Low level concerns and allegations of serious harm or abuse against staff, volunteers or agency staff

Concerns may come from a parent, child, colleague or member of the public. Allegations or concerns must be referred to the designated person without delay - even if the person making the allegation later withdraws it.

What is a low-level concern?

The NSPCC defines a low-level concern as *'any concern that an adult has acted in a way that:*

- *is inconsistent with the staff code of conduct, including inappropriate conduct outside of work*
- *doesn't meet the threshold of harm or is not considered serious enough to refer to the local authority.*

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*

Examples of such behaviour could include:

- *being over friendly with children*
- *having favourites*
- *adults 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*
- *using inappropriate sexualised, intimidating or offensive language'*

(NSPCC Responding to low-level concerns about adults working in education)

Responding to low-level concerns

Any low-level concerns about the conduct of staff, students or volunteers must be shared with the DSL/DDSL and recorded on a Low level concerns form. The DSL/DDSL should be informed of all low-level concerns and make the final decision on how to respond. Where appropriate this can be done in consultation with the Pre-school Committee Chair.

Reporting low-level concerns about the conduct of a colleague, student or volunteer contributes towards a safeguarding culture of openness and trust. It helps ensure that practitioners consistently model the setting's values and helps keep children safe. It protects practitioners working in the setting from potential false allegations or misunderstandings.

If it is not clear that a low-level concern meets the local authority threshold, the desi should contact the DSL/DDSL should contact the DOfA for clarification.

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In most instances, low-level concerns about practitioners conduct can be addressed through supervision, training, or disciplinary processes where an internal investigation may take place.

Identifying

An allegation against a practitioner, volunteer or agency staff constitutes serious harm or abuse if they:

- behaved in a way that has harmed, or may have harmed a child
- possibly committed a criminal offence against, or related to, a child
- behaved towards a child in a way that indicates they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

Informing

- All practitioners report allegations to the DSL/DDSL.
- The designated person alerts the designated officer. If the designated officer is unavailable the designated person contacts their equivalent until they get a response- which should be within 3-4 hours of the event. Together they should form a view about what immediate actions are taken to ensure the safety of the children and staff in the setting, and what is acceptable in terms of fact-finding.
- It is essential that no investigation occurs until and unless the DOfA has expressly given consent for this to occur, however, the person responding to the allegation does need to understand what explicitly is being alleged.
- The DSL/DDSL must take steps to ensure the immediate safety of children, parents, and practitioners on that day within the setting.
- The Designated Officer for Allegations (DOfA) is contacted as soon as possible and within one working day. If the DOfA is on leave or cannot be contacted the DOfA team manager is contacted and/or advice sought from the point of entry safeguarding team/mash/point of contact, according to local arrangements.
- A child protection referral is made by the DSL/DDSL if required. The DOfA, line managers and local safeguarding children's services can advise on whether a child protection referral is required.
- The DSL/DDSL asks for clarification from the DOfA on the following areas:
    - what actions the DSL/DDSL must take next and when and how the parents of the child are informed of the allegation
    - whether or not the DoFA thinks a criminal offence may have occurred and whether the police should be informed and if so who will inform them
    - whether the DOfA is happy for the setting to pursue an internal investigation without input from the DOfA, or how the DOfA wants to proceed

- whether the DOfA thinks the person concerned should be suspended, and whether they have any other suggestions about the actions the designated person has taken to ensure the safety of the children and practitioners attending the setting

- The DSL/DDSL records details of discussions and liaison with the DOfA including dates, type of contact, advice given, actions agreed and updates on the child's case file.
- Parents are not normally informed until discussion with the DOfA has taken place, however in some circumstances the DSL/DDSL may need to advise parents of an incident involving their child straight away, for example if the child has been injured and requires medical treatment.
- Practitioners do not investigate the matter unless the DOfA has specifically advised them to investigate internally. Guidance should also be sought from the DOfA regarding whether or not suspension should be considered. The person dealing with the allegation must take steps to ensure that the immediate safety of children, parents and practitioners is assured. It may be that in the short-term measures other than suspension, such as requiring a practitioner member to be office based for a day, or ensuring they do not work unsupervised, can be employed until contact is made with the DOfA and advice given.
- The DSL/DDSL ensures practitioners fill in a Safeguarding concern form.
- If after discussion with the DSL, the DOfA decides that the allegation is not obviously false, and there is cause to suspect that the child/ren is suffering or likely to suffer significant harm, then the DOfA will normally refer the allegation to children's social care.
- If notification to Ofsted is required the DSL/DDSL will inform Ofsted as soon as possible, but no later than 14 days after the event has occurred. The DSL/DDSL will liaise with the designated officer about notifying Ofsted.
- The DSL/DDSL ensures that the safeguarding concern form is completed.
- Avenues such as performance management or coaching and supervision of practitioners will also be used instead of disciplinary procedures where these are appropriate and proportionate. If an allegation is ultimately upheld the DOfA may also offer a view about what would be a proportionate response in relation to the accused person.
- The DSL/DDSL must consider revising or writing a new risk assessment where appropriate, for example if the incident related to an instance where a practitioner has physically intervened to ensure a child's safety, or if an incident relates to a difficulty with the environment such as where parents and practitioners are coming and going and doors are left open.
- All allegations are investigated even if the person involved resigns or ceases to be a volunteer.

Allegations against the designated person

- If a practitioner has concerns that the DSL/DDSL has behaved in a way that indicates they are not suitable to work with children as listed above, this is reported to the designated officer who will investigate further.

- During the investigation, the Pre-school Committee Chair will identify another suitably experienced person to take on the DSL/DDSL.
- If an allegation is made against the DSL/DDSL, then the Pre-school Committee Chair is informed.

Recording

- A record is made of an allegation/concern, along with supporting information, using Low level concerns form**.** This is then entered on the file of the child, and the Child welfare and protection summary is completed and placed in the front of the child's file.
- If the allegation refers to more than one child, this is recorded in each child's file
- If relevant, a child protection referral is made, with details held on the child's file.

Disclosure and Barring Service

- If a practitioner is dismissed because of a proven or strong likelihood of child abuse, inappropriate behaviour towards a child**,** or other behaviour that may indicate they are unsuitable to work with children such as drug or alcohol abuse, or other concerns raised during supervision when the practitioner suitability checks are done, a referral to the Disclosure and Barring Service is made.

Escalating concerns

- If a practitioner believes at any time that children may be in danger due to the actions or otherwise of a member of the practitioner team or volunteer, they must discuss their concerns immediately with the DSL/DDSL.
- If after discussions with the DSL/DDSL**,** they still believe that appropriate action to protect children has not been taken they must speak to the Pre-school Committee Chair.
- If there are still concerns, then the whistle blowing procedure must be followed.