



## **Lower-Level Concerns Policy and Procedures**

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## Contents

1	Policy Principles and Scope	Page 3
2	What are Lower - Level Concerns?	Page 4
3	The Procedure	Page 4
4	Confidentiality and Data Collection	Page 6
5	Other Useful Information	Page 6
Appendix 1	Examples of lower - level concerns	Page 7

# 1 Policy Principles and Scope

- 1.1 The purpose of this policy is to ensure that everyone meets the standards of conduct and behaviour expected of them to carry out Kernow Tuitions vision to enrich lives through unique tuition experiences.
- 1.2 Kernow Tuition promotes an environment in which any concern – no matter how small – about a person's behaviour can be addressed where a person has acted in a way that is (1) inconsistent with Kernow Tuitions Codes of conduct, including inappropriate conduct outside of the organisation and (2) is not serious enough to meet the definition of harm set out in the safeguarding or other policies.
- 1.3 It is the personal responsibility of everyone involved in Kernow Tuition to familiarise themselves with the requirements of this policy, including what conduct constitutes a breach of the policy.
- 1.4 Everyone involved in Kernow Tuition is responsible for ensuring that their behaviour meets the requirements of the Kernow Tuitions Codes of Conduct to promote its values:
  - 1.4.1 We value people for who they are and the unique contribution they make.
  - 1.4.2 We choose to work and learn together.
  - 1.4.3 We strive for excellence.
  - 1.4.4 We always act with integrity.
- 1.5 All cases raised under this policy will be dealt with in a prompt, consistent, fair, and transparent manner. Everyone involved in the process is expected to work together to resolve the concern and maintain confidentiality.
- 1.6 Everyone should expect to be challenged on conduct issues and be confident to make a report where it appears that a lower-level concern has occurred. This includes self-reporting where conduct could be interpreted as falling below the standards of Kernow Tuitions Codes of Conduct.
- 1.7 This policy promotes a culture where we treat each other fairly with courtesy, respect, and consideration at all times. It is safe and acceptable for anyone to raise a complaint or concern including those of poor practice, or any other form of misconduct. No person should be victimised for raising concerns or making a complaint.

- 1.8 This policy should be read in conjunction with Kernow Tuitions Codes of Conduct and is applicable to all individual members and other categories of members, staff, visitors, School members, Professionals such as Ed Psychologists observing ('members') as fully defined in the Disciplinary Policy and Procedures and Safeguarding Policies.
- 1.9 Lower-level concerns should be resolved as quickly as possible and this Policy and Procedure sets out an informal approach where possible. If the lower-level concern identified continues or forms part of a pattern of behaviour, or if it raises serious concerns, it will be referred to the processes set out in the Disciplinary Policy and Procedures or Safeguarding Policies.
- 1.10 We recognise that some lower-level concerns may be raised anonymously. However, this limits the ability of Kernow Tuition to respond and provide a full and fair investigation. In such circumstances, Kernow Tuition may instigate an investigation into the practices and behaviour of a specific centre or team. In serious and/or safeguarding cases, anonymity cannot be guaranteed.

## 2 What are lower-level concerns?

- 2.1 Lower-level concerns may involve actions, words, images or physical gestures that could reasonably be perceived to cause another person distress or discomfort. The behaviour does not have to take place face to face and may include written, telephone or social media contact.
- 2.2 It relates to conduct which raises lower-level concerns within Kernow Tuition activities and outside the tuition in personal circumstances.
- 2.3 Lower-level concerns can take many forms which disregard Kernow Tuitions vision, values and Codes of Conduct including
- 2.3.1 Inappropriate social media use
  - 2.3.2 Over familiarity and touching
  - 2.3.3 Belittling or humiliating
  - 2.3.4 Favouring working with some students
  - 2.3.5 Appendix 1 sets out examples prohibited by this policy.

### 3 The Procedure

- 3.1 Kernow Tuition seeks to empower everyone involved in our service to recognise concerning, problematic or inappropriate behaviour in themselves or others which does not meet our values and the Codes of Conduct.
- 3.2 It is intended that lower-level concerns can be addressed by tutors, parents, visitors or the leadership by adopting the following procedure. This will help to create consistent implementation across Kernow Tuition.
- 3.3 A person can raise a lower-level concern with the Director (or Safeguarding Lead in their absence) in a confidential meeting and/or in writing.
- 3.4 The Director will
  - 3.4.1 speak to the person who raised the concern directly unless it has been raised anonymously.
  - 3.4.2 speak to the individual involved and any witnesses.
  - 3.4.3 check whether this is an isolated incident or part of a pattern of behaviour
  - 3.4.4 if the lower-level concern has occurred on more than one occasion, the Director will contact the Safe-guarding consultant to consider whether it is appropriate to proceed under this policy or whether it has met the threshold of harm to refer to the Disciplinary Policy and/or Safeguarding policies.
  - 3.4.5 use the information collected to consider the type of behaviour under the Codes of conduct and determine any further action in line with this policy.
  - 3.4.6 hold a discussion with those involved about expectations and standards of behaviour, clearly setting out details of the concern and what improvement is required.
  - 3.4.7 give the person against whom the concern has been raised, the opportunity to respond. This discussion will consider whether they agree or deny the concern identified and/or offer any mitigating circumstances.
- 3.5 Where it is agreed that the lower-level concern has occurred, outcomes may include words of advice, a verbal or written apology. An offer of training, coaching, or mentoring may be appropriate to

help the person to address any behavioural/conduct issues. The outcome will be reviewed within an agreed timeframe to confirm that the agreed actions were carried out and no further concerns have arisen.

- 3.6 Any other formal sanctions can only be considered under the processes contained in the Kernow Tuitions Disciplinary Policy and Procedures and/or Safeguarding policies.
- 3.7 A written record of the discussion should be made setting out the complaint, the context in which the concern arose, any action taken and rationale for the decision-making. A copy of the written record should be provided to those involved in the discussion, and a copy retained in accordance with Kernow Tuitions procedures and by the Director for monitoring purposes.

Except for safeguarding cases including child protection which will be referred to the Safeguarding consultant, it is expected that the lower-level concern will be addressed within the Kernow Tuition procedures prior to referring the matter to any outside advisors.

## 4 Confidentiality and record retention

- 4.1 In all cases, Kernow Tuition retains a copy of the lower-level concern and its outcome.
- 4.2 Kernow Tuition will collect statistics on reported cases including potential patterns of concerning, problematic or inappropriate behaviour on an annual basis. These will be anonymised and used to identify any trends and areas where further member training and awareness are required.
- 4.3 All records will be retained in line with GDPR (General Data Protection Regulations) requirements.

## 5 Other useful Kernow Tuition information

Safeguarding and Protecting Children and Young People Policy Procedures and guidance

Disciplinary Policy and Procedures

Whistleblowing Policy

Customer Complaints Policy and Procedure

Equality and Diversity Policy

Codes of Conduct

Complaint Form

Appendix 1 – Examples of lower-level concerns – where a person acts in a way that is inconsistent with the Codes of Conduct or raises a concern that does not meet the threshold of harm in the Safeguarding policies, including inappropriate conduct outside of Kernow Tuition services.

The following examples are a guide only. The examples are not always exclusive to one type of concern and any of the following non-exhaustive list can constitute lower-level concerns, whether occurring at an different types of events/ services or elsewhere, whether involving tuition directly or otherwise.

Always seek Safeguarding Lead/ Director advice where a person has been involved in more than one incident of lower-level concerns

Type of behaviour	Example	Impact on others	Possible action or response to resolve
Bullying -offensive, intimidating, malicious, insulting behaviour; misuse of power; coercion via fear/intimidation	Shouting or swearing; threatening or insulting; practical jokes; interfering with personal belongings; exclusion from events	Feel vulnerable, upset, undermined, frightened, threatened; ostracised	Try to distract to defuse a situation. Recognise that not everyone will find 'banter' funny or behaviour welcome so treat others with respect and sensitivity. Avoid shouting unless it's an emergency/safety situation.
Harassment-physical, verbal or written behaviour including conduct of sexual nature; relates to a protected characteristic under Equality Act 2010 and is unwanted; one incident is sufficient; treat someone less favourably because they have refused to submit to previous low-level behaviour	Creating an intimidating, hostile, degrading or offensive environment – verbal abuse or offensive jokes, pranks (may relate to protected characteristic); unwelcomed physical contact; leering/threatening looks; deliberate exclusion from conversations; pornography; 'pin-ups'; derogatory or abusive literature; use of email, social media to circulate	Violates a person's dignity; feel humiliated; raises Equality issues and how others view club's culture and inclusiveness	Promote a positive image. Dress appropriately to your role eg no offensive slogans. Behave as a role model and maintain high professional standards. No-one should feel ashamed for making a report. Always report an incident where a person becomes distressed or angry.



	<p>personal sensitive information; to bully or harass or make offensive comments; suggestions or threats that sexual favours, racial origins or any other Protected Characteristic could affect a person's job security or prospects; and/or repeated and unsubstantiated accusations of intentional misrepresentation or abuse of classification</p>		
Abuse – physical, verbal, psychological, emotional and/or sexual	<p>verbal assaults or negative criticism which have no positive training or motivational purpose; aggressive behaviour; throwing punches or objects; isolating or ignoring; arbitrarily excluding from training or treatment; being overly friendly or having favourites</p>	<p>Feel devalued, vulnerable and raises safeguarding concerns</p>	<p>Only work 1 to 1 where absolutely necessary and with the knowledge and permission of other colleagues and the person involved (or parent if a child) Only give gifts as part of an agreed reward system. Agree social events with parents where involve children. Treat everyone equally and ensure selection processes are fair and agreed by all involved. Refrain from sending personal messages outside club communications. Be aware that any physical contact can be misconstrued, never indulge in play fights. Be aware of cultural and religious views about contact</p>
Inappropriate conduct of a sexual nature	<p>Unwanted touching, hugging, kissing; being too close or alone with a child ; recording or</p>	<p>Raises safeguarding concerns</p>	<p>Treat everyone with dignity and respect. Find alternatives where any personal approach could be</p>

	<p>photographing without consent, sexualised language, messages; sexual acts in a public space</p>		<p>misconstrued. Participate in activities that can be seen by others. Avoid personal communications that could be interpreted as sexually provocative or raises speculation. Do not make sexual remarks or discuss sexual topics unless part of agreed training plan. Follow advice on use of photography and videos. Do not use own phone or camera. Ensure you have consent to take photo/recording. Do not film someone in state of distress or undress. Everyone should uphold high standards of behaviour and be confident to question other's behaviour and self-report where you recognise that your own behaviour could be misinterpreted eg coach transporting a child alone after training due to medical emergency</p>
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