

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

1. These procedures cover complaints/allegations that fall within the scope of the Conservatoire Policy on Sexual Misconduct, Harassment and Related Behaviours (the Policy) and have been reported to the Police.
2. Where events which are the subject of a complaint made and/or referred under this procedure are reported to the Police, special provisions will apply, and some or all action/proceedings under this procedure 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. In this instance, where an officer of the Conservatoire has identified or identifies that a Respondent should be referred into the Non-Academic Misconduct procedures, no action under the Non-Academic Misconduct Policy will be undertaken until the criminal process is at an end.
3. Where action under this procedure has already begun, this will be placed in abeyance. It will be at the discretion of the Academic Registrar of the Conservatoire¹, in consultation with the appointed officer of the Conservatoire conducting the relevant stage of the procedures and as necessary the relevant School Principal(s), to determine any necessary precautionary action.
4. Necessary precautionary action may, for example, include:
 - Taking action under the Precautionary Measures (see Appendix C to the Policy on Sexual Misconduct, Harassment and Related Behaviours);
 - Taking action under the Conservatoire's Emergency Powers of Exclusion and Suspension;
 - Providing additional support to a Complainant/Respondent;
 - Completing risk assessments.

The above list of examples is not exhaustive; where there is necessary precautionary action not listed above that is identified by the Academic Registrar of the Conservatoire in consultation with an appointed officer of the Conservatoire as relevant, this shall not prevent the Academic Registrar from instigating such action provided it is reasonable and necessary in the circumstances.

¹ Where the Academic Registrar is not available, this determination will be at the discretion of the CEO or the Principal of a Conservatoire School other than that of the Complainant and/or Respondent.

5. Where the complaint or allegations involve students from more than one Conservatoire School, and the events which are the subject of a complaint made and/or referred under this procedure have been reported to the Police, the Academic Registrar (or nominee), in consultation with the Principals of the School(s) concerned, shall determine one of the 4 outcomes outlined in Section 4 above.
6. In determining whether to commence or proceed with any action or process under this Policy, the Conservatoire and its Schools are not bound by the outcome of any police or criminal investigation or prosecution.
7. Where a current registered student obtains a criminal conviction, the matter will normally be immediately referred to the Convictions Consideration Panel for consideration under its procedures² under the Conservatoire's Criminal Records Policy, unless in the view of the School there is justifiable cause not to refer this matter immediately or to follow an alternative process (e.g. Emergency Powers of Exclusion and Suspension; Support through Studies policy). On conclusion of assessment by the Convictions Consideration Panel, the matter may as necessary and relevant be referred into the procedures under this Policy, or under the Non-Academic Misconduct Policy.
8. Where a student has been convicted of a criminal offence, or accepts a Police caution in relation to behaviour that falls within the scope of this policy, the conviction/caution will be taken as conclusive evidence that the behaviour took place. The matter will be referred in the normal way under the Non-Academic Misconduct policy as an allegation of misconduct. However, depending on the circumstances of the case, in conducting the Non-Academic Misconduct Preliminary Enquiry, the Preliminary Enquiry Officer may determine (following any necessary consultation with the Complainant) whether the matter may be referred to be dealt with under the procedures of this Policy.
9. A further support meeting for the Complainant (and, as relevant and appropriate, the Respondent) will also be offered following the conclusion of a criminal investigation and/or judicial proceedings.
10. A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action, or an acquittal at a trial, in relation to a criminal matter that falls within the scope of this policy, does not preclude the Conservatoire or its Schools from taking any action under this policy or any other Conservatoire policy (e.g. the Non-Academic Misconduct policy), and does not mean that the Complainant has made a vexatious or malicious complaint.

² See Criminal Records Policy and Procedures, that can be located at: <http://www.cdd.ac.uk/policies/student-related-policies/>