

Bullying and Harassment Policy and Procedure for Learners

Integrity • Valuing Others

Our Mission

Raising Aspirations, Unlocking Potential, Advancing Futures

Our Values

Excellence, Passion, Team Work, Integrity, Innovation,
Sustainability, Valuing Others and Supportiveness

Sparsholt College Group

The Sparsholt College Group includes Sparsholt College, Andover College, University Centre Sparsholt, Sparsholt College Services, Westley Enterprises and Andover Town Football Club. Policies apply to each part of the Sparsholt College Group unless specified otherwise.

The *Bullying and Harassment Policy and Procedure for Learners* was approved by the Board of Governors in July 2024. This supersedes the previous publications.

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BULLYING AND HARASSMENT POLICY AND PROCEDURE FOR LEARNERS

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BULLYING AND HARASSMENT POLICY AND PROCEDURE FOR LEARNERS

1 Policy Statement

- 1.1 The Sparsholt College Group (the College) has a firm commitment to equality of opportunity and believes that every learner has the right to study and work in an environment free from bullying and harassment. The College welcomes diversity and as such does not condone or tolerate bullying or harassment at any level or in any form.
- 1.2 The College aims to provide a learning environment which will enable learners to fulfil their personal potential. This can only be achieved where learners feel safe and secure and free from bullying and harassment. Staff and learners both have an important role to play in creating an environment where harassment and bullying is unacceptable.
- 1.3 The College accepts that such an environment cannot be created or sustained if, individually or collectively, learners are subject to bullying, harassment, intimidation or victimisation. learners who feel persecuted, vulnerable and powerless will not be able to study successfully.
- 1.4 People in positions of trust and authority, and those with a pastoral role, have a particular obligation to ensure that they do not use their power to bully or harass learners of the College. Such people should be aware that genuine authority is based on respect and commitment and that demeaning and devaluing people is not an effective leadership style. This obligation is particularly important for members of Academic staff in their relationship of trust and care of learners.
- 1.5 There is a range of options for resolving complaints involving allegations of bullying and harassment, from informal approaches through to the use of the formal complaint procedure (involving an investigation based on evidence gathered from all parties). Wherever possible the route taken should be the complainant's choice, but the College also has a duty of care as employer and service provider and will take action to fulfil this where necessary. Complainants are encouraged to consider carefully the likely consequences of different routes. In many cases, an informal or semi-formal approach may be more effective in putting a stop to any bullying or harassment and facilitating a continued working relationship (where this is possible and appropriate) than invoking formal procedures.
- 1.6 A learner who is found to have been bullied or harassed by a staff member, learner or third party of the College will have the support of both senior staff and the Wellbeing Team in putting a stop to the bullying or harassment. Acts of bullying and harassment which occur off campus may fall within this procedure.
- 1.7 Allegations of bullying and harassment will be taken very seriously and dealt with promptly and sensitively. Confidentiality, where possible, will be maintained between the complainant and the person they contact informally about any allegation and also during investigation of formal complaints, in order to respect the privacy of all parties. There may be times when this is not possible, and in these situations the College will undertake to restrict to a minimum the number of people informed, whilst complying with its statutory duties. The College will ensure that all communications are kept to a minimum and on a "need to know" basis.

It may be that the complainant alleges bullying or harassment and does not wish for the information to go any further. The College will not take further action without the consent of the individual concerned, where possible, unless the allegation is a safeguarding concern which

requires immediate action.

- 1.8 The College regards bullying and harassment as a serious matter. Where serious allegations of bullying or harassment are proved by a formal investigation, disciplinary action may be taken against the harasser.
- 1.9 It is especially important that a person in authority who is, or has been, the subject of a complaint under these procedures does not use their legitimate authority to victimise a complainant. Such victimisation will be treated as further bullying or harassment. If a person in authority initiates grievance or disciplinary proceedings against an individual who has made a complaint against them under this Code, they will be required to show that the action being taken is not victimisation. The onus of proof will be on the person in authority to show (to those considering the disciplinary or grievance case) that the action taken is reasonable in the circumstances of the case. As long as that can be established, the disciplinary or grievance proceedings may proceed in the normal manner.
- 1.10 Where a formal complaint is found on investigation to be based on allegation(s) made maliciously and/or on knowingly false information, the complainant may be subject to the relevant disciplinary procedure.
- 1.11 Nothing in this Code will prevent any member of the College community from exercising their legal rights.
- 1.12 **Scope of the Policy:**
 - This Policy applies to all members of the student College community, including Further Education and Higher Education.
 - Learners on placement may also be covered in the scope of the bullying and harassment policy of the organisation in which they are working/studying.
 - The College will consider the most appropriate course of action in cases involving individuals who are not staff or learners of the College.
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 - Some employers will be members of professional bodies or organisations and learners may prefer to raise an incident with the professional body. The College will provide guidance and support to the learner to raise an incident. The College may raise an incident with a professional body if they believe it to be appropriate.
- 1.13 Assistance will be given to staff or learners who need language support or support for a disability under any part of this policy - as complainant, alleged harasser or witness.
- 1.14 Bullying and harassment can take many forms and these are listed in section 2.
- 1.15 The effects of bullying and harassment are explained in section 3.
- 1.16 The procedure to follow if you feel you have been bullied, harassed or victimised is outlined in section 5 of this document.

Appendix 1

2 What is Bullying and Harassment?

2.1 Bullying

- 2.2 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.
- 2.3 Such behaviour can be physical, such as violent acts or non-consensual touching, verbal, non-verbal, anti-social or technological, such as cyber bullying. Bullying also includes psychological threats, overbearing and intimidating levels of supervision and inappropriate derogatory remarks about someone's performance.
- 2.4 Bullying can be motivated by many reasons, including on the grounds of someone's gender, race, age, disability, sexual orientation, gender identity, religion or belief, marital or civil status, pregnancy or maternity or any other protected characteristic. Bullying may also take the form of singling out a learner because they belong to a particular group.
- 2.5 Bullying is to be distinguished from the actions of a manager or lecturer making reasonable, but perhaps unpopular, requests to learners. Legitimate, reasonable and constructive criticism of a learner's performance or behaviour, or reasonable instructions given to learners in the course of their employment, will not amount to bullying on their own.
- 2.6 Bullying, harassment and victimisation may include:
- a) Offensive songs, remarks, jokes, emails or gestures;
 - b) Display of offensive posters, publications and graffiti;
 - c) Unwanted physical conduct, advances or "horseplay", including touching, pinching, pushing and grabbing;
 - d) Offensive remarks about a person's dress or appearance;
 - e) Offensive remarks about a person's race, gender, marital status, disability, religion or belief, sexual orientation, gender identity or age;
 - f) mocking, mimicking or belittling a person's disability;
 - g) Shouting, abusive or intimidating language;
 - h) Spreading malicious rumours, allegations or gossip;
 - i) Excluding, marginalising or ignoring someone;
 - j) Intrusion by pestering, spying or stalking;
 - k) Copying memos that are critical about someone to others who do not need to know;
 - l) Deliberately undermining a competent worker by overloading, taking credit for his/her work or constant criticism;
 - m) Removing areas of responsibility and imposing menial tasks; and
 - n) Cyber-bullying: that is, the sending or posting of harmful, cruel or offensive text or images by email, internet, social media, gaming or other digital communication devices.
- 2.7 **Peer on Peer abuse** can take different forms such as sexual violence and sexual harassment, physical abuse such as hitting, kicking or shaking, sexting, or initiation type violence and rituals. This can take place in person, on line or via a mobile phone. The College has a zero tolerance of all peer or peer abuse: it should never be tolerated or passed off as 'banter', 'just having a laugh' or 'part of growing up'.

2.8 Harassment

- 2.9 Harassment can take many forms and can be defined as unwanted conduct related to gender, race, age, disability, sexual orientation, gender identity, religion or belief, or any other protected characteristic which has the purpose or effect of violating a learners' dignity or creating an intimidating, hostile, degrading or offensive environment for employment, study or social life. Harassment is unacceptable even if it does not fall within any of these categories.
- 2.10 A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.11 Unacceptable behaviour may be physical, verbal and/or non-verbal, such as ignoring an individual. It may be repetitive, sporadic or an isolated incident against an individual or group. Conduct may be harassment regardless of whether the person behaving in that way intends to offend, or whether the person for whom the behaviour was directed witnesses it or not.
- 2.12 Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. Harassment may not always be intentional, but it is always unacceptable, whether intentional or not.
- 2.13 Examples of harassment would include:
- **Sexual Harassment** involves any unwanted conduct of a sexual nature, which violates a person's dignity, and/ or makes them feel intimidated, degraded or humiliated and/ or creates a hostile, offensive or sexualised environment. Sexual harassment may occur between members of the same sex or of the opposite sex. It may be directed at an individual or a group.
 - a. In addition to the behaviour referred to in 2.6 above, sexual harassment can include:
 - Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
 - Sexual 'jokes' or taunting;
 - Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes and displaying pictures, photos or drawings of a sexual nature: and
 - Online sexual harassment, which might include: non-consensual sharing of sexual images and videos and sharing sexual images and videos (sexting); inappropriate sexual comments on social media; exploitation; coercion and threats. Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.
 - b. Sexual harassment creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.
 - c. It is also unlawful to treat a learner or staff member less favourably because they either submit to or reject sexual harassment.
 - d. Sexual harassment and sexual violence exist on a continuum and may overlap; all activities which are potentially criminal in nature must be

challenged. Sexual violence refers to sexual offences under the Sexual Offences Act (2003), which includes rape, assault by penetration and sexual assault.

e. Where an alleged offence has taken place relating to sexual harassment, please consult the Sexual Misconduct Policy and Procedure for Learners.

- **Gender harassment** is any behaviour, deliberate or otherwise, pertaining to gender, which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or group.

Gender harassment may include abusive comments/jokes about an individual's gender e.g. comments/jokes about capability, based on assumptions relating to gender.

Complaints regarding the behaviour of men and women, directed towards members of the same or other sex, will be taken equally seriously.

- **Racial Harassment** is any behaviour, deliberate or otherwise, relating to race, colour, ethnic or national origin, which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or group.

Racial harassment may include abusive comments about racial origins and skin colour, racist insults, jokes, and comments about capability, racist graffiti, or offensive material, and exclusion/ignoring someone based on assumptions relating to race.

- **Harassment on the Grounds of Religion or Belief or Non-Belief** is any behaviour deliberate or otherwise, relating to a person's religion or similarly held belief or non-belief which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life.

Harassment on these grounds may include:

- a. Refusal to work/study alongside a person because of their religion/belief or non-belief;
- b. Excluding a person from social events or meetings on the grounds of their religion/belief or non-belief;
- c. Prejudging an individual's capability on assumptions relating to their religion/belief or non-belief;
- d. Making offensive comments or jokes about a person's religion/belief or non-belief.

- **Harassment on the Grounds of Sexual Orientation** is any behaviour, deliberate or otherwise, relating to sexual orientation which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life.

Harassment on grounds of sexual orientation may be experienced by, for example, bisexual men and women, lesbian women and homosexual men. It may be

directed at an individual or a group.

Harassment on grounds of sexual orientation may include:

- a. Failure to accept that same-sex partners should be given the same recognition as heterosexual partners;
 - b. Threats of, or actual unwanted disclosure of sexuality (sometimes referred to as 'outing' someone);
 - c. Expressing or acting on stereotypical assumptions.
- **Harassment on the Grounds of Disability** is any behaviour, deliberate or otherwise, relating to a person's disability, which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or a group. Disabilities may be visible or hidden, and include physical disabilities, learning difficulties and mental illness.

Harassment on grounds of disability may include:

- a. Unwelcome discussion of the effects of a disability on an individual's personal life;
 - b. Refusal to work/study alongside a person with a disability;
 - c. Communicating with a person with a disability via a third party;
 - d. Excluding a person with a disability from social events or meetings;
 - e. Uninvited, patronising or unnecessary assistance with work/study;
 - f. Prejudging an individual's capabilities without reference to him/her;
 - g. Mischievous interference with personal aids or equipment.
- **Other Forms of Harassment** - In addition to the specific forms of harassment referred to above, harassment can take a variety of other forms, including ageist harassment and the harassment of other minorities including, transgender people or people who have had their gender reassigned.

2.14 Bullying and harassment includes situations where a person is treated less favourably or experiences unwanted conduct in reference to a protected characteristic of someone who they have an *association* with for example, a learner is subjected to offensive joking about their brother's disability or their friend's religion.

2.15 Bullying and harassment also includes situations where a person is treated less favourably or experiences unwanted conduct in reference to a *perceived* protected characteristic.

2.16 Bullying and harassment may involve an actual or perceived unequal power relationship. Individual harassment tends to reflect wider social inequalities. Those who are in authority are less likely to experience harassment than other members of society.

Appendix 2

3 Effects of Bullying and Harassment

- 3.1 People may be afraid to report incidents of bullying, harassment and victimisation because of the fear of reprisal.
- 3.2 Reporting bullying, harassment and victimisation requires courage and determination. Those who have suffered bullying, harassment and/or victimisation may feel:
 - a. A lack of confidence;
 - b. Unable to deal with the situation;
 - c. Isolated and stressed;
 - d. Traumatized and/or may unreasonably blame themselves;
 - e. Depressed and/or physically ill.
- 3.3 Bullying and harassment affect's people's ability to undertake their studies. It can also affect their performance, health and the quality of their life. The feeling of being unable to deal with the situation may be made worse when the harasser is, or is perceived to be, in a position of power in relation to the person who feels harassed. People experiencing bullying or harassment may also fear that their own particular vulnerabilities, e.g. a history of mental illness, may undermine their case. All complaints should be taken equally seriously.
- 3.4 Where bullying and harassment (including sexual violence and harassment) occurs online, this can lead to additional complex factors. It is important to recognise that it can include widespread abuse or harm across a range of social media platforms that results in repeated victimisation.
- 3.5 It is also recognised that, where allegations of bullying and harassment are made maliciously against someone, or they are made on knowingly false information, the alleged harasser may also be affected in the manner described above.

Appendix 3

4 Legislation

- 4.1 Individuals are protected from bullying and harassment under the Equality Act 2010,
- 4.2 Under the Equality Act 2010, a member of staff may be held individually liable for an act of bullying or harassment, as well as the College being held vicariously liable for that member of staff's act.
- 4.3 The College also complies with DfE Keeping Children Safe in Education Statutory Guidance.

Appendix 4

5 Procedure for dealing with complaints of bullying or harassment

5.1 Introduction

The procedure should aim to investigate such grievances to establish whether bullying or harassment has occurred and make recommendations for action where necessary. Such action could include disciplinary action, in which case the College will refer to the relevant stage of the College's FE and HE Conduct Policies

If an allegation is made that a child has been harmed by a person in a position of trust (i.e. a member of staff), the Local Authority Designated Officer (LADO) must be contacted before any investigation starts.

5.2 Confidentiality

Confidentiality, where possible, will be maintained between the learner and the person compiling the report of the incident. In the event that allegations of bullying or harassment are raised, there may be times when this is not possible, and in these situations the College will undertake to restrict to a minimum the number of people informed, whilst complying with its statutory duties. The College will ensure that all communications are kept to a minimum and on a "need to know" basis following the requirements of the College's safeguarding policy.

It may be that the learner alleges bullying or harassment and does not wish for the information to go any further. The College will not, where possible, take further action without the consent of the individual concerned unless the allegation is so serious that it involves a criminal offence or serious misconduct, or there is an unacceptable risk to the complainant, another person, or to the College itself which requires immediate action (referral will be made to either the LADO or Police as appropriate).

5.3 Anonymity

Where an allegation of bullying or harassment is progressing through the criminal justice system, it is important to be aware of anonymity, witness support and the criminal process so that appropriate support is in place. As a College, it is important that we do all we reasonably can to protect the anonymity of any learner involved in any report.

5.4 Keeping records of incidents

It is helpful for anyone who believes they have been subjected to bullying or harassment to make a note of the details of the incidents as soon afterwards as possible, as memories can fade. For example: dates; times; places; the name of the person involved; what actually happened; how the person felt at the time; the names

of any witnesses; action taken at the time; and whether the incident was reported to a relevant member of staff.

5.5 Stage 1 – How to Report an Incident of Bullying or Harassment - Guidance for Learners

5.6 The College does not condone or tolerate any form of bullying or harassment. The College takes any form of inappropriate behaviour toward learners very seriously. All allegations of bullying or harassment towards any learner will be fully investigated under College procedures.

5.7 The College encourages learners to raise concerns using one of the following methods:

5.7.1 by contacting their progress coach.

5.7.2 by contacting the wellbeing team.

5.7.3 By contacting a residential warden (residential learners);

5.7.4 by raising the issue with any member of College staff.

5.8 Any issues raised regarding bullying or harassment will be taken very seriously and dealt with promptly and sensitively. The College will try a variety of procedures to ensure that the matter is reconciled and resolved and that the learner feels confident that the matter has been dealt with effectively.

5.9 The College will put in place support for learners who feel they may have been a victim of bullying or harassment through the Wellbeing team and, where appropriate, external agencies.

5.10 Stage 2 – Responding to the report

The initial response to a report from a learner is important. It is essential that all victims are reassured that they are being taken seriously and will be supported. The victim should never be under the impression that they are creating a problem by reporting an incident.

Staff should follow the process outlined in the College's Safeguarding Policy. This includes:

- Not promising confidentiality at the initial stage as it is very likely the concern will be shared further with a relevant individual (DSL/DDSL) or agency. However, staff should only share the report with those people that are necessary.
- Being supportive and respectful and recognizing the learner has reported the incident to someone they trust.
- Listening carefully and being non-judgmental. Do not ask leading questions, only prompt with open questions such as where and when.
- Wait until the end of the report before writing a thorough summary so that full attention can be given to the learner.
- Only recording the facts as they are presented.
- If an incident contains an online element, it is important staff do not view or forward illegal images of the learner.
- Manage the report with two members of staff where possible although there may be times when this is not so.
- Inform the DSL/DDSL as soon as is practically possible.

5.11 Stage 2 – Risk Assessment

Depending on the nature of the report/incident, the DSL/DDSL will be required to undertake an immediate risk assessment. This should consider the victim the alleged perpetrator and other individuals in the college. The DSL/DDSL should engage with relevant agencies/specialist services whose detailed assessments should be used to inform the College's approach.

5.12 Action following a report

The DSL/DDSL will consider a range of factors before determining the appropriate next steps:

- The wishes of the victim in terms of how they want to proceed.
- The nature of the alleged incident(s).
- The ages of the individuals concerned.
- The developmental stages of the learners involved.
- Any power imbalance between the learners (i.e. age, does the victim have a learning disability or difficulty).
- Is the incident a one-off or a pattern of behaviour?
- Are there ongoing risks to victim or others within the College.

Once these factors have been considered, the College will have a range of options to consider when managing the report.

- Manage internally – it may be deemed that the incident can be managed using informal or formal (FE or HE Conduct Policies) internal processes. If this is the chosen option, decisions and outcomes must be recorded on ProMonitor.
- Early Help – it may be deemed that learners involved may benefit from early help. A multi-agency approach will work best alongside relevant College policies, preventative education, and engagement with parents and carers (where appropriate).
- Referrals to Social Care – where a learner is under-18 or in receipt of an EHCP has been harmed or is at risk of harm or is in immediate danger, the College should make a referral to the local children's social care. Unless there are compelling reasons not to, parents or carers should be informed. The College will work in conjunction with the relevant agencies but will not wait for an investigation to take place before initiating its own risk assessment (see 5.6).
- Referral to the nominated next of kin or nominated contact in a time of crisis for Higher Education Students.
- Report to the Police – Any report to the police is often made in parallel with a referral to children's social care. The DSL/DDSL are expected to be clear on the process for referrals and abide by that process. Where a report is referred, the College will consult with the police and agree what information can be disclosed to staff and others.

5.13 The Criminal Process

It is important that the College continues to work with the learner's social care (where appropriate) and the police whilst an investigation is taking place. If the alleged perpetrator returns to College on police bail with conditions, advice from the police will be sought to help the College manage its safeguarding responsibilities. An important consideration will be to ensure that the victim can continue in their normal routine including accessing their studies at College.

There may be times when there is a delay in the criminal process including the investigation. The College will not wait for these outcomes before it undertakes its own risk assessment to keep the victim, the alleged perpetrator and other individuals safe. The College will ensure that any actions it takes does not jeopardise the police investigation by maintaining clear communication with them throughout the process.

If the perpetrator is convicted or receives a caution for the incident, the College must update its risk assessment with appropriate processes to safeguard its community. Where appropriate, consideration should be given to the FE or HE Conduct Policies and relevant sanctions. If the perpetrator remains at College, it will be made clear as to the College's expectations including reference to actions identified in the risk assessment.

5.14 Supporting the Victim

Throughout the entire process, a key underlining principle must be ensuring sufficient support is in place for the victim. Depending upon the nature of the incident, this may include support from their progress coach or wellbeing team. Additionally, it may be appropriate to offer other levels of support including using outside agencies. It is important that advice is taken from the DSL/DDSL so that the needs of the victim is always being considered.

5.15 Supporting the alleged perpetrator

The College must consider, on a case-by-case basis, the support that is required for the alleged perpetrator. Where appropriate, the College may work with professionals to consider and understand the behaviour that may have occurred and what support may be put in place. In the case of the alleged perpetrator relocating to a different College, the DSL/DDSL must ensure the new educational institution is made aware of any ongoing support needs and, where appropriate, any potential risks to others within that setting.

5.16 Malicious allegations and false statements

Unfounded allegations of bullying and/or harassment for malicious reasons will not be tolerated by the College. Any such cases will be investigated and dealt with under the College's FE or HE Conduct Policies.

Where a witness is found to have deliberately misled an investigation, the College will treat this as a serious conduct issue.

5.17 Victimisation

Learners are protected from victimisation because of bringing a complaint under the bullying and harassment policy. If a learner feels that they have been victimised following a complaint of bullying or harassment they should raise their concerns immediately to a member of staff. Where it is found that victimisation has occurred, this will be treated as a conduct issue and dealt with according to the policy.

5.18 General

The Bullying and Harassment Policy should not be read in isolation, but cross-referenced with all relevant College policies.

Report Received either from the victim or third party

Victim reassured

- Taken seriously and kept safe
- Confidentiality not promised
- Listen to victim, non-judgementally
- Record the disclosure (facts as reported)
- Two staff present (one being DSL or reported to DSL as soon as possible)
- Victim sensitively informed about referral to other agencies
- If victim does not give consent to share, staff may still lawfully share in order to protect child from harm and to promote welfare of children
- Parents of victim informed

Considerations

Immediately – consider how to support the victim and the alleged perpetrator

- Wishes of the victim
- Nature of the alleged incident
- Ages of the children
- Development stage of children
- Any power imbalance
- Pattern of behaviour

Manage Internally

Early Help

Refer to Social Care

Next of Kin (HE)

Refer to Police

Risk Assessment

Case-by-case basis. Do not wait for outcome of referral before protecting victim.

Safeguard and Support Victim and (alleged) Perpetrator

Disciplinary Measures Taken

Criminal Process Ends

- **Conviction or Caution** – follow C&P Policy. Implement risk assessment where necessary
- **Not Guilty** – ongoing support for victim and alleged perpetrator
- **No Further Action** - ongoing support for victim and alleged perpetrator