

Appendix A: Initial Support and Early Investigation

This phase is triggered when one of the following takes place:

- Allegations are received from any individual (including students, staff and non-members of the School) 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 allegations;
- **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.**
- **Allegations are received from any individual that the behaviour of an individual who is neither a member of the School constitutes a breach of this Policy in respect of Sexual Misconduct, Harassment and Related Behaviours (including non-recent allegations).** In such cases, this cannot progress to any of the existing procedures. The Early Investigation Officer 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 measures that should be taken.

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.
- This phase may identify the need for Precautionary Measures (see Appendix C) to be instigated.
- 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
- This phase includes a procedure for handling non-recent allegations (see section 6, below).
- Where allegations have been reported to the Police, please consult Appendix D

Purpose

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 School's Procedures under this policy, 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.

Procedure

1. Upon receiving allegations/a complaint about behaviour an Initial Support meeting should take place. This meeting may form part of, or conclude, the Early Investigation.
2. The person conducting the Initial Support meeting may also be the Early Investigation Officer appointed by a member of Senior Management, or they may decide on another member of staff to be the Early Investigation Officer role. The person receiving the complaint/disclosure of allegations shall determine whether the Complainant needs to be referred to another member of staff for the Early Investigation meeting.
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 make 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.
4. The Early Investigation Officer will review the information and will determine whether any investigative and/or supportive action for both the Complainant and Respondent is necessary before completing a report.
5. Following any initial investigations, the Early Investigation Officer will write a report, and this will be released to the Complainant and the Respondent. However, should a student case necessitate referral to a Misconduct Panel where the Respondent must consequently answer to allegations of misconduct, notes from meetings will also form part of the evidence that the Panel must consider and therefore will normally need to be disclosed to all parties concerned.
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, any officer dealing with it will allow time for the complainant to reach a decision about whether they are seeking any action to be taken, though the circumstances and any relative urgency of the case may affect the length of the period that can be offered. Officers 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.)

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 into account the wishes of the Complainant, as to whether this is necessary and appropriate.

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.

Complaints against the Initial Support and Early Investigation phase

Complainants who wish to make a complaint against any aspect of the procedures under this Policy should use the [Student Complaints Procedure](#).

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.

Respondents who wish to raise a matter of complaint about procedural/administrative errors or issues, or the conduct of staff may do so using the Student Complaints Procedure.

However, the following matters may not be raised under the Student Complaints Procedure by respondents:

- Complaints about a decision to impose precautionary measures upon a respondent. These should be raised by making written representations to the CEO.

- Complaints about a decision to refer allegations concerning student behaviour for investigation under the Non-Academic Misconduct 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.
- 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 School 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.