



Henry Cort Low-Level Concerns Policy

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1.0 Policy statement

- 1.1 Our college recognises its statutory and moral duty to safeguard and promote the welfare of students and understands that staff play a vital role in meeting these responsibilities.
- 1.2 Our college works to ensure that we promote an open and transparent culture in which all concerns about adults working in or on behalf of the college are dealt with promptly and appropriately.

2.0 Scope

- 2.1 All employees employed at this college including:
 - Teachers
 - Support staff
 - Supply teachers
 - Volunteers
 - Local Authority visiting staff
 - Contractors
- 2.2 The term 'staff' throughout this policy refers to all the above.

3.0 Policy aims

- 3.1 To help create a culture in which all concerns about adults are shared responsibly and with the right person and are recorded and dealt with appropriately.
- 3.2 To enable Henry Cort to identify concerning, problematic or inappropriate behaviour early.
- 3.3 To minimise the risk of abuse occurring.
- 3.4 To ensure that adults working in or on behalf of the college are clear about professional boundaries and act within these boundaries and in accordance with the ethos and values of the college.
- 3.5 To help create an environment where staff are comfortable 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.

4.0 Definition

4.1 The term 'low level' concern does not mean that it is insignificant. It means that the behaviour towards a child does not meet the harm threshold for an allegation.

4.2 'Keeping Children Safe in Education' defines a low-level concern as:

"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 college 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"*

4.3 Examples of such behaviour could include, but are not limited to:

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

5.0 Avoiding low-level concerning behaviour

5.1 Behaviour defined as a 'low-level concern' can exist on a spectrum, from inadvertent or thoughtless, or behaviour that may look to be inappropriate but is not in specific circumstances, through to that which is ultimately intended to enable abuse.

5.2 Staff education and reinforcement on avoiding circumstances which may put them in a difficult situation is key to avoiding the need to deal with these types of concerns.

5.3 Our college ensures that staff are clear about what appropriate behaviour is through their induction and regularly reinforcement of documents such as:

- Staff Code of Conduct
- 'Avoiding Allegations' guidance
- Safeguarding and Child Protection policies and regular training
- Teachers' Standards (for teaching staff)

6.0 Reporting a low-level concern

- 6.1 Low-level concerns about a member of staff should be reported to the Principal as per the college's Child Protection procedures via email or in a face-to-face conversation (which is then summarised in an email). If the concern is about the Principal this should be reported to the Chair of Governors.
- 6.2 Low-level concerns about supply staff, contractors and local authority visiting staff will also be reported to their employers.

7.0 Dealing with a low-level concern

- 7.0 The Principal will pass any emails to dsl@henrycort.org to be triaged and/or delegate one of the Designated Safeguarding Leads (DSLs) to deal with the situation.
- 7.1 An assessment will be made to determine if the matter is a 'low-level concern' or an 'allegation' and follow one of the following routes.
- Allegations that meet the harm threshold will be referred to the LADO for advice.
 - Low-level concerns that the college feel may need further guidance will be referred to the LADO for advice.
 - Low-level concerns that the college feel they can deal with internally will be dealt with by the DSL and/or the Line Manager (LM).
- 7.2 The college will engage with its HR provider where it is necessary to undertake further investigation and/or deal with the concern under relevant processes.

8.0 Recording a low-level concern

- 8.1 All low-level concerns should be formally recorded by a member of staff when they are made aware of them. This record should then be passed to the Headteacher (or Chair of Governors if the concern is about the Headteacher).
- 8.2 The record should include:
- Details of the concern,
 - The context in which the concern arose,
 - The outcome of the investigation and any action taken, and
 - The name of the individual sharing their concerns (if known) (unless the individual wishes to remain anonymous which must be respected as far as possible).

- 8.3 Relevant records will be retained confidentially in the personnel file. All records must be kept in line with data protection principles and should be retained on the employee's personnel file in accordance with the college retention schedule.
- 8.4 A separate spreadsheet will also be kept of low-level concerns to more easily identify patterns that may involve more than one member of staff.

9.0 Reviewing a low-level concern

- 9.1 Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.
- 9.2 Where a pattern of such behaviour is identified, the Principal will decide on a course of action, which may include:
- Disciplinary investigation and/or proceedings
 - Management Advice, including recommendations for training
 - Referral to the LADO (where a pattern of behaviour moves from a concern to meeting the harm threshold).
- 9.3 The College will take advice, where appropriate, from their HR provider in respect of low-level concerns.
- 9.4 The College will also review appropriate policies and training, or other wider cultural issues in the College, to see whether anything needs to be done to minimise the risk of similar behaviour happening again.
- 9.5 Low-level concerns will not be included in a reference unless they relate to issues which would normally be included in a reference (e.g. misconduct or poor performance). Low-level concerns which relate solely to safeguarding will not be included in a reference, subject to paragraph 9.7.
- 9.6 A low-level concern (or group or pattern of concerns) which has met the harm threshold and has therefore been referred to the LADO may be included in a reference depending on the circumstances.

10.0 Related guidance

10.1 The policy links to the following guidance documents:

- Keeping Children Safe in Education (DfE)
- Model Code of Conduct (Manual of Personnel Practice)
- Avoiding Allegation guidance (Manual of Personnel Practice)
- Safeguarding Policy (Safeguarding Unit)
- Child Protection Policy (Safeguarding Unit)

Appendix A: Harm threshold for allegations vs low level concerns

Allegation

Behaviour which indicates that an adult 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.

Low-Level Concern

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. 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, and
- 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, and on a no-names basis if necessary.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation's staff code of conduct, and the law.