
EVALUATION OF A CASE MANAGEMENT PROCESS IN THE EFFECTIVE RESPONSE TO SEXUAL VIOLENCE AT KEELE UNIVERSITY



REPORT PREPARED BY:
LIMECULTURE COMMUNITY INTEREST COMPANY
AND INTERSOL GLOBAL LTD.

JUNE 2018

TABLE OF CONTENTS

Table of Contents	2
1. Introduction	3
2. The Case Management Project at Keele University	5
3. Approach to the Review	6
3.1 Phase One: Project Commencement Phase, incorporating a documentary review ..	7
3.2 Phase Two: Key Informant interviews and Focus Groups	8
3.3 The Agreed Objectives of the Evaluation	10
4. Definition of Case Management	11
4.1 Role of the Case Manager	12
5. Key Considerations	18
5.1 Relationship to the Criminal Justice System.....	20
5.2 Record Keeping	21
5.3 Risk Management	23
5.4 Managing Confidentiality.....	28
6. Phases of the Case Management Process	30
6.1 Pathways into The Case Management Process.....	31
6.2 Initial work in the Case Management Process.....	32
6.3 Disciplinary Investigation Phase.....	35
6.4 Closure Phase	40
6.5 The Accused Student.....	41
7. Audit	43
8. Communications	44
9. Survivor voice survey	45
10. Groups not subject to the Case Management Approach	50
11. Annexes.....	54
ANNEX 1: Evidence	54
ANNEX 2: Survivor Voice survey.....	56
ANNEX 3: About LimeCulture CIC.....	59
ANNEX 4: About Intersol Global Ltd	61

1. INTRODUCTION

- 1.1 This report is a review of the introduction of a case management approach at Keele University as a part of the University's response to sexual misconduct in the University community. The twelve-month case management project at Keele has been funded by Catalyst Funding (Student Safeguarding on Campus) project. A condition of this funding is that the project is evaluated, and this report forms part of that evaluation.
- 1.2 The evaluation has been carried out by LimeCulture Community Interest Company (CIC) and Intersol Global Limited working in partnership. More information about both organisations is in Section 11 Annexes 3 and 4.
- 1.3 It is the view of LimeCulture and Intersol that the Student Services team at Keele University, led by Ian Munton (now at Staffordshire University) and Claire Slater, should be commended for their proactive and ground-breaking approach to tackling sexual misconduct in their University community. It was clear to the Review Team that there is overwhelming enthusiasm and commitment from both the University and Student Union staff to ensure victims / survivors of sexual misconduct from the University community have access to a safe, effective and accessible service to support them following their experience of sexual misconduct, and to provide an appropriate organisational response to the management of risk and the provision of appropriate actions under the University disciplinary code for students.

"There is a whole institution approach and a huge appetite for getting this right. There is leadership buy in from the top and staff are happy to engage with training"

Key Informant

"There is a willingness and overwhelming desire to get this right across all levels of the team, supported by the Senior Management Team"

Key Informant

- 1.4 It is important to note that Keele has taken a difficult role at the forefront of developing the higher education sector response to issues of sexual misconduct and continues to share the learning from their experience with the sector.
- 1.5 As part of the review students who have used the services at Keele were asked about their experiences of the support they were given. The majority of students who responded said that their experience of the University response was outstanding and exceeded their expectations. Nearly all the students said that the information they were given was clear and helpful. Positive comments were also made about continuity of support worker, support worker availability and communication and information sharing. These staff should feel proud of the services they are providing, and the positive difference they are making to the users of their services.
- 1.6 The Review Team would like to thank all the staff and students at Keele who took the time to speak to us during this review, and to share their experiences of working with the systems that have been developed. Without their openness and insight, the independent evaluation would not have been possible.
- 1.7 This report follows the phases of the case management system at Keele. Within each section the Review Team has sought to identify the strengths of the system, and to make recommendations for further development for the staff and students at Keele to consider. Wherever it was possible, the Review Team has also used findings from the victims and survivors who either spoke to the Review Team or completed our Survivor Voice survey.
- 1.8 This report is based entirely on what staff told the Review Team at the time of the meetings held with the focus groups and key informants. It therefore reflects the position at Keele at the time of the meetings, although we recognise that some changes will have been made to systems and processes subsequently as the project develops, and in response to the conversations that took place with key informants.

2. THE CASE MANAGEMENT PROJECT AT KEELE UNIVERSITY

- 2.1 The Case Management Project at Keele was initially a twelve-month project exploring the introduction of a case management approach for those students who report sexual misconduct and ask the University to take action under the disciplinary regulation for students. The University identified this as a requirement following their experience of managing allegations of sexual misconduct, and after the introduction of the Sexual Violence Liaison Officer (SVLO) role across the University. The University subsequently drafted and adopted a new University wide disciplinary regulation and an associated temporary exclusion regulation for students and identified a need for a post holder to manage any cases that came into the University discipline processes and to maintain responsibility for the case until its conclusion. The aims of the project therefore are to embed a whole institution approach to the management of these cases, embed training and awareness, and ensure that the response of the University to reports of sexual misconduct is as effective and robust as possible.

3. APPROACH TO THE REVIEW

- 3.1 The Review Team from LimeCulture CIC and Intersol Global utilised a mixed methodology to ensure that the approach met the needs of Keele, and the needs of the people who use the University discipline processes / case management service so that it was possible to ascertain good practice, identify strengths of provision, and understand and describe any barriers or gaps and areas for improvement.
- 3.2 The mixed methodology allows the Review Team to seek clarification through investigation by reviewing key documentation and interviewing key personnel in order to meet the key aims of the review. The delivery of the review consisted of a three-phase process.

3.1 PHASE ONE: PROJECT COMMENCEMENT PHASE, INCORPORATING A DOCUMENTARY REVIEW

3.1.1 Key documents and management information relating to the Case Management Project were provided to the Review Team by Keele. The Review Team carried out a thorough analysis of the documentation, which was sense checked with key informants to ensure that the information provided reflected the understanding and experience of key informants working with the case management approach.

3.2 PHASE TWO: KEY INFORMANT INTERVIEWS AND FOCUS GROUPS

3.2.1 Key informant interviews and focus groups brought a further level of intelligence to the review. Discussions with front line staff, managers, academics and staff involved in associated work was extremely beneficial to this process.

3.2.2 Key informant interviews and focus groups were conducted in order to seek to understand and explore:

- The case management approach (including existing and expected);
- Gaps in process and potential improvements;
- The effectiveness of provision in relation to safety and risk management;
- What are effective responses and how they can be achieved (these framed the recommendations)
- Whether there are any operational barriers to implementation and delivery.

3.2.3 A semi-structured question framework was developed and employed as a method to collect qualitative data from key informant interviews and focus groups. Interviews were conducted by the Review Team as either individual interviews or as small group interviews depending on subject matter. A small number of telephone interviews took place (for the stakeholders who were unable to attend face to face interviews). Information and data was analysed, and key themes identified from interviews and focus groups.

3.2.4 The Review Team designed and issued an online survey to capture the views of student victims / survivors in consultation with Keele. The survey allowed participants to share their views about their experience of sexual misconduct support services and the case management approach at Keele anonymously if they so wished.

3.2.5 A focus group for students and their supporters was also organised so that anyone who wished to meet with the Review Team had an opportunity to do so. The Review Team did not receive any requests for a focus group although two one-to-one

meetings were requested. However, one of these was cancelled on the day owing to illness and the second did not arrive at the agreed time.

- 3.2.6 LimeCulture and Intersol Global conducted the stakeholder interviews and focus groups over the course of three days (27 and 28th February, and 4th June 2018.)
- 3.2.7 Following Phase One and Two of the project, the report of findings, including key recommendations was created and shared with the staff at Keele. It is suggested that the key recommendations contained within the report are used by the leadership team and staff at Keele to inform their decision-making around how case management for allegations of sexual misconduct at the University is configured, designed, and managed moving forward.
- 3.2.8 The key findings have been ascertained by the Review Team through careful analysis of information provided by managers, practitioners, associated staff groups and other stakeholders elicited through a series of focus groups and interviews.
- 3.2.9 It has not been possible to corroborate all of the information provided to the Review Team as part of this project. However, the Review Team endeavoured to triangulate evidence provided throughout the period of the review by cross-checking information from a range of sources wherever possible.
- 3.2.10 The key recommendations that the Review Team have made are embedded into the text of this report and relate entirely to the key findings. The Review Team has sought to make practical recommendations that support progress or improvements to a particular problem or area of concern within current provision.

3.3 THE AGREED OBJECTIVES OF THE EVALUATION

3.3.1 The objectives of the evaluation were agreed with the University before the review commenced, and are:

- Evaluation of the effectiveness and quality of the service that is being provided to the complainant, including the management of all associated paperwork
- Gather information to strengthen the provision of the service, including looking at what can be learnt from other examples of case management
- Provide an insight into current service provision, and make recommendations for enhancement, which can then be used to monitor and measure the progress of changes that are implemented.
- Help identify any organisational or pathway barriers to effective service provision, describing how access and experiences could be improved, and raising awareness of the role of the case manager
- Stimulation of a more responsive service by involving staff, partners and stakeholders, and identifying what other services or activities interact with the role, and how effectively this works
- Interaction of case management with other University systems and processes, including disciplinary and conduct processes
- The requirements of the role in supporting University student services, accommodation and academic management and the managers experience of engagement with the role
- Interaction of the case manager with the SVLO role, and other University and external support roles
- The input and impact the case manager achieves within investigative processes undertaken by the University
- Embedding of the case manager role across the wider University

4. DEFINITION OF CASE MANAGEMENT

- 4.1 There is no blueprint for the case management of reports of sexual violence in a University setting. As such, the Review Team rely upon a definition of case management that embraces the principles of ‘investigation’, (a systematic and detailed examination to discover detail), checkable facts, and information that fully and accurately informs the business decision-makers (or University discipline panel) so that outcomes are as satisfactory as possible. Those decision-makers need reliable detail, accuracy and facts on which to base any decision.
- 4.2 It follows that case management (or progression) involves a series of (simple or complex) processes and involves multiple people inside (and potentially outside the organisation) who will have varying relationships with each other, as well as the collation of documents, messages, and digital data.
- 4.3 The role of the ‘case manager’ can best be described as the management, direction, and oversight of case progression. Whether or not the role should involve investigation is a matter of choice. It can be argued that *ideally*, the role is best situated outside and above the investigation to facilitate independent oversight, transparency, direction, control and risk management.

4.1 ROLE OF THE CASE MANAGER

4.1.1 The Review Team was informed that the role of the Case Manager was new to Keele and was developed by senior managers as they sought to develop effective responses to managing sexual violence and misconduct (hereafter referred to as sexual misconduct) in the University environment. Consequently, although at the outset a job description was created in order to recruit a suitable candidate to the role, as the project progressed the role began to change and evolve. The Review Team recognise that this is an inevitable consequence when a new function or role is introduced, especially in a complex operating environment such as case management.

4.1.2 The Review Team was told that at the time of their review, the role of the Case Manager could best be described as the management of sexual misconduct cases in the University discipline process including:

- Explaining to reporting students what the disciplinary process entails and how they can access the process
- Undertaking initial fact finding to provide a basic outline of what has happened for the Temporary Exclusion Panel
- Identifying what the reporting student might need in terms of temporary / conditional exclusion
- Establishing risk associated with both the reporting student and the accused student to inform the Temporary Exclusion Panel and the Discipline Committee if the case proceeds to a hearing
- Liaising with SVLOs regarding the ongoing support needs of the reporting and accused students (or advocates within the Students' Union if they have taken on the role of supporting the accused student)
- Acting as an investigator in the disciplinary process
- Providing advice to SVLOs, reporting students and accused students about the disciplinary process
- Managing cases of sexual misconduct through the discipline process

In addition, the role also includes:

- Formally recording and capturing serious incidents of sexual misconduct
- Developing relevant policy and procedures
- Providing training on disclosure across the University and facilitating campaigns to raise awareness of the support services available to victims of sexual misconduct at the University.

From information passed to the Review Team by key informants, it was clear that the role of the Case Manager is already embedded in the University disciplinary process.

4.1.3 The Case Manager role at Keele is known as the Serious Incident Officer (SIO) and is therefore referred to as SIO throughout this document. The SIO has responsibility for all discipline cases involving sexual misconduct but not for other serious incidents which are not sexual misconduct (unless they are categorised under ‘harassment misconduct’). Staff felt that this needed some further definition as it was unclear. In addition, the Review Team is aware that the term SIO (Senior Investigating Officer) is commonly used by the police in criminal investigations, and as such there exists the potential for confusion with external stakeholders.

4.1.4 Staff also said that the role of the case manager must be distinct from the role of the SVLO. It is therefore important that any title that the case manager role is given must ensure these two roles are clearly recognised as being different.

RECOMMENDATION 1: The name of the role should be revisited to consider whether there is a better job title to reduce the potential for individual and cross organisational misunderstanding.

4.1.5 The Review Team was impressed by the level of positivity that key informants expressed about the role of the SIO and their shared commitment to making the role work as effectively as possible. It was clear to the Review Team that a great deal of careful thought and planning had gone into this project from its inception, and that the University was in a strong position to continue to build on its early learning and achievements. The Review Team was told that the ability of the SIO to interact with both students (reporting and accused) has improved confidence in the discipline process.

“We think that as a result of having the SIO role and the SVLO too, that reporting students feel better supported and are therefore less likely to withdraw [from the discipline process.]”

Key Informant

4.1.6 Currently therefore, the SIO is acting as a case manager, whilst also undertaking investigations into reports of sexual misconduct and providing advice to students. The SIO is also used as a point of contact by staff who want to ask for advice about what to do in particular situations that involve the discipline process. The role might best be described as using a mixed or blended approach which incorporates

- some elements of case management,
- some investigative functions,
- presentation of disciplinary cases,
- and information giving.

RECOMMENDATION 2: The University should develop a clear job description for the role of the case manager.

4.1.7 Staff told the Review Team that the current process of case management that the SIO follows is not documented. This includes the interface of the role with other key University personnel. Staff said that the role and responsibilities of the SIO were therefore unclear to other staff, and if the case manager decided to leave her role or if she was unable to perform her duties for any reason, the current process would be

at worst unknown or at least unclear. As such there would be no standardised process to follow.

RECOMMENDATION 3: The end to end process of case management should be documented and made available to appropriate personnel. This should include the management of risk.

4.1.8 The Review Team was informed that, although the Associate Director of Student Services had been line managing the SIO since the role had been created, the decision had been taken to transfer this responsibility to the Head of Quality and Student Conduct who has oversight and responsibility for academic appeals, complaints and student academic and discipline-related misconduct cases.

4.1.9 The Review Team felt this was a positive move which would further embed the role of the SIO with those staff responsible for managing the discipline process and strengthen the case management process further by ensuring that managers have oversight of the progress made on cases, including the scope and extent of the investigation phase.

“Currently no one person owns the case management process. In reality there is no checking the progress of the case. There is no formal process for case management.”

Key Informant

4.1.10 Separately from line management arrangements, and in recognition of the sorts of demands that these roles place on individuals and including requiring postholder(s) to carry risk, staff agreed that the SIO (and SVLO team) would benefit from access to some welfare supervision which is external to the University.

RECOMMENDATION 4: The SIO (and SVLO team) should have access to some individual welfare supervision which is external or independent to the University.

4.1.11 It was clear to the Review Team that the role of the Sexual Violence Liaison Officer (SVLO) in student services is an intrinsic part of the case management process. The principle role of the SVLO is to provide support to the reporting student. Support will

include providing information to students to help them understand their options around reporting the incident either to the police, the University or both, their health needs including access to forensic medical examinations, sexual health services and external support and counselling services as well as managing any internal adjustments that might be necessary within the University.

“She acts as a Bridge or lynch pin between the discipline process and the SVLO team.”

Key Informant

4.1.11 The Review Team was also informed that at Keele SVLOs had, on occasions, supported accused students, although this role was more usually undertaken by advocates working within the Student Union. Staff told the Review Team that they believed the introduction of the SIO had significantly improved the support that they were able to offer reporting students by ensuring there were clear boundaries between those supporting the reporting student and those involved in the discipline process. Staff said that before the SIO role was created, SVLOs were tasked with explaining the function and process of the discipline process to students. Staff said they did not always feel confident doing this. However, since this responsibility had passed to the SIO, staff said they felt that reporting students were better informed about the discipline process, what it entailed and what they might expect if the case was pursued.

4.1.12 In addition, staff said that previously SVLOs had also been required to inform students of the outcome of any discipline process that might have taken place. Staff commented that where the outcome of the process had not been favourable to the reporting student, the student often disengaged from their relationship with the SVLO after they had been informed of the outcome. Staff said that this concerned them as, at this point, students were often vulnerable and in need of support. Since the SIO had been in post, this responsibility had passed to her. Staff said that in their opinion, even if the reporting student felt upset with the outcome of the discipline process, they still remained in contact with and continued with the support offered by the SVLO.

4.1.13 The Review Team therefore concluded that the SIO role has created more structure around the support for the reporting student, managing their expectations better and

improving outcomes. This in turn enables the SVLO to better manage their relationship and boundaries with the reporting student.

5. KEY CONSIDERATIONS

- 5.1 It is now widely accepted that tackling violence and abuse, particularly sexual violence, requires a joined-up approach at a local level through partnerships with relevant stakeholders. It is also important that victims of sexual violence have good access to effective services, whether or not they wish to report to the police.
- 5.2 It is widely understood that many people who have been subjected to a sexual assault do not feel able to report it to the police in the first instance, despite improved police efforts to be more responsive to the needs of victims. Some may never report to the police whilst some may take years or months to do so. Instead, victims may choose to engage with other services such as health services, third sector organisations or other seemingly unrelated services such as housing support services. In the University context this could mean inter alia the staff in the student support services team, student union staff, accommodation officers and academic staff.
- 5.3 The long-term effects of sexual violence on victims can include depression, anxiety, post-traumatic stress disorder, drug and substance misuse, self-harm and suicide. However, when victims receive the support they need when they need it, they are much more likely to take positive steps to recovery.
- 5.4 As many victims / survivors of sexual violence choose not to report the offence to the police immediately, the Review Team are of the view that University processes need to be robust to ensure that if a reporting student decides to tell the police at some point in the future, any actions taken by the University will not undermine the police investigation or prosecution. To do this Universities need to ensure that any contact or interaction with the reporting (and accused student) are clearly recorded, together with any decisions made and the reasons for those decisions. All of the material held by the University will potentially be of interest to the police and prosecutors in the event of a future criminal investigation. This will include material held by individual's working in the University as well as records on any central database.
- 5.5 Where University discipline processes have been instigated, the outcome of those proceedings may significantly impact on an accused student's future achievements

at the University as well as in their subsequent working lives. Where cases are proven, students may lose their place of study, and where they are studying for professional qualifications, they may lose eligibility for inclusion on a professional register. Consequently, discipline processes must be robust, and conducted as effectively as possible and in accordance with University policy.

5.6 Where the University embarks upon an investigation as part of the discipline process it is important to note that, any information or material gathered during that investigation, is likely to be requested by the police in any future criminal proceedings. For those undertaking such an investigation it is therefore important to ensure that the investigation will withstand the scrutiny to which it might be subjected in the Criminal Justice process at a later date. The Criminal Procedure and Investigations Act 1996 Code of Practice applies. An important aspect of the CPIA is that it sets standards and procedures for investigators that:

“Persons other than police officers who are charged with the duty of conducting an investigation as defined in the Act are to have regard to the relevant provisions of the code, and should take these into account in applying their own operating procedures.”

The CPIA Code of Practice

- Regulate the investigation process
- Regulate the recording and retention of material that is found or is generated in the course of an investigation.

5.7 For example, a student may decide to pursue the disciplinary process through their University, which results in an investigation and discipline panel hearing, and at a later date, potentially some years hence, make a decision to report the sexual misconduct to the police. This would trigger a police investigation, where it is likely that all materials held by the University will be sought. This would include investigation materials. If the University investigation was found to be flawed this could jeopardise the chances of securing a successful outcome from the Criminal Justice process.

5.1 RELATIONSHIP TO THE CRIMINAL JUSTICE SYSTEM

- 5.1.1 To distinguish the University process from a criminal law process, the University refers to sexual violence, sexual harassment and sexual abuse as sexual misconduct throughout the disciplinary process. The use of this term is not intended to trivialise what has happened; sexual misconduct is a term which captures all types of sexual violence, from rape and sexual assault, to stalking, harassment and abuse. The term 'misconduct' is used to highlight the difference between a police investigation under the criminal law, and an investigation by the University under its misconduct regulations.
- 5.1.2 Staff told the Review Team that they were clear that the University discipline procedure could not and should not operate like the Criminal Justice System. They acknowledged that if a reporting student chose to report their experience to the police, then under current guidance the University should suspend its investigation and discipline process until the police investigation and / or criminal court proceedings have concluded. However, they explained that the University is still able to impose temporary restrictions while a police investigation is ongoing if this is deemed to be necessary. Staff did comment that in some cases there is a challenge resulting from lack of (apparent) progress in a police investigation, and resulting lack of information for both students.
- 5.1.3 Where the accused student is studying for a professional regulated qualification, additional procedures may apply. These are rooted in Fitness to Practice procedures and will vary according to the professional qualification sought.

5.2 RECORD KEEPING

- 5.2.1 Staff recognised the importance of effective management of records and the need for an audit trail of any decisions they made following a report of sexual misconduct.
- 5.2.2 The Review Team was told that any data relating to sexual misconduct is collated and recorded on a database called 'Top Desk'. Staff said that access to this database is restricted to those members of staff who needed to be aware of the information that has been reported and decisions that have been taken as a result of the report. The Review Team was also told that once a case enters the disciplinary process under the Temporary Exclusion regulation or is progressing towards Discipline Committee, all records and data are held on a secure shared drive on the University server and only accessible to members of the Conduct Team. Staff told the Review Team that they felt confident that the current system ensured confidentiality of records. However, it was not clear to the Review Team whether all appropriate information is recorded on a single data base and whether more than one system was in operation.
- 5.2.3 Staff were unclear about the level of case management recording if a reporting student decided not to pursue a disciplinary investigation after advice from the SIO about the disciplinary process. Staff felt that at this point case management had yet to commence properly (although it could start if the Reporting Student changed their mind) and therefore recording was limited. Staff said there was no guidance about exiting from the process, what should be recorded and how case management should be reflected.
- 5.2.4 It was apparent to the Review Team that a number of records are generated when a student makes a report of sexual misconduct including the student's account of the incident, a record of the pre-process meeting with the SIO, the records of the (TEP) emergency meeting, and subsequent full TEP meetings with formal minutes before the disciplinary process ever begins. Further records are generated within the discipline process, and with any processes relating to Fitness to Practice procedures and / or criminal justice referral.

5.2.5 Staff told the Review Team that there is no comprehensive Information Sharing Protocol in operation either within the University between the different individuals / departments who may play a role in support, investigation, discipline, exclusion, education, accommodation and any other University functions or between the University and outside parties. These outside parties include professional bodies, and the Criminal Justice System. Staff were therefore unsure what could be shared with whom and when.

RECOMMENDATION 5: All relevant information obtained following a report of sexual misconduct should be recorded in one place and remain confidential save to those staff who require access in order to carry out their role supporting a student, or to manage risk or to enable the discipline process to be instigated and completed.

RECOMMENDATION 6: An information sharing protocol for use both internally and externally should be developed and implemented.

5.2.6 Staff told the review team that there was currently no formal process for recording or managing intelligence about students who have previously been reported for sexual misconduct within the University. The current process relies on staff remembering a student's name which could then be traced on 'Top Desk'. Staff said that although in the main this process worked, it was not infallible and the benefit of developing a more effective method of recording any intelligence could not be underestimated.

RECOMMENDATION 7: Develop a process for collating intelligence about students who are alleged to have committed sexual misconduct (linked to recommendation 14).

5.3 RISK MANAGEMENT (TEMPORARY EXCLUSION PANEL)

5.3.1 Risk surrounding sexual violence and misconduct can take a number of forms, all of which need to be managed and which together often create a complex landscape. These risks can be described as:

- Individual risk; this incorporates risk of physical injury, risk to emotional health and mental well-being, and risk to sexual health including pregnancy.
- Organisational risk; this has a broad meaning and incorporates both the risk to the wider University community which may be related to keeping other students safe from the risk of further misconduct, to organisational and reputational risk if the University is considered to have failed in their duty of care to staff and students. Where accused students are undertaking professional courses, there may be additional risk associated with the nature of the professional role they are training to undertake outside of the University community which will also need to be managed.
- Criminal Justice risk; this relates to a reporting student's engagement with the criminal justice system either immediately after the incident has occurred or at any time thereafter, and the implications for the organisation in terms of their approach to managing systems and processes, communications and records all of which could be subject to scrutiny in the courts.

5.3.2 In order to manage these different aspects of risk quickly and efficiently, Keele has established a Temporary Exclusion Regulation that has been developed and implemented to support their management of risk associated with student sexual misconduct. The regulation is enacted by a Temporary Exclusions Panel (TEP). The Panel has three core members who are senior members of staff from Student Services and Student Conduct, two of whom are empowered to complete an emergency risk assessment alone if circumstances require it (for example on call out of hours).

- 5.3.3 Staff informed the Review Team this regulation applies whether or not the reporting student seeks to pursue an allegation through the discipline process or if the reporting student decides to withdraw after the process has started. In this way the University acknowledges its responsibility to consider any apparent risk to the wider community. However, in the Survivor Voice survey one third of students said they had no involvement with the TEP. It is impossible to say whether the allegations made by these responders actually required a referral to the TEP. However, staff acknowledged the importance of ensuring that all students were aware of the TEP, its purpose and its role in managing the needs of both the reporting student and the accused student.
- 5.3.4 In the first instance, after a report of sexual misconduct has been received by the University, the TEP will meet to carry out a risk assessment. If circumstances require, the TEP can impose emergency temporary exclusions upon the accused student which will be specific to the individual circumstances of each case, guided by the needs of both the reporting student and the accused student. If the incident has been reported to the Police, then the TEP will seek to establish if bail conditions have been imposed upon the accused student. This is to ensure there is no conflict between conditions imposed by the police and those imposed by the University. Exclusions or conditions are not punitive and will only be imposed if the TEP feels it is necessary and staff told the Review Team that in imposing conditions and exclusions they are always mindful of the importance of ensuring that, so far as possible, both students can continue with their university life.
- 5.3.5 In advance of the TEP hearing (if circumstances / time will allow), the SIO will endeavour to speak to the reporting student and explain the role of the TEP in managing the needs of both the reporting student and the accused student. If an SVLO is involved, the SIO will work with the SVLO to establish any key information about risk that should be passed to the TEP. Otherwise, the SIO will seek to establish any risk factors of which the TEP should be aware. The Review Team were told it is unlikely that the SIO would meet with the accused student before an emergency TEP.
- 5.3.6 Staff told the Review Team that temporary exclusions, if required, may be put in place as an emergency measure, usually within 48 hours of receiving a serious incident

statement from the reporting student and without a hearing taking place. The accused student will then be invited to attend a Temporary Exclusions Panel hearing within seven calendar days.

RECOMMENDATION 8: Guidance should be developed which supports the management of information given to the accused student particularly for those cases where the Police are involved.

5.3.7 At the TEP hearing, any emergency measures put in place may be changed, if there is a good case for doing so. Staff said that thereafter, the temporary exclusions / conditions are reviewed periodically throughout the investigation process and both the reporting student and the accused student can seek change if required. If the temporary exclusions / conditions are changed, both students are informed immediately. However, staff told the review team that this process is not formally documented so students do not know when they can seek to change temporary exclusions / conditions or how often the TEP will review them.

RECOMMENDATION 9: Formalise and standardise the process of the TEP including when students can seek to change temporary exclusions / conditions and how often the TEP should review them.

5.3.8 Key informants told the Review team that, although the TEP hearing is fully documented, staff do not have access to a risk identification, assessment or management tool help them with their risk assessment and support their findings. As such, staff said they were concerned that their decisions might be seen as ad hoc and potentially inconsistent.

“Information is shared verbally and informally – just based on our notes and we could miss something. Formalising the process would feel safer”

Key Informant

This concern was repeated by staff involved in the hearing of discipline cases. Staff said that they saw enormous benefit in developing a tool to assist them with this process.

RECOMMENDATION 10: The University should consider using a risk assessment and management tool as part of the TEP and discipline process.

- 5.3.9 The Review Team considers it a strength that the TEP meets very quickly after a report of sexual misconduct is made and has a clear focus on managing risk.
- 5.3.10 Staff described the TEP process is a collaborative exercise. Once decisions have been made by the TEP these are then passed to the Deputy Vice Chancellor for approval. Any appeal against the findings of the TEP, will be referred to the Vice Chancellor for a final outcome.
- 5.3.11 As a result of this process, staff acknowledged that the Deputy Vice Chancellor will be aware of any risk that has been identified through the TEP and how it is being managed. The Review Team acknowledge that this is good practice. However, the Review Team was also told that under current practice the Vice Chancellor would not be made aware of any sexual misconduct case that did not go through the TEP process. These would typically be cases where the reporting student does not want the University to take any action or seek any adjustments, or does not disclose the accused student's name or the sexual misconduct is reported by a third party. Currently, neither the Deputy Vice Chancellor, nor the Senior Leadership team would be sighted on the potential risk in these cases.
- 5.3.12 Key informants told the Review Team that, in their view, the oversight of risk at the most senior / executive level in the University was critical. However, they acknowledged that under current practice senior managers were not always sufficiently sighted on **all** risk relating to sexual misconduct at the University.
- 5.3.13 The Review Team was told that the senior executive team does meet regularly and that it would benefit from being made aware in those meetings of sexual misconduct incidents in the University (including numbers, sources of reports, and their status). Staff acknowledged that regular reports would enable the senior leadership team to consider whether there are any patterns in incidents or other matters they need to be aware of and address, as well as enabling them to make decisions relating to resourcing and prioritisation.

RECOMMENDATION 11: The senior leadership team should determine when and how they are informed about sexual misconduct cases within the University so that they can be sure they are aware of the level of risk the University is currently holding and respond appropriately.

5.4 MANAGING CONFIDENTIALITY

- 5.4.1 Good record keeping and risk assessment processes are closely linked to the management of confidentiality. Staff told the Review Team that they were unclear about when it may be necessary to override the wishes of a student who reports sexual misconduct but who does not want any onward referral to be made, either internally within the University setting, or outside of it. Staff did acknowledge however that they were aware that there may be circumstances where it is in the public interest to override confidentiality and share information, particularly in relation to the need to safeguard others. Staff identified that where the student is on a professional programme, disclosure of information was more likely to be required.
- 5.4.2 Some academic staff attending focus groups told the review team that they felt unclear about the expectations and limitations of their own role if sexual violence or misconduct was disclosed to them. They also said they were unclear about how the role of the SIO or SVLO worked despite an extensive campaign to highlight the role of the SVLOs across the University. However, those members of staff who knew about the SVLO role and the SIO felt these were enormously beneficial particularly in terms of offering them advice and guidance and as a result they said they felt much more confident about managing sexual misconduct.

RECOMMENDATION 12: The University should develop guidance for staff about when, and in what circumstances, information can be shared and / or confidentiality breached.

- 5.4.3 The Review team was told that further complexity can arise if a student reports being a victim but does not disclose an accused student's name or a student reports sexual misconduct on behalf of a third party. In these circumstances there will be no discipline process, and the TEP will not be involved. However, the person to whom the student has reported (which may be an SVLO or any other staff member in the University) may be aware of a risk associated with the disclosure. Staff said that if this happened there was no formal process to communicate the existence of risk to

the wider University i.e. to those members of staff who would need to know and understand the risk being held.

RECOMMENDATION 13: A clear risk management process should be identified and developed. This should include what risk is, how risk is recorded, how information about risk is passed on and who has responsibility for the day to day management of risk within the University setting.

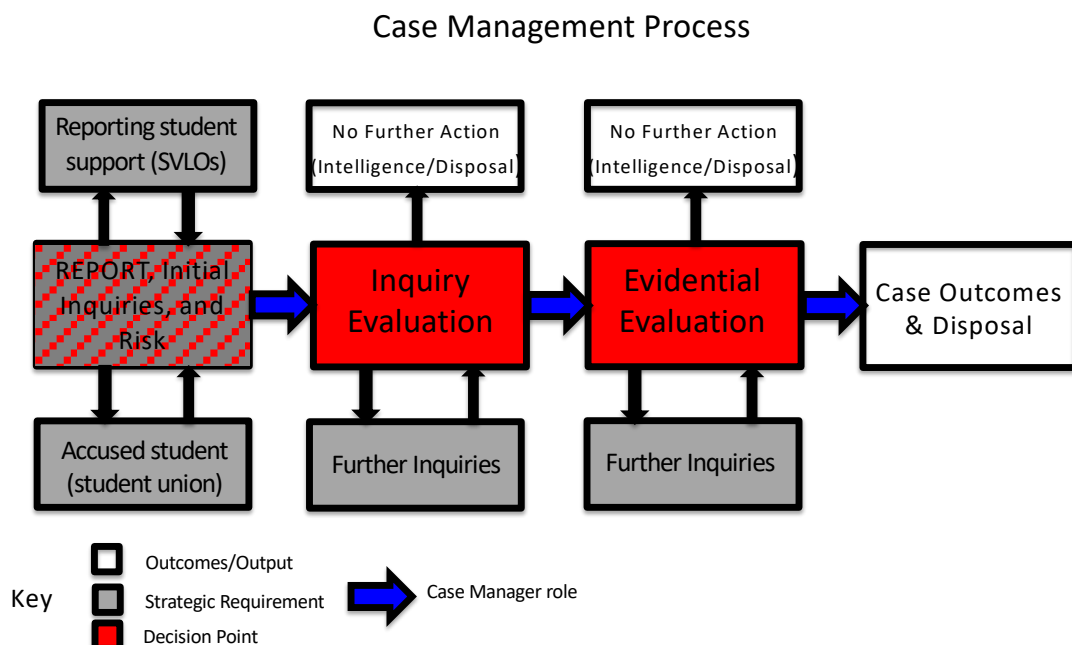
5.4.4 The Review Team was unable to ascertain how the University manages anonymous intelligence where a student wishes to remain anonymous or where the report is made by a bystander or third party. Staff said there was no formal process for managing intelligence. Without this, the University is less likely to know if there is a repeat offender in their community.

RECOMMENDATION 14: The University should develop guidance about how to manage intelligence, how to collect anonymous intelligence, and how to report anonymous intelligence to the police. (linked to recommendation 7)

6. PHASES OF THE CASE MANAGEMENT PROCESS

6.1 For clarity, the case management process has been broken down into three phases in this report.

- The Initial Phase (report and initial investigation) i.e. pathways into the process
- The Discipline Phase (investigative evaluation) including the investigation, and
- Closure Phase (evidential evaluation) which includes making a finding, feeding back to students, and audit.



6.1 PATHWAYS INTO THE CASE MANAGEMENT PROCESS

- 6.1.1 The Review Team was told that the case management process starts with a referral to the SIO when a student reports sexual misconduct and says that they wish the University to take action. This report, which is usually verbal, may be made to an SVLO or any other member of staff in the University. The report is then communicated to the SIO and students are then asked to submit a serious incident statement for which a proforma exists.
- 6.1.2 Staff said a key part of the role of the SIO at the outset, is to provide information to the reporting student and the accused student about the discipline process. Staff said that at this stage, the welfare of both parties is of fundamental concern, and the SVLO will work alongside the SIO to ensure the reporting student is being supported and to identify any risk factors that the reporting student may face. The Review Team was unclear about how the support of the accused student was managed at this point in the process.
- 6.1.3 Staff told the Review Team that the formal discipline process is commenced when the reporting student completes a serious incident statement which requires the reporting student to record a brief outline of the allegation. The Review Team was told that a serious incident statement is returned to the discipline team in approximately 80% of cases. Staff said they were unclear about why students did not always complete the statement. The Review Team was told that even if the serious incident statement was not completed, the discipline process could still be invoked.

RECOMMENDATION 15: The University should ascertain the reasons for failure to complete the serious incident statement and establish how students can be better supported to complete them.

6.2 INITIAL WORK IN THE CASE MANAGEMENT PROCESS

- 6.2.1 Staff told the Review Team that at the beginning of the process the SIO meets with both the reporting student and separately with the accused student for a pre-process meeting. Both students are able to be accompanied by anyone in the University community at all stages of the process including at the outset.
- 6.2.2 Staff explained to the Review Team that at the pre-process meeting, the SIO explains to each student what the disciplinary process is, what engaging in the process entails including hearings and the TEP process, and potential outcomes. The SIO will also gather information from both students to support the first (emergency if required) meeting of the TEP. If an SVLO is involved, information about the needs of the reporting student may have already been passed to the SIO before the pre-process meeting takes place. Staff said that the SIO may also conduct 'a quick welfare check', although they acknowledged that the SIO is not part of the welfare process and that this related to ensuring that the immediate needs of both students were being addressed. Onward referrals are made as appropriate. The Review Team was told that these meetings will occur whether or not a police investigation has begun.
- 6.2.3 The Review Team was told that during the pre-process meetings the SIO explained her role to the students. The students are told about how the role relates to the University disciplinary process. They are told the role is impartial, and that the SIO will collect as much evidence about the allegation as possible, and present it to a committee of three who will decide first if the allegation is proven, and if so, the appropriate sanction. The SIO talks to them about the additional support they can access, including advice from ASK, the stages of the process, the TEP, and take questions. Given that there is potential for the SIO to be classified as a witness in future criminal justice proceedings, it is important that both students understand the extent and limitations of SIO role i.e. there is clarity about what the SIO can, and cannot, do.

6.2.4 Staff also told the Review Team that at the pre-process meeting the SIO does not discuss the issue of confidentiality with either of the students, although there is some general discussion about the importance and benefits of keeping the allegations private. Staff said that they were concerned that where reports of sexual misconduct are made, this can lead to widespread discussion across campus and that this can have implications for both students and for proceedings.

6.2.5 In addition, the Review Team was unclear about how the issue of note taking was addressed during these meetings. In particular, staff acknowledged that to date, an end to end audit trail of any contact with either of the students by the SIO is not in place.

RECOMMENDATION 16a: At the pre-process meeting the SIO must explain to, both the reporting student and the accused student:

- The boundaries and limitations of the SIO role,
- The limitations of confidentiality in relation to information which is passed to the SIO.

A clear record of the contact with both students should be made and key information should be recorded.

RECOMMENDATION 16b: Written guidance explaining the role of the SIO should be developed and made available to both students at the outset of the pre-process meeting.

6.2.6 During the pre-process meeting staff said that students are informed that they can choose whether to engage with the University discipline process. However, it is made clear to the accused student that the process will continue whether or not they choose to engage with it. The reporting student is informed that if they do not want to start the process or if they pull out of the process at any point after it has begun, the TEP will still carry out a risk assessment in order to establish if there is any risk to the wider community. The Review Team was told that at this stage the SIO would cease to be

involved, although support for the reporting student would continue to be given by the SVLO if required.

6.2.7 A number of complaints of sexual misconduct do not fall under the University case management process as it is currently configured, and these are considered in more detail in section ten.

6.3 DISCIPLINARY INVESTIGATION PHASE

- 6.3.1 Key informants told the Review Team was told that members of the Discipline Committee had been trained on sexual offences and how to communicate with victims of sexual offences and that this had been useful and had given them more confidence in dealing with this type of misconduct. The Review Team consider it a strength that staff have received relevant training to deal with these types of misconduct.
- 6.3.2 Staff informed the Review Team that the SIO currently has both case management oversight **and** investigative responsibilities as part of her role. Currently the SIO discusses any case that arises with the discipline manager or other senior staff member in student services about her intended approach to the investigation, none of whom have a comprehensive understanding of the investigative process. The SIO is not provided with any Terms of Reference for the investigation, nor formal instructions concerning the level or extent of the required investigation.
- 6.3.3 Thereafter, regardless of complexity of the misconduct alleged, there is currently no mechanism to provide formal oversight of the investigative element of the SIO's work to determine
- what issues should be explored (development of an investigation plan)
 - whether the extent of the investigation is proportionate to the misconduct alleged, including witness and respondent interviews and other evidence (e.g. social media, digital evidence, CCTV etc.¹)
 - when sufficient evidence is available to move to the next phase of the disciplinary process (proportionality),

In addition, the lack of formal oversight of the investigation process internally means that there is no independent assessment of the quality or completeness of the investigation before a discipline panel is assembled.

¹ Known as High Priority Golden Hour actions.

RECOMMENDATION 17: Consideration should be given to separating out the role of the SIO and the investigator. This would enable the SIO to have management oversight of the investigation including setting terms of reference which outline the issues to be investigated, as well as day to day direction of the investigation as it is undertaken. In the event that this recommendation is not accepted, consideration should be given to who should have formal oversight of investigations conducted by the SIO.

6.3.4 It was unclear to the Review Team whether the SIO was (or indeed could ever be) sufficiently experienced to undertake investigative interviews of both the reporting student or the accused student particularly where the case is complex or involves serious sexual misconduct. The Review Team was told that on one occasion the University brought in an external specialist interviewer to undertake some investigative interviews with key witnesses in a complex case. However, staff said that there is currently no guidance which directs when external specialism was required and that currently these decisions are made on an ad hoc basis.

RECOMMENDATION 18: The University should consider formalising their tiered approach to investigation (or interviewing for investigative purposes) to identify;

- Who within the University should undertake an investigation
- In what circumstances should the expertise of external investigators be sought
- Who should decide when the expertise of external expertise is required
- Who should manage and have oversight of external investigators

6.3.5 In addition staff told the Review Team said that there is an added layer of complexity if sexual misconduct was reported against a student who was studying for a professional qualification. In these circumstances, the School would undertake an initial investigation, following which an investigation report would be submitted to the Head of School, who would appoint a case examiner. This case examiner would then

complete the investigation and make a recommendation to the Faculty. It was unclear to the Review team how this process linked into the University discipline process, the role of the SIO in this process and the storage arrangements for any records which were generated as a part of this process.

RECOMMENDATION 19: The University should consider developing and implementing an agreed pathway to follow where allegations of sexual misconduct are made that takes account of the academic School's response and the relationship to the University discipline process.

6.3.6 The Review Team was told that Discipline Hearings for sexual misconduct are not without problems given the serious nature of the allegations that may have been made and the potential outcome for both the reporting student and the accused student. Staff told the Review team that they were not accustomed to dealing with such serious cases which could result in devastating consequences for both parties. Staff said their concerns related to:

- the attendance of both students at the discipline hearings
- how students gave their evidence, particularly the reporting student
- the attendance of witnesses at discipline hearings
- representation of both students
- quality and extent of evidence available

6.3.8 Staff also told the Review Team that the presentation of evidence at disciplinary hearings has been problematic. Staff said that the practice at hearings was for committee members to have access to the notes of interviews that had been conducted during the investigation and additionally they could ask questions of the investigator about the investigation and evidence that had been gathered. However staff said that sometimes the committee wanted more information or answers to questions that had not been explored during the investigation and often the issues raised could not be resolved immediately. To that end it is arguable that the investigation process is at least incomplete, at worst flawed. Staff agreed that if there was sufficient oversight of the investigation, issues like these could be addressed

before discipline committees are convened. They also commented that as discipline chairs have not received any investigation oversight training, they were unlikely to know whether the investigation was adequate.

6.3.9 Additionally, and following on from the comments in the paragraph above, staff said that, if further information is required, and the committee is unable to obtain it without interrupting the process, this can have significant implications particularly in relation to the timeliness of the process and the impact the delay may have on a student's health and well-being as well as their studies.

6.3.10 It was clear to the Review Team that the SIO and staff working in the discipline team were alive to the potential issues that students may face when dealing with sensitive discipline committee hearings where the reporting student and the accused student may come face to face. Staff told the Review Team about cases where they had enabled the student to give evidence remotely by video and others where they had scheduled hearings to enable the accused and reporting students to attend the hearing at different times.

RECOMMENDATION 20: As a matter of course, students should be given information about the different ways in which they can give their account to the disciplinary hearing.

RECOMMENDATION 21: Consideration should be given to how best to support students at the disciplinary panel hearing, particularly where one student is represented and the other is not.

RECOMMENDATION 22: The University should consider whether the provision of investigation oversight training, particularly for chairs of Discipline Committees, would be helpful so that they can understand if an investigation is adequate for the needs of the panel or whether it is flawed.

6.3.11 Once the discipline committee has made a finding they must consider ongoing and / or future risk and determine whether penalties can be put in place to manage that risk. Staff told the Review Panel that the discipline committee will have access to the information made available to the TEP and their findings, in order to assist them in making their decision. However, staff also said that there had been no formal training on risk assessment and risk management for staff charged with making these decisions. Staff said they felt they would benefit from further help and guidance through training which they believed would help them in making, what they described, as difficult decisions.

RECOMMENDATION 23: The University should consider training for key members of discipline committees on risk and risk management.

6.4 CLOSURE PHASE

- 6.4.1 The Review Team was told that the introduction of the SIO role had enabled the SVLO team to manage the boundaries of their role more effectively. One of the key areas that this had positively impacted on was the closure phase of the disciplinary investigation. Staff said that it is the responsibility of the SIO to provide information to both students about the outcome of the hearing. Previously this responsibility had fallen to the SVLO. However, separating the two roles avoids the potential for the relationship between the SVLO and student to be damaged by a (perceived) unfavourable outcome to the disciplinary process which could impact on delivery of future support.
- 6.4.2 Staff said that reporting students are sometimes dissatisfied with the outcome of the University disciplinary process, for example when the case is found not to be proven, or where the penalty imposed on the accused student is viewed as over lenient by the reporting student. Staff also said that some reporting students anticipated achieving 'closure' at the conclusion of the disciplinary process, but subsequently find that they are in need of further support. The separation of the SVLO role from the discipline process means that the risk of damaging the supportive relationship that has been established is significantly reduced and the SVLO can continue to support the reporting student for as long as is appropriate.

6.5 THE ACCUSED STUDENT

6.5.1 The Review Team was told by staff that the current experience of the discipline process can be challenging for the accused student in respect of:

- the information provided to them about the alleged misconduct,
- the amount of time that they may have to prepare for the formal discipline process,
- the advocacy / support that is available to them.

6.5.2 The Review Team was informed that under current arrangements the accused student is unlikely to be given details about the extent of the allegations against them until a few days before a formal disciplinary committee hearing takes place. However, the time delay between an initial allegation or report of sexual misconduct and the discipline panel hearing can be two to three months (and where the police are involved that will be even longer). This means that the accused student may only know the full extent of the allegation(s) made against them months after the alleged misconduct has been reported. Staff said that problems were further exacerbated if the accused student had a social communication disorder or required support with reading and writing, or other vulnerability.

RECOMMENDATION 24: The University should consider ways to improve the timeliness of informing an accused student of the allegations and evidence against them. It may be appropriate to suggest a time scale before the hearing by which the reporting student is given the information e.g. the information must be made available at least 3 weeks before the date of the hearing.

6.5.3 The Review Team was also told about concerns regarding the advocacy and support available for an accused student. Staff said that, more often than not, support and advocacy is undertaken by staff in the Student Union although they have no specific advocacy training to enable them to undertake this role. Key informants suggested that ordinarily they would feel confident to advocate and support students who face

misconduct proceedings. However, they told the Review Team that they felt ‘out of their depth’ dealing with sexual misconduct and were concerned that their lack of knowledge and understanding of sexual violence and abuse may jeopardise the outcome for the accused student. In addition, the Review Team was told that the problem is further compounded as accused students often make contact to request support only when they receive the detail of the case against which is currently shortly before the disciplinary hearing. This allows little time for preparation of the case and can cause difficulty in the availability of a support worker/advocate

6.5.4 Key informants also told the Review Team that, on occasions, an SVLO had supported the accused student. Staff acknowledged that when the role of the SVLO had been developed at Keele, it had been intended to support the reporting student only. However, as on occasions the University had struggled with the lack of support available to the accused student, they had therefore opted to offer their services. Staff were very clear about the importance of ensuring that proceedings were not compromised by imposing boundaries between the SVLO supporting the reporting student and the SVLO supporting the accused student and this is to be commended.

RECOMMENDATION 25: A model of support and advocacy for the accused student should be developed. This should include:

- Who can offer support
- Who can offer advocacy
- How information about support and advocacy is relayed to the accused student

RECOMMENDATION 26: The University should consider the availability of advocacy training for supporters of accused students.

7. AUDIT

- 7.1 The Review Team were told that staff had already conducted some reviews of cases for the purposes of learning and improving their systems. Staff said that this was in the context of a significant increase in the number of discipline cases for sexual misconduct, and an awareness that there is a need to quality assure all parts of the case management and support process on an ongoing basis. The Review Team was told that staff plan to conduct these audits each semester.
- 7.2 The Review Team considered that the University's recognition of the importance of learning from cases and experience was a strength, and that by holding planned review meetings on a regular basis, they would be in a strong position to ensure that any learning identified could be embedded in the process and appropriate changes could be implemented.
- 7.3 The Review Team noted that the Survivor Voice survey appears to indicate that much lower numbers of students are proceeding to disciplinary investigation, panel and conclusion despite the numbers of students given information about the disciplinary process at the outset. The inclusion of cases which do not proceed through the University disciplinary process, and an understanding of what real or perceived barriers exist to this process should form a part of the regular programme of audit.

RECOMMENDATION 27: A regular audit of sexual misconduct cases should be conducted in order to quality assure the case management process and to identify any barriers to engagement with the process. There should be a mechanism to ensure that all appropriate staff are made aware of any improvements/changes to the process in a timely manner.

8. COMMUNICATIONS

- 8.1 Staff told the review team that, irrespective of the presence of SVLOs within the University, some students may choose to report their abuse to a member of staff at the University or Student Union who are not part of the disciplinary team or student services.
- 8.2 Staff said the University had developed a comprehensive communication strategy aimed at both staff and students explaining their response to sexual misconduct on campus, the role of the SVLO, the SIO and the discipline process. The Review Team commends this approach. The communications strategy has been supported by the Vice Chancellor who has acknowledged the work of student support services and fronted the communications. It was clear to the Review Team that the University has worked hard to ensure that staff across the University are aware that both the SVLO and the SIO can advise staff should they need it. However, in the context of the turnover of both students and staff at Universities these communications will need to be maintained and regularly repeated.
- 8.3 Most of the students who responded to the survivor voice survey said that they had found out about the services that were available from a friend or family member, although one third had been referred by an ISVA, Tutor, Police or other professional.
- 8.4 The Review Team talked to staff about the availability of information to students about the services available to them following an allegation of sexual misconduct. Staff said some information was available e.g. a guidance document prepared for reporting students about the TEP processes and the commencement of the disciplinary investigation. However, it was unclear if a similar document existed for accused students. Respondents to the Survivor Voice survey said that most of the information they were given was clear, but that they did not understand all of it.

RECOMMENDATION 28: Following implementation of other recommendations in this report, the University should review all of its written communication materials to ensure that they are as clear as possible and address the needs of different groups of students (including reporting and accused students).

9. SURVIVOR VOICE SURVEY

- 9.1 The Review Team designed and issued an online survey to capture the views of student victims / survivors in consultation with staff at Keele. The survey allowed participants to share their views about their experience of sexual misconduct support services and the case management approach at Keele anonymously, if they so wished.
- 9.2 Given the difficult nature of engaging users of sexual violence services, the Review Team asked the SVLO team at the University to market the survey with their clients. Information about the survey was also be made available at the Student Union and other locations where students were likely to see it. If individuals attending a service expressed an interest in taking part in the survey, then this was facilitated. This dual approach ensured that the survey was targeted as widely as possible across the student community.
- 9.3 To encourage engagement, the Review Team also provided the option for all participants to complete the survey and share their views (or additional views) via a telephone interview if requested. Participants were also offered the option of telephone support if a participant felt they needed assistance to complete the survey.
- 9.4 To allow as many participants as possible to engage with the project, the survey was available online for a period of four weeks from 14th May to 11th June 2018. A dedicated, secure email address for survey responses was established, and managed within the LimeCulture project team in accordance with the organisation's internal policy on data protection.
- 9.5 A focus group for students and their supporters was also organised so that anyone who wished to meet with the Review Team had an opportunity to do so. The Review Team did not receive any requests for a focus group although two one-to-one meetings were requested. However, one of these was cancelled on the day owing to illness and the second did not attend the arranged meeting.

9.6 Ensuring victims have access to support was key and the Review Team therefore requested that contact details for SVLOs in student services were added to the survey to ensure respondents to the survey knew where to access support should they need it.

9.7 The Review team found the survey results to be very positive. However, in order to comply with data protection legislation, the Review Team are unable to include a detailed summary of the results within this report. There are a small number of students who are known to the support services at Keele, and a

“The services are already good but please make them even better so more people report what happens to them...”

From the Survivor Voice Survey

subset of these students completed the survey. If answers to questions were published it may mean that individuals are identifiable to professionals at Keele on the basis of their answers and / or demographic information.

9.8 In summary the findings can be outlined as follows.

Students reported demographic information as follows:

- They are mostly under the age of 24, and all identify with the gender of female. Half the students identified their ethnicity as white English / Welsh / Scottish / Northern Irish.
- The majority described their sexuality as straight.
- Half the students said they had no religion.
- Of those who answered, two thirds did not describe themselves as having a disability. Disabilities identified by the students included mental health and other (without definition).

When asked specifically if they experienced any difficulties or challenges accessing or receiving services relating to their personal characteristics the only characteristic identified was disability.

9.9 The students reported service information as follows:

- Over half were told about the service by friends or family, and most of the remainder were referred by either an ISVA / Tutor / Police / or other Professional.
- Two thirds of respondents received support from an SVLO, and the same number had an initial chat about the student discipline process. This does not appear to translate into taking part in disciplinary investigations as the number of students who reported having so far completed the disciplinary process is much lower.
- One third of students reported being involved in a temporary exclusion panel and the same number said they had received advice from the SIO about the student discipline process.

9.10 In summary, the students rated the following elements of service they had received as either very good or good as follows:

- Accessibility e.g. waiting times and availability of support staff and case managers, location / timing / type of support
- Assessment and Review e.g. Identifying and routinely reviewing your needs and developing plans to meet them
- Communication and Information sharing e.g. keeping you up to date on progress
- Referral or Signposting to other services e.g. effective sharing of information to enable you to access appropriate support

9.11 The students rated the element of service which relates to outcomes e.g. identifying and monitoring positive outcomes from the support slightly less well. The review team was interested to learn that support continued to be provided for some students for a significant period after formal processes had concluded and were made aware of an example where support continues to be provided although the person is no longer a student of the University.

RECOMMENDATION 29: The Support Services Team should consider whether their processes include sufficient focus on identifying and monitoring positive outcomes for reporting students, which includes documented exit processes from the provision of support.

9.12 The students said that the information the University provided was mostly clear and helpful, although not all the students understood all of the information and a comment was been made that some of the information was biased towards one decision over another.

9.13 When students were asked whether there was anything specifically positive about their experiences of services, comments included reference to the consistency and continuity of service, their safety and being taken seriously.

9.14 Students were asked if there was anything they thought could be improved. Some responders said that they did not think there were any improvement needed with over half saying that their experience of the University response was outstanding. However, other comments included that the time taken to complete the process had been problematic, and that a single follow up email to enquire after well-being was insufficient (although the review team think this feedback should be considered in the context of over half of responding students describing themselves as continuing to access services). Although no

“... same person throughout was really helpful...”

“... I never had to explain myself...”

“... always felt safe to talk about what I needed to...”

“... really lovely mentor who kept in contact even after finishing proceedings...”

“... issue taken very seriously ... provided support needed and reassurance...”

“... made me feel safe and that I was going to be OK...”

From the Survivor Voice Survey

specific questions were asked in the survey about security staff, some responders described them as disinterested and feeling unprotected by them.

RECOMMENDATION 30: The University should consider whether the security department is sufficiently well integrated into the response and case management process for allegations of misconduct, and whether there is a training need for security staff to ensure they are confident communicating with students who report sexual misconduct.

10. GROUPS NOT SUBJECT TO THE CASE MANAGEMENT APPROACH

- 10.1 The Review Team was made aware of a number of groups who are not subject to the case management approach. These include where
- the reporting person is not a student
 - the accused person is not a student
 - both parties are students, but the Reporting Student does not want the University to invoke the disciplinary code
 - where the reporting student does not want to name the accused person
- 10.2 Some key informants (staff) told the Review Team that if they themselves were a victim of sexual misconduct within the University setting they were not confident that the University could support them or manage the investigation confidentially. They identified that a staff survey had suggested that there might be a problem with staff being victims of sexual misconduct. However, other informants made positive comments about the way in which human resources (HR) policies enabled the University to manage reports made by staff. They also commented upon the potential to extend the current model of support for students to staff and the Review Team was told that this is currently being considered being considered along with support for staff who had experienced domestic abuse.
- 10.3 Any support model that the University decides to offer to staff should fit alongside the support offered to students. The survivor voice survey undertaken as part of this review suggests that the SVLO model is working well at Keele, and there is no reason to suggest this support model would not also be effective for the staff group. There may be issues about confidentiality that would need to be explored if the same SVLO group is used for this purpose, and it would also affect the resourcing of this team to increase their potential case load by including staff. Alternatively, staff within the HR Department at the University could be upskilled to act as SVLOs. This is the model which has been adopted in other universities.

RECOMMENDATION 31: The University should develop a model of support for staff and so far, as possible, ensure that the model works alongside the model of support currently available to students.

RECOMMENDATION 32: Staff should be made aware of the support that is available to them. Given that the communications strategy to students has resulted in widespread awareness of the SVLO, SIO, and support mechanisms amongst students this should be widened to include staff.

- 10.4 It is the view of the Review Team that the most effective response models in a University are likely to be where the different groups of people within the University are all subject to consistent provisions. It is recognised that the different discipline codes and the University duty of care for staff and students, and between academic and non-academic staff, will mean that some differences are inevitable in the processes that the University follows when drawing a case to a conclusion. However, given that many of the people at a University may be both student and employee, and the wide range of potential issues of sexual misconduct mean it is unhelpful to distinguish the groups in this way and the process of investigation is no different and must be consistent.
- 10.5 The Review Team was told that to date the case management project at Keele had centred on managing cases involving students and not staff. However key informants said they recognised the importance of bringing allegations involving staff into the established framework of managing sexual misconduct within the University setting and they were ready to embark on making this happening, describing their work as Phase 2 of the project. To that end, the Review Team was informed that some preliminary meetings between HR representatives and staff at student services to discuss a more joined up approach had taken place. Staff also said that HR representatives had not been included on the steering group tasked with responsibility for overseeing the response to sexual violence and misconduct across

the University and that in their view, this was an omission which should be rectified as soon as possible.

RECOMMENDATION 33: HR representatives should be included as members of the steering group overseeing the University strategy on responding to sexual violence

RECOMMENDATION 34: Student services, Student Conduct and HR should develop relevant policies and procedures to ensure working practices reflect the crossover of issues that may arise where there are allegations involving students and staff

RECOMMENDATION 35: Whenever possible the University should seek to agree joint guidance documents which apply to both students and staff.

- 10.6 The Review Team was informed that where the misconduct is against a member of staff, then investigations are not conducted by a specialist investigator. Instead, HR will select an investigator, most often from the management team of the accused member of staff. Staff said that the criteria for selection as an investigator required the person to be a more senior manager, and to be confident with the issue at hand. Staff said investigators have access to HR advice during an investigation.
- 10.7 Staff acknowledged that the confidence a member of staff might show does not necessarily correlate with competence, and that this may create a risk to the investigation and to any future criminal investigation as well as risk to the well-being of the member of staff. Staff expressed concern that HR investigators are not currently trained to the same standards as the SIO and said it was important that this be recognised. In addition, they commented that, unlike the SIO, investigators did not have the option to seek the expertise and support of external investigators.

RECOMMENDATION 36: The conduct of sexual misconduct investigations should be undertaken by investigators who have had specific training to do so, and where the issue is complex, the University should consider appointing external investigators to carry out key parts of the investigation.

10.8 The Review Team were told that staff were of the view that further consideration needed to be given to the following groups:

- students on field trips away from the University, both in the UK and internationally,
- Students studying abroad

Staff recognised that in these circumstances there may be additional factors that need to be taken into account when responding to complaints of sexual misconduct. The Review Team was told that currently there is no guidance available to staff or students about what they should do and whom they contact if the sexual misconduct occurred in either of the above situations.

RECOMMENDATION 37: Develop guidance for tutors and students taking people on field trips in the UK and abroad or studying abroad about what they should do and who they should contact if sexual misconduct occurs or is reported.

10.9 Key informants told the Review Team that some staff, particularly personal tutors, may need some support where students who have experienced sexual misconduct and have told them about it. Staff told the Review Team that they are concerned about feeling personally out of their depth dealing with this challenging issue.

RECOMMENDATION 38: Staff should know how to access support for themselves where they are involved with students who disclose sexual misconduct.

11. ANNEXES

ANNEX 1: EVIDENCE

Focus Groups and Key Informant Interviews were held with:

- Head of Student Services and other members of Student Services team
- Head of Quality and Student Conduct
- Discipline Team Leader and staff
- Human Resources staff
- Keele Executive Team
- Serious Incident Officer
- Sexual Violence Liaison Officers
- Academic representatives
- Discipline Panel Chairs and Members
- Student Union representatives
- Reporting Students

Keele Documents reviewed

- Sexual Violence Disclosure Guidance for staff
- Resources for survivors
- Draft Sexual Misconduct Complaint Procedure
- Guidance for Reporting Students
- Interview needs presentation
- Pre-process meeting proforma
- Serious Incident statement template
- Support pathway
- Sexual Violence Disciplinary Procedure and output needs
- Temporary Exclusion Risk Assessment
- Wants analysis blank

Other References Used

- Guidance for Higher Education Institutions – How to handle alleged student misconduct which may also constitute a criminal offence (Pinsent Mason 2016)
- Criminal Procedure and Investigations Act (CPIA 1996)
- Authorised Professional Practice (APP) (COP 2018)
- Police and Criminal Evidence Act, Codes of Practice (PACE 1984 as amended)
- Victim Charter 2014 and Witness Code (2014)

Review Team Members

Kim Doyle, (Joint) Chief Executive, LimeCulture CIC

Jo Seward, Operations Director, LimeCulture CIC

Ian Hynes, Chief Executive, Intersol Global Ltd

ANNEX 2: SURVIVOR VOICE SURVEY

The following questions were used for the Survivor Voice Survey. They were available in a number of different formats to facilitate online or electronic completion.

Demographic Questions

1. How old are you?

Under 18; 18-24; 25-34; 35-44; 45-54; 55-64; 65+; I prefer not to say

2. What gender do you identify with?

Female; Male; Trans-Male; Trans-Female; Non-binary; I prefer not to say; Other (please specify)

3. What is your ethnicity?

White English / Welsh / Scottish / Northern Irish; White Irish; Gypsy or Irish Traveller; Any other white background; White and Black Caribbean; White and Black African; White and Asian; Any other mixed / multiple ethnic background; Indian; Pakistani; Bangladeshi; Chinese; Any other Asian Background; African; Caribbean; Any other Black / African / Caribbean Background; Arab; Any other ethnic group; Prefer not to say; Other (Please specify)

4. What is your sexuality?

Gay; Straight; Bisexual; Prefer not to say; Other (please say)

5. What is your religion?

No religion; Christian; Buddhist; Hindu; Jewish; Muslim; Sikh; Prefer not to say; Any other religion

6. Would you describe yourself as having a disability?

Yes; No

7. Please identify which disabilities you describe yourself as having? (Please select as many as apply)

Vision; Hearing; Mobility; Dexterity; Learning; Memory; Mental Health; Other (please specify)

Service Experience

8. When did you first access any University service related to your experience of sexual misconduct?

MM/YY

9. Are you still accessing any University services for this reason?

Yes; No

10. How did you find out about the services that were available? (Tick as many as apply)

Web search; Poster; Referred by ISVA / Tutor / Police / Professionals; Friend / Family; Awareness raising training; Other

11. Which specific elements of the University's response to reports of sexual misconduct did you experience?

Support from SVLO; Written materials about what was available and what to expect; Initial chat about student discipline process; Advice from Serious Incident Officer about the student discipline process; Temporary Exclusion Panel; Took part in disciplinary investigation; Completed the disciplinary process; Exit / ending following a finding by the panel

12. Specifically did you feel you experienced any difficulties or challenges accessing or receiving services relating to your personal characteristics

Gender; Disabilities; Sexuality; Age; Ethnicity; Religion; Other (please specify)

13. Please rate the following elements of the service?

Options are Very good; Good; Fair; Poor; Very Poor

- Accessibility e.g. waiting times and availability of support staff and case managers, location / timing / type of support

- Assessment and Review e.g. Identifying and routinely reviewing your needs and developing plans to meet them
- Communication and Information sharing e.g. keeping you up to date on progress
- Referral or Signposting to other services e.g. effective sharing of information to enable you to access appropriate support
- Outcomes e.g. identifying and monitoring positive outcomes from the support

14. Please think about the information that the University provided to you. How well did it help you to understand what your options were, and did it help you make an informed decision about what you wanted to happen?

The information was clear, and I found it helpful; Some of the information was clear, but not all of it; The information was not clear, and I couldn't use it to make a decision; Nobody gave me information.

15. Is there anything you would like to tell us about the information you were given by the University?

Free text

16. What there anything specifically positive about your experience of services you would like to share

Free text

17. Was there anything you think that could be improved about the University response to your report of sexual misconduct?

Free text

18. Overall how would you rate your experience of the University response?

Outstanding – Exceptional, unexpected, surpassing expectations; Acceptable – fulfils expectations; Unacceptable falls below basic expectations

19. Are there any further comments you would like to provide regarding the response by the University of Keele or this survey?

Free text

ANNEX 3: ABOUT LIMECULTURE CIC

1. LimeCulture Community Interest Company (CIC) is a national sexual violence organisation based in the UK. We work with frontline professionals, and their organisations, to improve the response to victims of sexual violence, through our range of training and development initiatives, research, and specialised consultancy services.
2. We believe that all victims, regardless of where they live, their age, belief, gender or sexual orientation, should have access to high-quality, safe and effective support services. To this end, we are committed to working with professionals and services to ensure they have the tools, knowledge, skills, competence and confidence to respond effectively, professionally and safely to safeguard the welfare of children and adults affected by sexual violence.
3. Established in 2011, LimeCulture quickly evolved into the UK's leading sexual violence training and development organisation. Through our breadth of professional knowledge and experience of working across the sexual violence sector, we are able to support our customers to deliver excellent services to victims of rape and sexual assault.
4. Our unique insight into the full range of agencies with a responsibility for victim care, allows us to have an oversight of the individual role of each agency and how they should work in partnership with other agencies to respond appropriately to a victim of sexual violence
5. Much of our work is focused on training and developing 'the specialists', (such as Crisis Workers, counsellors, Independent Sexual Violence Advisers, Young People's Advocates, Forensic Practitioners, Police Officers), and those who have a professional role to respond when a man, woman or child has been raped or sexually assaulted.
6. As well as working with those who provide specialist services, we also work with those who recognise their responsibility around sexual violence. Our work in this area is expanding, due to the current focus on sexual violence generally. We currently work a range of universities to ensure their organisational responses to victims are fit for

purpose.

7. In 2016 working with UUK, LimeCulture CIC developed the role of the Sexual Violence Liaison Officer, in order to address the need for universities to better respond to reports of sexual violence and to ensure that victims received appropriate specialist support. LimeCulture also delivers strategic development support to Universities to assist them to develop sexual violence strategies and successfully implement their policies. LimeCulture offers training to discipline teams to ensure they can effectively discharge their responsibilities.
8. We have also worked with a range of statutory agencies, such as the NHS, Police and Crime Commissioners and Local Authorities to assist them with their Commissioning roles. We are keen to support policy makers to better understand what victims need following a sexual assault and what the professionals need to help them do their jobs effectively. Therefore, LimeCulture frequently work with a number of government departments to support new initiatives around sexual violence and to help them shape policies in this important area.
9. LimeCulture frequently works internationally, and we have showcased our work to professionals in this field from across the globe.

ANNEX 4: ABOUT INTERSOL GLOBAL LTD

Intersol are class-leading subject matter experts in investigation and interviewing, working with any entity that relies on fact, accuracy, and detail, to inform critical decision-making and manage cases '*extraordinarily*'.

Commissioned globally in:

- Education
- Health and Safety, Human Resources, and Workplace Investigation
- Governance, Regulation and Control (GRC) and Audit Functions
- Financial Services
- Corporate Law
- Regulators

and

with associates worldwide, Intersol work with partners and stakeholders to combine subject matter expertise, research, forensic psychology, and non-technical skills, to *train, advise, and deliver* investigation and interviewing strategies and tactics that will improve the:

- value and quality of business outcomes
- management of risk and reputation
- reduction of costs and increased efficiencies
- protection of brand
- confidence of staff

by

enabling Extraordinary Case Management (ECM®), and developing practitioners who think and act proactively, preventing, rather than reacting to, the unwanted and catastrophic.

With a wealth of experience of partnership working and implementation of ground-breaking innovative strategies and tactics, the team of experts at Intersol are “the

difference that make the difference”, the chosen partner and provider of evidence-based investigation and interview solutions to any entity that values Extraordinary Case Management (ECM®)

Fig. 1 below illustrates the ECM® concept in more detail:



(Fig. 1.)

The Intersol Team

Comprehensive details of the Intersol team and associates can be found at:

<https://www.intersolglobal.com/about/>