KING EDWARD'S SCHOOL
POLICY DOCUMENT

Title: Low-level Staff Concerns Policy

Policy Category	Safeguarding
Last Updated/Revised	September 2025
Frequency of Review	Annually
Date of Next Review	September 2026
Application	Whole School
Current Author	CAL
Responsibility	Designated Safeguarding Lead Governor/ DSL/Senior Deputy Head/ Junior School & Pre-Prep Heads

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Introduction

King Edward's School ("the School") understands the importance of a positive culture where concerns can be identified and spoken about openly and acknowledges that this is a key element of a strong safeguarding system. This Low-Level Concerns Policy seeks to ensure that all staff* who work with children behave appropriately and to enable the early identification and prompt and appropriate management of concerns.

Creating a culture in which **all** concerns about the behaviour of adults towards children (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. This encourages an open and transparent culture; enables the School to identify concerning, problematic or inappropriate behaviour at an early stage; minimises the risk of abuse; and ensures that adults working in or on behalf of the School are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the School.

The Low-Level Concerns Policy enables all staff to share any concerns – **no matter how small** – about their own or another member of staff's behaviour with the DSL and/or Headmaster.

The policy offers guidance as to what a low-level concern is; to whom and how to pass on that concern; and information for staff should a low-level concern be raised about them.

*This policy applies to all **staff**; 'staff' should be interpreted very widely to mean anyone associated with King Edward's School, whether working in or on behalf of the School, engaged as a paid employee (including supply teacher), worker or contractor, or unpaid member of staff or volunteer. It also includes anyone who is part of the Governing Body.

Aims

This guidance should be read in conjunction with the Safeguarding and Child Protection Policy .

We aim to ensure that adults working in or on behalf of our school fully understand professional boundaries and act within them in accordance with the ethos and values of our School. This should ensure that staff avoid any slippage of boundaries between staff and pupils. This safeguards both parties.

In order to achieve this robust holistic safeguarding culture School aims to:

• ensure that staff are clear about, and confident to distinguish, expected and appropriate behaviour from concerning, problematic or inappropriate behaviour and the delineation of professional boundaries and reporting lines;
• empower staff to share any low-level concerns with the Designated Safeguarding Leads and Deputy Designated Safeguarding Leads (DSLs and DDSLs), and to help all staff to interpret the sharing of such concerns as a neutral act;
• address unprofessional behaviour and help an individual to correct such behaviour at an early stage;

• identify behaviours, or patterns of behaviour, that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the Local Authority Designated Officer;
• provide for responsive, sensitive and proportionate handling of such concerns when they are raised;

Definitions:

Allegation that may meet the harm threshold

These must be reported direct to the Headmaster as a matter of urgency, or if the concern is about the Headmaster, then to the Chair of Governors. Please refer to Annex A of the School's Safeguarding & Child Protection Policy on the School's website. Allegations that meet one or more of the harm thresholds below will be shared with the LADO who will advise on next steps.

The term 'allegation' means it is alleged 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.

In terms of managing cases of allegations that may meet the harm threshold, these might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school.

Concern (including an allegation) that does not meet the harm threshold – i.e. a low-level concern.

The term 'low-level concern' does not mean that it is insignificant, it means that an adult's behaviour towards a child does not meet the harm 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 the School'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, and on a no-names basis if necessary.

The DfE recognises such behaviours as including but not limited to:

- Being over-friendly with children
- Having favourites
- Taking photographs of children on their personal device
- 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
- A breach of trust or boundaries

This guidance distinguishes between behaviour of low-level concern and that which may meet the harms threshold.

Staff do not need to be able to determine in each case whether their concern is a low-level concern, or if it is in fact serious enough to consider a referral to the LADO, or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern, that determination should be made by the DSL (see Appendix 1). Appendix 1 further illustrates the distinction between an allegation that may meet the harm threshold, and a concern (including an allegation) that does not meet the harm threshold – i.e., a low-level concern.

Sharing a low-level concern

- All low-level concerns should be shared with the DSL (or a Deputy DSL in the DSL's absence).
- However,
    - If the low-level concern relates to the DSL then the report should be made to the Headmaster
    - If any low-level concern relates to the behaviour of the Headmaster, it should be referred to the Chair of Governors
    - If there is a conflict of interest in sharing a low-level concern with the DSL or the Headmaster, the low-level concern should be shared with the Chair of Governors unless there is conflict of interest in doing so, in which case it should be reported directly to the LADO
- The sharing of low-level concerns should be made as soon as reasonably possible, ideally within 24 hours of becoming aware of it, particularly if this relates to a specific incident.
- However, it is important to note that it is never too late to share a low-level concern

How to report:

- All staff are encouraged to speak directly to the DSL (who will retain a written record), or to send the DSL a written account – this should be done via the KES Neutral Notifications Form.

Can the sharing of a low-level concern be done anonymously?

Staff are encouraged to consent to be named when sharing low-level concerns, as this contributes to a culture of openness and transparency.

There may also be circumstances where a staff member raising a concern will need to be named (for example, where it is necessary in order to carry out a fair disciplinary investigation) and, for this reason, anonymity cannot be promised to members of staff who share low-level concerns.

Self-reporting:

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 School's Staff Code of Conduct.

The School's Staff Code of Conduct asks all staff to share when they have found themselves in a situation that breaches or could be perceived as breaching 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. Reporting should be done via the KES Neutral Notifications Form.

Uncertainty over reporting

All staff are encouraged to run concerns past the DSL – this will allow a professional judgement as to what information is necessary to record for safeguarding purposes to be made.

How the School will respond to a low-level concern

Once the DSL has received the low-level concern, they will - not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them:

- Speak or respond to the person who raised the low-level concern (unless it has been raised anonymously).
- 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 in question:

- is entirely consistent with the School's 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;
- ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for their decision and any actions taken, and retain records in accordance with the Low-Level Concerns Policy.

- Consider whether the concern also potentially raises misconduct or capability issues - taking advice from HR / the Bursar as appropriate.

What action will be taken if it is determined that the behaviour is entirely consistent with the School's Staff Code of Conduct and the law?

- The DSL or the Headmaster will update the individual in question and inform them of any action taken (as above).
- The DSL or the Headmaster will 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 School's Staff Code of Conduct and the law.

What action will be taken if it is determined that the behaviour constitutes a low-level concern?

- The DSL or the Headmaster will respond 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. Any investigation of low-level concerns will be done discreetly and on a need-to-know basis.
- Most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

Any such conversation with individuals in these circumstances will include being clear with them 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. Ongoing and transparent monitoring of the individual's behaviour may be appropriate. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate.

If the DSL considers that the School's disciplinary or capability procedure may be triggered, they will refer the matter to HR for further consideration. If advised that the School's disciplinary or capability procedure is triggered, the individual will have a full opportunity to respond to any factual allegations which form the basis of capability concerns or a disciplinary case against them.

How the School 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 School's disciplinary and/or capability procedure would apply; or a contractor, Governor, or volunteer. The School's response will be tailored accordingly.

Other low-level concerns that have previously been shared about the same individual will also be considered and, therefore, whether there might ultimately be cause to consider the threshold of an allegation to have been met. In this instance, the case will be referred to the LADO/other relevant external agencies, and in accordance with the School's Safeguarding and Child Protection policy, Part 4 of KCSIE and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.

Where is this information stored?

The School will retain all records of low-level concerns (including those which are subsequently deemed by the Headmaster or his Deputy to relate to behaviour which is entirely consistent with the School's Staff Code of Conduct).

These records will be kept confidential, held securely on a restricted SharePoint area - the School will comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) as per our Data protection policy. A log of Low-Level Concerns will be held electronically by the DSL and will be shared anonymously for review/scrutiny when required.

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. These records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the Headmaster, DSL, Chair of Governors, the Bursar and the HR Manager, where necessary.

Review of concerns

The Headmaster and/or the DSL will review the central low-level concerns log 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.

Where a pattern of behaviour is identified in respect of a specific individual, the Headmaster and/or the DSL will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether the School should arrange for additional training or a review of any of its policies to reduce the risk of it happening again.

The Headmaster and/or the DSL will regularly inform the Governing Body about the implementation of the Low-Level Concerns Policy and any evidence of its effectiveness, e.g. by including reference to it in any safeguarding reports and providing any relevant data.

The Designated Safeguarding Lead Governor will, on behalf of the Governing Board, also review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

Data Protection and Confidentiality

The School will always respect the personal data of staff (and others, where they may be identifiable) in implementing the Low-Level Concerns Policy and in keeping records of low-level concerns secure.

The Data Protection Act 2018 includes a specific provision which permits organisations to process even the most sensitive personal data where necessary for the purposes of protecting children from harm. Although sharing of low-level concerns will not always involve legally sensitive categories of data, the safeguarding purpose is the same as that under the School's Safeguarding and Child Protection Policy.

A proportionate approach must be taken by all when considering what personal data is in fact necessary to share and record by way of low-level concern(s) in each case in order to support the safeguarding purpose and to ensure the information is accurate, fair and as far as possible recorded in neutral terms.

All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained by the School under the Low-Level Concerns Policy as it relates to them personally and to make any reasonable objection as to the fairness or accuracy of that content.

The School will process such requests within the period prescribed by law, subject always to any necessary protection of the rights of third parties and unless any other relevant exemptions apply (including if complying with the request would be likely to prejudice the safeguarding purpose of the Low-Level Concerns Policy). Data controllers will always be able to prefer children's privacy rights on balance if the circumstances justify it, notably should the record of information relate to a specific child who may be named or identifiable by context. Therefore, there may be some instances where a child's privacy rights mean a member of staff may not have access to the requested information.

Employment law (in terms of process and decision-making) and data protection law (with its principles of transparency, fairness, accountability and accuracy) support the idea that staff should understand the information held about them and, if appropriate, be able to correct or feed into it. Hence the importance of staff self-reporting and co-operating with this holistic safeguarding culture.

If the content of a low-level concern is disputed, it may not be appropriate for the School to delete or alter the original record, but a note may be recorded alongside reflecting the staff member's alternative account or objection(s).

The School has undertaken a Data Protection Impact Assessment ("DPIA") in relation to the processing of low-level concerns, subject to ongoing review and any necessary updates from time to time. A copy of this DPIA may be requested from the DPL.

All personal data processed in connection with the Low-Level Concerns Policy will be processed in accordance with the School's Privacy Notices and its Data Protection Policy.

The School will 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. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

Retention of low-level concerns

In order to identify potential patterns forming it is important to maintain securely all records of low-level concerns for as long as the member of staff works at the school. When a staff member leaves and/or takes up new employment, that creates a natural 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. Any record of low-level concerns that may be kept about such person is subject to specific review in terms of:

(b) whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice;

(b) if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

Sharing of Records

Only the DSL and the Deputy DSL(SS) will have access to this information. If there has not been any referral to the LADO, then there is no reason to share this information with any prospective employers. Any allegations that were proven to be false, malicious or unsubstantiated would not be included in employer references.

This policy should be read in conjunction with:

- Staff Code of Conduct
- KES Safeguarding & Child Protection Policy Annex A
- KCSIE Part four: Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors

Monitoring and Review

The Low-Level Concerns Policy will be monitored to ensure that it is being effectively implemented in practice and will be reviewed annually by the DSL and in response to any

relevant legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice.

Appendix 1

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 the School'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 School's Staff Code of Conduct, and the law.

(Source: Farrer & Co, 2020)