Managing low-level concerns in relation to staff conduct Policy 2026

DNDLT vision statement

"Every child matters and no child is ever left behind..."

"Let the little children come to me, and do not stop them; for it is to such as these that the kingdom of God belongs."
Luke 18:15-17

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Managing low-level concerns in relation to staff conduct

Always use in line with local authority guidance and Local Safeguarding Children Partnership (LSCP) procedures

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Trust Vision Statement:

"Every child matters and no child is ever left behind"

Let the children come to me, and do not stop them; for it is to such as these that the kingdom of God belongs.

Luke +

At the DNDLT we believe everyone in our Trust is a child of God, adults and children alike. Every individual and every school matters, all are valued and celebrated, and no one should be left behind.

As a Diocesan Trust of the Dioceses of Newcastle and Durham we are here to serve children, and schools of all faiths and none. We welcome both Church of England and Community Schools to join us to serve our communities in the North East of England as part of our Trust family whilst remaining unique and distinct within their local context.

The Durham and Newcastle Diocesan Learning Trust is a place where we strive for the best outcomes for our children and staff. We work hard to achieve equity and flourishing for everyone. We want our staff and children to feel valued and celebrated given the opportunity to innovate and reach their full potential. We want our schools to be at the heart of their communities serving them in the way they know best, knowing they will be supported, encouraged and affirmed by a dedicated and specialist team.

1 Introduction

1.1 The school is committed to creating and embedding a culture of openness, trust and transparency to ensure **all** concerns about adults can be shared responsibly, with the right person, and recorded and dealt with appropriately. It is extremely important that any allegations made, or concerns raised in relation to staff, (including supply/third party agency staff, volunteers and contractors) are dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation.

1.2 This policy is in line with statutory guidance set out within Keeping Children Safe in Education (KCSIE) and should be used in respect of all cases where a concern has been raised about any individual working in a school or college (including supply/third party agency staff, volunteers and contractors).

1.3 It is designed to ensure that all staff, children, parents or carers are aware of the procedures for the investigation of any concerns raised, in order that all situations are dealt with consistently and as efficiently as possible.

1.4 For the purposes of KCSIE and this policy, 'children' includes everyone under the age of 18, regardless of their location, i.e. both inside and outside of the school.

2 Purpose

2.1 This policy focuses on concerns that do not initially meet the harm threshold – referred to for the purposes of this policy and procedures as 'low-level concerns.'

2.2 Where the conduct or concern reported is such that a member of staff, volunteer, supply/third party agency worker or contractor may have met the harm threshold below, the Trust Disciplinary Policy must be followed:

- 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

2.3 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 or college 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 harm threshold or is otherwise not serious enough to consider a referral to the LADO.

2.4 KCSIE provides examples of such behaviour which could include, but are not limited to:

- being overly friendly with children
- having favourites
- humiliating children
- taking photographs of children on their mobile phone
- engaging with a child on a 1-1 basis in a secluded area or behind a closed door

2.5 Where a member of staff has **any** concern about an adult, they should act on it immediately and it is a fundamental principle of this policy that no employee shall be treated any less favourably or suffer any detriment in their employment as a result of sharing information or reporting a concern under this policy.

2.6 This policy and procedures, as outlined within, must be followed when dealing with concerns raised. This policy will be used alongside other relevant policies adopted by the school such as (but not limited to) the complaints policy, code of conduct/staff behaviour policy, child protection and safeguarding policy and disciplinary policy.

2.7 This policy should also be read alongside:

- Local authority policy
- Local Safeguarding Children Partnership (LSCP) procedures
- Statutory guidance: Working Together to Safeguard Children
- Statutory guidance: Keeping Children Safe in Education (KCSIE)
- Non statutory guidance: Safer Recruitment Consortium guidance for safer working practice for those working with children and young people in education settings
- Non statutory guidance: What to do if you are worried a child is being abused – Advice for Practitioners

2.8 Employees can request a copy of any additional policies referred to within this policy from their line manager or school office.

3 Data Protection

3.1 When managing a concern against a member of staff or a volunteer, the school will process personal data in accordance with the Data Protection Act 2018, UK GDPR, the Trust data protection policy and other relevant legislation. Data collected from the point at which the allegation is received is held securely and accessed by and disclosed to individuals only for the purposes of managing the case.

3.2 The Data Protection Act 2018 and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children (KCSIE).

4 Procedures for Staff to report a low-level concern

4.1 It is a statutory requirement that all staff in school, where they have safeguarding concerns, no matter how small, report them in accordance with this policy and procedures.

4.2 A concern may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or

outside of the school; or as a result of vetting checks undertaken. It may arise in the context of a member of staff and their life outside work or at home.

4.3 Information sharing and the appropriate recording and handling of concerns are important to ensure potential patterns of concerning behaviour can be identified as soon as possible, and appropriate action taken swiftly in order to safeguard children.

4.4 It is **not** for staff to be able to determine in each case whether their concern is a low-level concern, if it meets the threshold for a referral or if it meets the criteria of either. All concerns, no matter how small, should be reported, without delay, to the Headteacher/Designated Safeguarding Lead.

4.5 Where there are allegations/concerns about the Headteacher, these must be referred to either:

- Chair of Academy Council and the CEO of the Trust
- Local Authority Designated Officer (LADO); or
- NSPCC Whistleblowing helpline

4.6 If the staff member who raises the concern does not wish to be named, then the school will respect that person's wishes as far as possible.

4.7 There may be circumstances where the staff member will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity can never be promised to staff who share low-level concerns. In circumstances where it becomes necessary to identify an individual, this should be discussed with the employee and explained to them as early as possible together with support available. Where possible, the school will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

4.8 On receipt of a concern, the person to whom a concern is first reported should treat the matter seriously and keep an open mind. They should:

- Make a written record of the information (where possible in the child/adult's own words), including the time, date and place of incident/s, persons present and what was said (see Appendix 1)
- Sign and date the written record
- Immediately report the matter in line with this policy

They should not:

- Investigate or ask leading questions if seeking clarification
- Make assumptions or offer alternative explanations

- Promise confidentiality, but should instead give assurance that the information will only be shared on a 'need to know' basis

4.9 In some cases, staff may have concerns about someone closely associated with a member of staff (e.g. partner, member of the family or other household member) who may present a risk of harm to children for whom that individual is responsible. In these circumstances, such concerns should be reported in accordance with this policy.

4.10 There may be occasions where a member of staff feels it is necessary to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or, on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards. There may also be situations where a member of staff feels it necessary to voluntarily share specific information for the purpose of transparency and openness. In these circumstances, such concerns should be reported in accordance with this policy.

4.11 It is recognised that staff who are concerned about the conduct of a colleague towards a child are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation. All staff must remember that the welfare of children is paramount and must report their concerns immediately. Support to those who are anxious about sharing information should be considered where appropriate, including offering assurance that any detrimental behaviour because of information being disclosed will not be tolerated.

5 Procedure for managing a low-level concern

5.1 Once a concern has been raised with the headteacher/DSL (or appropriate person where the concern relates to the headteacher), the procedures for dealing with concerns will be applied with common sense and judgement.

5.2 There may be circumstances where a concern is initially considered not to meet the harm threshold, but after further investigation may then be considered to either meet the threshold or have the potential to. In these circumstances, or if in any doubt, advice from the LADO and CEO should be taken and at any point during an investigation the process followed can be enhanced and the relevant policy dealing with allegations that meet the harm threshold should be followed.

5.3 Where it is uncertain whether a concern meets the criteria for a referral (i.e. meets the harm threshold) the matter will be discussed first with the LADO.

5.4 On first becoming aware of a concern being raised, the headteacher/DSL or delegated senior leader will:

- Obtain written details of the concerns /conduct witnessed (signed and dated by the person raising the concern)
- Record any information about times, dates and location of incident/s and names of any potential witnesses; and
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

5.5 Once this information is available it should be shared with the headteacher who should consider if it is necessary to discuss with the LADO. It may be the case, at this stage, that the matter is not serious enough to consider a referral to the LADO but **may merit consulting** with and seeking advice from the LADO in relation to appropriate next steps, and on a no-names basis if necessary.

5.6 The headteacher/DSL or delegated senior leader will then (unless advised not to by the LADO/ or other relevant external agencies) carry out an initial fact-finding process, which may include:):

- Speaking to the person who raised the concern (unless it has been raised anonymously)
- Speaking to any potential witnesses
- Speaking to the individual about whom the low-level concern has been raised

5.7 Following an investigation of the concern raised, the headteacher should 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, and on a no-names basis if necessary
- 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/other relevant external agencies, or
- with the additional information shows that the concern itself now meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies.

5.8 Consideration should be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

5.9 It is important that the headteacher/DSL (or delegated senior leader) makes appropriate records of:

- all internal conversations – including with the person who initially shared the low-level concern and all those discussions held as part of the investigation into the matter;
- all external conversations – for example, with the LADO/other external agencies;
- their determination (as above at paragraph 9.4);
- the rationale for their decision;
- any action taken/recommendations made.

6 Possible outcomes of fact-finding/investigations

6.1 Where it is determined that behaviour or conduct is entirely consistent with the school's policies, the headteacher/DSL/delegated senior leader will update the individual in question and inform them of the action taken as above.

6.2 In addition, the headteacher/DSL/delegated senior leader will speak to the person who shared the low-level concern in order to provide them with feedback about how and why the behaviour is consistent with the school's policies.

6.3 The investigation into the situation may highlight for example, that the staff code of conduct is not clear, or that training has not been satisfactory, and/or that the low-level concern process is not clear enough. In which case the headteacher may feel it necessary to consult with the Trust central team and where appropriate make recommendations for a review of certain policies/training materials.

6.4 Where it is determined that behaviour or conduct does constitute a low-level concern, appropriate action will be taken in accordance with the nature of the concern, this may include no further action or issuing management advice, guidance or training.

6.5 In most cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised. This conversation will be an opportunity to address unprofessional conduct and support the individual to correct it at an early stage.

6.6 It is important that such conversations should include being clear with the individual as to why their conduct was deemed to be of a concern, problematic or inappropriate, what change is required in their conduct, enquiring what, if any, support they might require in order to achieve and maintain that behaviour, and being clear about the consequences if they fail to reach the required standard or repeat the conduct in question. A record of the discussion should be made (via a

letter of management guidance/record of discussion), which the employee should be asked to sign and be provided with a copy. A copy of the record will be held on the employee's personal file.

6.7 Where a low-level concern raises issues of more serious misconduct or poor performance the headteacher may need to refer to the school's disciplinary and/or capability procedure. The headteacher may need to seek HR advice in line with that policy.

6.8 Where it is deemed that the conduct is not serious enough to consider a referral to the LADO, but may merit consulting with and seeking advice from the LADO then LADO advice should be sought and action should be taken in accordance with the LADO advice.

6.9 Where conduct was considered alongside any low-level concerns that have previously been raised about the same individual, which could now meet the threshold of an allegation, or where following an investigation it is determined that the concern itself now meets the threshold of an allegation it should be referred to the LADO/other relevant external agencies in line with this policy and HR advice should be sought.

7. Supply/third party agency staff and contactors

7.1 In some circumstances it may be necessary to consider a concern against an individual not directly employed by the school, where the school's policies and procedures do not fully apply; for example, supply/third party agency staff or contractors provided by an employment agency or business.

7.2 In accordance with KCSIE, the school will ensure concerns are dealt with properly and under no circumstances will a decision be made to cease using the contracted staff due to safeguarding concerns, without finding out the facts, investigating the concern and following usual procedures.

7.3 It is important that any concerns raised about agency/contracted staff are shared with their employer so that any potential patterns of inappropriate conduct can be identified.

7.4 For supply staff, it may be necessary to discuss with the supply agency (or agencies), whether it is appropriate to suspend the worker or redeploy them to another part of the school, whilst an investigation is carried out.

7.5 Where an allegation/concern is raised that may meet the threshold as outlined in section 2.2 in relation to contractors, the Headteacher/DSL will immediately contact

both the Local Authority Designated Officer (LADO) and the agency/business concerned. The school will continue to support any investigation that is required. Whilst agencies will need to be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care, the school may need to take the lead on an investigation. This is due to the fact that agencies won't have direct access to children or other school staff and may find it difficult to collate evidence as part of an investigation. The school may also be required to liaise with the LADO in relation to the referral process.

8 Timescales

8.1 It is important that concerns are shared in line with this policy as soon as reasonably possible, and within 24 hours of becoming aware of it (where the concern relates to a particular incident). However, it is never too late to share a concern where expected timescales have not been met.

8.2 It is imperative that once shared, concerns against staff are dealt with as quickly and efficiently as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress
- ensure a fair and thorough investigation for all parties

8.3 To enable this to happen, all staff, parents, and children should be aware of the procedures set out in this policy.

8.4 Whilst KCSIE provides target timescales, the time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the concern. The school will endeavour to follow the timescales set out in the guidance for such investigations, as long as it is consistent with a fair and thorough investigation. However, it is acknowledged that allegations of a serious and complex nature are unlikely to be resolved quickly.

8.5 Should it be considered necessary that a concern requires immediate attention, but is received outside normal school hours, the individual receiving the concern should determine whether it meets the harm threshold and, if so, immediately consult Children's Social Care Emergency Duty Team or local police and inform the LADO at the first opportunity. If the concern is assessed as low-level, the guidance in this policy should be followed.

9 Recording a low-level concern

9.1 All low-level concerns will be recorded in writing. The record will include details of the concern, the context in which the concern arose, and the action taken. The

name of the individual sharing their concerns will also be noted, if the individual wishes to remain anonymous, then that should be respected as far as reasonably possible.

9.2 Records relating to low-level concerns will be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) (see KCSIE for more information).

9.3 Records will be reviewed so that potential patterns of concerning, problematic or inappropriate conduct can be identified. Where a pattern of such conduct is identified, the school will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harm threshold, in which case it will be referred to the LADO and further advice will be taken.

9.4 The record will be retained throughout the duration of employment and for a period of 6 years after employment ends. A form which could be used for the purpose of recording this information is attached as Appendix 2.

10 References

10.1 This policy is clear that only substantiated safeguarding allegations that have met the harm threshold as outlined in paragraph 2.2 will be provided in references. Other concerns including low-level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. A low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

10.2 Where a low-level concern (or number of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will be referred to in a reference, provided that the information is factual and does not include opinions.

Appendix 1: **Staff conduct cause for concern form**

Insert school logo here

Concern in relation to: (print name of member of staff)		
Name of person completing form (print):		
Time of concern:	**Date of concern:**	**Place of concern:**
Concern:		
Detailed Account: Please give me a bullet point list. Do not interpret what is seen or heard; simply record the facts. After completing the form, pass it immediately to the Headteacher/Designated Safeguarding Lead.		

Details of any potential witnesses/other parties present	
Signature:	Date:

Please provide a copy to the Headteacher or the Designated Safeguarding Lead

Appendix 2 **Record of action Low-level concern in relation to staff conduct**

Name of Staff/Worker:	
Job Title:	
School/college:	
Date of incident/concern:	
Initial concern reported to:	

Summary of concern(s):
Record details of concern raised including dates, times, location of incident/s, names of any potential witnesses (any written statements submitted/obtained should be signed, dated and attached)

Local Authority Designated Officer Discussion (if applicable)			
Contact made by:		**Date:**	
Outcome of Discussion:	**Meets the harm threshold** **YES** ☐ **NO** ☐ **Referral to LADO required** **YES** ☐ **NO** ☐ **(mandatory where harm threshold potentially met)** **Allegation Management Meeting** **YES** ☐ **NO** ☐		

Action Points from LADO Call (if applicable)		
What	**Who**	**When**
1.		
2.		
3.		

Action Taken		
Record any actions taken, any further investigations carried out, decisions made, and the reasons for those actions and decisions (any additional evidence considered, notes of meetings, witness statements, CCTV footage should be attached)		
Date internal investigation concluded:		
Recommendation from investigation:	**Behaviours consistent with policy - NFA** ☐ **Recorded as low-level concern – informal action** ☐ **Recorded as low-level concern – formal action** ☐ **Discussion with LADO required;** **- Due to outcome of investigation** ☐ **- Due to frequency of concerns** ☐	
Date of informal action:		
Date and outcome of formal action:		
Whether information will be referred to on any future reference:		
Additional information		
Record any further actions required including monitoring and scheduled review meetings		
Important Information		
This form should be completed in all cases where a low-level concern has been raised against a member of staff. A copy of this form should then be kept in the Schools Low-level Concern Folder, on the employee's personal file and a copy provided to the employee. **Where allegations are found to have been malicious this form will be removed from personal records.**		
Signed by Headteacher:		

Employee Signature:	
Date:	

Appendix 3

Managing low-level concerns about staff conduct

1a. Concern shared with: Headteacher (HT) Designated Safeguarding Lead (DSL) If the concern is received by another staff member, they should immediately inform HT or DSL	**1b. If the concern is about the HT,** information should be directed to either: ➢ Chair of Governors/Trustees/HR Lead ➢ Local Authority Designated Officer (LADO) ➢ NSPCC Whistleblowing helpline
↓	
2. HT decision (within 24 hours where possible): a. Contact LADO (if harm threshold may be met) b. No action c. Proceed with school action	**6a. Internal management** HT determines any additional actions: e.g. Revise Code of conduct/policy/provide training
↓	↓
3. School Action The HT defines area(s) of concern and interviewees and starts to investigate (or appoints the DSL/nominated deputy). This will include: ● Interviewing and take statements from all parties concerned: person reporting concern, child(ren), other adult(s) including potential witnesses and parents ● Check corroborative evidence Written details (report) will be presented to HT. These will include: ● Times/dates/locations/potential witnesses ● Discussion about concerns ● Evidence ● Decisions made and reasons	**6b. Internal management** HT relays management strategy to individual being investigated. (HT can refer to previous concerns and determine if new information warrants progression to disciplinary/capability): a. Concerns not substantiated – no further action b. Share concerns and changes required (warning/training) c. If issues of poor performance or misconduct evident, HT may refer to disciplinary/capability procedure d. Offer support (a, b and c) A record of discussion is made (letter of management guidance/record of discussion). Employee receives a signed copy and copy on personal file ↓
↓	
4. HT reviews report	**7. Feedback** HT/DSL/nominated deputy speaks with all other parties to inform of conclusion of process and share outcome. Support offered for parties involved
	↓
↓	**8. HT monitors as required.**

5. HT determines outcome: ● If evidence indicates concern meets harm threshold, HT contacts LADO (no further investigation until LADO advice received) ● Consult with LADO for advice (not serious enough for referral) ● Manage internally	**It is important for HT/DSL/nominated deputy to record all internal and external conversations, decisions, rationale, actions and recommendations.** **(see Appendix 2)**