



Procedure for Reporting and Responding to Incidents of Bullying, Harassment, Sexual Misconduct and Domestic Abuse

This Procedure sets out the reporting pathways and steps for the College to respond to student reports of bullying, harassment, sexual misconduct and domestic abuse.

The Procedure applies to Myerscough students registered on any Myerscough programme of study including taught courses, FE and HE courses, apprenticeships, short courses, continuous professional development activities and distance learning courses, who have experienced unacceptable interpersonal behaviour in the form of bullying, harassment, sexual misconduct domestic abuse.

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1. Introduction

- 1.1 Myerscough College and University Centre is committed to creating a safe and inclusive environment, where all members of our diverse community can feel a sense of belonging, and where everyone can feel safe and supported and can flourish in education, at work and for life.
- 1.2 Myerscough will not tolerate any form of inappropriate or harmful behaviour. The College's Policies on Bullying, Harassment, Sexual Misconduct and Domestic Abuse set out the College's expectations in terms of maintaining healthy and respectful relationships and what is defined as unacceptable interpersonal behaviours.
- 1.3 This Procedure is designed to support the implementation of those Policies and should be read alongside them. It sets out the pathways for a student to share or report their experience of unacceptable behaviour (bullying, harassment, sexual misconduct or domestic abuse) and the process that will be followed.
- 1.4 Myerscough will adopt a trauma-informed approach so that students feel able to trust the College, its staff and processes. Myerscough recognises that for students to share their experience and access support, there must be safety, trust, choice, collaboration and empowerment.

2. Terminology

The following terminology is used throughout this Procedure:

Sharing – is where a student shares their experience of inappropriate behaviour with a member of Myerscough staff. This is an informal step and is different from 'Reporting' because it may not lead to an investigation or a disciplinary process, but it would lead to support being offered. The safeguarding team will follow statutory guidance related to the process for students under the age of 18 and if the College feels that other persons may be at risk of harm.

Reporting – is where a student submits a formal request to the Student Support and Safeguarding Team with the aim of initiating an investigation by Myerscough in line with the process set out in this Procedure. This is a formal step and is different from 'Sharing' because it will normally result in an investigation.

Reporting person or student – is the student(s) who has made a formal report about their experience of unacceptable interpersonal behaviour.

Responding person - is the person(s) whose behaviour is alleged to have been an act of unacceptable interpersonal behaviour as defined by the relevant Myerscough Policy.

3. Scope

- 3.1 This Procedure applies to Myerscough students registered on any Myerscough programme of study including taught courses, FE and HE courses, apprenticeships, short courses, continuous professional development activities and distance learning courses, who have experienced unacceptable interpersonal behaviour in the form of bullying, harassment, sexual misconduct or domestic abuse.

It applies to all current or former students and apprentices at any stage of study and based at any Myerscough campus.

- 3.2 This Procedure may be invoked wherever the experience occurred, whether it was on Myerscough premises or elsewhere including any workplace, field trip or sporting activity, and in our halls of residence. It is recognised that bullying, harassment, sexual misconduct and domestic abuse can also occur online and through social media.
- 3.3 This Procedure forms part of Myerscough's suite of regulations, policies and procedures. It is designed to implement the College's Policies on Bullying, Harassment, Sexual Misconduct and Domestic Abuse and may lead to action under the Student Behaviour Policy, the Fitness to Study Policy, the Student Code of Conduct or the Staff Disciplinary Procedure.
- 3.4 Where the responding person is a Myerscough student, the matter will normally be progressed in line with the **Student Behaviour Policy** or **Fitness to Study Policy**
- 3.5 Where the responding person is a member of Myerscough staff, a member of staff at a placement organisation, a person whose services have been contracted by or a visitor to the College, the report will be progressed in consultation with the People Team.
- 3.6 Learners who are enrolled on apprenticeships at Myerscough who have experienced unacceptable behaviour in the workplace can share their experience with their Work Placement Officer or the Student Support and Safeguarding Team for the purposes of receiving support and advice.
- 3.7 If there is an overlap between this Procedure and other College procedures, for example, if the responding person is both a student and a member of staff, the Director of Student Support will consult with the Executive Director of the People Team, or the Directors of Curriculum to determine which procedure will apply.
- 3.8 In the event of any conflict between this Procedure and another College procedure, this Procedure will take precedence.

4. Responsibilities

- 4.1 Any member of staff may be approached by a student who wishes to share their experience of unacceptable interpersonal behaviour. Myerscough will provide guidance for all staff to respond in a professional and sensitive manner and ensure the student is referred to the Student support and Safeguarding Team via the SA1 reporting process.
- 4.2 Where a student shares their experience of unacceptable interpersonal behaviour, they will be referred to The Student Support and safeguarding Team who will provide information and advice on the reporting pathways. The Student Support and Safeguarding team is responsible for providing effective, timely and tailored support for all students involved in the process.
- 4.3 The College will ensure that formal reports of unacceptable interpersonal behaviour are processed in a timely and fair manner in line with the relevant College procedure, including the risk assessment, investigation and any disciplinary or appeal process.

- 4.4 The People Team will be involved where the responding person is a member of Myerscough staff to ensure that the relevant student and staffing procedures are followed in a coherent manner and that all parties are treated fairly.

5. Initial Steps

- 5.1 A student may choose to **share** their experience of unacceptable interpersonal behaviour with the College at any time. Myerscough appreciates that this takes courage and will aim to make this as straightforward and supportive as possible. There are a number of ways in which students can **share** their experience, including:
- with any member of Myerscough staff, for example a trusted academic or placement tutor, progress coach or Inclusive learning team member.
 - with The Student Support and Safeguarding Team, by telephone or email, or dropping-in to the Student Support Centre (The Core).
- 5.2 Wherever a student **shares** their experience, they will be referred to The Student Support and Safeguarding team. Staff will give the student the information, time and support to look at the next steps. This will normally involve one or more of the following options:
- to **share** their experience for the purposes of receiving **support**.
 - to refer the matter to the Police or other statutory services, with support from The Student Support and Safeguarding Team.
 - to make a **report** to Myerscough about the behaviour of a Myerscough student, staff member, contractor or placement employee, with **support** from The Student Support and Safeguarding Team, if requested.
- 5.3 ‘**Sharing**’ and ‘**reporting**’ are two different options that may be available to the student. If a student **shares** information about their experience of inappropriate behaviour, this will not automatically initiate an investigation, which is a separate process. Myerscough may respect the wishes of the reporting student, unless there are overriding concerns about a risk of harm to the student or others, or the reporting or responding student is under the age of 18, in which statutory safeguarding responsibilities take precedence. These will be explained to the student.

6. Anonymous Reporting

- 6.1 Myerscough is committed to dealing with all reports of unacceptable interpersonal behaviour in a supportive and fair manner. It is understood that making a report is not something that every student may wish to do, as it takes time and emotional energy and may involve sharing very sensitive personal information. We acknowledge that students may make anonymous reports if they wish.

- 6.2 Where a student chooses not to provide their name or contact details, this may limit the College's ability to take action in response to the report. This is because the principles of natural justice mean that the responding person has the right to know what they are accused of, and knowing the identity of the reporting person is usually a necessary part of that.
- 6.3 Anonymous reports are, however, still a valuable source of information. Myerscough will monitor the information provided in anonymous reports and the prevalence of incidents and will consider if targeted preventative actions might be needed to support and protect the College community.
- 6.4 Where an anonymous report is made about the behaviour of a Myerscough staff member or student, the College may initiate enquiries if it considers that there is a serious and compelling case which can be corroborated by other sources of evidence. This may involve an informal discussion with the responding person.

7. Support

- 7.1 Myerscough is committed to providing effective, timely and targeted support for all members of our community affected by these issues. This will include support for their wellbeing and to enable them to participate fairly in the process. In addition, the College will undertake initiatives via the Enrichment and Personal Development teams to deliver preventative campaigns with a view to creating cultural change.
- 7.2 Myerscough may put precautionary measures in place following a **report** of inappropriate behaviour, to protect the interests of all parties throughout the investigation and any criminal or disciplinary proceedings (see section 13).
- 7.3 Support will be non-judgmental and tailored to the individual, regardless of whether the matter is being dealt with by the Police or by Myerscough, and whatever the outcome of the investigation, criminal or disciplinary proceedings.
- 7.4 Students will be referred to The Student Support and Safeguarding Team who will provide information and support in terms of their personal wellbeing, safety and academic studies. The team have experience of supporting complex and sensitive cases including bullying, harassment, sexual misconduct and domestic abuse. They have received specialist training including accredited AIM training on Understanding and Managing Sexual behaviours in Educational Settings.
- 7.5 The Student Support and Safeguarding Team will assist students to access relevant internal and external specialist support as appropriate. This may include:
- a referral to counselling or mental health support on campus
 - a referral to the Sexual Assault Referral Centre (SARC)
 - a referral to specialist support in the local area e.g. Lancashire Victim Services
 - a referral to a national organisation e.g. the National Stalking Advocacy Service (Paladin)
- 7.6 Students will also be offered support from our Curriculum Teams to address any impact on their academic studies, including support in applying for Mitigating Circumstances and providing letters of supporting evidence, alternative forms of assessment or applying for an interruption of studies.

- 7.7 Both the reporting and the responding student and any other students involved will be offered welfare and academic support. A different Support and Safeguarding Officer can be assigned to support each student where necessary, and will support each student throughout the process, whether these are internal College proceedings or external Police or statutory services proceedings.
- 7.8 The Student Support and Safeguarding Team can provide information on the procedure including what to expect, potential timescales, possible outcomes and the types of evidence that might be relevant.
- 7.9 Both the reporting and responding student and any other students involved may be accompanied at any stage of the process by an adult of their choosing for support, who is not involved as a witness in the case. This may be an advisor from The Student Support and Safeguarding Team or an external support worker, such as an Independent Sexual Violence or Domestic Abuse Advisor.
- 7.10 Where a member of Myerscough staff has been affected by an incident of unacceptable behaviour, they will be offered support by the People Team. Any member of staff involved may be accompanied at any stage of this process by a colleague or Trade Union representative. It is expected that all parties will respect the nature of the College's internal processes which are intended to be fair and just, and there is no need for anyone to adopt an adversarial or legalistic stance.

8. Reporting Pathways

- 8.1 The nature and scope of an internal disciplinary process and an external criminal process are fundamentally different. Myerscough cannot make a finding about whether a criminal offence has been committed because it is not empowered to do so. Rather, an internal investigation will aim to establish whether there has been a breach of Myerscough's internal policies and regulations.
- 8.2 Although some allegations under consideration may also amount to criminal offences, the College's disciplinary procedures do not operate as a court of law and do not make findings of criminality.
- 8.3 Whilst it does not have the same legal or forensic investigatory powers as the Police, Myerscough can gather statements from the parties involved and other relevant evidence such as screenshots or CCTV footage.
- 8.4 In the criminal process, an allegation must be proven 'beyond reasonable doubt' and the most severe sanction is imprisonment. The College's internal process will apply the civil standard of proof which means that on the 'balance of probabilities' an incident is more likely than not to have happened, and the most severe sanction is expulsion (students) or dismissal (staff) from Myerscough.
- 8.5 If a report is considered through the criminal justice system, this does not prevent Myerscough from taking action under its internal procedures, whatever the outcome of the criminal proceedings.

9. Referring to the Police

- 9.1 When a student makes a referral of an incident of unacceptable interpersonal behaviour to the Police, the College will support them fully.
- 9.2 Where a Myerscough student or staff member is being investigated by the Police or other external authority, the College will normally put any internal investigation 'on hold, because the criminal process must take priority.
- 9.3 Myerscough can, however, put precautionary measures in place to protect and support all parties whilst the Police investigation is underway. This may involve restricting the responding person from having any contact with the other parties or from accessing the campus, specified buildings or activities.
- 9.4 Precautionary measures will be kept under review in the light of any developments in the Police investigation. Myerscough will liaise with the Police where appropriate, for the purposes of supporting and safeguarding all parties, in line with information sharing protocols and data protection legislation.
- 9.5 Myerscough will review the matter when the criminal process has been concluded, regardless of the outcome, to determine whether a breach of the College's internal policies and regulations has taken place and whether any of the parties involved require support.
- 9.6 If the Police decide to take no further action or there is an acquittal at a trial, this does not prevent Myerscough from taking action under its internal disciplinary procedures and it does not suggest that a vexatious or malicious report has been made.
- 9.7 If a member of the College community is convicted of a criminal offence or accepts a Police caution, this will be taken as evidence that the behaviour is proven. The case will be referred to the Director of Curriculum in the case of a student, or to the Director of the People Team in the case of a staff member, to be considered under the Student behaviour policy or Staff Disciplinary Procedure.

10. Reporting to Myerscough

- 10.1 A student may choose to make a **report** to the College about the behaviour of a Myerscough student, a member of staff at Myerscough, on placement or someone whose services are contracted by the College. The Student Support and Safeguarding Team working with the Curriculum Team will then appoint the Curriculum Area manager as the Investigation officer who will then initiate the investigation process set out in this Procedure.
- 10.2 Myerscough understands that this takes courage and will aim to make the process as straightforward and supportive as possible. A formal report can be made by any of the following methods:
 - Asking The Student Support and Safeguarding team for Support, in person, by phone or via email (email: safeguarding@myerscough.ac.uk).

- Speaking to any member of College staff to initially raise the concern and ask them to raise a report on their behalf.
- Submitting a complaint about the conduct of member of staff to the People Team at: peopleteam@myerscough.ac.uk.

10.3 Alternative reporting options may be used, for example, a student may ask an external third party to submit a report on their behalf, such as an Independent Sexual Violence or Domestic Abuse Advisor. In these circumstances, the Student Support and Safeguarding Officer will ask the student to confirm the report.

10.4 The College will wish to hear directly from the student about their experience. However, alternative arrangements may be considered in exceptional circumstances, for example, where the student is deeply affected by trauma, although this may mean that it is difficult to obtain evidence.

Are there timeframes for reporting?

10.5 Students are encouraged to report matters at the earliest opportunity and normally within three months, so that support can be put in place and an investigation carried out whilst evidence is available and matters are fresh in people's minds.

10.6 Myerscough recognises that there are circumstances which may prevent a student from initially reporting their experience, for example, they may not recognise at the time that the behaviour was inappropriate and/or there may have been an emotional impact for them. Myerscough will exercise discretion in these circumstances to consider reports or complaint received outside these timeframes.

10.7 Incidents which have not occurred recently may be considered by Myerscough although it should be recognised that it may be difficult to properly investigate matters which occurred a long time ago, because the passage of time may lead to difficulties in obtaining evidence.

What information is required?

10.8 The Student Support and Safeguarding Team will require an initial statement from the reporting student, including: what happened, when and where; who was involved; the impact of the reported behaviour; and details of any witnesses or other evidence such as screenshots.

10.9 The College will aim to make this as straightforward as possible by providing a standard reporting form (Incident Record) or offering the student a meeting either in person or via Teams to provide the information. Myerscough will minimise the number of times a student is asked to recount their experience, so as not to cause further distress.

As part of the investigation process the reporting student may be invited to a meeting with the Investigating officer, they are able to bring an adult to support them if needed and all students under 18 will be offered an appropriate adult. A member of the People Team may also be present if the responding person is a member of Myerscough staff.

The purpose of the meeting will be:

- a. to confirm the details of the report with the student
 - b. to inform the student what to expect from the formal process, which will normally involve a Safety and support plan and an investigation which may lead to a disciplinary process
 - c. to check whether the student has immediate concerns which need to be considered at the safety and support plan, for example, if the parties are on the same campus, course or in the same accommodation
 - d. to check whether the Police have been involved at any stage and, if so, what action has been taken, for example, if there are bail conditions.
 - e. to discuss the informal resolution process, if this is something the student wishes to consider and if it is appropriate given the nature of the case
 - f. to explore what the reporting student would wish to see as an outcome of the process and whether that can reasonably be achieved
 - g. to ensure that the student is aware of all the support that is available for them in the College
 - h. to discuss the anticipated timescale and how and when the student will be updated on progress.
- 10.10 **Reports about a Myerscough student** - If the report is about the behaviour of a student, the matter will normally be progressed in line with the Student Behaviour Policy.
- 10.11 **Reports about a Myerscough member of staff** - If the report is about the behaviour of a Myerscough member of staff, the investigation will normally be progressed through the Staff Disciplinary Procedure. The People Team will be consulted to determine whether and when the Staff Disciplinary Procedure should be invoked.
- 10.12 Any meetings will be conducted in a supportive and sensitive manner either in person or via Teams. The reporting student may be accompanied by a friend or an advisor for support, parents/carers or an appropriate adult will be invited to the meeting for all students under the age of 18. Breaks will be offered, and reasonable adjustments will be made in the light of any inclusivity needs, where required to enable the student to participate fully in the meeting.
- 10.13 Myerscough will respect the reporting student's right to choose how they wish to take the matter forward and reports will be treated confidentially as far as possible. If, however, the student is under the age of 18, or the incident is very serious and, for example, the student or someone else is at risk, the College may have a duty to take further action. If this is the case, it will be explained to the student.
- 10.14 A copy of the incident report will be shared with the reporting student on request, and they will have the opportunity to make any adjustments. They will be asked for permission to share the summary of the alleged incident with the responding person, to ensure a full and fair enquiry. If the reporting student does not give permission for this to be shared, it may not be possible to proceed with an investigation and this will be explained to the student.

- 10.15 Myerscough will conduct the formal process in a timely manner and will aim to complete any safety and support plan, investigation, any disciplinary hearing and communication of the outcome within a maximum of 60 calendar days. Where this timescale cannot be met for good reason, both parties will be informed of the reason and the revised timescale for completion, for example if there is a Police investigation.
- 10.16 The Student support and safeguarding officer will maintain communication with all parties throughout the handling of a case. An update on progress will normally be given regularly or in the event of any significant development in the case. This may involve sharing information where it is appropriate to do so.

11. Informal Resolution

- 11.1 The reporting student may choose to report their experience of unacceptable behaviour of another member of the College community with the intention of facilitating an agreement between them to limit all future contact. Informal resolution can only go ahead with the mutual agreement of both parties.
- 11.2 The Student Safeguarding Officer will review the case and will consult with colleagues from the Curriculum team and the People Team as necessary, to determine whether informal resolution is appropriate and practicable in all the circumstances of the case.
- 11.3 The Student Safeguarding Officer will facilitate separate meetings with both parties to discuss measures to limit contact between them. These measures will be set out in a Safety and Support Plan which both parties will be asked to sign. In these circumstances, no formal finding will be made, although the responding person may also agree to write an apology or asked to participate in an educational activity.
- 11.4 The case may be referred for a formal investigation as part of the Student Behaviour Policy where one or both parties do not agree on the proposed informal measures, or in the event of a breach or refusal to sign the Safety and Support Plan.

12. Safety and Support Plan

- 12.1 A Safety and Support Plan will normally be initiated where a student has made a report to Myerscough of unacceptable behaviour by a Myerscough student or staff member, or where the College has been informed that the Police are undertaking an investigation.
- 12.2 The purpose of the Safety and Support Plan will be to protect the interests of all parties whilst an investigation is carried out either by the College, Police or other statutory services.
- 12.3 The Student Safeguarding Officer will arrange for the Safety and Support Plan to be completed within a suitable timeframe. Serious cases will be dealt with as a matter of urgency, whilst other cases will normally be assessed within 5 working days.
- 12.4 All Safety and Support Plans will be signed off by the Safeguarding, Support and Welfare Manager and reviewed termly, or following any further concerns.

- 12.5 The Safeguarding, Support and Welfare manager may request a Safety and Support Planning meeting if required, including external stakeholders, for example, Parents/carers, other College teams, mental health support services or the Police.
- 12.6 A Safety and Support Planning meeting will convene in private session to consider:
- a. potential risks and any reasonable, proportionate and necessary precautionary measures to mitigate those risks and secure the situation, until the process has been brought to a conclusion.
 - b. any support needs for the reporting and responding persons and any other members of the College involved, from a safety, wellbeing and academic perspective.
 - c. whether the circumstances of the case require a referral to an external agency e.g. Social care, the Police, the DBS, the LADO or PIPOT.
- 12.7 If the matter is to be dealt with under College's internal procedures, the Panel will identify which internal procedure should be invoked. This may be the Student behaviour policy, the Fitness to Study Policy or the Staff Disciplinary Procedure.
- 12.8 All Safety and Support Plans will be shared with and signed by the Student and Parents/Carers if under the age of 18. These will then be shared with the relevant College staff teams.

13. Precautionary Measures

- 13.1 Myerscough may take precautionary measures, which are intended to secure the safety, wellbeing and academic integrity of all parties involved, whilst the internal or external investigation is carried out.
- 13.2 Any Safety and Support Plan will act fairly in seeking to balance the rights of all parties and to minimise the impact for those involved on their College life, work and studies, during this period, taking into account the seriousness of some concerns raised. Precautionary measures are not intended to be punitive and do not indicate that the College has made a finding of wrongdoing.

Reports about a Myerscough Student

- 13.3 Where the responding person is a Myerscough student, precautionary measures may include, but are not limited to:
- a. that the responding student has no contact with the reporting student, either directly or indirectly via any means including social media
 - b. restrictions from accessing specified parts of the College e.g. sports facilities or food outlet areas
 - c. that the responding student can only access buildings or facilities e.g. the Library at specified times
 - d. relocation to alternative accommodation, where possible
 - e. a temporary exclusion from engaging in a College activity e.g. attending a sporting fixture
 - f. temporary exclusion from a trip, club or society

- g. restrictions on engaging with learning activities e.g. that the student can only participate online or via recordings etc.
- h. an interim suspension from campus
- i. a full exclusion which prohibits the student from entering Myerscough premises or engaging with any Myerscough activity.

Reports about a Myerscough staff member

- 13.4 Where the responding person is a member of Myerscough staff, precautionary measures will be decided in consultation with the relevant People Team and Line Manager. The College will take steps to protect students from harm and will support them to continue with their studies, whilst treating the member of staff fairly and in accordance with the College's staffing procedures and employment law. Precautionary measures may include, but are not limited to:
- a. that the staff member is not involved in the marking of the student's work
 - b. that the staff member does not act as the student's Personal Tutor or programme leader
 - c. that the staff member has no contact with the reporting student either directly or indirectly via any means
 - d. that the staff member transfers to an alternative role within the College
 - e. that the member of staff is suspended in line with the relevant Myerscough staff procedure
 - f. any other measures that are appropriate and proportionate e.g. withdrawal of access to the student's record.
- 13.5 The outcome of the Staff Risk Assessment including any precautionary measures will be reviewed regularly and updated as necessary. A review will take place regularly or in the light of any developments in the internal or external investigation if this occurs sooner.
- 13.6 A case review meeting will be held when the internal or external investigation has been concluded to 'close the loop' and agree on the next steps. Where an external Police investigation has concluded, the meeting will consider whether to invoke an internal disciplinary process. Where an internal disciplinary process has been concluded, the meeting will agree what information on the outcome will be given to the reporting student.

14. Actions Arising from the Case Review Meeting

- 14.1 The responding person will normally be informed of the outcome of the case review meeting. Where the matter is being investigated by the Police, the Safeguarding and Support Officer will consult with the Police regarding contacting the responding person, so as not to compromise the Police investigation.
- 14.2 The responding person will be given:
- a. a summary of the allegation, which has been confirmed by the reporting student
 - b. details of any precautionary measures that have been agreed as a result of a Safety And Support Plan
 - c. information about the process and the potential outcomes and what will happen next
 - d. information about pastoral support for their wellbeing and procedural support to enable them to participate fairly in the process.

- 14.3 There will be an opportunity for the responding person to ask questions about the process and to make representations about the precautionary measures if they consider that these might have a disproportionate impact on their College life, work or studies. The measures will be reviewed in the light of any such representations. It will not be appropriate to discuss the report at this stage, as there will be an opportunity for this during the investigation.
- 14.4 The Student Safeguarding Officer will contact the reporting student to inform them of any precautionary measures and any support arrangements that have been put in place to protect and support them, whilst the investigation is carried out. This will be shared with the students parents/carers for all under 18 students as the Safety and Support Plan.
- 14.5 The Student Support and Safeguarding Team will make direct contact with any other students affected by the incident to make them aware of support services.

15. Investigation Principles

- 15.1 Myerscough will appoint an Investigating Officer. They will normally be designated member of Myerscough staff who have not been involved with the parties or the alleged incident.
- 15.2 Where the responding person is a staff member, a manager from the People Team may be consulted and may attend the meetings.
- 15.3 The investigation is an evidence-based process and decisions will be made on the balance of probabilities. The purpose of the investigation will be: a. to provide each party with a full and fair opportunity to explain their version of events; and b. to establish the facts about the circumstances giving rise to the report. The investigation will not consider whether the report is justified, but whether there is evidence that it is more likely than not that a disciplinary offence has occurred. The Investigating Officer(s) will act fairly and gather evidence that supports either side of the matter.
- 15.4 All students involved in an investigation will be entitled to be accompanied for support by a friend or advisor who is not involved as a witness in the case, all under 18's will be accompanied by an appropriate adult. Staff may be accompanied by a colleague or Trade Union representative. The role of the accompanying person will be to provide support. The parties will normally be required to give their own account of events and to respond to questions.
- 15.5 The Investigating Officer will normally:
 - a. meet with the reporting student first to hear their account of events and to identify any witnesses or other evidence which may be relevant to the case
 - b. discuss with the responding person who will be asked to give their version of events and comment on the evidence and to identify any witnesses or other evidence which may be relevant to the case
 - c. meet with any key staff that are able to provide additional information relevant to the case.

- d. invite any witness(es) to provide a written statement. Key witnesses may be required to attend any subsequent disciplinary hearing
- 15.6 All those interviewed will be reminded of the need to maintain confidentiality and will be informed that any evidence they give will normally be shared with both the reporting and the responding persons, in the interest of fairness and natural justice.
- 15.7 The Investigating Officer will determine the scope of the investigation which will be proportionate to the seriousness and complexity of the case. It is likely to explore sensitive issues, including in cases of alleged sexual misconduct, whether consent was given, and the impact on those involved from both a mental and physical health perspective.
- 15.8 The Investigating Officer will provide a safe, comfortable and supportive environment for the reporting and responding persons and any witnesses to discuss their version of events, with opportunities for breaks if required. A welfare check will be conducted at each meeting to ensure that all parties are aware of the support services available for them in the College. Where the Investigating Officer identifies any risk to the health, safety or wellbeing of any party, this will be addressed in line with the University's safeguarding policies and procedures. Reasonable adjustments will be made where appropriate in the light of any inclusivity needs, to ensure that all parties can participate in the investigation.
- 15.9 The Investigating Officer may consult with external parties to obtain specialist advice as required, whilst maintaining confidentiality.
- 15.10 If the responding person makes counter allegations, the Investigating Officer will confirm whether they wish for these to be considered formally, in which case they must be submitted in writing with supporting evidence within a reasonable timescale. The Investigating Officer will review any counter allegations and decide whether they can be addressed within the investigation, or whether they are of a serious and/or discreet nature and should be considered under a separate process.
- 15.11 Myerscough will aim to conduct the investigation in a timely manner and normally within 4 weeks, although this period may be adjusted depending on the complexity of the case, or if there is a Police investigation ongoing. The Investigating Officer will inform both the reporting and responding persons of the proposed timescale for the investigation, and any changes will be communicated to both parties, taking due account of confidentiality.

16. Investigation Report

- 16.1 The Investigating Officer will summarise their findings. This will normally include: an overview of the alleged behaviour; details of the case including those facts which have been established and any points which remain in dispute; any mitigating factors, for example, any health condition which may have affected the behaviour; any aggravating factors, for example, if the responding person has failed to adhere to an undertaking of good conduct; and extracts from the relevant policies or regulations in question where appropriate
- 16.2 Interview summaries, incident reports and other evidence, such as e-mails, screenshots or security reports will be used as part of the Investigating Officers findings.

- 16.3 The Investigating Officer will conclude whether, on the balance of probabilities, there has been a breach of the College's policies and regulations relating to bullying, harassment, sexual misconduct or domestic abuse or any other regulations. The Investigating Officer may conclude that:
- a. the evidence does not support a breach; therefore, no further action is required. The case will be dismissed and no disciplinary action will be taken, but continued support will be offered to all parties;
 - b. the evidence does indicate a breach of the College's policies and procedures and disciplinary action is required.
- 16.4 Where the responding person is a student, the Director of Education will decide on the next steps in line with the Student Behaviour Policy
- 16.5 Where the responding person is a member of staff, the People Team will decide on the next steps in line with the relevant staffing procedures.

17. Disciplinary Hearing

- 17.1 A disciplinary hearing will be conducted in line with the process set out in the Student Behaviour Policy where the responding person is a student, or the Staff Disciplinary Procedure where the responding person is a member of staff.
- 17.2 The Disciplinary Hearing Chair may seek specialist advice where required, including from external parties, whilst maintaining confidentiality.
- 17.3 The reporting student may submit an **impact statement** to be considered by the disciplinary hearing chair. This will be read out by the investigating officer or the People Team at the end of the hearing after a decision has been made on the merits of the allegation and may be considered by the chair in deciding on the sanction.

18. Outcomes

- 18.1 Myerscough is committed to creating a positive culture where students and staff understand that any form of unacceptable behaviour will not be tolerated, and where they feel confident to make a report in the knowledge that the College will take appropriate action.
- 18.2 The reporting student will be informed of the outcome including whether the alleged behaviour has been proven on the balance of probabilities, the reasons for the decision and any remedies or actions that directly affect them. This will include any measures to support them from an academic and wellbeing perspective or to alleviate concerns about their safety on campus
- 18.3 Myerscough will not normally disclose the details of any sanctions imposed as a result of disciplinary action, as these are personal to the responding person. However, information about a sanction may be shared where it directly affects the reporting student and their feelings of safety on campus, for example, where conditions have been imposed on the future conduct of the responding person.

- 18.4 The responding person will receive an outcome including whether the alleged behaviour has been proven on the balance of probabilities, the reasons for the decision and, where relevant, any sanction which has been imposed as a result of any disciplinary process. Any sanction will be intended to address the seriousness of the offence, the interests of the reporting student and the wider College community. The outcome letter will set out the responding person's right to appeal and process in line with the Student Behaviour Policy.
- 18.5 Myerscough may share limited information about outcomes with witnesses where there are concerns about retribution or victimisation.
- 18.6 If the responding person leaves the College before an investigation has been completed, Myerscough will normally continue with the investigation and make a finding on the balance of probabilities. Although it is unlikely that a sanction would be imposed, it is important for the reporting student to receive an outcome and to have a clear record of events.
- 18.7 If one or other party interrupts their studies before the process has been completed, Myerscough will normally resume the process upon their return, unless both parties give permission for it to continue.
- 18.8 Myerscough will not use non-disclosure agreements or confidentiality clauses to prevent reporting students from speaking out in cases of sexual misconduct, bullying, harassment and domestic abuse. It is important that all our students and staff feel safe and supported and the use of such clauses would be considered to be wholly unacceptable.

19. Review

- 19.1 Both the reporting and responding persons will have the right to request a review of the outcome of the College's internal process in line with the relevant procedure.
- 19.2 Where the reporting student has received the outcome of their report about the behaviour of a College student or member of staff, they will have the right to request a review of the outcome in line with the complaints procedure.
- 19.3 Where the responding person is a student and has incurred a disciplinary sanction, they will have the right to submit an appeal in line with the Student Behaviour Policy.
- 19.4 The grounds to request a review will be the same for both the responding and the reporting student as follows:
- a. that relevant new evidence or circumstances have become known, which the student could not have reasonably made known at the time of the investigation or hearing
 - b. that there was an irregularity or unfairness in the conduct of the procedure, and this materially affected the outcome
 - c. that the decision and outcome were unreasonable in the light of the evidence provided.

- 19.5 Where a reporting student submits a request for review based on ground (c) above, the review will be limited to considering whether the outcome was reasonable in terms of providing safety and support for the student in their future studies.
- 19.6 A request for review for the reporting person or to appeal from the responding person should be submitted in writing within 10 working days from the date of the outcome letter.
- 19.7 Where the responding person is a member of staff, they will be entitled to submit an appeal against a disciplinary outcome in line with the Staff Disciplinary Procedure.

20. Equality and Diversity

- 20.1 Myerscough recognises that any individual can experience unacceptable interpersonal behaviour (including bullying, harassment, sexual misconduct and domestic abuse), regardless of their sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. It is also understood that incidents of unacceptable interpersonal behaviour may occur alongside other forms of harassment and discrimination.
- 20.2 Myerscough is committed to providing individualised support to any member of our community however they choose to identify, both within the University and in terms of signposting to appropriate external agencies. All formal reports will be dealt with in a supportive, professional and respectful manner.
- 20.3 Myerscough will consider the need for diversity when appointing Investigating Officers and panel members and, where appropriate and possible, will take protected characteristics into account.
- 20.4 All staff involved in the process will have received equality, diversity and inclusivity training and will be reminded of the need to take steps to avoid any unconscious bias or other stereotypical and false beliefs around unacceptable behaviours.

21. Confidentiality and Information Sharing

- 21.1 Myerscough understands the need for discretion, sensitivity and privacy where students have shared their experience or reported an incident of unacceptable interpersonal behaviour, including bullying, harassment, sexual misconduct or domestic abuse. Information will be shared on a confidential, need-to-know basis.
- 21.2 This will include:
- a. sharing details of the allegation with the responding person so that they are able to respond in line with the principles of natural justice;
 - b. sharing details of the outcome with reporting student in the interests of their safety, health and wellbeing.
 - c. sharing details of the incident report and outcome with external statutory agencies if they are undertaking their own investigation.

- 21.3 Where information is shared, this will be limited to what is reasonable, necessary and proportionate for the purposes of conducting a proper investigation and disciplinary process, and information that the responding person does not need to be made aware of will be redacted, including information about the reporting student's past or personal wellbeing.
- 21.4 All individuals involved in this process should respect the sensitive nature of the process and not discuss or share details of the case outside of the investigation or disciplinary meetings. This is because sharing information could make an already difficult situation worse for everyone involved, and in some cases may undermine the disciplinary process. This does not mean that those involved cannot seek appropriate advice and support.
- 21.5 Myerscough will not normally report details of an incident to the Police or any other external authority without the reporting student's consent. However, in exceptional circumstances, or when statutory responsibilities dictate Myerscough may pass information to the relevant external authority, where there is believed to be a risk to the reporting student or to others, or in order to safeguard members of the College's community or to comply with the law.
- 21.6 All personal information collected during this process will be processed in line with data protection legislation and kept securely and out of harm's way of unauthorised access or processing.

22. Continuous Improvement

- 22.1 This Procedure and the related Policies on Bullying, Harassment, Sexual Misconduct and Domestic Abuse will be kept under review in the light of sector guidance and lessons learned from casework as part of a culture of continuous improvement and to ensure they remain fit for purpose for all parties who are engaged in them.
- 22.2 Myerscough will seek feedback from students and staff with lived experience of inappropriate behaviour and who have used this Procedure for the purposes of ensuring continuous improvement

Definitions and Unacceptable Behaviour

Bullying is behaviour that hurts another individual or group, either physically or emotionally.

- There is intention to hurt or humiliate
- There are situations where the victim finds it hard to defend themselves
- It can be persistent

Whether or not a student is being bullied, if they are in a situation where they feel uncomfortable or ill at ease, there is a need to ensure the environment exists where they can talk their concerns over with a member of staff.

Cyberbullying, as it is often called, might take the form of real-world bullying being played out online. Situations may be deliberately planned in order to photograph someone in a humiliating way and circulate this online. **Cyber-mobbing** is similar to cyberbullying except that it generally involves more than one person or online-aggressor. Cyber-mobbing is defined as a group of people ganging up on someone using tactics of rumour, innuendo, discrediting, isolating, intimidating, and above all, making it look as if the targeted person is responsible (victim blaming). Cyber-mobbing can be particularly distressing as it can make the victim feel as though everyone is against them and there is nowhere to turn. This is partially because it is difficult to tell who is instigating the attacks - the “ringleader” can sometimes be hidden behind the actions of multiple other people, leaving the victim unable to defend themselves from the lead bully.

Online harm can also include the use of AI-generated images (e.g. face swaps, nudification) this is now clearly defined as illegal pseudo-images and the College will treat this in line with our Anti-bullying, Harassment and Domestic Abuse Policy.

Harassment

The College will take harassment to include any behaviour that is offensive, intimidating or hostile. The defining features are that the behaviour is offensive or intimidating to the recipient and would be so regarded by any reasonable person.

It is important to note that differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment and bullying by one person may not seem so to another but in all situations the College will deal with all reports seriously.

Harassment may take many forms and involve more than one individual, both as the harasser and the victim. It can range from extreme forms such as violence and bullying, to less obvious actions such as ignoring someone.

Hate Crime and Hate Incidents

Hate incidents and hate crime are acts of violence or hostility directed at people because of who they are or who someone thinks they are – see policy for further explanations

Hazing or Initiations are any action or situation created intentionally that causes embarrassment, harassment or ridicule and risk emotional and or physical harm to members of a group or team, whether new or not, regardless of the person’s willingness to participate. Hazing is often associated with initiations

Examples of Unacceptable Behaviour

Under the Equality Act 2010, all public bodies have a duty to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people. The Act covers discrimination because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These categories are known in the Act as protected characteristics.

The following are examples of unacceptable behaviour. This list is not exhaustive:

Sexual Harassment or Bullying

This can be physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault. It can include questions or remarks about a person's sex life, comments or ridicule about appearance or dress, unwanted sexual advances, sexually explicit remarks or innuendoes and/or pressure for sexual favours, displays or distribution of pornographic or sexually suggestive material, including graffiti, posters or other offensive material.

Racial Harassment or Bullying

This may include obscene gestures or jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can include deliberate exclusion for reasons related to race. It can also include offensive remarks about dress, culture or customs, which have the effect of ridiculing or undermining an individual, or fostering hatred and/or prejudice towards individuals or particular ethnic groups. It also includes inappropriate displays of posters, or other offensive material. In some circumstances, it can include pressure to participate in political/religious groups.

Harassment or Bullying of People with Disabilities

This can take the form of individuals being ignored, disparaged, ridiculed or denied opportunities because of mistaken assumptions about their capabilities. In such cases, disability, rather than ability, has become the focus of attention. Such harassment can include inappropriate personal remarks, jokes or inappropriate references to an individual's appearance.

Harassment or Bullying on the Grounds of Actual or Perceived Sexual Orientation

This can include homophobic remarks or jokes (whether spoken, written or sent by email / social media), offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV or AIDS status.

Harassment or Bullying on the Grounds of Religious Belief

This can include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals.

Harassment or Bullying on the Grounds of Gender Reassignment

This can include jokes, name calling, humiliation, exclusion or being singled out for different treatment.

Harassment or Bullying on the Grounds of Age

This can include jokes or insults about a person's age or singling a person out for different treatment because of their age.



Guidance for the Use of Restorative Practice with Students

Rationale for Restorative Practice

- This can be used by staff initially when a student comes to them with an issue and when the students agree to it.
- Can help to provide staff with the prompts needed to ask questions and resolve/ identify an issue early to prevent it escalating.
- Could be used as an option to give students a chance to resolve their issues before having to go through the disciplinary procedure.
- The use of these questions ensures that all students get the same experience when reporting an issue, no matter which staff member they report it to.
- By all staff using these questions, we will be able to create an environment where they feel comfortable in reporting issues to staff; this could highlight any possible issues.
- Students will realise the impact that their actions (extended to impact on the group, staff and family) can have and will be able to consider this before making choices, rather than after.

Restorative Practice

These are examples of the questions that can be used by staff to try to resolve an incident that has taken place.

Restorative Questions

1. (To respond to challenging behaviour)
 - What happened?
 - What were you thinking about at the time?
 - What have your thoughts been since?
 - Who has been affected by what you did?
 - In what way have they been affected?
 - What do you think needs to happen next?
2. (To help those harmed by others' actions)
 - What did you think when you realised what had happened?
 - What have your thoughts been since?
 - How has this affected you and others?
 - What has been the hardest thing for you?
 - What do you think needs to happen next? Where appropriate, agreements / action plan

Documents Related to this Procedure:

- Anti-Bullying, Harassment and Domestic Abuse Policy and Procedure for Students
- Sexual Misconduct Policy and Procedure for Students
- Student Behaviour Policy and Procedure
- Fitness to Study Policy and Procedure
- Safeguarding and Child Protection Policy and Procedure
- People Team Procedures

Procedure Due for Review: June 2027

