



Evergreen Education and Therapy Low Level Concerns Policy

Low Level Concerns about Staff Policy Policy Adopted:	October 2023 Author: R Peacock Head of Therapeutic Services
Interim review:	April 2024
Last review:	August 2025
Review Date:	August 2026

Introduction

Evergreen Education and Therapy (EEaT) aims to create an open and transparent culture where all concerns about all adults involved with our company are dealt with promptly and appropriately. We aim to identify any concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of our company are clear about professional boundaries and act within these boundaries, and in accordance with our Company ethos.

This policy should be read alongside our Safeguarding and Child Protection, Allegations against Staff Policy and Staff Code of Conduct Policies; and Keeping Children Safe in Education (KCSIE) 2025.

We acknowledge that having completed a comprehensive Vetting and Barring Check confirms that an individual has not been discovered to present a risk to children; it is not predictive about potential risk. Research shows that the majority of organisational child sex offenders did not have a previous criminal record at the time they offended, although they may subsequently be found to have had numerous previous victims. We must therefore continue to have an ongoing culture of vigilance and maintain a mind-set of 'it could happen here'. This is specifically pertinent in light of 'Transferable Risk highlighted in KCSIE documents – where behaviours outside of the work place may have undesirable and risky repercussions in the work place. If this is so this would no longer be a low level concern.

All new staff will receive a copy of this policy.

Summary

It may be possible that a member of staff acts in a way that does not cause risk to children but their conduct is however inappropriate. A member of staff who has a concern about another member of staff, freelance, supply staff, volunteer, contractor who, on reflection, recognises that their actions could have been viewed as a risk should inform the Designated Safeguarding Lead about their concern using the Low-Level Record of Concern Form. If the Designated Safeguarding Lead cannot be contacted, The Deputy Lead should be contacted. This concerning behaviour could be in work, on line or outside of work.

Data Protection and Confidentiality



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Evergreen Education and Therapy will always respect the personal data of staff (and others, where they may be identifiable) in implementing the Low-Level Concerns Policy and in keeping records of low-level concerns secure.

In each report being considered, in order to support the safeguarding concern and, to ensure the information is accurate, fair, and as far as possible recorded without bias in neutral terms, a proportionate approach must be taken when considering what personal data is necessary to share and record by way of low-level concern(s).

If a member of staff who raises a low-level concern does not wish to be named, then their wishes will be respected as far as possible. However, staff should be aware that in certain circumstances this anonymity may need to be waived.

All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained under the Low-Level Concerns Policy as it relates to them personally and to make any reasonable objection as to the fairness or accuracy of that content. The Company will process such requests within the period prescribed by law, subject always to any necessary protection of the rights of third parties and unless any other relevant exemptions apply (including if complying with the request would be likely to prejudice the safeguarding purpose of the Low-Level Concerns Policy). If the content of a low-level concern is disputed, it may not be appropriate to delete or alter the original record, but a note may be recorded alongside reflecting the staff member's alternative account or objection(s). All personal data processed in connection with the Low-Level Concerns Policy will be processed in accordance with the Company's privacy policies

Should staff who share low-level concerns be able to remain anonymous?

Staff are encouraged to consent to be named when sharing low-level concerns, as this will help to create a culture of openness and transparency. If the staff member who raises a low-level concern does not wish to be named, that person's wishes will be respected as far as possible. However, there may be circumstances where the staff member will need to be named (for example, where disclosure is required by a court or local authority, or under a fair disciplinary process) and, for this reason, EEaT will not promise anonymity to members of staff who share low-level concerns.

Should staff share concerns about themselves (i.e., self-report)?

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 Company's Staff Code of Conduct. Self-reporting in these circumstances can be positive for a number of reasons, and staff are encouraged to self-report on the basis that,

- 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 member of staff'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.



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EEaT's aim is to create an environment where staff are encouraged and feel confident to self-refer.

What is a low-level concern (LLC)?

The term 'low-level' concern does not mean that it is insignificant. 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 Company may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work and (transferrable risk)
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO (Allegations against Staff Policy).

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.

Low-level concerns may arise in several ways and from a number of sources. For example: suspicion, complaint, or disclosure made by a child, parent/carer, or other adult within or outside of the organisation, or as a result of vetting checks undertaken.

It is crucial that all low-level concerns are shared responsibly 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 the company from becoming the subject of potential false low-level concerns or misunderstandings.

Clarity around Allegation vs Low Level Concern vs Appropriate Conduct

Allegation:

Any adult linked to our Company who has,

- 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
- Multiple occasions of low level recorded.

Low Level Concern:

Any adult linked to our Company who has behaved in a way that,

- is inconsistent with the staff code of conduct, including inappropriate conduct

Appropriate:

- Behaviour which is entirely consistent with our Company's Code of Conduct, and the Law.



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How should low-level concerns be shared and recorded?

The concern will be shared with DSL/DDSL in writing using the attached Form. All low-level concerns will be recorded by the DSL/DDSL and kept securely in accordance with Data protection policy

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 by the DSL, so that any potential patterns of inappropriate behaviour can be identified.

DSL/DDSL will be the ultimate decision maker in respect of all low-level concerns.

Storing and use of Low-Level Concerns (LLC) and follow up information

LLC forms and follow-up information will be stored securely within the company's safeguarding systems, with access only by the DSL/DDSL. This will be stored in accordance with the Company's GDPR and data protection policies. The staff member(s) reporting the concern must keep the information confidential and not share the concern with others.

Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures. Whenever staff leave any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept.

Consideration will be given to:

- whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or
- if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

How we will response to a Low-Level Concern

Once the DSL/DDSL has received the low-level concern, we will – not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared:

- speak to the person who raised the low-level concern (unless it has been raised anonymously).
- speak to any potential witnesses
- speak to the individual about whom the low-level concern has been raised
- if the DSL/DDSL is in any doubt, they will seek advice from the LADO
- review the information and determine whether the behaviour in question is, entirely consistent with the 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



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- when considered with any other low-level concerns previously raised about the same person, could now meet the threshold of an allegation, and should be referred to the LADO
- ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for the decision and any actions taken and retain records in accordance with the Low-Level Concerns Policy
- consider whether the concern also potentially raises misconduct or capability issues – taking advice from Company’s Legal Services on a named or no-names basis where necessary.

What action will be taken if it is determined that the behaviour constitutes a low-level concern?

The DLS/DDSL will respond 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. Any investigation of low-level concerns will be done discreetly and, on a need -to-know basis.

Most low-level concerns may be innocuous. 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. This will often involve informing the member of staff’s line manager, who may in some instances provide ongoing guidance or training. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

- any such conversation with individuals in these circumstances will include being clear with them as to 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 change
- 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. Therefore, disciplinary or capability procedure may be triggered.

How should low-level concerns be held?

In secure HR file on the Proton Drive. Accessible only by the Directors.

How often should the central low-level concerns file be reviewed?

The files will be reviewed 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. A record of these reviews will be made.



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Where a pattern of behaviour is identified in respect of a specific individual, the will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether additional training or a review of any of its policies to reduce the risk of it happening again.

How long should records of a low-level concern be kept?

Low-level concerns will be retained securely for as long as deemed relevant and necessary for a safeguarding In most cases, once a staff member leaves, any low-level concerns which are held relating to them:

- will be retained until the individual leaves and as required by law
- will not be included in any onward reference, except as set out below
- Low-level concerns will be retained on the Company's central low-level concerns file securely
- and applying appropriate access restrictions unless and until further guidance provides otherwise.

References

Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated, it will be referred to in a reference.

Low-level concerns 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. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

Form :See below

This record will be stored securely in Safeguarding File. Where multiple low-level concerns have been shared regarding the same individual these should be kept in chronological order as a running record, and with a timeline alongside. These records should be kept confidential and held securely, with access afforded only to a limited number of individuals such as the DSL/DDSL.

10.Useful Contacts:

If a child is at risk of immediate harm do not delay: ring 999

Bournemouth, Christchurch & Poole – Children's First Response Hub:	01202 123334 childrensfirstresponse@bcpcouncil.gov.uk 01202 738256 childrensOOHS@bcpcouncil.gov.uk
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<p>Bournemouth, Christchurch & Poole Out of Hours Service:</p> <p>BCP LADO – allegations against staff</p>	<p>Telephone: 01202 817600 Email: LADO@bcpcouncil.gov.uk</p>
<p>Dorset - Children's Advice and Duty Service (ChAD) Professionals Number: This is a professionals-only number to discuss your concerns,</p> <p>Dorset Out of Hours Service:</p> <p>Dorset LADO</p> <p>Dorset Families and Members of the public</p>	<p>01305 228558</p> <p>01305 228558</p> <p>01305 221122 or LADO@dorsetcouncil.gov.uk</p> <p>01202 228866</p>
<p>Somerset: Children's Social Care</p> <p>Somerset Emergency Duty Team (EDT) on</p> <p>If you are the Designated Safeguarding Lead for your organisation, you can get advice and guidance from:</p> <p>Local Authority Designated Officer (LADO)</p>	<p>0300 123 2224 childrens@somerset.gov.uk.</p> <p>0300 123 23 27.</p> <p>Children's Social Care consultation line 0300 123 3078 (9:00am - 4:00pm)</p> <p>0300 123 2224 Email: SDinputters@somerset.gov.uk</p>
<p>Wiltshire:</p> <p>Multi-Agency Safeguarding Hub (MASH), standard working hours:</p> <ul style="list-style-type: none"> • Monday to Thursday from 8.45am to 5pm • Friday from 8.45am to 4pm <p>- Out of hours service:</p>	<p>0300 456 0108</p>



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<ul style="list-style-type: none"> Monday to Thursday 5pm to midnight, Friday 4pm to midnight weekends and Bank Holidays from 9am - midnight phones are diverted to the Social Work Standby Service from midnight to 9am (7 days a week) <p>Contact Details for the LADO Service</p>	<p>0300 456 0100</p> <p>Email LADO@wiltshire.gov.uk</p> <p>Phone: 0300 456 0108 (Option 6)</p>
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Low Level Concerns Form

<p>1. Name of individual raising the concern</p> <p><i>Leave blank if concern was raised anonymously or the individual wishes to remain anonymous</i></p>	
<p>2. Date the concern was raised</p>	
<p>3. Name and role of individual about whom concern has been raised</p>	
<p>4. Details of the concern(s) reported (give description and context)</p> <p><i>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 the staff code of conduct but does not meet the allegations threshold set out in Section 1 of Part 4 Keeping Children Safe in Education.</i></p>	
<p>5. DSL/DDSL to Complete. Details of steps have been</p>	



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<p>taken to investigate this concern</p> <p><i>Steps should include speaking to the individual who raised the concern, the individual about whom the concern is raised and any witnesses. You will need to review the Code of Conduct and safeguarding policies, including Allegations of Abuse Against Staff, to determine if there has been a breach.</i></p>	
<p>6. Set out the Individual's response to the concern</p>	
<p>7. Is this concern 'low level' or should it be treated as an allegation against staff</p> <p><i>To reach this decision, consider the information set out in 5 and 6 above. If you are unsure, seek advice from LADO and inform HR. Set out your reasons for reaching your conclusion, including the advice provided by your advisors and any discussions with your LADO.</i></p>	
<p>8. Have 'low level' or other concerns been raised about this individual previously?</p> <p><i>If so, please provides dates, brief details, and relevant file/document reference for the concern(s). Also consider whether previous concern(s) raised coupled with this new concern meet the threshold of harm</i></p>	<p>Yes [] No []</p>
<p>Details of further action required</p> <p><i>Action could range from no action or a conversation to discuss the concern, to being clear why the behaviour is concerning and formal disciplinary action.</i></p>	



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Completed by: <i>Low level concerns must be dealt with by the DSL/DDSL</i>	Name	
	Position	
Date:		
Signature:		