

Notice of Meeting

Education Employment Sub Committee

Councillor Allen (Chair),
Councillor Wade (Vice-Chair),
Councillors Bhandari, Mrs L Gibson, Leake, Neil and Porter

Non-Voting Co-optees

David Allais, Unison
Asia Allison, GMB
Tom Wheaton, NUT



Wednesday 12 October 2022, 5.30 - 6.30 pm
Council Chamber - Time Square, Market Street, Bracknell, RG12
1JD

Agenda

*All councillors at this meeting have adopted the Mayor's Charter
which fosters constructive and respectful debate.*

Item	Description	Page
1.	Apologies for Absence/Substitute Members	
	To receive any apologies for absence and to note the attendance of any substitute members. Reporting: ALL	
2.	Declarations of Interest	
	Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting. Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. Any Member with an affected Interest in a matter must disclose the interest to the meeting and must not participate in discussion of the matter or vote on the matter unless granted a dispensation by the Monitoring officer or by the Governance and Audit Committee. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting. Reporting: ALL	
3.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	

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	Reporting: Hannah Harding	
4.	Minutes	3 - 6
	To approve the minutes of the last meeting. Reporting: ALL	
5.	Schools HR Policy Review - Organisational Change Policy	7 - 18
	To seek approval to the organisation change policy for schools. Reporting: Paul Young, Natasha Pallan	
6.	Schools HR Policy Review - Low Level Concerns Policy	19 - 30
	To seek approval to the Low Level Concerns Policy for Schools. Reporting: Paul Young, Natasha Pallan	

Sound recording, photographing, filming and use of social media is permitted. Please contact Hannah Harding, 01344 352308, hannah.harding@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 4 October 2022

EMERGENCY EVACUATION INSTRUCTIONS

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**INFORMAL MEETING OF EDUCATION
EMPLOYMENT SUB COMMITTEE
8 JULY 2020
5.30 - 6.00 PM**



Present:

Councillors Allen (Chairman), Wade, Bhandari, Leake, Neil and Porter

Non-Voting Co-optees Present:

David Allais, Unison
Graham Jackson, NASUWT
Gregory Wilton, NUT

Apologies for absence were received from:

Councillors Tullett
Asia Allison, GMB

1. Election of Chairman

The first two agenda items to elect the Chairman and Vice-Chairman of the Committee were deferred as this was an informal meeting. This was due to the committee being held prior to the Employment Committee meeting which would formally agree the membership of the Education Employment Sub Committee.

However it was agreed that Councillor Allen be elected Chairman for the duration of the informal meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Urgent Items of Business

There were no urgent items to be considered.

4. Minutes of previous meeting

As this was an informal meeting consideration of the Committee's minutes from 20 November 2019 was deferred.

5. Items raised by Union representatives

In advance of the meeting a number of questions were raised by the Union representatives and were answered by Paul Young, HR Business Partner - People & Schools as set out below:

- Return to work Summer term 2020: Contractual issues

Graham Jackson asked for a run down of what was occurring for the return to work since half term and then September. The HR Business Partner confirmed that contractually schools had been operating as normal with no contractual changes or reduction in school staff numbers. He noted that longer term there may be an impact due to the financial impact of Covid-19 but there had been no ongoing issue. Advice

provided to schools following discussions with union colleagues re. arrangements that should be in place for September. Following further guidance from central government the Council was expecting almost all of the workforce to be returning to duty at the start of September.

- Long term plan from Sept 2020 onwards

This question had been submitted a few weeks ago but Graham Jackson was interested to see how updated guidance was being applied by Bracknell Forest. The HR Business Partner responded that updated guidance had been circulated at the end of the previous week and schools were making their preparations for all pupils to return to all settings in September and there was an expectation that all staff would be returning to deliver support and teaching. Expectation for operations to continue and schools to be operating.

- Financial support for Schools

The Schools Forum was considering the overall position in relation to the financial implications for schools. Graham Jackson asked in particular what the impact was on schools of increased cleaning and how that additional cost was being managed. Schools have the opportunity to request additional funds to cover additional costs during lockdown and covid-19 period, there are restrictions, finance colleagues are working with schools to support them in making those submissions for the funds. A further report was going to the Schools Forum encourage to submit bids for funds – three areas covered.

- Test and trace

Greg Wilson stated that SAGE had said that schools should not reopen until Test and Trace can reach 80% of those who had received a positive test. Last week only 74% were being traced. He asked the Committees' thoughts about what decisions should be made if SAGE is not working at 80% plus in September.

In response the HR Business Partner explained that the Council had consistently been following the Central Government and Department for Education guidance and this was that schools should reopen from September. Further guidance on Outbreak Control Plan was being provided to schools and training for Headteachers was being delivered the following week. This guidance would be shared with union colleagues.

- Process for local lockdown in Bracknell Forest

Outbreak Control Plan was now in place and would be fully operation from the following week with training being provided to Head teachers.

- Extra funding to local authority regarding long term sickness or death in service

Greg Wilson enquired whether additional funding was being provided to support the long-term impacts or death in service. Reports had recently indicated a long-term impact on health. The HR Business Partner replied that no confirmation had been received about additional funding. Deaths of staff would be reported to Department for Education.

- Compulsory attendance at schools

Graham Jackson enquired how Bracknell Forest was going to manage the issue of enforcing compulsory attendance at schools. The HR Business Partner advised that the issue did not fall within the remit of the Education Employment Sub Committee but could be followed up in another forum.

CHAIRMAN

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To: **EMPLOYMENT COMMITTEE**
12 October 2022

SCHOOLS HR POLICY REVIEW – ORGANISATION CHANGE POLICY **Executive Director of Resources**

1 Purpose of Report

- 1.1 The programme of review for Schools HR policies and procedures continues with updates to the Organisation Change Policy for Schools. These procedures come for approval for CMT before they can be considered for adoption at Employment Committee.

2 Recommendation(s)

- 2.1 **That CMT review and agree the updated procedures for Organisation Change Policy for Schools.**

3 Reasons for Recommendation(S)

- 3.1 To provide revised policies which can be used to manage workforce changes in schools. It is a statutory duty to have policies in place to deal with workforce changes and aims to minimise the pressure inevitably incurred during a change process.

4 Alternative Options Considered

- 4.1 To use the corporate Bracknell Forest Council Organisation Change Policy which although is compliant and sets out the parameters of change within the organisation, is not specific to a school setting. Moreover, it does not enable updates to be provided, addressing learning from previous cases or to streamline operational procedures.

5 Supporting Information

- 5.1 It is recognised that the Schools HR policies require review to ensure they remain up to date, follow best practice, effectively support Headteachers and the school Governing Bodies in dealing with often complex cases and cover the Council's legal duties under its SLA with schools. As a result, a schedule has been established to review the current HR policies on an annual basis.
- 5.2 In preparing these updated procedures, there has been engagement of a working group across the Schools HR team to enable comments to be considered. This, together with learning within the general HR function, has provided valuable input where the procedures have required adaption. The consultation arrangements with the trade union have been completed with useful input provided.
- 5.3 The Organisation Change Policy for Schools was an adaptation of the corporate Bracknell Forest Council Organisational Change Policy. This has subsequently been reviewed and updated to reflect workforce changes within a schools setting and provides clarity on the steps to be taken when an organisational change occurs and the roles and responsibilities of the stakeholders involved.

- 5.4 The Organisation Change Policy for Schools also makes reference to the relevant documents/ guidance relevant to the protection of salary of school support staff and teachers (i.e the Teachers Pay and Conditions Document.)

6 Consultation and Other Considerations

Legal Advice

- 6.1 As a responsible employer it is incumbent upon the Council to ensure that it has in place policies and procedures which provide a framework for enabling it to discharge its legal responsibilities in the field of employment law. These responsibilities are framed around a need to ensure employees have access to fair and transparent HR processes. The updated policies provide a framework for decision making which (when followed) will mitigate the risk of successful legal challenges.

Financial Advice

- 6.2 No financial impact to include regarding the updated procedures.

Other Consultation Responses

- 6.3 The policies have been through a consultation exercise with trade unions. Any comments or suggestions received have either been incorporated into the policy or an explanation provided as to why it was felt inappropriate to do so.

Equalities Impact Assessment

- 6.4 The performance of these policies is monitored and included with the school's workforce monitoring arrangements.

Strategic Risk Management Issues

- 6.5 The policies being presented can have a significant impact on the School/Council where either poor people management or failure to follow due process could present legal challenges. This is aside the personal impact this can have on either individuals or wider teams where these important areas are not addressed well.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂.

The reasons the Council believes that this will have no impact on emissions are the fact that these are employment procedures in place to ensure workforce and organisational changes are effectively managed.

Health & Wellbeing Considerations

- 6.7 It is recognised that implementation of these procedures can create significant challenges for all staff involved. It is essential that consideration for the health and wellbeing for staff is always considered and the appropriate support is provided including involvement with occupational health. A critical element to this is the timely completion of the procedures, managers will be encouraged to treat these cases seriously for the change and management engagement to be effective.

Background Papers

None

Contact for further information

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BRACKNELL FOREST COUNCIL
ORGANISATIONAL CHANGE POLICY-
SCHOOLS

Published	
Version	V1
Review Date	

BRACKNELL FOREST COUNCIL'S ORGANISATIONAL CHANGE POLICY FOR SCHOOLS

1. Introduction

- 1.1. Bracknell Forest Council is committed to treating all their staff fairly and equitably and improving the working lives of all staff (full time, part time or job share) regardless of gender, race, disability, sexual orientation and gender identity/gender expression, age, or personal circumstances.
- 1.2. A time of change can be disruptive for staff and involves changing working practices and, in some cases changing environments.
- 1.3. This policy aims to set out the main steps to be taken in an organisational change process and provide useful information for managers and staff.

2. What constitutes change?

- 2.1. Change is constant within all work environments. Some reasons for change are listed below – however it should be noted that this is not an exclusive list and should only be referred to as examples:
 - Change to job description and duties
 - Reduction in the number of posts due to service reviews or redesigns
 - Reduction in the number of posts due to financial pressures
 - Change to working hours and patterns to enable business needs to be met efficiently and effectively
 - Change to place of work and/or service delivery
- 2.2. Each Organisational Change situation will be unique. However, there will be some common elements to managing the change which will be outlined in this document. The policy is not intended to cover all eventualities; Managers responsible for the proposed change will be expected to work within the policy guidelines and ensure the most reasonable approach for staff and school needs is taken.
- 2.3. Whilst the school aims to manage and reduce the number of change programmes for staff, change is a necessary part of the challenge to continually review and improve how we provide a good quality education to our pupils.

3. Planning to minimise the impact

- 3.1. Where organisational change is necessary, through consultation and discussion, the school will endeavour to find ways to minimise the impact on individuals. Managers responsible for the proposed change will therefore be expected to consider measures to minimise the impact on staff and business need, including but not limited to:
 - the use of natural wastage/turnover
 - restrictions on recruitment and the use of temporary/casual/fixed term contracts
 - termination of relevant temporary posts

- offering retraining and/or re-deployment to staff who are potentially 'at risk'
- considering applications for reduction of hours and/or re-organising work patterns or working hours

4. Principles of Organisational change

- 4.1. The school aims to minimise the pressure inevitably incurred during a change process. Managers should engage in active communication and consultation throughout the process to allow staff to discuss their opinions, concerns and seek clarity.
- 4.2. The School's HR team will be able to support headteacher/senior leaders through change processes. However, headteachers should lead change programmes in their school in liaison with their governing body and the recognised Union Representatives where relevant. It is imperative to engage HR as early as possible in the planning of change to ensure all staff factors and impacts have been considered to facilitate successful embedding of any change going forward.
- 4.3. This policy applies to all positions within the school.

5. Roles and Responsibilities

The key responsibilities are as follows:

5.1. Governing Body

- To establish procedures for handling organisational change
- Be fully aware of their responsibilities under employment law (with guidance from the school's HR provider)
- To consider and approve proposals put forward by the headteacher for staff consultation, as part of the planning process for the change
- Where necessary to establish a redundancy panel and redundancy appeal panel (if required). The panel must consist of three governors (A redundancy panel will be required where it is not possible for the headteacher to make a decision to dismiss)
- To provide support to the headteacher through the process

5.2. Headteachers

- To lead the organisational change process, following approval from the governing body
- To ensure the change process is implemented in accordance with this policy
- To be responsible for making decisions on any required redundancies as a result of the structure change
- Seek advice from the school's HR provider at the earliest opportunity

5.3. Local Authority

- The school's HR provider will provide advice and support through the process
- Work with school to ensure engagement with Trade Union representatives
- Attend meetings related to the dismissal of any staff member and offer advice, in accordance with the LA statutory responsibilities

6. Engagement and Consultation

- 6.1. Engagement – sometimes referred to as 'Informal Consultation', is a frequently referenced term within a change process. For clarity and in line

with employment law, all consultation is formal. Engagement is optional, and where it takes place would be any activity and communication with staff that happens prior to starting the formal consultation process, using various formats, such as; meetings, sharing of documents, workshops.

- 6.2. Once consultation commences, it should involve meetings with teams or individuals that are directly affected by the proposal. Where redundancies are proposed, one to one consultation meetings should be offered to any staff potentially at risk or whose post is proposed to significantly change.
- 6.3. A record of the consultation meeting should be taken. Consultation may also involve emails and team newsletters to ensure communication is maintained throughout the process. Where staff are absent due to sickness, maternity, secondments, non-working days etc, every effort should be made to involve them in the consultation process.
- 6.4. Consultation documentation and other communication to be shared with staff should be written in plain English and avoid the use of jargon.
- 6.5. Documentation may include:
 - The rationale for the change proposed and any objectives (including financial savings) that are being sought as a result of the change.
 - Any training and development required to embed change and potential costs.
 - Current and proposed organisational charts highlighting at risk, changing, new and unchanged roles.
 - Job descriptions and person specifications for the roles in the new structure
 - Outline of the proposed implementation process, i.e., slot ins, expressions of interest, open applications or criteria-based selection (if used criteria should be clearly stated as well as the assessment weighting).
 - The timetable for the proposed change and points of contact for staff.
- 6.6. Relevant information on redundancy payments and pension payments should be shared with individual staff members who are potentially at risk of redundancy, so that they can understand the potential impact on them as individuals. (HR will support with acquiring this information.)
- 6.7. There are no set timescales for commencing engagement, in fact the earlier you can engage staff and Unions on the reasons for potential changes the better. In some cases, this approach may help to identify solutions that could avoid the need for major organisational change.
- 6.8. The timescale for consultation, once engagement and planning have been completed and authorisation to proceed to consultation has been given, will depend on the change being undertaken. The timing of launching consultation should take into consideration service demands and school holiday periods.
- 6.9. To minimise the impact on staff involved and service demand, consultation periods in normal circumstances should be no more than 30 calendar days – but could be considerably less. Where there are 100 or more staff affected, in normal circumstances a reasonable timescale would be 45 calendar days. These timelines are in line with statutory and ACAS guidance.
- 6.10. If changes are made to the original proposals following consultation, staff should be informed of the changes and given the opportunity to raise any final questions or concerns before implementation commences.

- 6.11. Local trade union representatives should be invited to comment on proposed change as early as possible within the engagement activity and as part of the consultation process.

7. Implementation Process

7.1. Posts proposed to be Significantly Changed or Deleted

Where roles are proposed to significantly change or be deleted, there are several possible outcomes which may avoid employees becoming at risk of redundancy following the consultation process:

7.2. Suitable Alternative post

A member of staff may be slotted-in to a post which is assessed as a suitable alternative within the revised structure. A suitable alternative post would be a post which is largely unchanged and takes account of the following:

- how similar the work is to the role being made redundant
- the terms of the job being offered, e.g. fixed term
- their skills, abilities and circumstances in relation to the job
- the pay (including allowances), status, hours and location
- the level of responsibilities
- the number of available posts compared to the number of staff

7.3. Agreed alternative posts at same grades

A member of staff who is potentially at risk of redundancy under the change proposal may express an interest in a role, within the revised structure, at their current pay grade within or following the consultation process – staff must evidence how they match the essential criteria to fulfil the role they express an interest in.

However, if the change proposal is offering an open application process to all staff potentially affected, staff can apply for roles for which they meet the essential criteria regardless of grade.

7.4. Potential reasonable alternative posts at lower grades

Where there is up to a two-grade difference to an agreed alternative, the principles above apply, and salary protection for 18 months will be offered.

7.5. Potential reasonable alternative post at higher grades

Where a post is graded higher than the current post, a member of staff should be considered as part of an application and interview and selection process.

8. Redeployment and At Risk Trigger

- 8.1. Following consultation, any staff member who has not been confirmed in post under the implementation process (paragraph 7) will be classified 'At Risk'. At Risk is the term applied to any member of staff whose post has been deleted or significantly changed and for whom no suitable or agreed

alternative post has been identified. At this point staff will be issued with an At Risk letter which will include redundancy figures and pension figures (where relevant).

- 8.2. Formal notice of redundancy will be issued to staff by HR/the school which will trigger the formal redeployment support period. Notice periods are dependant on the terms of the contract of employment.
- 8.3. Redeployment support will involve a meeting between HR and the headteacher/senior leader and the employee to explore the individual's skills, experience, and abilities. Both parties will discuss the type of post(s) which would be preferred by the individual and any specific area(s) which are considered unsuitable, together with the reasons for this. The employee has an equal responsibility to play a proactive role in the search for redeployment.
- 8.4. Reasonable paid time off work to look for an alternative position should be given where a member of staff is due to be made redundant. Support and assistance will also be offered to the member of staff, such as assistance in completing an application form and interview skills.
- 8.5. If a reasonable alternative role is highlighted at an alternative Bracknell forest school or within the council, the employee should apply for the post, making it clear that they are in a redeployment situation and highlighting their suitability for the role and outlining how they meet the essential criteria for the post as outlined in the person specification.
- 8.6. They should inform the School HR Adviser that the application has been submitted, who will then be responsible for ensuring that the recruiting manager at the relevant school is made aware of the application.
- 8.7. If the individual demonstrates on their application they meet the essential requirements of the person specification, the manager should offer the individual an interview to investigate their suitability for the post. The headteacher/manager must consider the suitability of the individual and make an appropriate selection decision.
- 8.8. If there are some essential areas of the person specification that the applicant could meet with reasonable training within a 4-week trial period, then this should be facilitated during the trial period. If the training needs in relation to the essential criteria are significant (e.g. formal degree or qualifications) then this may be considered unreasonable and therefore the applicant would not be invited for an interview for the post in question.
- 8.9. If the recruiting manager decides the redeployee is not successful, they should provide reasons for this decision. This information will be held to inform any potential appeal by the employee.
- 8.10. Where a suitable alternative post is identified then the employee will be redeployed into that post and will no longer be eligible for redundancy should the position be rejected.

9. Appeals

- 9.1. Following consultation, employees will be offered the right of appeal against:
 - Being identified as at risk of redundancy

- Slotted into a suitable alternative post,
- The outcome of the selection process or
- To challenge that the selection criteria has been incorrectly applied or unfair.

9.2. Appeals in the first instance should be sent in writing to the clerk to the governors within seven calendar days of receipt of the at risk letter or confirmation of appointment to a new post. The employee can be accompanied at the appeal hearing by work colleague or Union representative.

9.3. The appeal panel will consist of a governing body appeal panel.

10. Trial Periods

10.1. There may be a mutually agreed 4-week trial period offered for redeployment identified within the notice period. During the trial period, regular discussions will be held between the employee and manager to monitor progress in the post, if at any point it is deemed that the post is unsuitable then the trial period can be terminated early.

10.2. In line with good practice and ACAS guidelines the trial period may be extended by mutual agreement to facilitate reasonable training as identified in the matching interview or to allow reasonable additional time to meet the acceptable performance standards for the post. A trial period will not usually be extended beyond 8 weeks, although this is possible in certain circumstances.

10.3. At the end of the trial period, a meeting will be held between the Headteacher/ line manager and the employee to consider whether the trial period has been successful

10.4. If the trial period was successful, the employee will be confirmed in post.

10.5. If the trial period has not been successful and has resulted in the extension of the redundancy date, then the employee will be made redundant in line with the end date of the unsuccessful trial period. Thorough recording of the reasons the period has been deemed unsuccessful should be made available for any future appeals or challenges.

10.6. It will be the responsibility of both parties to actively seek reasonable alternative roles for redeployment for the duration of their contractual notice, or until the effective date of redundancy, beyond which if no suitable or agreed alternative has been identified it will be necessary for the redundancy to take effect with the relevant redundancy payment being made on the pay date proceeding their last day of employment.

11. Salary Protection

Support Staff

Salary protection will apply for 18 months where an employee has been offered and accepted an agreed alternative post up to two grades lower within consultation or as redeployment post consultation whilst on a notice of redundancy.

The difference between the contractual pay in the old post and in the new post will be paid as a salary protection payment, paid monthly. As the salary for the new post rises (e.g. by annual pay awards) the protection payment will be adjusted accordingly to ensure that the total amount of pay is maintained, but not increased. The amount will be pro rata for part time posts. This continues for a period of 18 months or until the salary for the new post matches or exceeds that of the old post, at which point the protection payments cease; or until the individual leaves the authority or voluntarily takes on another post at a higher salary. Should salary not exceed or match the protected salary at the end of the 18 month protection period, the salary protection payment will cease and pay reduce to the level of the new role. Where the individual is being redeployed into a post with a maximum salary lower than their current salary, it is expected that they will be appointed at the maximum point of the grade (this applicable only in redundancy redeployment situations).

If a member of staff is redeployed to a lower paid job this can affect their pension at the end of the protection period. This will be verbally explained to the employee at the outset of the redeployment and confirmed in writing.

Teaching staff

Teaching staff who are redeployed into a lower paid post because of the implementation of this procedure will receive salary protection in accordance with the Teachers Pay and Conditions document.

The school will be responsible for the payment of salary protection payments.

12. Staff Support

- 12.1. Support can be provided to staff during the change process by their Manager, Trade Unions, or the Council's employee assistance provider. Further details are available from the school.

To: **EMPLOYMENT COMMITTEE**
12 October 2022

SCHOOLS HR POLICY REVIEW – LOW LEVEL CONCERNS POLICY **Executive Director of Resources**

1 Purpose of Report

- 1.1 The programme of review for Schools HR policies and procedures continues with updates to the Low-Level Concerns Policy for Schools. These procedures come for approval for CMT before they can be considered for adoption at Employment Committee.

2 Recommendation(s)

- 2.1 **That CMT review and agree the procedures for Low Level Concerns Policy for Schools.**

3 Reasons for Recommendation(S)

- 3.1 To provide a policy which provides direction on how to identify, report and manage low level concerns in schools. The policy also aims to protect staff working in our schools from potential false allegations or misunderstandings.
- 3.2 It is a statutory duty under the Keeping Children in Education (KCSIE) guidance to have policies in place to deal with low level concerns relating to safeguarding, child protection and staff code of conduct. Thus, this policy compliments existing Safeguarding and Child Protection and Staff Code of Conduct Policies for Schools.
- 3.3 This policy follows guidance contained in the Keeping Children Safe in Education (KCSIE) document and associated advice.

4 Alternative Options Considered

- 4.1 To use existing Safeguarding and Child Protection and Staff Code of Conduct Policies for Schools which although are compliant , do not specifically deal with low level concerns. Moreover, they do not enable updates to be provided, addressing learning from previous cases or to streamline operational procedures.

5 Supporting Information

- 5.1 It is recognised that the Schools HR policies require review to ensure they remain up to date, follow best practice, effectively support Headteachers, Designated Safeguarding Leads (DSL) and Governing Bodies in dealing with often complex cases and cover the Council's legal duties under its SLA with schools. As a result, a schedule has been established to review the current HR policies on an annual basis.
- 5.2 In preparing these updated procedures, there has been engagement of a working group across the Schools HR team to enable comments to be considered. This, together with learning within the general HR function, has provided valuable input

where the procedures have required adaption. The consultation arrangements with the trade union have been completed with useful input provided.

- 5.3 The Low-Level Concerns Policy follows guidance contained in the Keeping Children Safe in Education (KCSIE) document and associated advice. A guidance note and draft procedure was provided in September 2021 to comply with KCSIE pending the production of this policy. This has now been reviewed and updated to reflect the behaviours and conduct that may amount to a concern, safeguarding processes and guidance contained in the Keeping Children Safe in Education document and associated advice.
- 5.4 The flow charts have also been introduced/updated, appendices have been reviewed and references have been made to the relevant safeguarding process (i.e. the LADO process.)

6 Consultation and Other Considerations

Legal Advice

- 6.1 As a responsible employer it is incumbent upon the Council to ensure that it has in place policies and procedures which provide a framework for enabling it to discharge its legal responsibilities in the field of employment law. These responsibilities are framed around a need to ensure employees have access to fair and transparent HR processes. The updated policies provide a framework for decision making which (when followed) will mitigate the risk of successful legal challenges.

Financial Advice

- 6.2 No financial impact to include regarding the updated procedures.

Other Consultation Responses

- 6.3 The policies have been through a consultation exercise with trade unions. Any comments or suggestions received have either been incorporated into the policy or an explanation provided as to why it was felt inappropriate to do so.

Equalities Impact Assessment

- 6.4 The performance of these policies is monitored and included with the annual schools workforce monitoring arrangements.

Strategic Risk Management Issues

- 6.5 The policies being presented can have a significant impact on the School/Council where either poor people management or failure to follow due process could present legal challenges. This is aside the personal impact this can have on either individuals or wider teams where these important areas are not addressed well.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂.

The reasons the Council believes that this will have no impact on emissions are the fact that these are employment procedures in place to ensure workforce and organisational changes are effectively managed.

Health & Wellbeing Considerations

- 6.7 It is recognised that implementation of these procedures can create significant challenges for all staff involved. It is essential that consideration for the health and wellbeing for staff is always considered and the appropriate support is provided including involvement with occupational health. A critical element to this is the timely completion of the procedures, managers will be encouraged to treat these cases seriously for the change and management engagement to be effective.

Background Papers

None

Contact for further information

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BRACKNELL FOREST COUNCIL
LOW-LEVEL CONCERNS POLICY
FOR SCHOOLS

Published	
Version	V1
Review Date	

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For Consultation

Purpose of the Policy

At [name] school, we aim to create an open and transparent culture where all concerns about all adults involved with our school are dealt with promptly and appropriately. We aim to identify any concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of our school are clear about professional boundaries and act within these boundaries, and in accordance with our school ethos. This policy also aims to protect staff working in our school from potential false allegations or misunderstandings. This policy should be read alongside our Safeguarding and Child Protection and Staff Code of Conduct Policies.

This policy follows guidance contained in the Keeping Children Safe in Education document and associated advice.

[Keeping children safe in education 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

This policy sets out how to identify and record a low-level concern and thus, is not in itself a formal process or investigation.

Who Does it Apply to?

This policy applies to all staff, meaning anyone working in or on behalf of the school, such as a paid employee, including supply teachers, worker or contractor, or unpaid member of staff or volunteer, and governors.

What is a Low-level Concern?

A low-level concern is 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 for the school 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

Allegation vs Low-level Concern vs Appropriate Conduct – Traffic Light System

Allegation:

Any adult linked to our school who 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 suitable to work with children**

Low-level Concern:

Any adult linked to our school who has behaved in a way that:

- **is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and**
- **does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO**

Appropriate:

- **Behaviour which is entirely consistent with our school's Code of Conduct, and the Law.**

How to share a Low-level concern

A member of staff who has a concern about a colleague, volunteer, contractor or who, on reflection, recognises that their actions could have been viewed as a risk, should inform the Headteacher (HT) or Designated Safeguarding Lead (DSL) as soon as possible ideally within 24 hours of becoming aware of it. The concern can be shared verbally with the HT/DSL or by completing the form at Appendix B. If reported verbally, the HT/DSL should record the information using the Low-Level Record of Concern Form- Appendix B.

Should a member of staff wish to report a concern, and not be named, this request should be respected as far as possible.

How to handle a Low-level concern

Upon receipt of a concern, the Headteacher or DSL must as soon as is reasonably practicable:

1. Review the concern/s. This may include asking the reporter of the concern to provide any further information/ clarification.
2. Discuss the concern with the person against whom the concern is raised. Providing them the right to reply to the concern and informing them of any action that may subsequently be taken.
3. Follow the relevant procedure which may include a referral to the LADO or steps taken to address unprofessional behaviour.

How to record and store a Low-level concern (LLC)

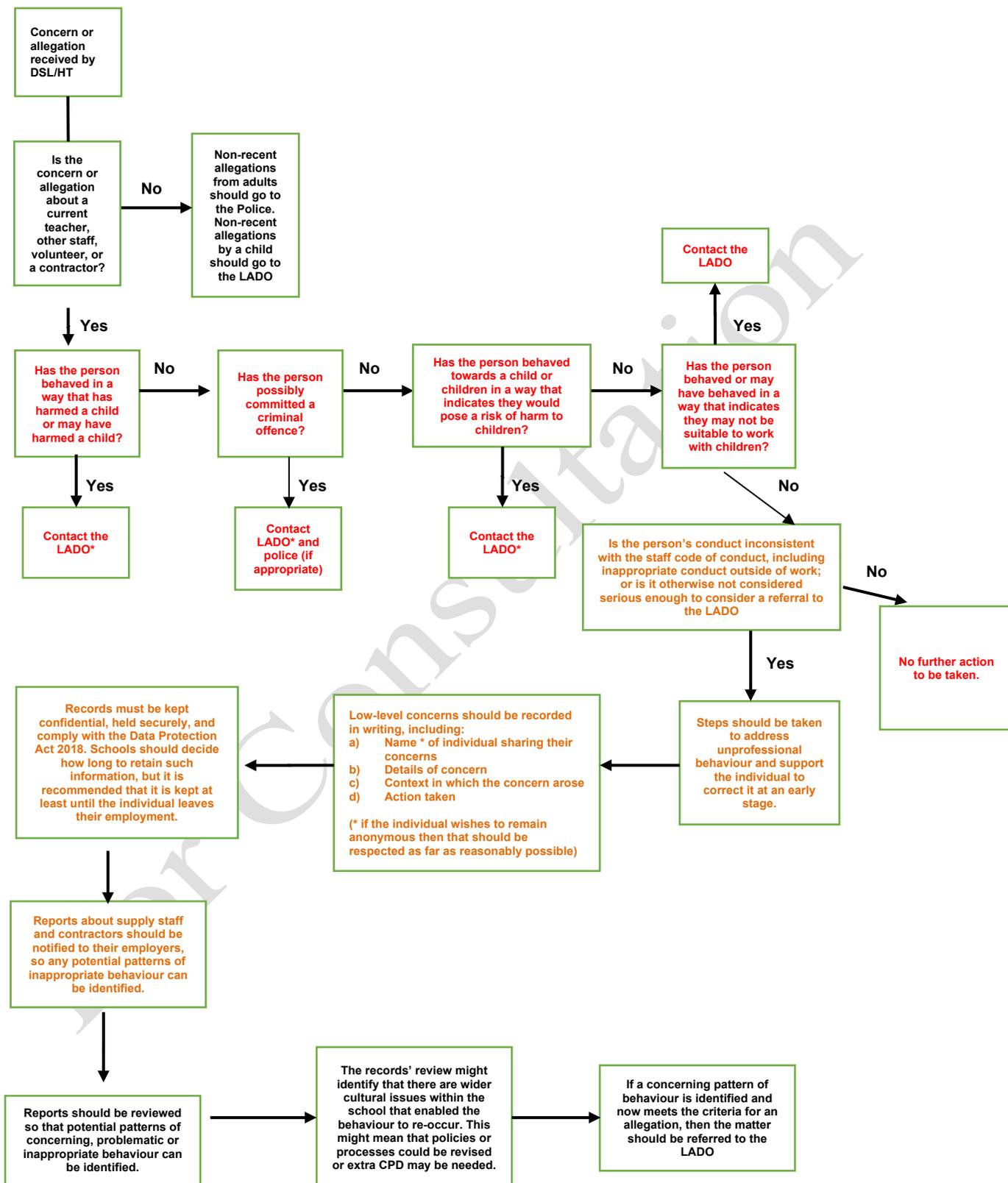
LLC forms and follow up information will be stored securely within the school's safeguarding systems with access only by the Headteacher/DSL. The deputy DSL may access low-level concerns records where instructed by the HT/DSL. Low-level concern records must be kept centrally along with other safeguarding and child protection records, and within the staff personnel file. This will be stored in accordance with the school's GDPR and data protection policies.

The staff member(s) who reported the concern must keep the information confidential and not share the concern with any other person apart from the Headteacher or the DSL.

When a member of staff leaves employment, any low-level concerns record will be reviewed as to whether that information needs to be kept. Consideration will be given to whether the content has still got any value, either as a safeguarding measure or because of possible relevance to future claims.

Low-level concerns will not be referred to in a reference unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures.

Appendix A Flowchart – Dealing with a Low-level Concern



- **LADO can be contacted on 01344 351572; lado@bracknell-forest.gov.uk**
- NB – if the concern is about the Headteacher, then the Chair of Governors should be informed.**

Appendix B Form – Low-level concern Reporting Form

Your Details	
Name	
Role	
Date and time of completing this form	
Details of individual (including yourself for self-reporting) whom this concern is about.	
Name	
Role	
Relationship to the individual reporting e.g. manager, colleague	
Details of concern	
<p>Please include as much detail as possible. Think about the following: What behaviour and/or incident are you reporting? What exactly happened? Why does the behaviour and/or incident worry you? Why do you believe the behaviour and/or incident is not consistent with the staff code of conduct?</p>	
Details of any children or young people involved (please include full name (s), age and gender):	
Name(s)	

Signature:	
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For use by HT/DSL upon receipt of the concern	
Date and time concern received	
Signature	
Role	
Actions to be taken and follow up	

For Consultation