



Simul autem et crescere luceat  
Together we grow and shine

## Fountain Head House School Low Level Concern Policy

Review due	September 2024
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Reviewed by	Thereza de Lucca Headteacher
Approved by	Julie Smith Chair of the Board

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## Aims

At Fountain Head House School, we take safeguarding very seriously. This includes ensuring that adults who work with children do so in a way that is in accordance with the ethos and policies set out by the school, including the Staff Code of Conduct. This policy sets out the detail and processes for staff regarding low-level concerns they may have.

## Legislation and Statutory Guidance

This policy is based on the Department for Education's statutory guidance [Keeping Children Safe in Education \(2023\)](#) and [Working Together to Safeguard Children \(2018\)](#), and the [Governance Handbook](#).

This policy is also based on the following legislation:

- Part 3 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which places a duty on academies and independent schools to safeguard and promote the welfare of pupils at the school
- Part 1 of the schedule to the [Non-Maintained Special Schools \(England\) Regulations 2015](#), which places a duty on non-maintained special schools to safeguard and promote the welfare of pupils at the school
- [The Children Act 1989](#) (and [2004 amendment](#)), which provides a framework for the care and protection of children
- Section 5B(11) of the Female Genital Mutilation Act 2003, as inserted by section 74 of the [Serious Crime Act 2015](#), which places a statutory duty on teachers to report to the police where they discover that female genital mutilation (FGM) appears to have been carried out on a girl under 18
- [Statutory guidance on FGM](#), which sets out responsibilities with regards to safeguarding and supporting girls affected by FGM
- [The Rehabilitation of Offenders Act 1974](#), which outlines when people with criminal convictions can work with children
- Schedule 4 of the [Safeguarding Vulnerable Groups Act 2006](#), which defines what 'regulated activity' is in relation to children
- [Statutory guidance on the Prevent duty](#), which explains schools' duties under the Counter-Terrorism and Security Act 2015 with respect to protecting people from the risk of radicalisation and extremism
- [The Human Rights Act 1998](#), which explains that being subjected to harassment, violence and/or abuse, including that of a sexual nature, may breach any or all of the rights which apply to individuals under the [European Convention on Human Rights](#) (ECHR)
- [The Equality Act 2010](#), which makes it unlawful to discriminate against people regarding particular protected characteristics (including disability, sex, sexual orientation, gender reassignment and race). This means our governors and headteacher should carefully consider how they are supporting their pupils with regard to these characteristics. The Act allows our school to take positive action to deal with particular disadvantages affecting pupils (where we can show it's proportionate). This includes making reasonable adjustments for disabled pupils. For example, it could include taking positive action to support girls where there's evidence that they're being disproportionately subjected to sexual violence or harassment
- [The Public Sector Equality Duty \(PSED\)](#), which explains that we must have due regard to eliminating unlawful discrimination, harassment and victimisation. The PSED helps us to focus on key issues of concern and how to improve pupil outcomes. Some pupils may be more at risk of harm from issues such as sexual violence; homophobic, biphobic or transphobic bullying; or racial discrimination
- The [Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018](#) (referred to in this policy as the "2018 Childcare Disqualification Regulations") and [Childcare Act 2006](#), which set out who is disqualified from working with children

## Definitions – low level concern; allegation; appropriate conduct

### Low Level Concern

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 Local Authority Designated Officer (LADO)
- It may be possible that a member of staff acts in a way that does not cause risk to children, but is however inappropriate. A member of staff who has a concern about another member of staff should inform the Headteacher. If the Headteacher cannot be contacted, the Chair of the School Board should be contacted instead. If the concern is about the Headteacher, staff should inform the Chair of the School Board.

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

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Humiliating pupils

### Clarity around – Allegation, Low Level Concern, Appropriate Conduct

#### 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
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

#### Low Level Concern

Any concern – no matter how small, even if no more than a 'nagging doubt' – that an adult may have acted in a manner which

- Is not consistent with the school's Code of Conduct, and/or
- Relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

Low Level Concerns are part of a spectrum of behaviour. This includes

- Inadvertent or thoughtless behaviour
- Behaviour that might be considered inappropriate depending on the circumstances
- Behaviour which is intended to enable abuse.

#### Appropriate Conduct

Behaviour which is entirely consistent with the school's Code of Conduct, and the law.

## Sharing Information about Low Level Concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially 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
- Empowering staff to share any low-level concerns as per section 7.7 of this policy
- 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

## Responding to Low Level Concerns

If the concern is raised via a third party, the Headteacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The Headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's Safeguarding and Child Protection Policy. The Headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

## Record Keeping

All low-level concerns will be recorded in writing. 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.

## Important Contacts

ROLE	NAME	CONTACT DETAILS
Designated Safeguarding Lead (DSL)	Thereza de Lucca Headteacher	<a href="mailto:thereza.delucca@fhhschools.com">thereza.delucca@fhhschools.com</a>
Deputy Designated Safeguarding Lead (DDSL)	Matthew Read Deputy Headteacher	<a href="mailto:matthew.read@fhhschools.com">matthew.read@fhhschools.com</a>
Safeguarding Team Members (alongside DSL and DDSL)	Sue Clarke Assistant Headteacher – SENDCo  Kate Buck Assistant Headteacher – Curriculum Development	<a href="mailto:sue.clarke@fhhschools.com">sue.clarke@fhhschools.com</a>  <a href="mailto:kate.buck@fhhschools.com">kate.buck@fhhschools.com</a>
Chair of the School Board	Julie Smith	<a href="mailto:julie.smith@fhhschools.com">julie.smith@fhhschools.com</a>
Local Authority Designated Officer (LADO)	Duty LADO	0300 123 1116
Channel helpline	----	020 7340 7264

## 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

## Links to other policies

- FHHS – Safeguarding and Child Protection Policy
- FHHS – Positive Behaviour Policy
- FHHS – Staff Code of Conduct
- FHHS – Recruitment and selection Policy
- FHHS – Whistleblowing Policy
- FHHS – Anti-bullying Policy
- FHHS – Health & Safety Policy
- FHHS – Equality, Diversity and Inclusion Policy

## Appendix 1 – Low Level Concern Form

Low Level Concern Form		
<p>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:</p> <ul style="list-style-type: none"> <li>• Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, <b>and</b></li> <li>• Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO)</li> </ul>		
<p><b>Description of Low Level Concern</b> Be as precise, factual and accurate as possible</p>		
Who	What	When
Name of staff reporting:		Date:
Staff receiving this concern		
Name:	Post:	Date:
Actions Taken		
Who	What	When
<p>This record will be held securely in accordance with the Fountain Head House School Low Level Concerns Policy. Please note that Low Level Concerns will be treated in confidence as far as possible, but Fountain Head House School may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims, formal investigations.</p>		

## Appendix 2 – Low Level Concern Flowchart

