

Low Level Concerns Policy

Child Protection Statement

North Halifax Partnership (NHP) believes that children must be always protected from harm.

We believe every child should be valued, safe and happy. We want to make sure that children we have contact with know this and are empowered to tell us if they are suffering harm, including on-line. We strive to embed the voice of the child in all our work.

We want children who use or have contact with NHP to enjoy what we have to offer in safety.

Purpose

NHP is committed to promoting an open and transparent culture where safeguarding and concerns are taken seriously and addressed quickly. By working together to identify concerning, problematic or inappropriate behaviour early, we aim to minimise the risk of abuse.

NHP sets out its expectations of all its staff and volunteers in the Code of Conduct Policy. This is how we aim to live out and reinforce our values every day. When a member of staff or a volunteer's behaviour falls short, it is important that this is addressed without delay in a proportionate and appropriate way. Such instances are known in this policy as either a 'low-level concern' or 'allegation'.

An allegation, where there is a risk of harm, is more serious. In such cases, NHP Safeguarding policies must be followed. The reporting of low-level concerns should be seen as a neutral act.

NHP recognises that low-level concerns cover a broad spectrum of actions and can include both intentional and unintentional or inadvertent behaviour or consequences. It is therefore important the response is proportionate and appropriate.

The purpose of this policy is to ensure that everyone at NHP knows and understands the importance of reporting any concern about themselves or colleagues, no matter how small, and how to report them.

What we mean by Low-Level Concern

A low-level concern is any concern that an adult has behaved in a way that;
(a) is inconsistent with the NHP code of conduct. This includes inappropriate conduct both inside and outside of work,
(b) does not meet the threshold of harm or is not considered serious enough for NHP to refer to the local authority.

Low-level concerns include a spectrum of behaviours which may be; intentionally designed to facilitate abuse, unintentional, inadvertent, or thoughtless.

The key is that the behaviour is inappropriate and not what NHP expects, as set out in our Code of Conduct Policy and our Safeguarding policies. It may take place face to-face, in writing or digitally such as in online meetings, or via social media or email.

Examples of low level behaviour which could cause concerns;

these behaviours could be...

showing favouritism, being over-friendly, using inappropriate language that is sexual, profane, intimidating, or offensive, inappropriate touching or initiating hugging, intimidation, punishment, or degrading treatment.

To support the implementation of this policy, NHP will provide support, information and training so that staff and volunteers;

- are clear about what is meant by appropriate behaviour and can distinguish this from concerning, problematic or inappropriate behaviour in themselves and others
- can recognise the importance of professional boundaries and when to report concerns.
- feel empowered to share any low-level concerns with your team DSL.
- know that the response will be measured and proportionate.

When receiving low-level concerns, NHP will;

- Ensure all concerns that are raised are handled sensitively and proportionately.
- undertake to weigh up information in order to distinguish between unprofessional behaviour and intentional harm or abuse.
- identify concerning, problematic or inappropriate behaviour – including any patterns that may need to be consulted upon with, or referred to, the local authority dedicated officer (LADO).
- focus on the behaviour, not the language used to describe or report it.
- address unprofessional behaviour and support the individual to correct it at an early stage.
- identify any areas for development in the organisation's safeguarding system as well as any training needs.

Thresholds and when this Policy applies

Staff need to be clear that an “allegation of harm” will be dealt with under the safeguarding policies and the managing allegation policy not under this low level concerns policy.

An ‘allegation of harm’ is where it is alleged that a person who works with children or adults at risk has or may have behaved in a way that meets the harm threshold as specified below:

- Behaved in a way that has harmed or may have harmed a child or adult at risk.
- Possibly committed a criminal offence against or related to a child or adult at risk.
- Behaved towards a child or children or adult/s at risk in a way that indicates they may pose a risk of harm to children or adults at risk.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children or adults at risk (this behaviour includes inside and outside of the workplace. In this case, staff and volunteers should follow NHP Safeguarding policies and report the matter to the DSL.
- Concerns that do not meet the harm threshold are treated as low-level concerns.

The term ‘low level’ concern does not mean that it is insignificant, it means that the adult’s behaviour towards a child or adult at risk does not meet the harm threshold.

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 them.
- Staff and volunteers 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 local authority, or whether it meets the threshold of an allegation.

Procedures

Sharing a Low-Level Concern

Any low-level concern must be shared with the Designated safeguarding lead (DSL) without delay and within 24 hours of the incident or becoming aware of it. The DSL will discuss with their line manager and the Area Safeguarding Lead (ASL) if necessary.

Once shared a determination about thresholds and appropriate action will be made. The DSL may seek advice from the LADO in order to make the determination and decide next steps.

Recording the Concern

The concern may be shared verbally or in writing. Where raised verbally, the DSL will make a written record at the time or immediately after using the Low Level **Concern form. (Appendix A)**

The DSL will use professional judgement to decide the detail to be recorded but it will include

- name and role of the person sharing the concern
- name and role of the person about whom the concern is raised (including their role at the time of the concern, if different)
- brief context in which the concern arose
- details of the concern including dates, ensuring information is accurate as possible and chronological
- the record must be signed and dated. The time the record was made should also be included.

Anonymity

Where the person raising the concern wishes to remain anonymous, this will be respected as far as possible. However, in order to conduct a fair and thorough investigation it may be necessary to use names and so anonymity cannot be promised. In the spirit of an open and transparent culture, staff and volunteers are encouraged to give their consent to be named, wherever possible.

Self reporting

NHP recognises that staff or volunteers may find themselves in a situation which could be misinterpreted, or might appear compromising to others, or, on reflection feel they behaved in a manner which they consider falls below the standard set out in the code of conduct.

NHP encourages self-reporting in these circumstances, and it is seen as a positive action. Self-reporting promotes safeguarding and safer practice by:

- enabling staff and volunteers to get support with a potentially difficult issue and/or addressing it at the earliest opportunity; demonstrating awareness of the expected behavioural standards and self-awareness as to the person's own actions or how they could be perceived; and, contributing to maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

Self-reporting can be done in the first instance by speaking to your line manager as soon as possible. The line manager will share the information with the DSL:

- for support and advice to identify actions or wider implications for the organisation such as policy or training
- The line manager will follow the Recording the Concern procedure above and send securely to the DSL with a follow-up phone call.

Responding to the Concern

Investigation into a low-level concern will be done discreetly and on a need-to-know basis. On receipt of the concern, the DSL will take the following actions (not necessarily in the order set out)

- speak to the person who raised the concern (unless it has been raised anonymously)
- speak to any potential witnesses (unless advised not to do so by the LADO)
- speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO.
- Where the concern relates to the individual's behaviour or relationships outside the workplace. The DSL must conduct a risk assessment concerning transferrable risk into the workplace and the safety of children or adults they work with or volunteer with review the information and determine whether the behaviour:
 - is entirely consistent with NHP code of conduct and the law
 - constitutes a low-level concern
 - is not serious enough to consider a referral to the local authority – but may merit consulting with and seeking advice from them
 - 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.

Records during investigation

Whilst conducting the investigation and making decisions, the DSL will make a record of

- all internal conversations
- all external conversations – for example, with the LADO
- the rationale for decisions actions to be taken and by whom
- The record will include the names, roles, dates and times of conversations; emails and other relevant documentation.

Possible Outcomes

If the behaviour is found to be entirely consistent with NHP Code of Conduct and the law, the DSL 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 NHP Code of Conduct and the law.
- consider if the situation may indicate that the Code of Conduct or Low-Level Concerns Policy are not clear enough, or if further training is needed.

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 NHP Code of Conduct and the law, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived by others.

If the behaviour is found to constitute 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 and volunteers 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.

Other concerns may most appropriately require management guidance and/or training including a refresher about the Code of Conduct.

Conversations will include

- being clear with the individual as to why their behaviour is concerning, problematic or inappropriate, using examples explaining clearly what change is required in their behaviour discussing what, if any, support they might need in order to achieve and maintain the required behaviour being clear about the consequences if they fail to be consistent with the Code of Conduct and/or repeat the behaviour in question
- The approach should be positive and avoid critical, threatening or blaming language or behaviour.

Follow up actions may include

- ongoing and transparent monitoring of the individual's behaviour an action plan or risk assessment which is agreed with the individual, and regularly reviewed with them
- Where the low-level concern raises issues of misconduct or poor performance, the DSL will seek advice from the individual's line manager regarding who has the follow up conversation with the individual.

Low-Level Concerns and other Policies and Procedures

Where the concern is found to require other internal processes to be followed, such as disciplinary, the individual's line manager will exercise their professional judgement and, if in any doubt, they will seek advice from the ASL and LADO if required.

Where NHP's disciplinary procedure is triggered, NHP 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 the behaviour, whilst not sufficiently serious to consider a referral to the LADO but nonetheless merits consulting with and seeking advice from them, then action (if/as necessary) will be taken in accordance with such advice.
- If, when considered with any other low-level concerns that have previously been shared about the same individual, the present concern could now meet the threshold of an allegation, then it will be referred to the LADO.
- If the behaviour in and of itself meets the threshold of an allegation, it will be referred to the LADO and the Managing Allegations Against Staff Procedures will apply.

Storage and Retention

Storage

- NHP will retain all records of low-level concerns (including those which are subsequently deemed by the DSL to relate to behaviour which is entirely consistent with NHP Code of Conduct) in a central electronic low-level concerns file.
- The records will be kept confidential and held securely with limited access given to line managers.
- Records will contain referrals made to the LADO.

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

Low-level concerns will not be stored on personnel files. In line with best practice, keeping low-level concerns separately will allow NHP to spot any potential patterns of behaviour whilst reassuring staff and volunteers to share their concerns.

Records relating to behaviour should be placed and retained on the staff member's personnel file, whilst also being retained on the central low level concerns file.

The information on the personnel file will be retained to allow NHP to hold a clear and comprehensive summary of all allegations (except those which are found to have been malicious), details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached. A copy will be provided to the individual.

Review

The ASL will review the central low-level concerns folder 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 and addressed.

The ASL will create a record of these reviews and it will be stored alongside the folder, along with any subsequent actions taken.

The Board of Trustees will receive relevant data relating to Low-Level Concerns. This will include a review of anonymised samples of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

Retention

Low-level concerns will be retained electronically in a secure central low-level concerns folder.

When a staff member or volunteer leaves and/or takes up new employment, this should be seen as a reminder for the line manager to review the content of the individual's file 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.

References

Data protection law and best practice means that NHP must not refer to unsubstantiated, malicious or false allegations in references.

Only safeguarding allegations that have been substantiated should be included in references.

Whilst Keeping Children Safe in Education (KCSiE) does not legally apply to NHP, it is nonetheless seen as good guidance. 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.”

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.

Working practices associated with this policy	Applies to
Disciplinary	All NHP Staff
Code of conduct	All NHP Staff
DBS and other disclosures	All NHP Staff
Managing Allegations against NHP Staff	All NHP Staff
Working Practice relating to photos	All NHP Staff
Safeguarding Children and Adults	All NHP Staff
Recruitment and Selection	All NHP Staff
see also Staff use of ICT Policy, Data Protection Policy, and Information sharing working practice (Data protection)	

Low Level Concern Form

Please use this form to share any concerns- 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 NHP staff code of conduct, including inappropriate conduct outside of work; and does not meet the harm threshold, or is otherwise not serious enough to merit 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 concerns and relevant incident(s).

The record should be signed, timed and dated.

Name of staff member sharing the concern:	Department and role:
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Details of the concern:

Name of staff member whom the concern is about:	Department and role:
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Received by:	Time:	Date
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Action taken:

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Signed:	Time and date:
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This record will be held securely in accordance with NHP Low Level Concerns policy. Please note that Low Level concerns will be treated in confidence as far as possible, but NHP may in certain circumstances be subject to legal reporting requirements to share information with other appropriate persons.