

STAGE 1: Initial Support & Early Investigation Stage Procedures

IMPORTANT INFORMATION

1. Before operating this Stage of the procedures under the Policy on Harassment , Sexual Misconduct and Related Behaviours, please ensure you have read the Policy in full and familiarise yourself with the scope and principles set out in Section 4 of the Policy.
2. Please also ensure you have read through the [Stage 1 Report Form \(Appendix A1\)](#) as soon as possible in the event of operating this Stage of the procedures, and in all cases, before commencing any Early Investigation.
3. These Stage 1 Procedures under the Policy are applicable to staff and students. They are used to provide support to a Complainant and to gather information, identifying what a Complainant would like to happen and any additional support needs, beginning an early investigation where relevant into allegations raised, and determining next steps.
4. The Initial Supporter and the Early Investigation Officer can be the same person, or two different people, as appropriate and necessary to the context in which a disclosure/allegations have been raised.
5. These procedures are designed to be flexible and take account of the needs and wishes of Complainants. However, the decision as to any action to be taken is at the full discretion of the Early Investigation Officer, and any action taken must be fair and proportionate. Whilst they will take into account any expressed wishes of a Complainant, they may conclude that certain action is necessary even when that action is not in accordance with the wishes of a Complainant.
6. The [Stage 1 Report Form \(Appendix A1\)](#) should ideally be used to record Initial Support meetings. This report should then be referred to the Early Investigation Officer (if this is a different person). It can be used to form the basis of the final Early Investigation Report, or a fresh Stage 1 Report can be completed, depending on circumstances.
7. It is good practice to ensure that:
 - the Complainant understands that the Early Investigation Officer will seek to act as far as possible in accordance with their wishes, but that they may find that action needs to be taken which is not ultimately in accordance with the preference of the Complainant;
 - the Complainant understands what information (as is recorded on the Final Stage 1 Report Form) will be shared with a Respondent;

- the Complainant understands that a Respondent must receive all information for which they may be expected to answer to;
- the Complainant has signed off the accuracy of any information reported by them as recorded on the final Stage 1 Report form, so that the Early Investigation Officer is clear about what the Complainant is comfortable sharing.

8. Please ensure you complete a Stage 1 Report Form

In the course of operating this Stage of the Procedures, you may find it useful to refer to the following sections of the Policy:

- *‘Managing potential 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)*
- *‘Right to choose action, or withdraw a complaint/allegations’ (Section 9 of the policy)*
- *‘Written and Oral representations: Notification of Legal Implications’ (Section 11)*

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:

Event instigating a Stage 1 Initial Support Meeting and Early Investigation	What should happen; Important / Relevant Information
<p>a) Allegations are received from any individual (including students, staff and non-members of NSCD) that the behaviour of one or more students constitutes a breach of this Policy and/or the Non-Academic Misconduct Policy, in respect of Harassment, sexual misconduct of any kind and/or related unacceptable behaviours, as defined in the School’s Policy on Harassment, Sexual</p>	<ul style="list-style-type: none"> • A Stage 1 Report Form (Appendix A1) should be used by the Initial Supporter from the outset to record any initial discussions and/or notes taken (notes may informally be taken in the first instance, but please be aware that these may also constitute relevant evidence in the event of any police investigation arising from the allegations, along with any Stage 1 Report). The Report should be passed to the Early Investigator if this is a different person. • Where the Initial Supporter and Early Investigation Officer are the same person, this early Stage 1 Report Form may be used as the basis for the final Stage 1 Report Form that is completed and signed off by the Early Investigator, or a new Final Stage 1 Report Form may be completed and signed off. This flexibility affords a

<p>Misconduct and Related Behaviours</p>	<p>Complainant agency over information that may be shared with a Respondent.</p> <ul style="list-style-type: none"> The need for Precautionary Measures should be considered, supported by a risk assessment (Appendix E).
<p>b) Allegations are received from any individual that the behaviour of a member (or members) of staff of the School constitutes a breach of this policy.</p>	<ul style="list-style-type: none"> In such cases, the matter will be referred into the Stage 1 procedure (Initial Support Meeting & Early Investigation) of this Policy but cannot progress to any of the procedures under this Policy beyond Stage 1. A Stage 1 Report Form (Appendix A1) should be used by the Initial Supporter from the outset to record any initial discussions and/or notes taken (notes may informally be taken in the first instance, but please be aware that these may also constitute relevant evidence in the event of any police investigation arising from the allegations, along with any Stage 1 Report). The Report should be passed to the Early Investigator if this is a different person. The Early Investigation Officer will as appropriate and in consultation with the Complainant refer the matter to the relevant HR staff/procedures of the School. The Early Investigation Officer may consult with the HR Manager to seek advice and guidance on procedures, but the decision as to whether to refer the matter into HR procedures is at the discretion of the Early Investigation Officer. It is recommended that a risk assessment, taking account of the severity of allegations and the role of the staff member concerned, may assist with this decision. Early Investigation Officers may wish to complete a risk assessment jointly with a member of staff who has a Safeguarding remit within their role.
<p>c) Allegations are received from any individual that the behaviour of an individual who is not a member of NSCD constitutes a breach of this Policy (including non-recent allegations).</p>	<ul style="list-style-type: none"> 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. A Stage 1 Report Form (Appendix A1) should be used by the Initial Supporter from the outset to record any initial discussions and/or

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.

	notes taken (notes may informally be taken in the first instance but please be aware that these may also constitute relevant evidence in the event of any police investigation arising from the allegations, along with any Stage 1 Report). The Report should be passed to the Early Investigator if this is a different person.
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2. Important points to consider

- These Stage 1 procedures involve 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. It is helpful to undertake a Risk Assessment ([Appendix E](#)) to support the decision to impose Precautionary Measures if there is a need to impose measures that extend beyond ‘no contact conditions’ (such as exclusion/suspension).
- Stage 1 includes a procedure for handling non-recent allegations (see section 3 of the Policy, specifically ‘Non-Recent Allegations’).
- Where allegations have been reported to the Police, please consult [Appendix D](#).
- There are **legal implications** for any disclosures or admissions made that may fall within the scope of criminal offences. It is therefore essential of staff managing these procedures to issue warnings to individuals about these implications. Please see Section 4 of this Appendix and Section 4 of the Policy for relevant information.

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 Northern School of Contemporary Dance’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 and to gather as much information as is necessary in order to determine next steps. Next steps may include action to be taken, deferral of action pending certain conditions/circumstances, or no action. The rationale for decisions made by the Early Investigation Officer should be recorded in the [Stage 1 Report Form \(Appendix A1\)](#).

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 the Leadership Team at NSCD or they may refer the matter to the Head of Academic Registry, who will either undertake the Early Investigation Officer role or will nominate an alternative appropriate member of School Staff to act as the Early Investigation Officer. The person receiving the complaint/disclosure of allegations (the Initial Supporter) shall determine whether the Complainant and/or the case need to be referred to another member of staff (to act as Early Investigation Officer) for the Early Investigation meeting.
- 3.3 If the Initial Supporter is satisfied they can also act as the Early Investigation Officer, they can proceed to do so. Advice and guidance may be sought from the Head of Academic Registry before the Initial Supporter makes this decision, if desired.

Referral to the Early Investigation Officer where this is a different person from the Initial Supporter

- 3.4 Where, following an Initial Support meeting the Early Investigation Officer role is assigned to another member of staff, the Initial Supporter will forward their Stage 1 Report Form and/or any notes they made to the Early Investigation Officer. It is essential to ensure that the Complainant has as much agency in this initial stage of the Stage 1 procedures as possible. Please therefore note the following protocols for referring a case to an Early Investigation Officer:

- The Complainant's agreement will be sought before the Stage 1 Report and any notes are forwarded to the Early Investigation Officer;
- The Report and as applicable any notes will be shown to the Complainant ahead of being forwarded to the Early Investigation Officer, so that they are aware of the content and can discuss this with the Early Investigation Officer;
- The Complainant may be comfortable with the Stage 1 Report being forwarded but not other informal notes made by the Initial Supporter. In this instance the Initial Supporter can just forward the Stage 1 Report Form to the Early Investigation Officer but should ensure they advise the Complainant that if there is any information in the informal notes that is not contained within the Stage 1 Report Form, the School will not be able to take it into account or act upon it;
- Where the Complainant does not consent to either the Report and/or notes being forwarded to the Early Investigation Officer, 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. This may particularly be the case for allegations concerning members of staff.

3.5 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 NSCD 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 NSCD, whether Initial Supporter or Early Investigator, 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.).

Early Investigation Officer procedures

3.6 The role of the Early Investigation Officer is to gather as much information as they need in order to reach a decision about next steps. Sometimes, this will involve a lot of information gathering, and this may have an impact on any subsequent procedures (eg Support Through Studies; Non-Academic Misconduct) that may reduce the need for, or extent of, information gathering in those procedures.

3.7 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.

3.8 Following any initial investigations, the Early Investigation Officer will complete a **Final Stage 1 Report (Appendix A1)** using any previous Report/notes as necessary, and the report will be released to the Complainant and the Respondent. Please note the following:

- 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).

[Cont...]

- At all times, Complainants should be aware of what information will be shared with a Respondent. The Early Investigation Officer may work with a Complainant to produce a final agreed version of the Stage 1 Report contents that they are comfortable sharing. Early Investigation Officers should take care to explain the implications and limitations afforded by restricting information where a Complainant wishes the School to take action.
- The decision of the Early Investigation Officer as to what action(s) may be taken may be guided and/or limited by what information a Complainant is prepared to formally disclose.
- The Early Investigation may take some time, owing to the necessary flexibility needed to give a Complainant time to consider their options, and the need to gather any relevant information.

3.9 The Early Investigation Officer may find it is necessary to meet with the Respondent 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 4 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

5.1 Section 6 of the Policy on Sexual Misconduct, Harassment and Related Behaviours covers Complaints under this Policy. However,

Complainants

5.2 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 <https://www.nscd.ac.uk/policies-and-procedures/>.

5.3 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, or that Alternative Resolution was not pursued when this was their preference. Complaints made based on disagreement with the Early Investigation Officer's decision will not be considered.

Respondents

5.4 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 <https://www.nscd.ac.uk/policies-and-procedures/>.

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

5.5.1 **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);

5.5.2 **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;

5.5.3 **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.

5.5.4 **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.

- 5.5.5 **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 Northern School of Contemporary Dance 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.