



Low-Level Concerns Policy

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This policy forms part of the Portswood Primary School Staff Code of Conduct and should be read in conjunction with the school Child Protection & Safeguarding Policy. This Low-level Concerns Policy is based upon the statutory guidance Keeping Children Safe in Education 2025 (KCSiE 2025), and the expectations within Guidance for safer working practice for those working with children and young people in education settings February 2022,

1. Aims

The overarching aim of the school's Low-Level Concern Policy is to facilitate a culture in which the clear values and expected behaviours, which are set out in our Code of Conduct, are lived, constantly monitored, and reinforced by all staff.

This policy enables all staff to share any concerns – no matter how small – about their own or another member of staff's behaviour with the Headteacher. If the Headteacher is absent, the concern should be shared with Anna Adams (DSL) or Teresa Enriquez-Hayes (Director of School Improvement & Safeguarding).

Safeguarding and promoting the welfare of children is everyone's responsibility. The purpose of the policy is to create and embed a culture of openness, trust, and transparency in which the clear values and expected behaviour set out in the Staff Code of Conduct, are upheld by all staff and challenged where appropriate.

In order to achieve this purpose, Portswood Primary School 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 in themselves and others.
- Recognise the importance of professional boundaries and when to report.
- Empower staff to share any Low-level concerns with the Headteacher and to help all staff to interpret the sharing of such concerns as a neutral act.
- Address unprofessional behaviour and support the individual to correct it at an early stage.
- Identify concerning, problematic, or inappropriate behaviour – including any patterns – that may need to be consulted upon with, or referred to, the LADO.
- Ensure all concerns that are raised are handled sensitively and proportionately.
- Help identify any areas for development in the organisation's safeguarding system as well as any training needs.

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2. Definitions of Low-Level Concerns

The term 'Low-Level' concern is any concern – no matter how small – that an adult working in or on behalf of the school 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 designated officer at the local authority

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

- Being overly friendly with children
- Having favourites
- 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

3. Sharing Low-Level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately. We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Having clear policies and procedures
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

Reporting a low level concern

- Low level concerns about a member of staff should be reported to the Headteacher as per the school's Child Protection procedures
- If the concern is about the Headteacher this should be reported to Teresa Enriquez-Hayes (Director of School Improvement & Safeguarding).
- Low level concerns about supply staff, contractors and local authority visiting staff will also be reported to their employers. Staff should use the school's Low-Level Concerns Reporting Form.

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Self-reporting a low level concern

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.

Self-reporting in these circumstances can be positive for several 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

In line with KCSiE 2025, Portswood Primary School will ensure that there is an environment where staff are encouraged and feel confident to self-refer.

4. Responding to low-level concerns

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

- speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary, or completed Low level concerns form has been provided
- 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)

The Headteacher will 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.
- 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
- in and of itself meets the threshold of an allegation and should be referred to the LADO.

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

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5. Possible outcomes from a Low Level Concern

If it is determined that the behaviour is entirely consistent with the school's Staff Code of Conduct and the law, the Headteacher will:

- update the individual in question and inform them of the action taken as outlined in section 4.
- 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
- consider if the situation may indicate that the staff code of conduct or Low-level concerns policy are not clear enough, or if further training is required.

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.

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.

If deemed necessary conversations with the individual about whom the concern has been raised will need to make clear 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.

Some Low-level concerns may also raise issues of misconduct or poor performance. The Headteacher 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 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.

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

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organisation's disciplinary procedure would apply; or a contractor, governor, trustee, director, or volunteer who may be subject to alternative procedures.

Some concerns may trigger the school's disciplinary, grievance or whistle blowing 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 Headteacher will exercise their professional judgement and, if in any doubt, they will seek advice from other external agencies including the LADO.

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.

If an organisation ultimately disciplines or dismisses a staff member for cumulative alleged breaches of the Staff Code of Conduct which were not brought contemporaneously to the individual's attention, and to which they have not had a proper opportunity to respond, clearly there will be a lack of fairness and natural justice and the risk of a finding of unfair dismissal by an Employment Tribunal. Staff therefore need to understand that when they share what they believe to be a Lowlevel concern, the Headteacher will speak to the adult who is the subject of that concern – no matter how low -level the concern may be perceived to be, to gain the subject's account – and to make appropriate records (as above), which may be referenced in any subsequent disciplinary proceedings.

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

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, 2025.

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6. Record keeping

All low-level concerns will be recorded in writing (form below). In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

7. Reviewing a Low Level Concern

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

Where a pattern of such behaviour is identified, the Headteacher 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 is deemed to have formed).

If the concern relates to volunteers, or any other concerns arise, school can contact the LADO for further advice.

References:

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

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APPENDIX 1 – Spectrum of Behaviour

Allegation

Behaviour which indicates that an adult who works with children has:

- behaved in a way that had 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 indicated they may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicated 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 behavior 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.

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APPENDIX 2 – Low Level concern reporting form

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Staff Low level concern reporting form

Please return this form to the Headteacher. If the concern is about the Headteacher, please return to Teresa Enriquez-Hayes (Director of School Improvement & Safeguarding).

Please use this form to share 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 Portswood Primary’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.

You should provide a concise record – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s) (and please use a separate sheet if necessary).

The record should be signed, timed and dated.

Name of staff Member:	Job title:
Nature of the concern:	
Name of Individual raising the concern:	Date and Time:
Received by:	Date and Time:

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Name of person Investigating the concern:	
Action Taken:	
Signed:	Date and Time:

This record will be held securely in accordance with Portswood Primary School's Low-Level concerns policy. Please note that low-level concerns will be treated in confidence as far as possible, but Portswood Primary School may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims and formal investigations.