

Low-Level Concerns Policy and Procedure

Purpose

EDG Nursery is committed to maintaining a culture in which the safety, welfare and wellbeing of children are everyone's responsibility.

Safeguarding concerns about adults do not always begin with a serious allegation. Sometimes the behaviour of a member of staff, student, volunteer, agency worker, contractor or other adult may cause discomfort, appear inconsistent with expected professional standards or raise concerns about professional boundaries.

A concern that appears relatively minor when considered in isolation may become more significant when considered alongside other information or repeated patterns of behaviour.

EDG Nursery therefore promotes an open safeguarding culture in which staff are encouraged to **share concerns early rather than waiting for behaviour to become more serious.**

The purpose of this policy is to:

- identify concerning behaviour at the earliest opportunity
- promote appropriate professional boundaries
- provide staff with a clear process for reporting concerns
- ensure concerns about adults are appropriately recorded
- identify patterns of concerning behaviour
- provide appropriate support, guidance and challenge
- distinguish low-level concerns from allegations that require escalation
- ensure concerns meeting the appropriate threshold are referred to the Southwark Local Authority Designated Officer (LADO)
- protect children from potential harm.

This policy forms part of EDG Nursery's wider safeguarding arrangements.

Legislative and Local Safeguarding Framework

This policy should be implemented in accordance with:

- the Early Years Foundation Stage (EYFS) statutory framework
- Working Together to Safeguard Children
- Southwark Safeguarding Children Partnership procedures
- London Safeguarding Children Procedures
- EDG Nursery's Safeguarding and Child Protection Policy
- EDG Nursery's Staff Code of Conduct.

Southwark Safeguarding Children Partnership states that everyone working with children should know and follow national guidance and their own organisation's child protection procedures. Southwark follows the London Safeguarding Children Procedures for detailed local safeguarding practice.

What Is a Low-Level Concern?

A low-level concern is any concern about an adult working or volunteering with children that appears inconsistent with:

- EDG Nursery's Staff Code of Conduct
- expected professional behaviour
- professional boundaries
- nursery policies and procedures
- the safeguarding culture expected within EDG Nursery,

but which, following initial consideration, does not appear to meet the threshold for an allegation requiring referral to the LADO.

Low-level does not mean insignificant.

The term describes the apparent level of the behaviour at the point it is identified. All concerns about adult behaviour must still be taken seriously, appropriately considered and recorded.

Staff are **not responsible for determining the safeguarding threshold themselves before reporting something.**

If something causes concern, it should be reported. Safeguarding expectations apply regardless of an individual's position or seniority.

Recognising Low-Level Concerns

A low-level concern may arise from something:

- witnessed directly
- reported by another member of staff
- reported by a parent
- reported by a child
- identified through CCTV where applicable
- discovered through records or documentation
- disclosed by the member of staff themselves
- identified through supervision or management monitoring.

Staff should maintain professional curiosity.

A concern should not be dismissed simply because there is an innocent explanation available. Equally, the existence of a concern does not automatically mean misconduct has occurred.

The responsibility of the member of staff is to **report what they have seen, heard or become concerned about** so that the appropriate person can assess it.

Examples of Low-Level Concerns

Examples may include an adult:

- being over-friendly with a child
- showing favouritism towards particular children
- using inappropriate language around children
- using inappropriate humour
- speaking unnecessarily harshly to a child
- humiliating, intimidating or belittling a child
- shouting where this is not necessary to prevent immediate danger

- handling a child more roughly than reasonably necessary
- unnecessarily restricting a child's movement
- using inappropriate physical contact
- kissing children or encouraging children to kiss members of staff
- allowing children to remain sitting on their lap for unnecessarily extended periods without a clear care, comfort or developmental reason
- routinely positioning children between an adult's legs when sitting or playing
- routinely allowing children to sit facing directly towards an adult on their lap with their bodies pressed closely together
- initiating unnecessarily intimate physical contact
- continuing physical affection where a child verbally or non-verbally indicates that they do not want it
- developing patterns of physical closeness with particular children that could reasonably raise concerns regarding professional boundaries or favouritism
- repeatedly failing to respect children's dignity or privacy
- failing to follow intimate or personal care procedures
- entering intimate care areas with unauthorised electronic devices
- using personal mobile phones, smart watches, smart glasses or other prohibited devices contrary to nursery policy
- taking unauthorised photographs or recordings
- communicating inappropriately with parents through personal communication channels
- developing inappropriate professional boundaries with parents or families
- discussing confidential nursery matters inappropriately
- sharing confidential information
- treating children differently without legitimate reason
- making discriminatory or inappropriate comments
- repeatedly placing themselves in unnecessarily isolated situations with children
- failing to maintain appropriate supervision
- failing to follow safeguarding procedures
- encouraging a child to keep an inappropriate secret
- failing to report something that should reasonably have been reported
- behaving in a way that causes another member of staff to feel uncomfortable about their interactions with a child.

This list is **not exhaustive**.

Staff should report behaviour that appears inconsistent with EDG Nursery's professional expectations even where the precise behaviour is not listed within this policy.

Professional Conduct and Boundaries

Low-level concerns may arise across many areas of professional practice, including:

- physical contact
- intimate and personal care
- communication and language
- supervision
- relationships with parents and families
- social media and electronic communication
- mobile phones and digital technology
- confidentiality
- gifts and preferential treatment
- babysitting and private childcare arrangements
- staff relationships
- conduct in front of children.

Detailed expectations are contained within the relevant EDG Nursery policies and procedures and should not be replaced by this policy.

Staff must refer to the relevant policy where further guidance is required.

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Intimate Care

Staff must follow EDG Nursery's **Personal Care and Nappy Changing Policy**.

Any concern about behaviour during:

- nappy changing
- toileting
- changing clothing
- supporting children with personal hygiene
- other intimate care routines

should be reported.

Personal mobile phones, smart watches, smart glasses, AI glasses or other personal recording technology must never be used during intimate care.

Nursery tablets must not be taken into or used within bathrooms or changing areas during children's personal care routines.

Self-Reporting

EDG Nursery encourages professional openness.

Staff should report incidents involving their own practice where:

- something they did could reasonably have been misinterpreted
- they made an error of judgement
- they inadvertently breached a professional boundary
- they failed to follow a procedure correctly
- an interaction with a child did not go as intended.

Self-reporting does **not automatically mean disciplinary action will be taken**.

It enables management to understand what happens, implications and provide appropriate support or guidance.

Reporting a Low-Level Concern

Concerns should be reported **as soon as possible and preferably on the same working day.**

Concerns should normally be reported to:

Nursery Manager / DSL
Shazel McFarlane

or, where appropriate/in her absence:

Deputy DSL
Guzal Juraeva

Where the concern relates to Shazel McFarlane, the concern must be reported directly to:

Safeguarding Oversight
Nick Ng- Director & Carlene Facey- Quality & Compliance Manager

The person who is the subject of a concern must not determine whether their own behaviour meets a safeguarding threshold.

EDG Safeguarding Forms

EDG Nursery provides safeguarding reporting forms for staff.

Relevant forms are available within the nursery reception area.

Where a concern has been identified, staff should complete the appropriate form.

Cause for Concern Form

This should normally be used where a member of staff identifies a safeguarding or professional practice concern requiring recording and management review.

Whistleblowing Form

This should be used in accordance with EDG Nursery's Whistleblowing Policy and Procedure where a member of staff is raising concerns about unsafe, inappropriate, unlawful or potentially harmful practice, particularly where they feel unable to address the matter through ordinary management arrangements.

Where staff are uncertain which form applies, they should seek guidance from the DSL, Deputy DSL or appropriate senior person.

Uncertainty about which form to complete must never delay reporting.

The safeguarding concern should be communicated verbally immediately where necessary, with the appropriate written record completed afterwards.

Completed forms must be handed directly to the appropriate safeguarding lead or authorised senior person.

Management Assessment

On receiving a concern, the DSL or appropriate senior person will consider:

- what happened
- the context
- whether EDG policies or professional expectations have been breached
- whether there have been previous concerns
- whether a pattern is emerging
- whether a child may have been harmed
- whether the adult may pose a risk of harm
- whether their suitability to work with children may be called into question
- whether discriminatory behaviour has occurred
- whether the matter should remain within the Low-Level Concerns Procedure
- whether Southwark LADO advice should be sought
- whether another safeguarding or disciplinary procedure applies.

Possible Outcomes

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All policies contained within this handbook have been created in line with current legislation and statutory guidance. EDG Nursery reviews all policies annually and updates them sooner where changes to legislation, statutory guidance, and recognised sector best practice.

Depending upon the circumstances, outcomes may include:

- no further action following clarification
- Record of conversation
- reflective supervision
- management guidance
- coaching
- additional training
- increased monitoring
- review of working arrangements
- risk assessment
- performance management
- disciplinary action
- safeguarding investigation
- consultation with Southwark LADO
- formal LADO referral
- referral to another appropriate agency.

A low-level concern does not automatically constitute misconduct.

However, concerns must not be minimised simply because they initially appear minor.

When a Concern Is Not Low-Level

Southwark states that the LADO should be contacted where an allegation indicates that someone working or volunteering with children has harmed or may have harmed a child, may have committed a criminal offence against or related to a child, behaved in a way suggesting they may pose a risk of harm, behaved in a way suggesting they may not be suitable to work with children, or behaved discriminatorily towards a child on the basis of a protected characteristic.

Where information indicates that one of these thresholds may apply, the matter must **not continue to be managed solely as a low-level concern**.

EDG Nursery's **Safeguarding Procedure** must be followed.

If Management Is Unsure

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EDG Nursery does not expect managers to make decisions alone.

Where there is uncertainty about whether behaviour meets the LADO threshold,
Southwark LADO should be contacted for advice.

Seeking advice does not mean that an allegation has been substantiated.

It enables EDG Nursery to ensure the correct safeguarding procedure is followed.

Southwark LADO

The Local Authority Designated Officer provides oversight of allegations concerning people who work or volunteer with children.

Southwark currently identifies the following LADO referral/advice contacts:

Telephone: 020 7525 0689 / 020 7525 3297

Email: Eva.Simcock@southwark.gov.uk

Safeguarding/Quality Assurance: Qau.Safeguarding@southwark.gov.uk

<https://safeguarding.southwark.gov.uk/p/report-a-concern?>

Southwark also directs organisations to the London Safeguarding Children Procedures for allegations against staff or volunteers.

Contact details should be checked against Southwark's current published information when a referral is being made.

Confidentiality

Information relating to low-level concerns will be handled sensitively.

Information will only be shared with those who require it for:

- safeguarding
- assessment
- management action
- statutory or regulatory responsibilities.

Staff must not discuss low-level concerns unnecessarily with other individuals.

Key Points for Staff

See it- Recognise behaviour that appears inconsistent with EDG's professional standards.

Report it- Tell the DSL or appropriate senior person promptly.

Record it- Complete the appropriate **Cause for Concern or Whistleblowing Form** available in nursery reception.

Do not investigate it- That is not the reporting member of staff's responsibility.

Do not dismiss it because it appears minor- Patterns matter.

Maintain confidentiality- Only discuss concerns with those who need to know.

If the threshold is unclear, management should seek advice from Southwark LADO.

The welfare and safety of children must always take priority over embarrassment, hierarchy, friendships or concerns about professional relationships.