their specialist support.

11 Possible Outcomes from a Low Level Concern

11.1 If it is determined that the behaviour is entirely consistent with the school's staff code of conduct and the law, the Principal will:

- update the individual in question and inform them of the action taken as above;
- speak to the person who shared the low-level concern to provide them with feedback about how and why the behaviour is consistent with the organisation's staff code of conduct and the law.

11.2 If the same or a similar low level concern is subsequently shared about the same individual, and the behaviour in question is also consistent with the staff code of conduct, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived by others. If it is determined that the behaviour constitutes a low-level concern, it will be responded to 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.

11.3 Any investigation of low-level concerns will be done discreetly and on a need-to-know basis.

11.4 Most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training.

11.5 In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

11.6 Any such conversation will include being clear with the individual 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.

11.7 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.

11.8 Some low level concerns may also raise issues of misconduct or poor performance. The Principal will also consider whether this is the case – by referring to the organisation’s disciplinary and/or capability procedure and taking advice from the Trust’s HR service (if necessary) on a named or no-names basis where necessary. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for HR.

11.9 Where a low level concern relates to a person employed by a supply agency or a contractor, that concern will be raised with their employers, so that any potential patterns of inappropriate behaviour can be identified. How an organisation 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 organisation’s disciplinary procedure would apply; or a contractor, Governor, Trustee or volunteer who may be subject to alternative procedures.

11.10 Some concerns may trigger the school’s disciplinary, resolving issues at work or whistleblowing procedures, which should be followed where appropriate. Where low level concerns are raised which in fact require other internal processes to be followed, it is sometimes difficult to determine how best to investigate the concern and which procedure to follow. The Principal will exercise their professional judgement and, if in any doubt, they will seek advice from the People Partners, other external agencies including the LADO.

11.11 If the school’s disciplinary procedure is triggered, the school will ensure that the individual has a full opportunity to respond to any factual allegations which form the basis of a disciplinary case against them.

11.12 If it is determined that the behaviour, whilst not sufficiently serious to consider a referral to the LADO nonetheless merits consulting with and seeking advice from the LADO, then action (if/as necessary) will be taken in accordance with the LADO’s advice.

11.13 If, when considered with any other low-level concerns that have previously been shared about the same individual, could now meet the threshold of an allegation, then it should be referred to the LADO in accordance with Part 4 of KCSIE.

12 Storage of Low Level Concerns

12.1 The Academies will retain all records of low level concerns (including those which are subsequently deemed by the Principal to relate to behaviour which is entirely consistent with the staff code of conduct) in a central electronic low-level concerns file. These records will be kept confidential and held securely with limited access given to the Principal, and a named Deputy.



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

12.3 Low level concerns will not be stored on personnel files. Saving low level concerns separately will allow Principal and Senior Leaders to spot any potential patterns of behaviour whilst reassuring staff to share low level concerns.

12.4 Referrals made to the LADO where the behaviour in question:

- had not originally been considered serious enough to consider a referral to the LADO but merited consulting with and seeking advice from them;
- is determined to meet the threshold of an allegation when considered with any other low level concerns that have previously been raised about the same individual; or
- in and of itself meets the threshold of an allegation. If a referral to the LADO is made, this needs to be raised via the appropriate [form](#)...

12.5 Records relating to the behaviour (as referenced in 12.4) should be placed and retained on the staff member's personnel file, whilst also being retained on the central low level concerns file.

12.6 Material on the personnel file will be retained in accordance with Part 4 of KCSIE which details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, to be kept on the confidential personnel file of the staff member, and a copy provided to them.

13 Reviewing the Low Level Concerns File

13.1 The Principal will review the central low level concerns file at least once a half term 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. Where a pattern of such behaviour is identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a low-level concern to meeting the harm threshold, in which case it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

A record of these reviews will be made and stored alongside the file, along with any subsequent actions taken.

13.2 Governors will receive relevant data relating to Low Level Concerns in order to ensure that these concerns have been responded to promptly and appropriately.

14 Retaining Low Level Concerns

14.1 Low-level concerns will be retained electronically in a central low level concerns file (securely and applying appropriate access restrictions) unless and until further guidance is provided otherwise.

14.2 When a staff member leaves and/or takes up new employment, that creates a point at which the content of the file may be reviewed to ensure it still has value (either as a safeguarding measure or because of its possible relevance to future claims), and is therefore necessary to keep. This is subject to the rights of individuals to object to or seek to erase or correct records about them under data protection law.

15 Low Level Concerns and References

15.1 KCSIE prohibits schools from referring to unsubstantiated, malicious or false allegations in references. Only safeguarding allegations that have been substantiated should be included in references. KCSIE states that: "where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.

15.2 Low level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding 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: Spectrum of Behaviour

High Risk Allegation:

Behaviour that indicates that a member of staff who works with children has:

- Harmed a child or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in way that may pose a risk to children.
- Behave or have behaved in a way that indicates that they may be unsuitable to work with children
- A pattern of behaviour has developed through multiple instances which indicates that the member of staff may be unsuitable to work with children. .

Low Level Concern

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet threshold as set out above. A low level concern is any concern that no matter how small. Even if it is something that is causing a sense of unease or "nagging doubt". An adult may have acted in a way that:

- Is inconsistent with an organisations staff code of conduct, including inappropriate conduct outside or work.
- Does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO but may merit consulting and seeking advice from the LADO on a no name basis if necessary.

Appropriate Conduct

Behaviour which is entirely consistent with the Trust Staff Code of Conduct and Safeguarding Policies.

There is a **legal requirement** for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. This includes staff who have resigned as an alternative to disciplinary action.



Appendix B: Responding to a Low Level Concern flowchart

