

# New Forest School

Concerns that do not meet the harm threshold  
Policy and Procedures

Policy No: nfs\_gp\_1028

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Approved by and date: Duncan Smith 15/10/2021

## **This Policy references:**

KCSIE 2021 – Section Two: Concerns that do not meet the harm threshold

Developing and implementing a low-level concerns policy: A guide for organisations which work with children (Farrer & Co)

To be read in conjunction with Whist blowing, Code of conduct (staff handbook), Safeguarding policy

## **Preface:**

*Organisational culture sets the context and expectations of all behaviour in an organisation, and a positive culture where concerns can be identified and spoken about openly is a key element of a strong safeguarding system.*

*What that means in practice is that ensuring that all those who work with children behave appropriately, and the early identification and prompt and appropriate reporting and management of concerns about adults, is critical to effective safeguarding.*

*Developing and implementing a low-level concerns policy: A guide for organisations which work with children, Farrer & Co*

## **Purpose:**

### **Allegations/concerns**

It is important to recognise that, in practice, the words ‘allegation’ and ‘concern’ can be used interchangeably. Sometimes individuals may shy away from the word ‘allegation’ and express it as a ‘concern’ instead.

The crucial point is that whatever the language used, the behaviour referred to may,

A: Be capable of meeting the harm threshold (and hence be referable)

B: Does not meet the harm threshold (in which case it should be treated as a low-level concern).

So, the focus should not be on the language used by the person disclosing it; the focus should, instead, be on the behaviour being described and the context.

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 which are set out in the **Employee Handbook** are constantly adhered to, monitored and reinforced by all staff.

*This policy is to be read in conjunction with Staff hand book – code of conduct Whistleblowing policy, Safeguarding policy*

## Concerns that do not meet the harm threshold

### Low level concerns

As part of New Forest School's approach to safeguarding, we promote an open and transparent culture in which all concerns about all adults working with children are dealt with promptly and appropriately.

Creating a culture in which **all** concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person, recorded and dealt with in accordance with the following policies – Whistleblowing, code of conduct and safeguarding policy, is critical. If implemented correctly, this should encourage an open and transparent culture; enabling staff to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working at New Forest School are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the company.

### What is a low-level concern?

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 a LADO referral:

- *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.*

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 the school may have acted in a way that:

- is inconsistent with the Employee Handbook, 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.

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;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,

- using inappropriate sexualised, intimidating or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

It is crucial that any such concerns, including those which do not meet the harm threshold, are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of New Forest School from potential false allegations or misunderstandings.

### **Responding to low-level concerns**

If the concern has been raised via a third party, the DSL should collect as much evidence as possible by speaking:

- directly to the person who raised the concern unless it has been raised anonymously.
- to the individual involved and any witnesses.

The information collected will help to categorise the type of behaviour and determine what further action may need to be taken.

This needs to be recorded using the Low-level concerns form.

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)

**Where there is a pattern of concerns being raised around the same member of staff this must be taken into account and acted upon immediately.**

**This must be explored with senior leaders to determine if there is a pattern of concern that warrants a referral to LADO or that the matter/s are to be dealt with by internal processes.**

Where you feel the threshold of an allegation is met, in line with NFS Safeguarding Policy Procedures - Any allegation against people who work with children should be reported immediately to the Designated Safeguarding Lead. (See safeguarding policy)

## Low Level Concern form

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 New Forest School 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.

**Low Level Concern Form**

Name of staff member:

Role:

Received by:

Details of concern:

Action Taken:

Signed:

Date/time: