

This policy should be read in conjunction with the YDA safeguarding policies, these include:

- Policy on Keeping Children Safe at YDA
- Safer recruiting policy
- Behaviour Policy
- Equality and Diversity
- Anti-Bullying policy
- First aid policy
- Mental health policy
- Keeping Safe Online policy
- Whistle blowing and managing allegations

Every student has the right to be safe and protected. At YDA our staff are recruited after undergoing vigorous recruitment procedures and training. As such at YDA we create a secure, nurturing place where students are safe to mature; this is underpinned by comprehensive policies and rigorous governance. We work in partnership with the student, their family and any agencies who need to be involved. We endeavour to achieve the best outcome for every student, knowing and understanding them and their needs. We are dedicated in supporting students resilience in the demands of adult life and the careers that they may chose.

**This policy aims to:**

- Ensure that staff are clear about and confident to distinguish expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others, and the delineation of professional boundaries and reporting lines
- Empower staff to share any low-level concerns with the Safeguarding Lead, and to help all staff to interpret the sharing of such concerns as a neutral act
- Address unprofessional behaviour and help the individual to correct such behaviour at an early stage
- Identify concerning, problematic or inappropriate behaviour, including any patterns, that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the LADO
- Provide for responsive, sensitive, and proportionate handling of such concerns when they are raised; and
- Help identify any weaknesses in our safeguarding systems

**An Allegation**

The term allegation means that it is alleged that a person who works with children 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 they 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

Where the threshold of an allegation is met, there is specific guidance on how organisations should respond: Working Together to Safeguard Children (July 2018) states that “...Any allegation against people who work with children should be reported immediately to a senior manager within the organisation.” The LADO should also be informed within one working day of all allegations. Keeping Children Safe in Education (September 2021) (KCSIE) states that “If staff have safeguarding concerns, or an allegation is made about another member of staff (including volunteers) posing a risk of harm to children, then:

- this should be referred to the DSL or Directors of the school;
- where there are concerns/allegations about the DSL or Directors of the school this should be referred to the chair of trustees and safeguarding lead for the trustees.

### **Low- Level Concern**

A low-level concern is any concern about an adult’s behaviour towards a child that does not meet the allegation threshold or is not otherwise serious enough to consider a referral to the LADO. A low-level concern is any concern- no matter how small, and even if no more than a nagging doubt- that an adult may have acted in a matter which:

- Is not consistent with the School’s Code of Professional 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 Staff do not need to be able to determine in each case whether their concern is a low level concern or if it is in fact serious enough to consider a referral to the LADO or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern that determination will be made by the SMT or if a member of the SMT is involved by the trustee responsible for safeguarding.

### **Who should staff share low-level concerns with?**

Staff should share their concerns with the Directors of the school, or if they are involved then with the DSL. In the case that the concern involves all the SMT then the member of staff should contact the chair of trustees, Kelly Richardson @ [chairtothetrustees@youngdancersacademy.com](mailto:chairtothetrustees@youngdancersacademy.com)

### **Self-reporting by staff**

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 Code of Professional Conduct. Self-reporting in these circumstances can be positive for a number of reasons:

- 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 individual’s own actions or how they could be perceived
- It is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour

### **Sharing and Recording Concerns**

There are two ways that a low-level concern may be shared with the Director/s:

- 1) Speaking directly to the Director/s – Where the low-level concern is provided verbally, the Safeguarding Lead will make an appropriate record of the conversation, either contemporaneously or immediately following the discussion
- 2) Email the Director/s - the email should include appropriate details The Director/s must demonstrate sound professional judgement in determining what information is necessary to record for safeguarding purposes. The

name of the individual sharing the low-level concern, and their role, should be stated, as should the name of the individual about whom the concern is being raised, and their role within the organisation at the time the concern is raised. If the latter individual has an opposing factual view of the incident, this should be fairly recorded alongside the concern. The record should include brief context in which the low-level concern arose, and concise details (which are chronological and as precise and accurate as possible) of any such concern and relevant incident(s). This record may be held in MyConcern.

### **Response from the Director/s**

Once the Director/s has received the low-level concern and has shared this concern with the DSL where appropriate, they should either personally or by delegation through the DSL:

- 1) Speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary has already been provided
- 2) Review the information and determine whether the behaviour:
  - a) Is entirely consistent with YDA Code of Conduct and the law
  - b) Constitutes a low-level concern
  - c) Is serious enough to consider a referral to the LADO,
  - d) When considered with any other low-level concerns that have previously been raised about the same individual, should be reclassified as an allegation, and referred to the LADO/other relevant external agencies
- 3) Where the Director/s is in any doubt whatsoever, they will seek advice from the LADO – on a no-names basis if necessary
- 4) Speak to the individual about whom the low-level concern has been raised unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted
- 5) Make appropriate records of:
  - a) All internal conversations – including with the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses
  - b) All external conversations – for example, with the LADO/other external agencies
  - c) Their determination
  - d) The rationale for their decision

### **The Director's approach should also be informed by the following:**

If it is decided that the low-level concern in fact amounts to behaviour which is entirely consistent with YDA's Code of Professional Conduct and the law:

- 1) It will still be important for the Director/s to inform the individual in question what was shared about their behaviour, and to give them an opportunity to respond
- 2) In addition, the DSL should speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with Elmhurst's Code of Professional Conduct and the law
- 3) Such a situation may indicate that:
  - a. The Code of Professional Conduct is not clear
  - b. The briefing and/or training has not been satisfactory

c. If the same or a similar low-level concern is subsequently shared by the same or different individual, and the behaviour in question is also consistent with the Code of Professional Conduct, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived, if not about the behaviour itself.

If it is decided that the current concern is low-level:

1) it should also be responded to 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 should be done discreetly and, on a need,-to-know basis

2) Most low-level concerns, by their very nature, are likely to be minor. 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

3) 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 should: a. Identify why their behaviour is concerning, problematic or inappropriate

b. Explain what change is required in their behaviour

c. Enquiring what, if any, support they might need in order to achieve and maintain that required alteration.

D. Describe the consequences if they fail to reach the required standard or repeat the behaviour in question

e. Consider whether ongoing and transparent monitoring of the individual's behaviour may be appropriate

f. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate.

4) Any such meeting will be followed up in writing to ensure that there is no misunderstanding

Some low-level concerns may also raise issues of misconduct or poor performance. The Director/s should consider whether this is the case, considering any advice from the LADO. Any such referral should be made by the Director/s having received the low-level concern and not by individual staff members. Equally, it is essential that there is close liaison and appropriate information sharing between the Director/s and where appropriate the DSL, so that an holistic view of the individual can be taken. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for Directors and if necessary, the board of trustees. Some concerns may trigger YDA's disciplinary, grievance or whistleblowing procedures, which should be followed where appropriate. If there is any doubt regarding this we will seek advice from other external agencies including the LADO. When a report of a concern is considered with any other low-level concerns that have been shared about the same individual, the case may be reclassified as an allegation. The allegation will be dealt with in accordance with Elmhurst's Safeguarding Policy and separate, Managing Allegations Against Staff Procedure, and Part 4 of KCSIE.

### **Low-level Concerns' Records**

All low-level concerns will be recorded on the School's MyConcern system, including those which are subsequently deemed by the DSL to relate to behaviour which is entirely consistent with the Code of Professional Conduct. This system allows for a chronology and for records to be kept confidential and held securely, with access afforded only to a very limited number of individuals. Some low-level concerns may also involve issues of misconduct or poor performance, or they may trigger the School's disciplinary, grievance or whistleblowing procedures. Where these issues would ordinarily require records to be made and retained on the staff member's personnel file, this will be done in the normal way, in addition to the records of the low-level concern(s) being retained in a central low-level concerns file. If a low-level concern in and of itself is deemed to be serious enough to consider a referral to the LADO and, a referral is made to them, then records relating to the low-level concern should be placed and retained on the staff member's personnel file. If a low-level concern (or group of concerns) is reclassified as an allegation, all previous records of low-level concerns relating to the same individual will be

moved from the central low-level concerns file to the staff member's personnel file, and retained in accordance with Part 4 of KCSIE. All low-level safeguarding concerns will be reviewed by the SMT half termly.

Policy written by	Kerry Williams – Executive Director
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