



Low Level Concerns Policy

Version Number:

- 3

Applies To:

- APTCCO Charity Services
- APTCCO Independent Special School
- APTCCO Short Breaks
- APTCCO Out of School Activities

Associated Documents:

- Safeguarding & Child Protection Policy
- Whistleblowing Policy
- Staff Code of Conduct
- Local Safeguarding Children Partnerships (LSCP) procedures

Related Regulations:

- [Working Together to Safeguard Children 2023](#)
- [Keeping Children Safe in Education 2024](#)
- [The Charity Commission for England and Wales](#)

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Chief Executive Officer (CEO)

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Chair of Board of Trustees /Governing Board

Date 5/12/24

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1. Introduction

1.1 APTCOO is committed to creating and embedding a culture of openness, trust, and transparency to ensure all concerns about adults can be shared responsibly, with the right person, and recorded and dealt with appropriately. It is extremely important that any allegations made, or concerns raised in relation to any member of staff, (including volunteers, and contractors) is dealt with thoroughly and efficiently, maintaining the highest level of protection for children whilst also giving support to the person who is the subject of the allegation.

1.2 This policy is in line with statutory guidance set-out within Keeping Children Safe in Education 2024 and should be used in respect of all cases where an individual working for APTCOO (including supply staff, volunteers, and contractors) is subject to an allegation or has a concern raised in relation to them.

1.3 It is designed to ensure that all staff, children and parents or carers are aware of the procedure for the investigation of either an allegation made, or concerns raised, in order that all complaints are dealt with consistently, and as efficiently as possible.

2 Purpose

2.1 The procedure for dealing with concerns raised in relation to staff depends on the situation and circumstances surrounding the allegation/concern raised. This policy focuses on:

- Allegations/concerns that do not initially meet the harms threshold – referred to for the purposes of this guidance as ‘low-level concern’.

2.2 It is not necessary for staff to be able to determine in each case whether their concern is a low-level concern, if it meets the threshold for a referral, or if meets the criteria for either. Where a member of staff has any concern, it should be shared in line with this policy and that determination should be made by the relevant person as set out in paragraph 4.2 of this policy.

2.3 It is important to recognise that, in practice, the words ‘allegation’ and ‘concern’ can be and are used interchangeably by different people. The crucial point is that the conduct is reported. If the conduct does not meet the threshold, it should be treated as a low-level concern and this policy should be followed.

2.4 An allegation against a member of staff may arise from a number of sources (e.g., a report from a child, a concern raised by another member of staff in APTCOO or a member of the community or a complaint by a parent). It may also arise in the context of the member of staff and their life outside work or at home.

2.5 Where a member of staff has any concern about an adult, they should act on it immediately and it is a fundamental principle of this policy that no employee shall be treated

any less favourably or suffer any detriment in their employment as a result of sharing information or reporting a concern under this policy.

2.6 This policy will be used alongside other relevant policies adopted by APTCOO such as (but not limited to): the complaints policy, code of conduct, safeguarding policy and disciplinary policy.

2.7 This policy should also be read alongside:

- Safeguarding and Child Protection Policy
- Local Safeguarding Children Partnerships (LSCP) procedures
- statutory guidance: Working Together to Safeguard Children
- statutory guidance: Keeping Children Safe in Education (KCSIE) 2024
- non statutory guidance: Guidance for safer working practice for those working with children in education settings

3 Data Protection

3.1 When managing a concern against a member of staff, supply staff or governor (the data subject) APTCOO will process personal data in accordance with its data protection policy and relevant data protection legislation. Data collected from the point at which the allegation is received is held securely within CPOMS, a secure system within CPOMS (Child Protection Online Management System) and accessed by and disclosed to individuals only for the purposes of managing the case.

4 Staff Reporting a Concern

4.1 Because this is a statutory duty, it is a requirement that all members of staff at APTCOO, where they have safeguarding concerns – no matter how small, will report them in accordance with this policy.

4.2 If staff have a safeguarding concern, or they receive an allegation about another person working at APTCOO (including volunteers, and contracted staff) posing a risk of harm to children, then it must be referred to:

- The CEO, Headteacher or a Designated Safeguarding Lead
- where there are allegations/concerns about the Headteacher this must be referred to:
 - CEO or Chair of the Board of Trustees/Governing Board
 - Relevant Local Authority Designated Officer (LADO) or

The Board of Trustees/Governing board will ensure relevant that staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the UK GDPR. This includes:

- being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information, which is sensitive and personal, and should be treated as ‘special category personal data’.
- understanding that ‘safeguarding of children and individuals at risk’ is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a children or young people in a timely manner, but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a children or young people at risk.
- for schools, not providing pupils’ personal data where the serious harm test under the legislation is met. For example, in a situation where a child is in a refuge or another form of emergency accommodation, and the serious harms test is met, they must withhold providing the data in compliance with schools’ obligations under the Data Protection Act 2018 and the UK GDPR. Where in doubt schools should seek independent legal advice.

The Data Protection Act 2018 and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.

4.3 Staff need to understand that when sharing a safeguarding concern that the person who is the subject of that concern will be spoken to. This is to gain their account as part of any investigation and to make appropriate records which may then need to be referred to in any subsequent disciplinary proceedings.

Staff who wish to remain anonymous

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

4.5 However, there may be circumstances where the staff member will need to be named (for example, where it is necessary to carry out a fair disciplinary process) and, for this reason, anonymity can never be promised to staff who share low-level concerns. In circumstances where it becomes necessary to identify an individual this should be discussed with the employee and explained to them as early as possible. Where possible, APTCOO will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

Initial action by person receiving or identifying an allegation/concern

4.6 The person to whom an allegation is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification.
- Make assumptions or offer alternative explanations.
- Promise confidentiality but should instead give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said (see Appendix 1)
- Sign and date the written record.
- Immediately report the matter in line with this policy.

4.7 In some cases, staff may have concerns about someone closely associated with a member of staff (e.g., partner, member of the family or other household member) who may present a risk of harm to children for whom that individual is responsible. In these circumstances, such concerns should be reported in accordance with this policy.

4.8 There may be occasions where a member of staff feels it is necessary to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards. There may also be situations where a member of staff feels it necessary to voluntarily share specific information for the purpose of transparency and openness. In these circumstances, such concerns should be reported in accordance with this policy.

4.9 It is recognised that staff who are concerned about the conduct of a colleague towards a child are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation. All staff must remember that the welfare of children is paramount and must report their concerns immediately. Support to those who are anxious about sharing information should be considered where appropriate, including offering assurance that any detrimental behaviour because of information being disclosed will not be tolerated.

Contracted staff

4.10 In some circumstances it may be necessary to consider an allegation against an individual not directly employed by APTCOO, where APTCOO's policies and procedures do not fully apply; for example, contractors or external stakeholders.

4.11 However, in accordance with KCSIE 2024 guidance, APTCOO will ensure allegations/concerns are dealt with properly and under no circumstance will a decision be made to cease using the contracted staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. Where an allegation is made against contractors or external stakeholders, the CEO or Headteacher will immediately contact both the Local Authority Designated Officer (LADO) and the business/service concerned. APTCOO will continue to support any investigation that is required.

4.12 It is important that any concerns raised about contracted staff are shared with their employer so that any potential patterns of inappropriate conduct can be identified.

4.13 For directly contracted staff, it may be necessary to discuss with the individual whether it is appropriate to suspend them or redeploy them to another part of APTCOO, whilst an investigation is carried out.

4.14 Whilst external agencies will need to be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care, APTCOO may need to take the lead on an investigation. This is because agencies won't have direct access to children, or other APTCOO staff, and therefore may find it difficult to collate evidence as part of an investigation. APTCOO may also be required to liaise with the LADO in relation to the referral process.

5 Timescales

5.1 It is important that allegations/concerns are shared in line with this policy as soon as reasonably possible, and 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 concern where these timescales have not been met for any reason.

5.2 It is imperative that once shared, allegations against staff are dealt with as quickly and efficiently as possible to:

- minimise the risk to the child or young person.
- minimise the impact on the child or young person's academic or social/emotional progress.
- ensure a fair and thorough investigation for all parties.

5.3 To enable this to happen, all staff, parents, children and young people should be aware of the procedures set out in this policy.

5.4 Whilst KCSIE provides target timescales, the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the concern/allegation. APTCOO will endeavour to follow the timescales set out in the guidance for such investigations, as long as it is consistent with a fair and thorough investigation. However, it is acknowledged that allegations of a serious and complex nature are unlikely to be resolved quickly.

5.5 Should it be considered necessary that an allegation requires immediate attention, but is received outside normal school hours, the individual receiving the matter should consult the children's social care emergency duty team or local police and inform the LADO as soon as possible.

6 Initial considerations

6.1 Once a concern has been raised with the CEO, Headteacher or Designated Safeguarding Lead, the procedures for dealing with concerns/allegations will be applied with common sense and judgement. Those allegations which are determined not to meet the harm threshold initially should be considered as a 'low level concern' and this policy should be followed.

6.2 There may be circumstances where a concern is initially considered to not meet the harm threshold but after further investigation may then be considered to either meet the threshold or have the potential to. In these circumstances, or if in any doubt, advice from the LADO should be taken and at any point during an investigation the process followed can be enhanced and the relevant policy dealing with allegations that meet the harm threshold should be followed.

6.3 Where it is uncertain whether an allegation meets the criteria for a referral (i.e. meets the harm threshold) the matter will be discussed first with the LADO.

6.4 For the purposes of both KCSIE and this policy, the case manager will be a trained DSL.

7 Allegation/concerns that do not meet the harm threshold 'low level concerns'

7.1 Where a concern is raised, or an allegation has been made but does **not** meet the harm threshold set out in paragraph 433 of KCSIE 2024:

- **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**

it will be dealt with as a low-level concern as set out in this policy.

This policy follows the advice and guidance set out in KCSIE 2024, It is important to understand that a concern may arise in several ways and from a number of sources.

For example: suspicion; complaint; or disclosure made by a child, young person, parent, or other adult within or outside of APTCOO; or as a result of vetting checks undertaken.

Information sharing and the appropriate recording and handling of concerns raised is important to ensure potential patterns of concerning behaviour can be identified as soon as possible, and appropriate action taken swiftly to safeguard children.

7.2 What is a low-level concern? The term 'low-level' concern does not mean that it is insignificant, it means that the conduct towards a child does not meet the threshold set out in paragraph 433 of KCSIE 2024. This procedure enables staff to share any concerns – no matter how small – about their own or another member of staff's behaviour with the appropriate safeguarding leads within APTCOO.

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 APTCOO or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

KCSIE provides examples of such behaviour which 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,
- using inappropriate sexualised, intimidating, or offensive language towards or in front of a child.

8 Sharing a low-level concern

8.1 It is not necessary for staff to be able to determine in each case whether their concern is a low-level concern if it meets the threshold for a referral or if it meets the criteria of either. All concerns, no matter how small, should be reported in line with Section 4 of this policy. The determination as to how the concern raised will be dealt with will be made by the DSL.

8.2 Where an allegation is received by a member of staff other than the person as set out in paragraph 4.2, they should immediately report the allegation in line with Section 4 of this policy.

9 Responding to a low-level concern Initial action by the DSL

9.1 On first becoming aware of a concern being raised the DSL should:

- Obtain written details (signed and dated by the person receiving)
- Record, within CPOMS, any information about times, dates and location of incident/s and names of any potential witnesses
- Record, within CPOMS, discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

9.2 Once this information is available, the DSL should consider if it is necessary to discuss the information with the LADO. It may be the case, at this stage, that the matter is not serious enough to consider a referral to the LADO but may merit consulting with and seeking advice from the LADO in relation to appropriate next steps, and on a no-names basis if necessary.

9.3 Following a discussion with the LADO or where it has been deemed that a discussion with the LADO is not necessary at this stage, the DSL will then, (so long as the LADO/other relevant external agencies have not advised not to do so):

- Speak to the person who raised the concern (unless it has been raised anonymously)
- Speak to any potential witnesses
- Speak to the individual about whom the low-level concern has been raised against

Action by APTCOO

9.4 Following an investigation of the concern raised, the DSL should then review the information and determine whether the behaviour:

- is entirely consistent with their staff code of conduct and the law,
- constitutes a low-level concern,
- 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,
- 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
- with the additional information shows that the concern itself now meets the threshold of an allegation and should be referred to the LADO / other relevant external agencies.

9.5 Consideration should be given to whether there may be wider cultural issues within APTCOO 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.

9.6 It is important that the DSL makes appropriate records, within CPOMS, of:

- all internal conversations – including with the person who initially shared the low-level concern and all those discussions held as part of the investigation into the matter
- all external conversations – for example, with the LADO/other external agencies
- their determination (as above at paragraph 9.4)
- the rationale for their decision
- any action taken/recommendations made.

Where it is ascertained that behaviour has been determined to be entirely consistent with APTCOO’s policies

9.7 The DSL will update the individual in question and inform them of the action taken as above.

9.8 In addition, the DSL will speak to the person who shared the low-level concern in order to provide them with feedback about how and why it has been found that the behaviour is consistent with APTCOO’s policies.

9.9 The investigation into the situation may highlight for example that the staff code of conduct is not clear, or that training has not been satisfactory, and/or that the low-level concern process is not clear enough. In which case the DSL may feel it necessary to make recommendations for a review of certain policies/training materials.

Where it is ascertained that behaviour has been determined to constitute a low-level concern

9.10 In most cases low-level concerns by their very nature are likely to be minor. Some will not require any further action. However, others may be most appropriately dealt with by means of issuing management guidance and/or training.

9.11 In most cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised. This conversation will be an opportunity to address unprofessional conduct and support the individual to correct it at an early stage.

9.12 It is important that such conversations should include being clear with the individual as to why their conduct was deemed to be of a concern, problematic or inappropriate, what change is required in their conduct, enquiring what, if any, support they might require in order

to achieve and maintain that, and being clear about the consequences if they fail to reach the required standard or repeat the conduct in question. A record of the discussion should be made (via a letter of management guidance/record of discussion), which the employee should be asked to sign and be provided with a copy. A copy of the record will be held on the employee's personal file, and on CPOMS.

9.13 Where a low-level concern raises issues of more serious misconduct or poor performance the DSL may need to refer to APTCOO's disciplinary and/or capability procedure. If the DSL considers that APTCOO's disciplinary and/or capability procedure may be triggered, they should refer the matter back to the appropriate person in line with that policy.

Behaviours which require further advice from the Local Authority Designated Officer

9.14 Where it is deemed that the conduct is not serious enough to consider a referral to the LADO but may merit consulting with and seeking advice from the LADO then action should be taken in accordance with the LADO advice.

9.15 Where conduct was considered alongside any low-level concerns that have previously been raised about the same individual, which could now meet the threshold of an allegation, or where following an investigation it is determined that the concern itself now meets the threshold of an allegation, it should be referred to the LADO / other relevant external agencies in line with this policy.

10 Recording a low-level concern on CPOMS

10.1 All low-level concerns will be recorded in writing. The record will include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns will also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

10.2 Records relating to low level concerns will be kept confidential, held securely, and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) (see paragraph 438 of KCSIE 2023 for more information).

10.3 Records will be reviewed so that potential patterns of concerning, problematic or inappropriate conduct can be identified. Where a pattern of such conduct is identified, APTCOO will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harm threshold, in which case it will be referred to the LADO and further advice will be taken.

10.4 The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation/concern if that is longer, at which point the record will be securely destroyed.

A form which could be used for the purpose of recording this information is attached as Appendix 2.

11 References

11.1 This policy is clear that only substantiated safeguarding allegations will be provided in references. Low level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. A low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

11.2 However, where a low-level concern (or number of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will be referred to in a reference, provided that the information is factual and does not include opinions.

Appendix 1:

Staff conduct cause for concern form

Concern in relation to: (print name of member of staff):

Name of person completing form (print):

Time of concern:

Date of concern:

Place of concern:

Concern:

Detailed Account:

Please bullet point. Do not interpret what is seen or heard; simply record the facts. After completing the form, pass it immediately to the CEO, Headteacher or Designated Safeguarding Lead.

Signature:

Date:

Please provide a copy to the CEO, Headteacher or the Designated Safeguarding Lead

Appendix 2

Record of action of low-level concern in relation to staff conduct

Name:

Job Title:

Date of incident/concern:

Initial concern reported to:

Summary of concern(s):

- Obtain written details, signed, and dated by the person receiving (see reporting form)
- Record any information about times, dates and location of incident/s and names of any potential witnesses; and
- Record discussions about the child and/or member of staff.
- Local Authority Designated Officer Discussion (if applicable)

Contact made by:

Date:

Outcome of Discussion:

Meets the harm threshold YES NO

Referral to LADO required YES NO

Allegation Management Meeting YES NO

Action Points from LADO Call (if applicable)

● Record any actions taken, any decisions made, and the reasons for those actions and decisions

Date internal investigation concluded:

Recommendation from investigation:

Behaviours consistent with policy - NFA

Recorded as LLC - Informal Action

- Formal Action Considered

Discussion with LADO required;

- Due to outcome of investigation

- Due to frequency of concerns

Date of informal action

Date of disciplinary hearing (if applicable)

Date of appeal hearing (if applicable)

Additional information

● Record any further actions required including monitoring and scheduled review meetings

Important Information

This form should be completed in all cases where a low-level concern has been raised against a member of staff. A copy of this form should then be kept in APTCOOs Low Level Concern Folder in CPOMS/ and on the employee's personal file and a copy provided to the employee.

Where allegations are found to have been malicious this form will be removed from personal records.

Signed by SMT:

Date:

Name:

Employee Signature:

Date:

Appendix 3

Policy/ procedure for: Low Level Concerns Policy

RECORD OF CHANGES

DATE	AUTHOR	PROCEDURE	DETAILS OF CHANGE
December 2022	Compliance Lead	Creation of Policy	Creation of V1 policy in line with KCSIE 2022 recommendations
August 2023	Compliance Lead	Annual update	Update to V2 policy in line with KCSIE 2023
September 2024	Compliance Lead	Annual Update	Update to V3 policy in line with KCSIE 2024 & document reformatted