

STAGE 1: Initial Support & Early Investigation Stage

Before operating this Stage of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours, please read ensure you have read the Policy in full, and familiarise yourself with the scope and principles set out in Section 4 of the Policy. In the course of operating this Stage of the Procedures, you may find it useful to refer to the following sections of the Policy:

- *‘Breaches of this Policy’ (in Section 1 of the policy)*
- *‘Definitions’ (Section 2 of the policy)*
- *‘Summary of procedures’ (Section 3 of the policy)*
- *‘Scope and Principles’ (Section 4 of the policy)*
- *‘Outcomes of cases’ (Section 6 of the policy)*

For your ease of reference and for further information about this policy and its procedures, please also see the Guide to the Policy on Sexual Misconduct, Harassment and Related Behaviours. The Guide includes a flow chart setting out the Stage 1 procedures.

1. A **Stage 1 Initial Support Meeting and Early Investigation** under this Policy may be instigated in any of the following instances:
 - a) **Allegations are received from any individual (including students, staff and non-members of the Conservatoire) that the behaviour of one or more students constitutes a breach of this Policy and/or the Non-Academic Misconduct Policy, in respect of sexual misconduct, harassment and related behaviours;**
 - b) **Allegations are received from any individual that the behaviour of a member (or members) of staff of their School constitutes a breach of this policy.** In such cases, the matter will be referred into the Stage One procedure (Initial Support Meeting & Early Investigation) of this Policy, but cannot progress to any of the procedures under this Policy beyond Stage One. The Early Investigation Officer will as appropriate and in consultation with the Complainant refer the matter to the relevant HR procedures of the School or Shared Services, as appropriate.
 - c) **Allegations are received from any individual that the behaviour of an individual who is neither a member of the School nor of the wider Conservatoire constitutes a breach of this Policy in respect of Sexual Misconduct, Harassment and Related Behaviours (including non-recent allegations).** In such cases, the matter will be referred into the Stage One procedure (Initial Support Meeting & Early Investigation) of this Policy, but cannot progress to any of the procedures under this Policy beyond Stage One. The Early Investigation Officer will as appropriate and in consultation with the Complainant, will determine next steps with

regard to any support requirements (including referral to/engagement with external services) and will determine whether there are any other measures¹ that should be taken.

2. Important points to consider

- This Stage involves an Initial Support Meeting which may be a separate meeting that forms part of an Early Investigation, or may in itself comprise and conclude the Early Investigation Stage.
- Stage 1 may identify the need for Precautionary Measures (see Appendix C) to be instigated.
- Stage 1 includes a procedure for handling non-recent allegations (see section 4 of the policy, specifically 'Non-Recent Allegations').
- Where allegations have been reported to the Police, please consult Appendix D.

Please see the flow chart in the [Guide](#) to this policy for an overview of the Stage 1 procedures.

Purposes of Stage 1:

There are two purposes of Stage 1:

- SUPPORT:** To provide immediate support, identify any additional/further support (including external support) needed by the Complainant, whether there is a need to instigate Precautionary Measures (or take any other emergency action), to explain the Conservatoire's Procedures under this policy (and where necessary allied procedures such as the Non-Academic Misconduct Procedure), to gather initial information and evidence, to explore potential options with the student and wherever possible, to agree next steps;
- EARLY INVESTIGATION:** To instigate/undertake the initial investigation of a complaint or allegations raised, in order to determine next steps.

3. STAGE 1 Procedure

- 3.1 Upon receiving allegations/a complaint about behaviour or action that may fall under the scope of this policy, an Initial Support meeting should take place. This meeting may form part of, or conclude, the Early Investigation.
- 3.2 The person conducting the Initial Support meeting may also be the Early Investigation Officer appointed by a member of senior management in the relevant member School, or they may refer the matter to Shared Services where the Academic Registrar will determine an appropriate member of Conservatoire Staff to undertake the Early Investigation Officer role. The person receiving the complaint/disclosure of allegations

¹ Such measures may include, for example, whether the matter should be reported to the Police (with the consent of the Complainant), and whether the disclosure impacts upon the School's Duty of Care to its students.

shall determine whether the Complainant needs to be referred to another member of staff for the Early Investigation meeting.

- 3.3 Where, following an Initial Support meeting the Early Investigation Officer role is assigned to another member of staff, the Initial Supporter will forward any notes they made to the Early Investigation Officer. The Complainant's agreement will be sought before the notes are forwarded, and the notes will be shown to the Complainant ahead of being forwarded, so that they are aware of the content and can discuss this with the Early Investigation Officer. Where the Complainant does not agree that the notes can be forwarded, the matter will not normally be progressed unless the Initial Supporter considers that there may be a safeguarding issue which overrides the wishes of the Complainant.
- 3.4 The Early Investigation Officer will review the information thus far gathered, and will determine whether any investigative and/or supportive action for both the Complainant and Respondent is necessary before completing a Stage 1 Report. The Early Investigation Officer will assure themselves that they have sufficient information to reach this determination, and may seek further information/clarification as necessary in order to do so.
- 3.5 Following any initial investigations, the Early Investigation Officer will write a Stage 1 Report (a template for this is provided as Appendix A1) using the notes as necessary, and the report will be released to the Complainant and the Respondent. The notes from any individual meetings conducted with any party (including witnesses) by the Initial Supporter and/or Early Investigation Officer in respect of allegations/complaints made will not normally be released with the report. However, should a student case necessitate referral to a Misconduct Panel where the Respondent must consequently answer to allegations of misconduct, notes from meetings, redacted as appropriate, will form part of the evidence that the Panel must consider and therefore will normally need to be disclosed to all parties concerned (the Respondent, the Complainant and the Panel).
- 3.6 Where a Complainant raises a complaint or allegations which may fall within the scope of this procedure, they have the right to express their wishes about whether they want any action to be taken. In determining this, officers of the Conservatoire will normally afford a reasonable period of time to allow the complainant to reach a decision about whether they are seeking any action to be taken (including the nature of any action), though the circumstances and any relative urgency of the case may affect the length of the period that can be offered. Officers of the Conservatoire will determine what constitutes a reasonable period of time, taking into account the circumstances of the Complainant and alleged Respondent, and any other relevant factors (such as holiday periods; whether a complaint has been made to the Police etc.).

- 3.7 The Early Investigation Officer may find it is necessary to meet with the Respondent in order to determine the most appropriate next steps towards closing the Early Investigation. It is at the discretion of the Early Investigation Officer, taking account of the wishes of the Complainant, as to whether this is necessary and appropriate.

4. Written and oral representations; Notification of legal implications

- 4.1 Please see Section 11 of the Policy for information about the need to provide notification of legal implications with regard to any admissions made, written representations submitted or notes produced by any individual under any of the processes under this Policy.

5. Complaints against the Stage 1 Procedure

Complainants

- 5.1 Complainants who wish to make a complaint against any aspect of the procedures under this Policy should use the Student Complaints Procedure. The Student Complaints Procedure can be located at <http://www.cdd.ac.uk/policies/student-related-policies/>.
- 5.2 However, Complainants cannot make a complaint about the Early Investigation Officer's decision on the basis that the decision differs from the wishes of the Complainant. For example, a Complainant cannot complain that the Early Investigation Officer determined that action should be taken when the preference of the Complainant was that no action be taken. Complaints made on the basis of disagreement with the Early Investigation Officer's decision will not be considered.

Respondents

- 5.3 Respondents who wish to raise a matter of complaint about procedural/administrative errors or issues, or the conduct of staff during the Stage 1 Procedure, may do so using the Student Complaints Procedure. The Student Complaints Procedure can be located at <http://www.cdd.ac.uk/policies/student-related-policies/>.
- 5.4 However, the following matters may not be raised under the Student Complaints Procedure by respondents:
- 5.4.1 **Complaints about a decision to impose precautionary measures upon a respondent.** These should be raised by making written representations to the CEO. (Please see Appendix C: Precautionary Measures for more detail);
- 5.4.2 **Complaints about a decision to refer a case into either of the Alternative Resolution processes** (see Appendix B1 'Alternative Resolution by Agreement' and Appendix B2 'Alternative Resolution by Panel'). Respondents have the

opportunity to choose to engage with either Alternative Resolution process, and must be willing to participate. Where a Respondent is not willing to participate in either Alternative Resolution by Agreement or Alternative Resolution by Panel, the process will not take place;

- 5.4.3 **Complaints about a decision not to refer a case into either of the Alternative Resolution processes.** The decision as to whether it is appropriate to do so is at the discretion of the Early Investigation Officer. Even where both the Complainant and the Respondent indicate that they are willing to engage in either of the Alternative Resolution processes and/or that this would be a preference, the Early Investigation Officer must be satisfied that the circumstances overall indicate, on the balance of probabilities, that this is an appropriate course of action. Where the Early Investigation Officer is not satisfied that this is the case, they will determine what next steps in the matter are the appropriate course of action to take.
- 5.4.4 **Complaints about a decision to refer allegations concerning student behaviour for investigation under the Non-Academic Misconduct policy.** The decision to refer allegations is based on the judgement of the Early Investigation Officer and constitutes one of the possible outcomes of Stage 1 under this Policy. Any student who is referred into the non-academic misconduct procedures will have the opportunity to make representations at relevant points in those procedures.
- 5.4.5 **Complaints about a decision to report allegations which may constitute a possible criminal offence to the Police.** No-one may prevent anyone else from reporting or referring a matter to the police. Where the Complainant reports allegations to the Police, this is their right. Where the Conservatoire determines in accordance with its duty of care obligations that allegations which may constitute a possible criminal offence should be reported to the Police, this is subsequently a matter for the Police.