# Appendix B: Stage 2 - Alternative Resolution Procedure

*An appendix to the NSCD Policy on Harassment, Sexual Misconduct and Related Behaviours (2026)*

**Before you read this procedure**

Please read the Harassment & Sexual Misconduct Policy and Procedure first. This appendix builds on the definitions, principles, terminology and safeguards set out there. Where any term used here is defined in the Policy, the definition in the Policy applies.

## 1. Purpose of Stage 2 Alternative Resolution

Stage 2 Alternative Resolution provides a structured, supported route for resolving a report between two students registered at NSCD or with a Franchise partner provider where, after the Early Investigation at Stage 1, a formal disciplinary process under the Non-Academic Misconduct Policy is not the most appropriate way forward. It is an *alternative to*, not a substitute for, the formal disciplinary process.

The purpose of Stage 2 is to:

- Reach a clear, written resolution that both parties can accept;
- Address the impact of the behaviour on the reporting student;
- Support behaviour change in the responding student through educational and restorative measures;
- Allow both parties to continue their studies safely, with dignity and appropriate support;
- Reduce the additional harm that a contested formal process can sometimes cause, where both parties wish to avoid that route.

## 2. When Alternative Resolution can be used

Stage 2 Alternative Resolution may be offered only where all of the following apply:

- Both the reporting and responding parties are students of NSCD (including students on an NSCD-registered course delivered by a franchise partner provider);
- The matter has been considered at Stage 1 and the Early Investigation Officer has recorded that Alternative Resolution is appropriate in the circumstances;
- Both parties give written, informed and voluntary consent to participate;
- There is no overriding safeguarding concern that requires the matter to be dealt with under the Non-Academic Misconduct Policy or another procedure;

- Any precautionary measures in place can continue to operate alongside the Alternative Resolution process.

## 3. Where Alternative Resolution will not be used

**Cases not suitable for Stage 2**

In line with the OIA Good Practice Framework, Alternative Resolution will not be used where:

- The report involves sexual misconduct as defined in section 2.2 of the Policy (including sexual assault, sexual violence, non-consensual sharing of intimate images, or sexual coercion);
- The behaviour reported, if substantiated, would be likely to result in suspension or expulsion;
- There is a significant power imbalance between the parties that cannot be safely managed;
- The behaviour forms part of a pattern of repeated or escalating conduct by the responding student;
- Either party does not feel safe to participate, or withdraws consent at any point;
- NSCD considers that, in all the circumstances, a formal process is necessary in the wider interests of the NSCD community.

NSCD does *not* offer direct, face-to-face mediation between a reporting student and a responding student in cases involving sexual misconduct or serious harassment.

## 4. The two routes within Stage 2

There are two routes within Stage 2. The Early Investigation Officer will recommend the route that is most appropriate in the circumstances, in discussion with both parties.

### 4.1 Route B1 — Alternative Resolution by Agreement

A structured process in which both parties, working with a Resolution Officer, agree a written resolution *without* a panel hearing.

- An appropriately trained Officer (Officer of NSCD/Partner or External Officer) is appointed. The Resolution Officer is not the Designated Support Contact for either party and has not been involved in the Stage 1 investigation.
- The Resolution Officer meets each party separately to hear their account, understand the impact, and identify acceptable outcomes. The parties are not required to meet each other.
- The Resolution Officer drafts a written Resolution Agreement, sets out proposed outcomes, and shares it with both parties for review.
- Both parties sign the Resolution Agreement only if they are content with it. Either party may withdraw at any time before signing.

- Once signed, the Resolution Agreement is binding. Compliance is monitored by the Quality Office.

### 4.2 Route B2 — Alternative Resolution by Panel

A short, structured panel process used where the parties cannot reach agreement under Route B1, or where the Early Investigation Officer considers a panel route more appropriate from the outset (for example, where there are factual disagreements that need to be resolved before outcomes can be agreed).

- A Resolution Panel of two trained Officers of the School or Partner provider (or one Officer and one External Officer) is convened. Panel members have had no prior involvement in the case.
- The Panel considers written submissions from both parties and may invite each party to a separate meeting. The parties are not required to meet each other.
- The Panel decides, on the balance of probabilities, what (if anything) happened, and determines proportionate outcomes from the menu set out in section 6.
- The Panel's decision is recorded in writing and shared with both parties, with reasons.
- A Stage 2 Panel decision is not a formal finding of misconduct under the Non-Academic Misconduct Policy and does not, of itself, result in a disciplinary sanction.

## 5. Voluntary participation, consent and withdrawal

Participation in Stage 2 is voluntary for both parties.

- Each party will be given written information about what Stage 2 involves and a reasonable period (normally seven calendar days) to decide whether to participate.
- Either party may withdraw consent at any point. Withdrawal will be recorded in writing.
- If either party withdraws, the matter will return to the Early Investigation Officer to determine next steps under the Policy. This may include referral to the Non-Academic Misconduct Policy if appropriate.
- A decision not to participate in Stage 2 will not be treated as an admission, an aggravating factor, or as evidence in any subsequent process.

## 6. Possible outcomes

The outcomes available under Stage 2 are educational, restorative and behavioural. They are not disciplinary sanctions. Outcomes must be proportionate to the behaviour, voluntary, and capable of being carried out.

| Type of outcome | Examples | Notes |
|---|---|---|
| Educational | Completion of consent, bystander, anti-harassment or boundaries training; reflective written piece; reading and discussion task. | Designed to support learning, not as punishment. |
| Restorative | Written acknowledgement of impact; structured letter of apology (offered, never compelled); facilitated indirect dialogue via the Resolution Officer. | Only where the reporting student requests or agrees. |
| Behavioural undertakings | Agreement not to contact, follow or refer to the reporting student; agreement to behave appropriately in shared studios, classes or performances; voluntary attendance arrangements. | Recorded in writing; signed by both parties. |
| Practical arrangements | Adjustments to timetable, classes, rehearsal groups, placements or shared spaces to support both parties to continue their studies. | Actions completed by the relevant Head of Faculty / Tutors. |
| Continued support | Confirmation of ongoing Designated Support Contact, signposting to external support, follow-up review at an agreed point. | Offered to both parties. |

**Direct, face-to-face contact between the parties is not part of Stage 2.**

Where the parties communicate with each other as part of a resolution (for example, a letter of acknowledgement), this is mediated by the Resolution Officer. The reporting student is never required to meet, speak with or be in the same room as the responding student.

## 7. Confidentiality and record-keeping

- All discussions, drafts and supporting materials produced during Stage 2 are confidential to the parties, the Resolution Officer or Panel, and NSCD or Franchise Partner staff with a legitimate need to know.
- A signed Resolution Agreement (Route B1) or written Panel decision (Route B2) is the only record of outcome. Discussions during Stage 2 will not be disclosed in any later disciplinary process, unless an admissions of relevant fact or a refusal to comply with an agreed outcome, may be referred to under the Non-Academic Misconduct Policy.

- Records are retained in line with the NSCD Privacy Policy and the Data Protection Act 2018.
- In keeping with the Policy, no non-disclosure agreement will be used in connection with any stage, including Stage 2.

## 8. Indicative timeframes

NSCD will normally complete Stage 2 within 35 calendar days of referral from Stage 1. This breaks down as follows:

- Within 7 days of referral: written information sent to both parties; consent confirmed; Resolution Officer (or Panel) appointed.
- Within 21 days of consent: separate meetings with each party completed and a draft Resolution Agreement (Route B1) or Panel decision (Route B2) prepared.
- Within 7 days of the draft: agreement signed or decision issued, with reasons.

Timescales may be varied by the Quality Office where circumstances require it (for example, illness, assessment periods, or to allow further support to be put in place). Both parties will be informed of any change with an explanation and a revised timeline.

## 9. If Alternative Resolution does not succeed

If the parties cannot agree under Route B1, if a signed agreement is later breached, or if either party withdraws, the Early Investigation Officer will reconsider next steps. Options include:

- Moving the matter to Route B2 (Panel), where appropriate;
- Referral to the Non-Academic Misconduct Policy for formal disciplinary action;
- Continued or revised precautionary measures;

A signed Stage 2 Resolution Agreement that is later breached may itself be treated as a breach of this Policy and referred to the *Non-Academic Misconduct Policy*.

## 10. Rights of both parties during Stage 2

All rights set out in Part 2 of the Policy continue to apply during Stage 2. In addition, each party has the right to:

- Be supported throughout by their Designated Support Contact, which remains separate from the Resolution Officer / Panel;
- Receive clear, written information about the process, the proposed outcomes, and what they are agreeing to;
- Have any reasonable adjustments made to enable full participation (for example accessible formats, additional time, breaks);

- Withdraw consent to Stage 2 at any time;
- Complain about the handling of Stage 2 using the Student Complaints Procedure;
- Refer an unresolved complaint to the Office of the Independent Adjudicator (OIA) once NSCD's internal procedures are complete.

## 11. Roles in Stage 2

- **Resolution Officer:** A trained Officer of NSCD/Partner or External Officer who facilitates Route B1 and prepares the Resolution Agreement. Does not investigate or determine misconduct.
- **Resolution Panel:** Two trained Officers (or one NSCD/Partner Officer and one External Officer) who conduct Route B2. Panel members have no prior involvement in the case.
- **Designated Support Contact:** Continues from Stage 1. Provides support but has no decision-making role in Stage 2.
- **Quality Office:** Oversees Stage 2, holds the central record of outcomes, and monitors compliance with Resolution Agreements.
- **CEO & Principal:** Considers written representations about Stage 2 from a responding student in the same way as for precautionary measures.