



Oakswood College

Empowering Through Education



Sexual Misconduct, Harassment & Unacceptable Behaviours

Guidance on Responding to Disclosures

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Policy on Sexual Misconduct, Harassment and Unacceptable Behaviour

APPENDIX A2: GUIDANCE: Initial Response to Disclosures

Review: Annual alongside the main policy

A1. Purpose

This document provides step-by-step guidance for all staff on how to respond when a student or colleague discloses an experience of sexual misconduct, harassment, or unacceptable behaviour. It supports Section 7 of the Policy on Sexual Misconduct, Harassment & Unacceptable Behaviours and should be read alongside it. The process set out below applies to all staff, regardless of their role or seniority.

A2. What a Disclosure Is

A disclosure occurs when a person tells a member of staff, formally or informally, that they have experienced or witnessed behaviour covered by the policy. A disclosure may be made in person, by telephone, in writing or online. It may be made directly by the person affected or by a third party on their behalf.

Disclosures can be difficult for a person to make and should be received with sensitivity and a non-judgemental response. A person making a disclosure may not necessarily use the word 'complaint'; they may not describe their experience in clear terms. Staff should be alert to indirect or partial disclosures and should respond to them using the Stage 1 procedures set out in this Appendix as follows.

A3. Immediate Response

When a disclosure is made, the member of staff receiving becomes an 'Initial Supporter' and must take the following steps in order:

Step 1: Create a safe space

Stop what you are doing and give the person your full attention. If you are in a public area, invite the person to move somewhere private. Remain calm and composed. Your demeanour will affect whether the person feels safe to continue.

Step 2: Listen without judgement

Allow the person to tell you as much or as little as they choose. Do not interrupt, challenge or express disbelief. Do not ask probing or leading questions. Do not ask for more detail than the person is willing to give. Your role at this stage is to listen, and record information you are given, not to investigate.

Step 3: Acknowledge and believe

Acknowledge that the person has told you something difficult. Use straightforward, affirming language such as "Thank you for telling me" or "I am glad you felt able to share this." Do not express doubt about their account or suggest alternative explanations for what they have described.

Step 4: Be honest about confidentiality

Do not promise that you will keep what has been shared confidential. Explain clearly but sensitively that you may need to share the information with a named colleague in order to get the person the right support and to ensure the College can respond appropriately. You might say something like: "I want to make sure you get the right support, which means I may need to speak to someone else about what you have told me. I will not share more than is necessary."

The only circumstances in which you must share information even if the person does not consent are where there is a risk to the life or safety of the person or of another individual, or where a safeguarding concern relating to a child or adult at risk is present. In these cases, you must refer without delay.

Step 5: Do not investigate

Do not attempt to gather evidence, take statements, contact the person alleged to be responsible, or take any other investigative step. Doing so may compromise a formal investigation or any criminal proceedings. Your role at this stage of the process is to receive the disclosure. You may find yourself to be appointed as the Disclosure Investigation Officer, in which case you will subsequently dive deeper as you will investigate the matter; if not, the information you gather at this stage will be referred to the appointed Disclosure Investigation Officer. But at this stage, your role is not to resolve the matter yourself. It is to receive the information, listen without judgement, offer any immediate internal/external support, and record the information you have received in the disclosure.

Step 6: Ask about immediate needs

Ask the person what they need right now. This may include someone to talk to, information about reporting options, practical safety measures, or simply time and space. Do not pressure the person to take any particular course of action. Inform them that support is available regardless of whether they wish to make a formal report.

Ensure you point them to both internal support available and external support. Establish (if relevant) if the individual needs any support with referring to a Sexual Assault Referral Centre (SARC). Point them to the College's Single Comprehensive Source of Information (SCSI) which has details of various internal and external support available.

Do not pressure the individual into making any decisions. You can explore options with them and give them some time (eg a couple of days) to think about things. Explain that they can be supported to take any steps if they wish to access internal and/or external support, and they don't have to do it alone. You should also check with them what information they are happy for you to share with the College on a very restricted basis (see below).

Step 7: Explain the next steps

Let the person know that the College's process is that you will complete the Stage 1 Report Form with the information that the Complainant has shared with you. Unless it is an emergency situation, advise them that you will complete the form with as full information as possible and then send it to them to ensure what has been reported is accurate.

Where a Complainant is uncomfortable about sharing all of the details recorded in the Stage 1 Report Form, you can agree that you will complete a second Form with only the information they are comfortable sharing with the College and, where applicable, the Respondent(s). This

means that the College will hold the first form confidentially in its records and it will not be shared beyond immediate staff for support purposes only. A second form will then be produced, its content agreed with the Complainant, and that is the form that can be taken forward.

The Disclosure Investigation Officer will only normally receive and investigate information contained in the second Stage 1 Form. Where the Initial Supporter becomes the Disclosure Investigation Officer, as they are already aware of confidential information held only on the first version of the Stage 1 Report Form, they may take such information into account only for the purposes of understanding the Complainant's wishes. If information has not been made party to the Respondent, then it should not be taken into account to inform any decision to refer the Respondent into any formal procedures (such as those under the Non-Academic Misconduct Policy).

In acute cases, where there may be a Safeguarding and/or welfare concern, let the Complainant know you will need to refer the matter to the Head of Governance, Quality, Compliance & Information Systems (HoGQC&IS) or the College's Head of Student Services. Reassure them that this referral will be handled sensitively and that only those who need to know will be informed. Provide them with the contact details for the HoGQC&IS and the Head of Student Services so that they can also make contact directly if they wish.

Step 8: Refer without delay

Complete the Stage 1 Report form immediately, or as soon as you can following the Disclosure. Send it to the Complainant on email to ensure that they are aware of what you have recorded and can verify the accuracy. This also gives them the opportunity to ask you to create a second form that they are comfortable sharing which has only some details on it.

Contact the HoGQC&IS or the Head of Student Services once the Stage 1 Report Form has been completed. In an acute case of emergency, contact them as soon as possible after the disclosure and in any event on the same working day, and then proceed to complete the Stage 1. Where the disclosure involves a safeguarding concern relating to a child or adult at risk, contact the Designated Safeguarding Lead immediately.

Where neither the HoGQC&IS nor the Head of Student Services is available and the matter is urgent, contact the Chief Executive Officer directly.

Step 9: Complete the Stage 1 Report Form

Complete the Stage 1 Report Form at Appendix A1 as soon as possible after the disclosure, while the details are fresh. Complete it even if the person has asked you not to take any formal action. The form is a record of what was disclosed, not a commitment to a particular process. Accurate records are essential for safeguarding and for any subsequent investigation.

Submit the completed form to the HoGQC&IS, who will review it and then determine next steps including appointing a Disclosure Investigation Officer and whether any Precautionary Measures may be necessary (see below). Retain a copy securely.

A4. After the Disclosure

Following the referral, the HoGQC&IS (or their nominee) will carry out an initial assessment in accordance with Section 7.2 of the policy and will determine the appropriate next steps. The HoGQC&IS (or their nominee, who may on this occasion be the Disclosure Investigation Officer) will communicate with the person who made the disclosure and, where appropriate, with the member of staff who received it. The HoGQC&IS may triage support and this may on occasion mean more than one member of staff reaches out to the Complainant.

The Stage 1 Investigation procedure should then take place. The member of staff who received the disclosure should not discuss the matter with colleagues, the person alleged to be responsible, or anyone else unless specifically instructed to do so. Breaching confidentiality in connection with a disclosure is itself a disciplinary matter.

If you are concerned about the wellbeing of the person who disclosed, or about your own wellbeing following the conversation, you should contact the HoGQC&IS or Head of Student Services. Staff who receive disclosures are entitled to support and supervision, and this will be arranged where needed.

A5. If a Person Discloses to You Online or in Writing

The same principles apply. Respond in a way that is warm and non-judgmental. Acknowledge the disclosure. Do not make promises about confidentiality. Refer the matter to the HoGQC&IS without delay and complete the Stage 1 Report Form. Keep a copy of any written communication.

A6. If a Person Tells You They Have Already Reported Elsewhere at the College

If the person indicates they have already reported to another member of staff or directly to the HoGQC&IS, acknowledge this and confirm that you will follow up with the HoGQC&IS to ensure the referral has been received and that support is in place. Do not assume the matter has been dealt with.

A7. If the Disclosure Involves a Member of Staff as Respondent

If the person indicates that the behaviour they are describing was carried out by a member of staff, refer immediately to the HoGQC&IS and the Designated Safeguarding Lead. Do not refer the matter to the line manager of the member of staff concerned, as this could create a conflict of interest. If the respondent is the HoGQC&IS, refer directly to the Chief Executive Officer. If there is an allegation about the Chief Executive Officer, contact the Oakwood College Chair of the Board of Governors.

A8. Quick Reference: What to Do and What Not to Do

Do:

- Listen carefully and without judgement.
- Acknowledge the disclosure and thank the person for sharing.
- Be honest that you may need to share the information.
- Ask about immediate needs and provide information about support.
- Refer to the Registrar or Designated Safeguarding Lead on the same day.
- Complete the Stage 1 Report Form as soon as possible.
- Maintain confidentiality after referring.

Do not:

- Promise absolute confidentiality.
- Ask probing or detailed questions about what happened.
- Express disbelief or suggest alternative explanations.
- Contact the person alleged to be responsible.
- Attempt to investigate or resolve the matter yourself.
- Discuss the matter with colleagues who do not need to know.
- Delay the referral.