

NYJO Low Level Concerns Policy

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Policy Statement

The purpose of the policy is to create a culture of openness, trust and transparency in which clear values and expected behaviour of NYJO Professionals are understood, consistently reinforced and continuously monitored. We seek to create an environment where all NYJO Professionals are encouraged and feel confident to self-refer should they find themselves in a situation which could be misinterpreted by others or where, following reflection, they believe they may have behaved in such a way that falls below expected professional standards. All concerns about professionals working within or on behalf of NYJO will be dealt with appropriately and promptly.

This policy seeks to:

- Ensure that all NYJO Professionals are clear and confident in their ability to distinguish between expected and appropriate behaviour in themselves and others;
- Empower NYJO Professionals to share any low-level concerns with the Safeguarding Lead;
- Assist NYJO Professionals to address unprofessional behaviour and correct it at an early stage;
- Identify challenging or inappropriate behaviour which may need to be consulted on or referred to the Local Authority Designated Officer (LADO);
- Provide a responsive, sensitive and proportionate means of handling concerns when raised;
- Help identify any weakness in the organisation’s safeguarding system.

This policy should be read in conjunction with NYJO’s Safeguarding Policy and Procedures, Staff Code of Conduct, Whistleblowing Policy, Data Protection & GDPR Policy to enable staff to share their concerns about their own or another member of staff’s behaviour, however small.

Scope

NYJO is an organisation that values everyone who contributes to and benefits from our work. We are a community of employees, freelance administrators and artists, guest artists, trustees, education

partners, funders, audiences, young performers, students and project participants, and their families. For the purposes of this document, we will use the terms 'professionals', denoting employees, freelance administrators and artists, guest artists and trustees, contractors and volunteers; and 'beneficiaries', denoting young performers, project participants and their families, education partners and communities.

Amongst its professionals, NYJO recognises the different legal obligations inherent in relationships based on contracts of employment (ie employees) and contracts for services (ie self-employed freelancers). Whilst acknowledging the different contractual arrangements, we are committed to treating all professionals with equal and appropriate respect, and of fully engaging with and appreciating all who contribute to the success of our work.

Defining a Low-Level Concern

A low-level concern is one that does not meet the harm threshold as stated in NYJO's Safeguarding Policy. The concern may be identified as;

- Behaviour that has harmed or could have harmed a child;
- A criminal offence that may have been committed against or in relation to a child;
- Behaviour towards a child that may pose a risk of harm;
- Behaviour which indicates that someone may not be suitable to work with children, including behaviour that has occurred outside NYJO and which may pose a transferable risk to children.

Examples of behaviour that may be considered a low-level concern include, but are not limited to:

- Displaying favouritism;
- Over friendly behaviour towards a child;
- Photographing of children on a 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.

This policy deals with a wide spectrum of behaviour, from inadvertent or thoughtless behaviours, to behaviour that could be perceived as inappropriate, to that which is intended to enable abuse.

Responsibilities of All NYJO Professionals

It is important that all NYJO Professionals are clear of the expectations required of them when working with and as part of NYJO. Such standards are reviewed and communicated regularly by the Designated Safeguarding Officer and as part of the induction of all new professionals.

It is essential that any concern relating to a NYJO Professional, including those that do not meet the harm threshold, are shared in the first instance with the Designated Safeguarding Officer, without delay. Where there are concerns or allegations relating to a senior NYJO Professional Trustee, the matter should be referred without delay to the Trustee Lead for Safeguarding, details of whom can be found in NYJO's Safeguarding Policy.

Any NYJO Professional who is concerned that an element of their behaviour, however small, could be interpreted as being contrary to the code of conduct should self-refer to the Designated Safeguarding Officer, who will take the appropriate steps.

Dealing with Low Level Concerns

Low-Level Concerns may be shared verbally with the Designated Safeguarding Lead in the first instance, but must then be recorded in writing. The record should include:

- Details of the concern
- Details and context in which the concern arose
- Action taken

The name of any individual sharing their concerns should be noted, unless they wish to remain anonymous.

Where the low-level concern is reported verbally, the Designated Safeguarding Lead should make an appropriate record of the conversation as soon as is practicable. Such records must be signed and dated. Records will remain confidential in accordance with NYJO's Data Protection Policy & GDPR

Responding to a Low-Level Concern

The Designated Safeguarding Lead will in the first instance satisfy themselves that the concern is classified as a low-level concern, and does not constitute a higher level concern or allegation. The circumstances in which a low-level concern might be reclassified are where:

- The threshold is met for a higher-level concern or allegation;
- There is a pattern of low-level concern which collectively amount to a higher-level concern or allegation; or
- There is other information which when taken into account leads to a higher-level concern or allegation.

Where the Designated Safeguarding Officer is in any doubt in relation to the classification of any concern, advice may be sought from the LADO, if necessary on a no names basis.

Once it is established that the concern is of a low-level, the Designated Safeguarding Officer will discuss the matter with whoever made the initial report. They will take all necessary steps to investigate, as necessary. If the concern is raised via a third party, the Designated Safeguarding Officer should collect as much evidence as possible, including:

- Speaking directly to the person who raised the concern, unless it has been raised anonymously;
- Speaking to the individual involved and any witnesses.

The information compiled during this investigation will help to categorise the type of behaviour and determine what, if any, further action is required. A written record will be made, recording the investigation, reports made and the rationale for decisions made and action taken.

Most low-level concerns are, by their nature, presumed to be of a minor category and will be dealt with by means of management guidance, training etc. Dealing with a low-level concern with any NYJO Professional requires a sensitive and proportionate approach. In many instances a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

Any conversation with a NYJO Professional regarding a low level concern will include:

- being clear with the individual as to why their behaviour is concerning, problematic or inappropriate;
- an evaluation of the changes required to the individual's behaviour;

- an agreement regarding any support needed in order to achieve and maintain performance and appropriate behaviour;
- clarity regarding the consequences of failing to reach the required standard of behaviour, or of any repeat of the behaviour in question.

Ongoing and transparent monitoring of the individual's behaviour may be appropriate and a risk assessment or action plan may also be required.

Some concerns may prompt NYJO's disciplinary, grievance or whistleblowing procedures to be followed. Equally, some concerns may be related to performance management, in which case advice should be sought from relevant senior management or the CEO.

Monitoring of Low-Level Concerns

The Designated Safeguarding Lead will securely retain confidential files on low-level concerns. A central log will be shared and monitored by NYJO's Designated Safeguarding Lead /Senior Leadership Team on a regular basis to ensure that all concerns are dealt with promptly and appropriately, and that any potential patterns of concerning problematic or inappropriate behaviour are identified. A record will be kept of the review by the Designated Safeguarding Lead or Senior Leadership Team.

No record will be made of the concern on the individual's personnel file and no mention made in job references unless:

- The concern or group of concerns has been reclassified as a higher-level concern;
- The concern or group of concerns is sufficiently serious to result in formal action under NYJO's Grievance or Disciplinary Policies.

Further References

[Department of Education Keeping children Safe in Education 2021.](#)

[Working together to Safeguard children. Statutory guidance on inter-agency working to safeguard and promote the welfare of children.](#)

Policy Review

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| Policy last reviewed: October 2022 |
| Policy approved by board: October 2022 |
| Next review due: October 2024 |