

Low Level Concerns Policy

Diocese of York

1. Introduction

- 1.1 This policy is designed to cover everyone who works for the Diocese of York, or relevant parishes or benefices of the Diocese of York. In this instance “work” should be considered any actions undertaken by a Church Officer¹, in the fulfilment of their appointed or elected role, for the benefit of the Diocese, parish or benefice.
- 1.2 Organisational culture is a culture that sets the context and expectations of all behaviour in an organisation, and a positive culture where concerns can be identified and spoken about openly is a key element of a strong safeguarding system. This means that ensuring that all Church Officers¹ who work with children, young people and vulnerable adults, whether paid or voluntary, licensed or lay, behave appropriately, and that the early identification and prompt and appropriate management of concerns about Church Officers, is critical to effective safeguarding.
- 1.3 Creating a culture in which **all** concerns about Church Officers (including where the Threshold For Harm is not met²) are shared responsibly and with the right person, and recorded and dealt with appropriately is crucial. If implemented well this should encourage an open and transparent culture; enable organisations to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working for or with an organisation are clear about appropriate boundaries, and act within them.
- 1.4 Within the Diocese of York, these expectations and boundaries are outlined in the Guidelines for the Professional Conduct of Clergy (2015) for licensed clergy, the Staff Handbook for Diocesan employees, and House of Bishops’ Practice Guidance, for staff and volunteers working with a parish, who should sign a code of conduct as part of an Induction process³. These documents are referred to together in this policy as “the Conduct Guidance”.
- 1.5 In 2022, the Church of England published the findings of the Past Case Review 2 (PCR2). The PCR2 was a large-scale independent review of the handling by the Church of England of safeguarding

¹ A Church Officer – Anyone appointed/elected by or on behalf of the Church or Diocese to a post or role, whether they are ordained or lay, paid or unpaid.

² In this policy, the “Threshold For Harm” is met in circumstances in which the Local Authority Designated Officer must be notified. Section 31(9) Children Act 1989 as amended by the Adoption and Children Act 2002, states that the Local Authority Designated Officer (LADO) must be notified where it is believed an adult 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 a suitable to work with children.

³ A code of conduct which applies to the Diocese of York or the relevant parish or benefice in the Diocese of York governing the conduct of employees, volunteers and those operating under a Bishop’s licence. Template link to be added

cases over many years. The Diocese of York Independent Reviewers found evidence over a number of cases of concern that a pattern existed of behaviours, which if seen together could indicate future problematic behaviour and greater risk. It was for this reason that the Independent Reviewer recommended the Diocese develop a strategy to record and manage low-level concerns about staff and clergy. They state:

"Ensure all safeguarding becomes further embedded within the organisational culture by promoting greater awareness of the importance of recognising and reporting safeguarding concerns, including low level concerns about staff and clergy conduct, so that they become key priorities in all areas of work" Recommendation 4 at pg3.

2. What is a Low Level Concern?

2.1 The term 'low-level' concern does not mean that it is insignificant. It means that the behaviour towards a child, young person or vulnerable adult does not meet the Threshold For Harm. 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 a Church Officer, may have acted in a way that:

- Is inconsistent with the Conduct Guidance, including inappropriate conduct outside of work⁴; and
- Does not meet the Threshold For Harm or is not considered serious enough for referral to another appropriate statutory agency.

2.2 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.

2.3 Examples of such behaviour could include, but is not limited to:

- Being over friendly with children, young people or vulnerable adults
- Having favourites
- Adults taking photographs of children, young people or vulnerable adults on their mobile phone
- Engaging with a child, young person or vulnerable adult on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating or offensive language.

⁴ Outside of their appointed/elected role, paid or unpaid, licensed or lay.



2.4 It is crucial that any such concerns, including those which do not meet the Threshold For Harm are shared responsibly and 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 of the Diocese or Parish from potential false allegations or misunderstandings.

2.5 Clarity around allegation vs low level concern vs appropriate conduct:

Allegation

Behaviour which indicates that a Church Officer who works with children, young people or vulnerable adults has:

- Behaved in a way that has harmed a child, young person or vulnerable adult, or may have harmed them;
- Possibly committed a criminal offence against or related to a child, young person or vulnerable adult;
- Behaved in a way towards a child(ren), young person or vulnerable adult in a way that indicates they may pose a risk of harm to them;
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

Low Level Concerns

Any concern – no matter how small, even if no more than a “nagging doubt” – that Church Officer may have acted in a manner which:

- Is inconsistent with the Conduct Guidance;
- Relates to conduct outside of the Church Officer's working or volunteer environment, which even if not linked to a particular act or omission, has caused a sense of unease about that Church Officer and their suitability to work with children, young people or vulnerable adults.

Appropriate Behaviour

Behaviour which is entirely consistent with the Conduct Guidance.

3. Recording and Storage of Low Level Concerns:

- 3.1 All low level concerns should be recorded in writing. The record should include details of the concern, the context in which the concerns arose, and action taken. Reports of low-level concerns and follow-up information will be stored securely within the Parish, using the Church of England Recording Form, the individual's HR folder, and/or Diocesan safeguarding case management system, with access only by the Safeguarding Team.
- 3.2 This will be stored in accordance with the GDPR and Church of England Data Protection policies and procedures. Details of the concern will be held in full for twelve months, and then following this will be pruned to only essential information, including the nature of the concern, what was done and by whom, and the outcome. That way should a further concern arise, the reviewer will still have sufficient information to evidence a pattern of concerning behaviour, however, unnecessary information is not being held for longer than essential.
- 3.3 The individual(s) reporting the concern must keep the information confidential and must not share the concern with anyone apart from the Parish Safeguarding Officer and/or the Diocesan Safeguarding Officer (DSO) or those aware in the Diocesan/Parish leadership team.
- 3.4 Where a low-level concern is received in relation to a member of clergy, or those holding licence, then it should be shared with the DSO who will hold this information on the Diocesan safeguarding case management system. Low-level concerns relating to staff/volunteers should be held in a secure file within the Parish. The Parish should seek advice from the DSO in relation to all low-level concerns. The outcome of this discussion, which should include all known low-level concerns in relation to an individual, including the advice given should be recorded on the safeguarding record held in the Parish.
- 3.5 Where an individual, or pattern of behaviour gives the DSO reason to believe the threshold for referral to the LADO, or other appropriate statutory agency has been reached, the DSO will notify the Parish of this and advise on next steps.

4. References:

- 4.1 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 the Diocese or Parish, the DSO who will provide guidance as to whether or not that information needs to be retained. Consideration will be given to:
 - A. Whether some or all of the information contained within the record may have any significant value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice;
 - B. Whether the information contained within the record has previously reached the Threshold For Harm and was found to be substantiated; or
 - C. Whether, on balance, the record is not considered to have any significant value and ought to be deleted accordingly.



- 4.2 When preparing a Clergy Current Status Letter (CCSL), the Bishop's office will seek the advice of the DSA to confirm there are no safeguarding matters which should be included. The DSA will give the same considerations as outlined in paragraph 4.1 above when replying to the Bishop's office.

5. Governance:

- 5.1 This policy document was prepared on behalf of the Diocese of York and is only applicable to Church Officers who work with children, young people and vulnerable adults in the Diocese of York including in parishes or benefices of the Diocese of York.
- 5.2 The Diocesan Safeguarding Advisory Panel (DSAP) will monitor the outcomes of the policy and make recommendations for change on an annual basis.