

Policy on Sexual Misconduct, Harassment and Unacceptable Behaviours

Appendix D: Procedures for student complaints/allegations that have been reported to the Police

These procedures cover complaints or allegations that fall within the scope of the institution's Policy on Sexual Misconduct, Harassment & Unacceptable Behaviours (the Policy) and have been reported to the Police.

1. Suspension of Internal Proceedings

The Disclosure Investigation Officer or another member of staff may receive a disclosure of alleged behaviour on the part of another student, staff member or a member of the public. Where the allegations might reasonably be deemed a potential criminal offence and thus could be reported to the Police, it is essential to determine whether this has occurred.

A Complainant may be supported by the institution to report matters to the Police where they wish to do so and have not already done so independently. Where the Complainant does not wish to report allegations to the Police but the Disclosure Investigation Officer is of the view that the matter may warrant reporting in spite of the Complainant's wishes, the institution will complete a risk assessment to arrive at this decision.

Where events which are the subject of a complaint made and/or referred under this procedure are reported to the Police, internal proceedings will normally be delayed until such time as the Police and/or courts have completed their investigations and proceedings, save for taking any necessary precautionary action.

2. Precautionary Measures

Precautionary action may still be taken while a criminal process is ongoing. This includes:

- Action under the institution's Precautionary Measures (see Appendix C to the Policy on Sexual Misconduct, Harassment & Unacceptable Behaviours)
- Provision of additional support to the Complainant and/or Respondent, and/or the implementation of bespoke arrangements or additional reasonable adjustments
- Completion of risk assessments

Other reasonable and necessary precautionary actions may also be taken by the institution to ensure and/or safeguard the wellbeing of individuals and the wider institutional community.

3. Determining Appropriate Action

It is at the discretion of the Academic Director/CEO in consultation with relevant staff, to determine whether precautionary action or a hold on internal procedures is appropriate.

4. Institutional Autonomy

The institution is not bound by the outcome of any Police or criminal investigation or prosecution. A decision by law enforcement not to proceed, or an acquittal at trial, does not prevent the institution from taking action under this or any other institutional policy.

5. Criminal Convictions – Students

Where a student obtains a criminal conviction, the case will normally be referred into procedures under the Criminal Records Policy, unless an alternative route (e.g. Support To Study) is deemed more appropriate.

If the conviction or caution relates to conduct covered by this Policy, it may be treated as conclusive evidence of the conduct, and may lead to proceedings under the Non-Academic Misconduct Policy.

6. Criminal Convictions – Staff and Visitors

Where a staff member or visiting worker is convicted or cautioned for a criminal offence related to this Policy, the matter will normally be referred into relevant HR procedures, as appropriate.

7. Support After Criminal Proceedings

Where both Complainant and Respondent are affiliated with the institution (including graduates), support meetings will normally be offered to both parties following the conclusion of criminal proceedings.

8. Consideration of the Prevent Duty

If a reported incident raises concerns under the Prevent Duty (e.g., potential for radicalisation or links to extremist behaviour), the institution may take additional steps in line with its obligations under the Counter-Terrorism and Security Act 2015. This may include referral to the institutional Prevent Single Point of Contact and/or Designated Safeguarding Lead.

Please see next page for a simple flowchart of the process:

9. Process Flowchart

Below is a simplified flowchart representing a summary of the process for handling complaints reported to the Police. If a case has been reported to the Police, the steps below should be followed:

1. Place internal proceedings on hold →
2. Complete risk assessment, assess and implement precautionary measures where/if necessary →
3. Monitor outcome of Police investigation/court proceedings →
4. Post-investigation/court proceedings: resume or initiate internal Disclosure management process under Policy on Sexual Misconduct, Harassment & Unacceptable Behaviours →
5. Provide post-case support as appropriate to involved parties →
6. Ensure records are complete and confidentially secure (only retain necessary information).