LIME CULTURE

Sexual Misconduct Risk and Needs Assessment in Universities

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1 Introduction

1.1 Universities and higher education institutions (HEIs) have a duty of care towards any member of their community (staff or student) when sexual misconduct is reported. Risk and need identification and management are therefore an essential part of any university's response to reports of sexual misconduct. Effective support from the university should be based on an awareness of their student or staff member's overall needs as well as an awareness of the degree of risk that they may face or present to themselves and / or others.

1.2 The Sexual Misconduct Risk and Needs Assessment (SMRNA) is a topic-based risk and needs assessment Tool developed by LimeCulture Community Interest Company to support universities to identify and manage the individual risks and needs of students and staff who report sexual misconduct.

1.3 The Tool can also be used to identify and manage the individual risks and needs of responding parties.

1.4 The SMRNA has been developed in three sections:

- Risk Assessment 1 relates to the reporting party
- Risk Assessment 2 relates to the responding party
- Risk Assessment 3 is carried out by the Panel and considers wider risks to the student/staff body, and other organisational considerations.

1.5 The SMRNA is based on the principle that risk and needs assessments carried out by University Support Workers (USW) and Sexual Misconduct Risk Management Panels (Panel) should be structured and approached as consistently as possible over a period of time and across different settings and different universities. A consistent approach to risk and needs identification (and their management) will enable better understanding of both parties needs and also assist in case management and prioritisation.

1.6 The SMRNA can support universities to manage individual and organisational risks associated with cases of sexual misconduct from the point of initial report to the conclusion of any discipline process or the point at which parties may leave the institution.

1.7 The SMRNA can also be used by USW when they work alongside Independent Sexual Violence Advisers (ISVAs) based in the community. It is purposely designed to work alongside the Safety & Support Assessment Toolkit which is a bespoke sexual violence risk and needs tool used by the majority of ISVA service providers.

1.8 Copies of this document, editable support and planning templates, and illustrative case studies are all available to download free of charge from https://www.limeculture.co.uk/universities/ for university staff.

1.9 All USW involved in undertaking the SMRNA and all members of Panels should receive relevant training around risk and needs assessment and management relating to sexual violence, and it is recommended that this is updated at least every three years.

1.10 The use of the SMRNA is not mandatory. However, it is recommended that all universities adopt it as part of their routine practice to support effective and consistent risk and need identification, inform the support put in place and the overall management of risk within a university.

1a A Note on Terminology

1.11 The SMRNA is designed to be used to identify risks and needs for both reporting and responding parties, whether they are students or members of staff. Sometimes parties in sexual misconduct cases will be both a student and a member of staff.

1.12 To distinguish between the reporting and responding parties and the person working as a supporter or administering the SMRNA the following terms have been adopted:

- Reporting party (the person reporting themselves to be a victim of sexual misconduct)
- Responding party (the person who has been reported to have perpetrated sexual misconduct)
- Collectively the reporting and responding party are referred to as supported parties
- University Support Worker (USW) as a generic term for designated staff undertaking the role of support worker [in universities that have adopted the Sexual Violence Liaison Officer model this can be read as SVLO]
- University Sexual Misconduct Risk and Needs Assessment Tool (SMRNA) also referred to as the Tool
- Support and Risk Management Plan referred to as the Plan
- Sexual Misconduct Risk Management Panel is referred to as the Panel
- The Sexual Misconduct Risk Management Committee is referred to as the Committee

2 Background

2a What is Risk?

2.1 Many people who work in risk management refer to 'hazards' and 'risks' when they describe, analyse and quantify them. The meaning of the word hazard is sometimes defined in dictionaries as a 'danger of risk', but it is any source of potential damage, harm or adverse effects on something or someone. For the purposes of the SMRNA we refer only to risks, and this should be taken to mean the combination of the likelihood of a harm taking place and the severity of that harm.

2.2 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
  i. the risk to the wider university community which may be related to keeping third parties safe from the risk of further sexual misconduct
  ii. reputational risk if the university is considered to have failed in their duty of care to staff and students
  iii. where reported parties 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
- Evidential risk / Criminal Justice risk: this relates to a reporting parties 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 future scrutiny in the courts.

2b What is Risk Management?

2.3 It is important that USWs, supported parties and members of the Panel have a clear understanding about what risks and needs they are assessing and why they are carrying out a risk and needs assessment.

2.4 Risks are those elements of the assessment that present a risk of harm or distress to the supported party or to others. These are the elements that the USW and Panel will need to manage in order to decrease the likelihood of harm. This can be done by working with the supported party and other professionals to identify ways of reducing the likelihood of the risks occurring.

2.5 Risk assessment should be used to identify the circumstances in which a particular harmful situation or behaviour could possibly take place, and this information can then be used to focus efforts and expertise on dealing with the most relevant issues.

2.6 The risk and needs assessment for responding parties is NOT an assessment of the risk of further sexual misconduct, either in terms of increased severity or there being further incidents reported to the university. In criminal justice terms, this is not a risk assessment on the risk of re-offending. The risk assessment relating to responding parties is an assessment of that individual's risks and needs in relation to personal and individual requirements, their university / academic life, and risks and needs relating to any formal processes including disciplinary and criminal justice processes and procedures.

2.7 Risk management should be conducted through an individual Support and Risk Management Plan (Plan) to reduce the risk of harm occurring and increase the potential for a positive outcome for the supported party.

2.8 Needs relate to elements of the assessment that the USW will want to consider in order to tailor the support that they provide for the supported individual. These could include:

- Needs to support the management of identified risks
- Any specific support needs that must be taken into consideration when working with a supported person. Examples include a need to pray / worship at specific times, need for childcare arrangements to be in place, need to avoid scheduled exams
- Identifying any practical and emotional support required by the supported person. Examples include provision of information to academic tutors, finding new accommodation, dispelling rape myths
- Identifying the need for additional services and facilitating access via signposting or direct referral. Examples include making a referral to counselling services
- Any specific needs before, during and after criminal court or disciplinary proceedings.

2.9 The Tool allows USWs to capture any information or detail about the identified risks and needs in the topic to which it relates. The USW should provide the level of detail that is useful to determine the supported party's Plan.

2.10 Plans should be developed with an awareness of the potential for changes in the level of risk over time. This requires a particular emphasis on the fluidity of risk, as well as ensuring that risks are regularly reviewed and managed.

2c Standardised Risk and Needs Assessments

2.11 At present, there is no commonly available standardised risk and needs assessment used by staff in universities working with parties who report sexual misconduct. Likewise, there are no tools to work with parties who are responding to complaints of sexual misconduct. As a result of this inconsistency, many individual practitioners and those responsible for managing support services, have reported concerns about how risk and needs assessment are approached. They identify little or no documentation covering rationale for decisions made, mitigation of risks and prioritised responses to identified needs. This could increase the likelihood of unsafe practice.

2.12 Some universities have developed their own systems and processes to identify and manage risk. However, in many cases USW are carrying out informal risk and needs assessments with supported parties which may not be easily reviewed or managed. In some universities, no risk and needs assessment takes place for the responding party. In some cases, USW may not carry out any risk and needs assessment at all.

2.13 Consequently, universities say that USW do not always gather information in a systematic way, and any information considered relevant is not always entered into the formulation of risk in a consistent and / or standardised way.

2d Risk Management Panels / Committees

2.14 Many universities already have risk management governance processes in place. Some universities include cases of sexual misconduct within general risk management Panels whilst others constitute a separate Panel specifically to manage sexual misconduct. This Panel is usually the body responsible for making decisions about 'precautionary measures' or 'necessary precautionary action' including temporary exclusions and maintaining an oversight whilst the case is managed through university discipline processes or in cases where a report has been made to the police or is proceeding through the criminal justice process. Few of these Panels have standardised the sort of information they require in order to make decisions about how they manage risk.

2.15 Most senior leadership teams in universities acknowledge the importance of maintaining corporate oversight of reported sexual misconduct cases (including anonymous reports) and associated risks. However, it is unclear how they obtain the necessary information to discharge this responsibility in the absence of structured risk identification and assessment processes.

2.16 In summary, risk and needs assessments which are unstructured are likely to:

- Lead to an ad hoc approach to the support required by the individuals involved
- Fail to identify risks associated with parties involved, the university or the criminal justice process
- Lack corporate oversight of risks held by the university

2e The Case for the University Sexual Misconduct Risk and Needs Assessment Tool and its Development

2.17 In 2016, Universities UK published their Changing the Culture report[1]. Subsequently they published the joint UUK/Pinsent Masons Guidance about how universities should handle alleged student misconduct which may also constitute a criminal offence[2]. Since then universities have been working to develop their strategic responses to sexual misconduct with the most successful having a clear focus on the importance of establishing clear lines of accountability, ownership and escalation.

2.18 It is important that all staff working in this area understand that to be effective, the university response to reports of sexual misconduct must be based on an understanding of risk. This risk needs to be managed and owned by identified individuals within the institution. Ownership of different types of risk may rest in different places.

2.19 To identify and manage these risks, universities should conduct a risk assessment, on a case by case basis, which seeks to identify and assess risks across relevant areas of the university.

2.20 Where cases involve one student reporting another student, universities have to take into account the interests and welfare of both students and endeavour to treat them fairly and equally.

1 *https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/changing-the-culture.pdf*
2 *https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/guidance-for-higher-education-institutions.pdf*

2.21 However, whilst all risk assessments will need to be carried out on a case-by-case basis, there is currently no single risk assessment or management Tool that is used in universities. The understanding and management of risk continues to be a significant challenge for the sector as whilst a risk assessment approach is commonly used drawing on the UUK / Pinsent Mason guidelines, the interpretation of what this means in practice varies.

2.22 Further, although all universities are different, it is clear that if there is a shared approach across the sector this would strengthen the sector's response as a whole.

2.23 Universities have identified that a Tool must include topics which facilitate consideration of issues relating to:

- Reporting party (student or staff member)
- Responding party (student or staff member)
- University / organisational considerations
- Criminal justice / disciplinary considerations

2.24 To be effective the Tool must also have the following characteristics:

- It must be valid and durable over time (i.e. either throughout the life of a case or for the duration of the relationship between the university and the parties in order to discharge the university's duty of care effectively)
- It must allow for the appropriate management of the confidentiality of information
- It must be compatible with the processes adopted by specialised sexual violence services who themselves manage risk and needs
- It must provide a framework for USWs to manage the needs of their clients
- It must provide Panels with relevant information for them to carry out their responsibilities
- It must be effective for all cases including
  - recent and non-recent cases
  - where anonymous reports are made or
  - where the responding party is not known, or is not a member of the university community

2f Consultation

2.25 The development of the SMRNA has included consultation and feedback from staff working in twenty-seven different universities (listed) who assisted in the development, content, and design of the Tool. We are grateful for their advice and guidance.

2.26 The consultation included a series of three workshop discussions over a twelve-month period with SVLOs, other support staff and managers. These discussions focused on how a tool should operate (including look and feel) and learning from other risk and needs assessment tools (including those currently in use in universities and the Safety and Support Assessment Tool used by ISVAs). Input was received on possible topics which should be included, and what would work best in practice for individual support workers and wider risk management Panels in universities. The last workshop included a smaller number of volunteer universities who examined the Tool in detail and gave comprehensive feedback on all elements of this approach to managing risk, sample templates, example terms of reference and the topics themselves.

2.27 LimeCulture considered all comments on the draft versions carefully and sought to incorporate them in developing a final version of the SMRNA.

2g Benefits of a Structured Sexual Misconduct Risk and Needs Assessment

2.28 The benefits of using the SMRNA will be wide-ranging for individual university students and staff, and the organisation itself.

i. Benefit to Reporting Parties (Students and Staff)

2.29 The SMRNA is intended to be a dynamic Tool, that captures individual risk and needs on an ongoing basis through regular review. The main beneficiaries of the SMRNA will be the reporting parties, whether they are students or staff members, who will be provided with support from their universities that is tailored to their individual needs and takes account of any risk of harm to themselves or others.

2.30 In addition, if reporting parties are also using ISVA services or other specialist support services, the consistent, standardised collection of information will allow a more seamless delivery of support for the individual.

ii. Benefit to Responding Parties (Students and Staff)

2.31 The SMRNA is designed to be suitable for use with responding parties, and will work as a dynamic Tool, capturing their individual risk and needs on an ongoing basis through regular review. It is believed that to date, responding parties may not have received the same level of attention to their needs as those who report sexual misconduct. However, the university has the same duty of care to those who are responding to such reports.

iii. Benefits to Both Parties (Students and Staff)

2.32 Where the Panel consider the SMRNA for both parties, it will enable them to make balanced risk and needs management decisions paying due regard to both parties involved in a case.

iv. Benefits to Support Staff

2.33 Staff who were consulted during the development of the Tool said that a structured risk and needs assessment provides a clear starting point for their discussions with supported parties. Although carrying out the full SMRNA will require dedicated time with the supported party, it was acknowledged that this process will increase the confidence of USW who can be assured that they have thoroughly and systematically discussed the specific risk and needs with the supported party, and that they can directly link this to the support that they put in place.

2.34 The SMRNA will be of significant benefit to USW who will have the option of using a standardised format to identify and record individual risk and needs. The information collected can be gathered systematically and used to determine the support required, and to tailor it to the individual.

v. Benefit to Managers

2.35 The Tool will be of benefit to managers of support services. Managers will be assured of the effective risk management of cases, successful identification of support needs and enable them to have oversight of the work of their support teams. The SMRNA will also facilitate and inform case supervision and provide information about workload, training and supervision requirements.

2.36 The Tool will be of benefit to managers of discipline processes, who will be informed of the key risks associated with different potential outcomes of the discipline process.

2.37 The Tool will benefit case managers, who will be able to maintain an overview of key risks and take informed account of them in discharging their case management role.

vi. Benefits to Universities (Organisational Level)

2.38 Universities aim to build a culture of safety and support for students and staff, and by using this Tool they can ensure that risk and needs assessments associated with sexual misconduct are an integral part of their management of the organisation. This will ensure that relevant organisational governance systems are working effectively, with risk management decisions being taken at the appropriate level and based on systematically gathered and evaluated information about risk.

vii. Benefits to Universities (Sector Level)

2.39 Where universities share a common approach to identifying, assessing, managing and reviewing risk in relation to sexual misconduct, this contributes to a defence against actions taken, should a subsequent challenge be made in relation to a university's response to reported sexual misconduct. Ensuring that the response of the university is in line with or similar to the response expected in other universities can help to establish that best practice is being followed. The SMRNA and the establishment of a Panel (and Committee) will provide a consistent procedural response to responding to sexual misconduct that can be applied across different institutions and is sufficiently adaptable to local policies and procedures.

2h Who Can Use the Sexual Misconduct Risk and Needs Assessment Tool?

2.40 The Tool been developed for use in universities for cases where sexual misconduct is reported by students or staff.

2.41 It is available to all universities to use free of charge. This document and editable support plan templates are available on the LimeCulture website (www.limeculture.co.uk/universities) and can be downloaded at no cost.

2.42 Although the Tool can be downloaded free of charge, LimeCulture strongly advises that universities consider the competencies of their staff in using the Tool and determine whether training is required to support effective implementation. LimeCulture recommends that all staff involved in undertaking risk and needs assessments should receive relevant training around risk and needs assessment and management, and it is recommended that this training should be updated at intervals of every three years. This training is in addition to any specific training undertaken to work as a sexual misconduct USW with reporting and responding parties.

2.43 Universities may wish to think about training the following groups of staff in the correct use of the Tool.

- USW for reporting parties (students / staff)
- USW for responding parties (students / staff)
- Managers of support teams
- Members of Risk Management Panels
- Members of Discipline Panels
- Case Managers
- Security staff
- Student Union staff

2.44 The SMRNA is not mandatory for use in universities. However, it is strongly encouraged that all universities adopt it as a part of their routine practice to support effective and consistent risk and need identification and to inform the support put in place for reporting / responding parties.

2.45 The number of specially trained sexual misconduct USW in universities is expanding year on year due to the increasing recognition of the problems that sexual misconduct within university communities may cause and the vital services provided by specially trained staff in support of reporting and responding parties.

2.46 As this workforce continues to grow in professionalism, it is essential that high standards of support are maintained by individuals within and across universities. The introduction of standardised practices will ultimately contribute to equity in the provision of support and risk management, by ensuring standards are raised and maintained in all services.

2.47 The SMRNA is not intended to stifle innovation amongst university support services seeking to embed effective responses to sexual misconduct. Instead, it is intended to provide a framework for the standardisation of good practice.

3 Overview of the Sexual Misconduct Risk and Needs Assessment Tool

3.1 The SMRNA (figure 1) has been developed in three sections:

- Risk Assessment 1 relates to the reporting party
- Risk Assessment 2 relates to the responding party
- Risk Assessment 3 is carried out by the Panel and considers wider risks to the student/staff body, and other organisational considerations.

3.2 In some cases, the university will not know the identity of the responding party. This may be because the reporting party does not know who they are, declines to identify them, or they are not a member of the university community. In these instances, only Risk Assessments 1 and 3 of the Tool need to be completed.

3.3 In a more limited number of cases, the university may not be aware of the identity of any reporting party, or the reporting party may not be a member of the university. Examples of this could include where police inform the university about allegations / a report made to them about a student or member of staff at the university. In these circumstances, only Risk Assessments 2 and 3 of the Tool can be completed.

3.4 Where universities enable anonymous reporting, the university may not be aware of the identity of either party. They may have limited information about either party, such as their accommodation or course of study. In these cases only Risk Assessment 3 of the Tool can be completed.

3.5 The Risk Assessments which relate to the reporting and responding parties have each been divided into three areas which relate to:

- Personal and Individual Risks and Needs (figure 2 T1-T8) (figure 3 T1-T8)
- University / Academic Life Risks and Needs (figure 2 T9-T12) (figure 3 T9-T12)
- Disciplinary / Criminal Justice Risks and needs (figure 2 T13-T17) (figure 3 T13-T17)

3.6 The three areas are themselves subdivided into topics in order to facilitate easier conversations and allow USW to be clear about the identification of risks and needs and to develop meaningful support Plans.

3.7 Risk Assessment 3 will be completed by the Panel. This has been divided into two areas

- Organisational Risks and Needs (figure 4 D1-D6)
- Criminal Justice / Disciplinary Risks and Needs (figure 4 D7-D17)

3.8 In addition to completing these two areas, the Panel will need to review the completed Risk Assessments 1 & / or 2 and their associated Plans.

3.9 Whilst there are seventeen topics in each of Risk Assessments 1 & 2, and seventeen domains in Risk Assessment 3 this does not necessarily mean that there will be risks and needs identified in each of the topics / domains.

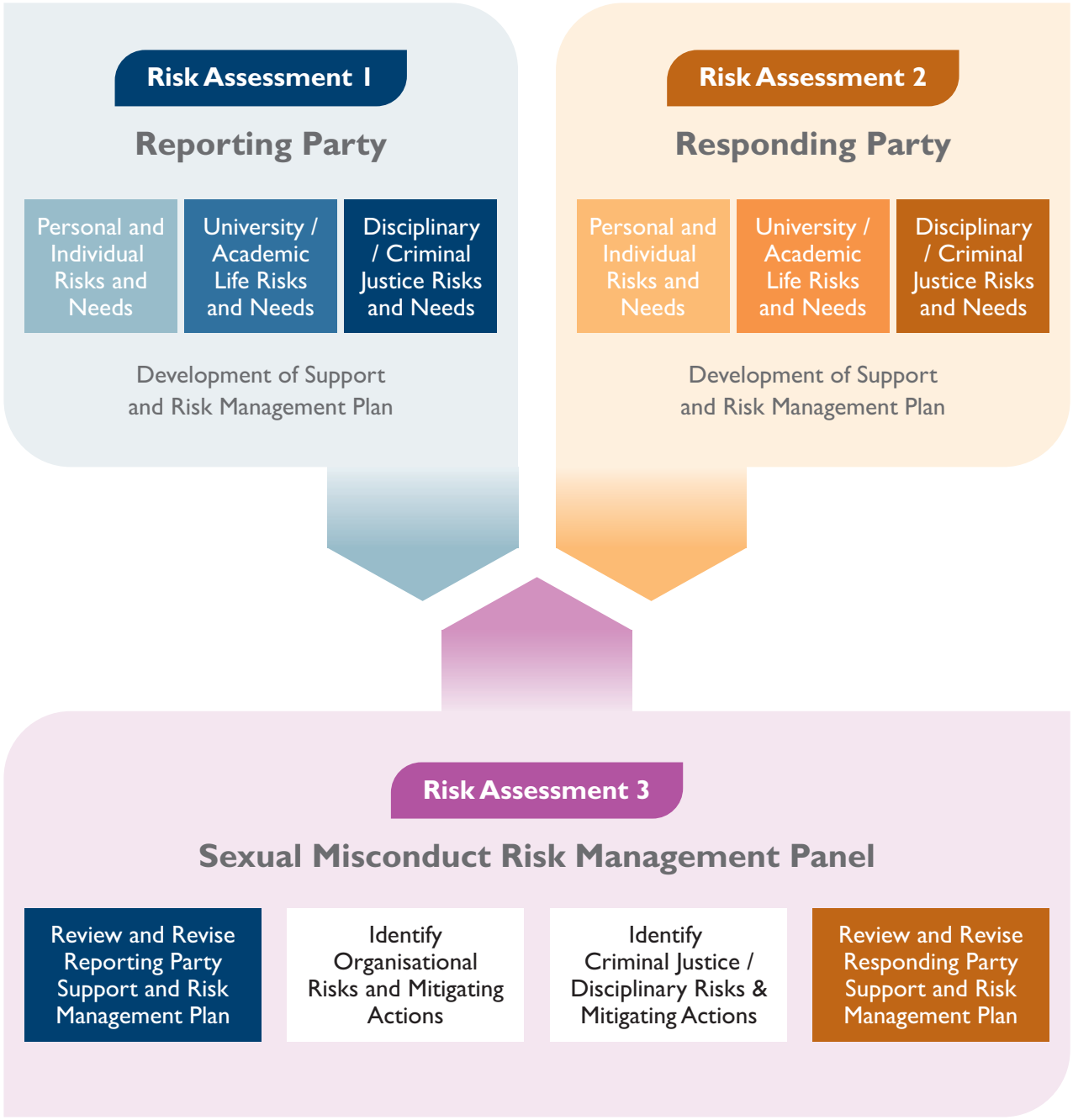

Risk Assessment 1
Reporting Party
Personal and Individual Risks and Needs
University / Academic Life Risks and Needs
Disciplinary / Criminal Justice Risks and Needs
Development of Support and Risk Management Plan
Risk Assessment 2
Responding Party
Personal and Individual Risks and Needs
University / Academic Life Risks and Needs
Disciplinary / Criminal Justice Risks and Needs
Development of Support and Risk Management Plan
Risk Assessment 3
Sexual Misconduct Risk Management Panel
Review and Revise Reporting Party Support and Risk Management Plan
Identify Organisational Risks and Mitigating Actions
Identify Criminal Justice / Disciplinary Risks & Mitigating Actions
Review and Revise Responding Party Support and Risk Management Plan

Figure 1

Risk Assessment 1 – Personal and Individual Risks and Needs

T1: Personal and Individual Requirements
Age
Communication
Gender Identity
Sexuality
Religious/Cultural Needs
Learning Disabilities
Physical Disabilities
Care responsibilities
Relationship status / significant others

T2: Harm from others
When did incident occur?
About the responding party?
(Unwanted) contact
Social Media
Domestic Abuse
Sexual Exploitation
Previous Abuse
Reporting Parties concerns
Honour based violence

T3: Health and Medical
Urgent medical attention
Forensic medical examination
Sexual & Reproductive health
Medical Appointments
Medication

T4: Mental Health & Psychological Wellbeing
History of mental health problems
Current mental health conditions
Self-harm
Suicide

T5: Coping Mechanisms, Social & Cultural Support
Positive coping skills
Negative coping skills
Social Networks
Cultural Support
Professional Support
Other areas of life

T6: Alcohol and Drug Use
Drug/Alcohol abuse
Coping mechanisms
Substance misuse services

T7: Safeguarding
Presence of children/vulnerable adults
Reporting party's concerns
Pregnant reporting party
Involvement of adult/children's services
Third parties connected to either party

T8: Immigration and Residence
Immigration Status
Student visa (Tier 4)

Risk Assessment 1 – University / Academic Life Risks and Needs

T9: Employment and Education
Education / level of study
Education provider awareness
Employment status
Extenuating Circumstances / Academic adjustments
Academic/vocational placement/apprenticeship
Fitness to Practice issues

T10: Accommodation and Housing
Adequate housing
Safe and secure accommodation

T11: Finance
Sources of income
Debts
Estranged students
Care leavers
Interrupted / paused study

T12: Out of term time / following graduation
Out of term time planning
Sexual violence at home
Preparation for graduation
Post-graduation arrangements

Risk Assessment 1 – Disciplinary / Criminal Justice Risks and needs

T13: Risk(s) to University Community
Risk to others (further victims)
Precautionary measures

T14: Risk to Supporter
Physical safety
Lone working arrangements
Other service providers
Refusal of service provision

T15: University Disciplinary Processes
Formal report
Limitations of support
Timeframes
Communications
Attendance at hearing
Disciplinary case outcome
Appeals

T16: Criminal Justice System Processes
Reporting to the police
Referral to ISVA
Other reporting options
Previous crimes
Support during a police investigation
Preparing for court
Support at court
After the trial
Criminal Injuries Compensation Authority

T17: Professional Judgement
Perception of risk
Non-verbal communications
Any other information
'Gut instinct'

Scoring
0 / none / green – no risk or needs identified
1 / low / amber – mild concerns about risk or needs identified but can be managed by reporting party
2 / medium / red – moderate concerns about risk or needs but can be managed by the agreed support Plan
3 / high / black – clear indication that reporting party is at significant risk of harm or has significant needs

Figure 2

Risk Assessment 2 – Personal and Individual Risks and Needs

T1: Personal and Individual Requirements
Age
Communication
Gender Identity
Sexuality
Religious/Cultural Needs
Learning Disabilities
Physical Disabilities
Care responsibilities
Relationship status / significant others

T2: Harm from others
About the reporting party?
(unwanted) contact
Social Media
Third parties
Previous abuse
Responding party's concerns
Honour based violence

T3: Health and Medical
Urgent medical attention
Sexual & Reproductive health
Medical appointments
Medication

T4: Mental Health & Psychological Wellbeing
History of mental health problems
Current mental health conditions
Self-harm
Suicide

T5: Coping Mechanisms, Social & Cultural Support
Positive coping skills
Negative coping skills
Social Networks
Cultural Support
Professional Support
Other areas of life

T6: Alcohol and Drug Use
Drug/Alcohol abuse
Coping mechanisms
Substance misuse services

T7: Safeguarding
Presence of children / vulnerable adults
Reporting party's concerns
Pregnant reporting party
Involvement of adult / children's services
Third parties connected to either party

T8: Immigration and Residence
Immigration Status
Student visa (Tier 4)

Risk Assessment 2 – University / Academic Life Risks and Needs

T9: Employment and Education
Education / level of study
Education provider awareness
Employment status
Academic adjustments
Academic/vocational placement /apprenticeship
Fitness to practice issues

T10: Accommodation and Housing
Adequate housing
Safe and secure accommodation

T11: Finance
Sources of income
Debts
Estranged students
Care leavers
Interrupted / paused study

T12: Out of term time / following graduation
Out of term time planning
Preparation for graduation
Post-graduation arrangements

Risk Assessment 2 – Disciplinary / Criminal Justice Risks and needs

T13: Risk(s) to University Community
Risk to others (further victims)
Precautionary measures

T14: Risk to Supporter
Physical safety
Lone working arrangements
Other service providers
Refusal of service provision

T15: University Disciplinary Processes
Limitations of support
Timeframes
Communications
Attendance at hearing
Disciplinary case outcome
Appeals

T16: Criminal Justice System Processes
Legal advice
Support during a police investigation
Preparing for court
Support at court
After the trial

T17: Professional Judgement Scoring
Perception of risk
Non-verbal communications
Any other information
'Gut instinct'

Scoring
0 / none / green – no risk or needs identified
1 / low / amber – mild concerns about risk or needs identified but can be managed by responding party
2 / medium / red – moderate concerns about risk or needs but can be managed by the agreed support Plan
3 / high / black – clear indication that responding party is at significant risk of harm or has significant needs

Figure 3

Risk Assessment 3 – Organisational Risks and Needs

D1: Third Party Safety
Location of reported incident
Nature of reported incident
Time of reported incident
Identification of responding party
Anonymous reporting
LADO involvement

D2: Similar incidents
Other cases of sexual misconduct
Known parties
Related incidents
Amendments to individual support plans
External parties inc. other universities

D3: Academic Adjustments
Reporting party
Responding party
Other course members / staff team members

D4: Planned Communications
Third parties(witnesses)
Wider community
External agencies
External communications
Partnership and Information Sharing Agreements

D5: Social (and other media) issues
Reporting party social media
Responding party social media
Sexual misconduct on social media
External media

D6: Reputational Issues
Current students / staff
Parents / family
Executive leadership
External agencies

Risk Assessment 3 – Disciplinary / Criminal Justice Risks and Needs

D7: Disciplinary Investigation Issues
Status of disciplinary investigation
Timeframe
Risks associated with investigation
Disciplinary codes
Supporting evidence
Independence of support workers
Student or staff member

D8: Disciplinary Panel Issues
Status of disciplinary panel
Support at panel
Timeframe
Reporting party wishes
Responding party wishes
Communication of outcomes

D9: Precautionary Action / Necessary precautionary measures
Range of measures
Balance of duty of care
Review
Communications

D10: Legal risks
Reporting or responding parties
Appeals against decisions
External scrutiny

D11: Evidential risks
Separation of roles

D12: Risks associated with university systems / processes
Reporting systems
Skills and competency
Sector best practice
Escalation arrangements
External agencies
Any party on Tier 4 visa

D13: Timeline
Duration of case
Criminal Justice involvement
Exiting support
Between terms

D14: Record Keeping & Information Sharing
Recording systems
Consent and confidentiality
Protocols

D15: Fitness to Practice Issues and Placements
Fitness to practice
Vocational placements
Placement providers
Overseas

D16: Criminal Justice System Processes
Reporting to the police
ISVA
SARC
Support during investigation
Preparing for court
After trial reporting party
Discharge from ISVA
After trial responding party

D17: Professional Judgement
Perception of risk
University Support Worker report
Any other information

Scoring
0 / none / green – no risk or needs identified
1 / low / amber – mild concerns about risk or needs identified but can be managed by supported party
2 / medium / red – moderate concerns about risk or needs but can be managed by the agreed support Plan
3 / high / black – clear indication that supported party is at significant risk of harm or has significant needs

Figure 4

3.10 The terms topics and domains have both been used to avoid confusion between the headings in the individual risk assessments (Risk Assessment 1 and 2 where they are called topics) and the headings in the Panel risk assessment (Risk Assessment 3 where they are called domains.)

3.11 Some risks appear in a number of topics / domains, and some topics / domains will overlap. This is an inevitable feature of the Tool because of the complexity of the task. The defining characteristic of the SMRNA is that it is topic / domain focused, meaning that it does not prescribe a form of words or set of questions to be asked. Instead, the topics / domains provide areas for consideration and prompts meaning that risks and needs are identified collaboratively between the USW and the supported party in a conversational rather than tick-box style. The order of the topics / domains in the Tool is not intended to be a guide to the order in which they should be addressed. The topics / domains are not intended to be an exhaustive list.

3.12 Each of the Risk Assessments can be adapted as appropriate based on need. Some universities or individual practitioners will identify additional questions that are appropriate to include either routinely or based on the specific circumstances pertaining to the case being considered.

3a Key Considerations in Undertaking the Sexual Misconduct Risk and Needs Assessment

3.13 The USW undertaking Risk Assessment 1 or 2 should remain aware of the following key issues:

- Embedding risk and needs assessment in everyday practice
- Precautionary measures / necessary precautionary action
- Individual involvement and duty of care
- Recognition of the fluidity of risk
- Confidentiality and Disclosure
- Diversity
- Involvement of ISVA service (reporting parties only)

i. Embedding Risk and Needs Assessment in Everyday Practice

3.14 Where support is required immediately, there should be no delay in providing that support whilst a risk and needs assessment takes place. In other words, any urgent response should not be delayed whilst the Tool is completed.

3.15 The SMRNA has been developed to enable the everyday practices of USWs to be formally recorded, and this should increase the confidence of those staff when making decisions about the support they provide for people they are working with. Carrying out and recording regular risk assessments and updating them should not be viewed as an add-on to practice but should produce a structured and documented version of the professional judgements that USW make every day.

3.16 As with all aspects of the support provided, the key to effective risk and needs assessment is a good, boundaried relationship between the supported person and the USW. Negative and judgemental labels must be avoided as they are barriers to an effective working relationship.

3.17 On occasion, the SMRNA will be completed without the engagement of the subject of the risk assessment. This might occur, for example, if responding parties have not engaged with the university or if they have not yet been informed about reports made about their behaviour.

3.18 Whilst the full engagement of the parties in the SMRNA is sometimes not possible, the potential for it should always be considered. This means that the process of risk and needs assessment should be explained at the earliest opportunity, and the findings of the risk assessment, and subsequent development of a support plan should be carried out in an atmosphere of trust, openness and honesty.

ii. Precautionary Measures / Necessary Precautionary Action

3.19 The SMRNA should be used to inform decisions about precautionary measures / necessary precautionary action. It makes explicit the link between identified risks, assessment of those risks, and a management action taken to manage that risk. It is an important principle that the precautionary measures / necessary precautionary action is taken without prejudice to any case, and that due and equal regard is paid to all parties involved in a case. Being subject to precautionary measures / necessary precautionary action is a neutral act and does not mean that any judgements have been made about a responding party's actions or acts. In other words, it allows precautionary measures / necessary precautionary action to be taken and an explicit link to be made between that action and risk reduction.

3.20 Making an explicit link to the SMRNA will therefore support universities to ensure that they are taking appropriate steps to manage, and review identified risks relating to sexual misconduct.

iii. Supported Party Involvement

3.21 Each step in the process of developing a support plan should be based on discussions between the supported party and the USW. The supported party should be offered the opportunity to take a lead role in identifying risks and needs from their point of view, developing plans for dealing with difficult situations, offering strengths and solutions where they feel they have them, and indicating the sort of support they would prefer. Supported parties will often be in the best position to comment on the robustness and practicality of the support plan and should be empowered to take some actions on the plan as appropriate.

3.22 In some cases, a third party (parent, carer or close friend or partner) may be involved. They may be a vital source of support for the supported person and may also be a key individual to help manage the risks identified. The USW should be sensitive to the relationship between the supported party and the third party, as there may be risks within this relationship and different points of view about the best action to be taken. USWs should also ensure that the third party understands the requirements of confidentiality in relation to the supported party and the reported misconduct.

3.23 Despite the requirements of confidentiality, USWs should be aware of the potential for the third party to take action of their own volition, which is not necessarily in the best interest of the supported party and could potentially jeopardise disciplinary or criminal justice processes. An example of this is where a third party uses social media to share information about what happened, because they believe this will prevent further risk to other members of the university community. They may also believe that their action is appropriate and justified, especially where they see the university acting to balance the conflicting rights and interests of both reporting and responding parties.

iv. Recognition of the Fluidity of Risk

3.24 The timeframe for assessment using the SMRNA should be agreed between the supported party and the USW at the first meeting where risk is identified and discussed. These could be linked to university timetables, such as beginnings and ends of terms, key exam dates, or any disciplinary or criminal justice events. However, these timescales should not be rigidly applied. It is important that there is some flexibility so that where necessary, an earlier reassessment can be undertaken. The Panel may set a latest date for any review, with the expectation that if intervening circumstances dictate, the risk assessment will be updated earlier.

3.25 Risk can change rapidly. University support staff and the Panel should have an established procedure to formally review the full SMRNA at regular intervals.

3.26 The USW will need to be familiar with any previous risk assessment, including scores if used, so that they can be alert to changes in the level of risk and / or need.

3.27 Risk itself is dynamic. The nature of sexual violence means that risks could increase, regardless of the support that is put in place. It is important not to use any decrease in score as a proxy indicator of performance, because risk could increase even where the best support is put in place.

v. Effective Record Keeping

3.28 Maintaining a written record of the SMRNA allows USW to track changes in the level of risk and to note factors that have previously been considered important. This is particularly relevant where people have complex needs and are in contact with several agencies. Documentation also helps to protect USW / Panels in the event of a case review or audit.

3.29 Documentation must be managed in accordance with the relevant legal requirements including but not limited to, the General Data Protection Regulations 2018, the Data Protection Act 2018, and local Information Governance policies. Universities should also remain aware of the requirements of the Criminal Procedures and Investigations Act 1996.

vi. Confidentiality and Disclosure

3.30 University support services and the Panel should have in place clear agreed policies on information sharing, which guides staff on 'need to know' judgements. For example, if any party is at risk of further harm, safeguarding procedures may need to be invoked. The rationale for any information sharing without consent, such as to prevent harm, should be clearly documented. The USW must ensure that this is discussed with the supported party before the SMRNA is undertaken.

vii. Information Sharing Within the University

3.31 Some universities have adopted support models where university staff and student union staff work jointly to provide support to reporting and responding parties. Where this model is adopted, in addition to clear agreed policies on information sharing within the university, it is important that the Information Sharing Arrangements between the university and the union are established to support risk management.

viii. Diversity

3.32 People sometimes make judgements based on biased perceptions without being aware of their bias. This means that it is important that all staff involved in identifying and managing risk must be capable of demonstrating an appropriate level of cultural sensitivity and competence. This competence applies to diversity in terms of race, faith, age, gender, disability and sexual orientation. Assumptions about any of these aspects may influence perceptions of risks.

3.33 USW and Panel members working on the assessments should reflect on their assumptions about people from diverse groups within society and think about any judgements of risk that they are making about people from these groups. Assumptions about gender in particular can also frame the way that risk is assessed in women and men. It is essential to stay open-minded about the client's risks, regardless of any protected characteristic, and not to expect clients to conform to basic stereotypes. Whilst the structured nature of the SMRNA will help with this, reflective practice, case management oversight and / or clinical supervision, and a collaborative approach are also crucial.

4 Assessment, Review and Reassessment

4.1 In recognition of the fluidity of risk and the possibility of rapidly changing needs, it is recommended that the Tool is used by at every contact with the supported party.

4.2 Where the reporting party also has an ISVA, their ISVA will also review risks and needs at each contact. However, depending on the individual circumstances of a case, it may be that the university-based staff have more regular contact with the supported party. This means it is important that the ISVA and the USW agree how risks and needs will be reviewed. It is worth noting that the ISVAs will not have the same access to university processes and therefore the USW will be best placed to manage some university specific issues. E.g. academic adjustments for extenuating circumstances.

4.3 In addition to reviewing the relevant risks, the USW will need to discuss with the supported party whether there have been any other changes to their circumstances at each contact. This approach will highlight the need to discuss any other topics where risks and needs have not been previously identified but have developed since their last contact.

4.4 Whilst the full SMRNA should be conducted at the initial meeting, subsequent contacts can include review with a particular focus on topics where risk and need were previously identified or where new risks may exist. It is recommended that scheduled times are identified in advance through discussion between the USW and the supported party for revisiting the SMRNA in full. The scheduled dates should form part of the support Plan.

4.5 USW may be concerned about carrying out the full SMRNA at the initial meeting with a supported party given the amount of information that may be required, and the need to focus on building a relationship with the supported party. Whilst this can be true of tick-box style assessments, this should not be the case for the SMRNA, which should include discussions about risks and ways of addressing or managing those risks.

4.6 The defining characteristic of the SMRNA is that it is topic focused, meaning that it does not prescribe a form of words or set of questions to be asked. Instead, the topics provide areas for consideration and prompts meaning that risks and needs are identified in a conversational rather than tick-box style, collaboratively between the USW and the supported party.

4.7 Whilst remaining flexible Plans should include scheduled dates for reassessment of the full SMRNA, so that they are not only amended as a reaction to a crisis or other events.

4.8 From discussion with the supported party, the USW should seek to identify what circumstances would trigger a reassessment outside the scheduled dates. There should also be scope for the supported party to request a reassessment.

4.9 In addition, the SMRNA should be reassessed before and during time periods that are recognised to be associated with increased risk, for instance that coincide with exams, anniversaries or court dates.

Figure 5

4a

About the Topic Areas

4.10 The SMRNA is a topic-based risks and needs assessment that allows the USW to identify a supported party's individual risks and needs in a structured approach, using discussion themes.

4.11 It is important to recognise that some supported parties will have risks and / or needs in more than one topic area. For example, a change in circumstances could impact on a number of topics. It is therefore important that USWs do not consider each topic in isolation but recognise instead that a single topic is part of the wider SMRNA.

4.12 The information in the next sections of this document provides a description of each of the topics and a rationale for their inclusion. Areas for consideration or prompts for questions have been included that might be useful to the USW in their discussions with individuals when assessing their risks and / or needs.

4.13 It is important to remain aware that these areas are not to be regarded as an exhaustive list, nor should they be used as a checklist. They are included to aid and facilitate discussions between the USW and the supported person with regard to the specific topic.

4.14 There are a number of areas included that the USW may not feel they are able to assess adequately, or have sufficient knowledge to advise the client appropriately. An example is within Topic T2: Harm from others where the risk assessment includes domestic abuse and says that a DASH risk identification checklist is needed, and potentially a referral to MARAC / domestic abuse services / IDVA. Another example is within Topic T4: Mental Health & Well-being where the risk assessment includes risk of suicide. It is important that the university adopts the templates to ensure that relevant local information is contained to guide the USW when they are addressing a topic they are not skilled or competent to assess so that they can access appropriate advice or make referrals to specialist services locally.

4.15 There are seventeen topics included in Risk Assessment 1 and Risk Assessment 2. It is important to note that the topics are not numbered in order of importance or priority. The topics can be discussed in any order and it is suggested that they are considered in the order that is most suitable to the USW and the supported person.

4b Making The Written Record

4.16 The SMRNA template document provides space for the USW to capture any information or detail about the action that is required / has been taken in relation to each topic.

4.17 These are intended to be actions required to be taken either by the USW or the supported party to meet the identified needs or to mitigate the risks identified. The actions that are required or taken will be dependent on the supported party's willingness to access other services and support, as well as the USW's own knowledge and expertise in relation to the support they can provide. For example, the supported party may need a referral for counselling to the university Counselling Service and a deferment of the due dates for some academic course work. The USW will therefore need an awareness of availability of local services and their access criteria, and of the mechanisms to follow to secure the university-based adjustments required. Timescales for actions should be recorded.

4.18 The USW will need to discuss and agree the appropriate options to meet the supported party's needs, advising them fully of the available options and the impact of choosing a particular option. Wherever possible, supported parties should be supported and empowered to address their own risks and needs, for example to improve their wellbeing by accessing counselling.

4.19 Where a reporting party also has an ISVA, the ISVA will create written records of discussions held, and risks and needs identified together with an action plan. The USW should seek to reflect in their Plan where this is the case, and the decisions that have been made jointly with the ISVA about their respective responsibilities.

4.20 The supported party's strengths should be recognised alongside the possible problems that they might encounter and need support to manage. Every time an issue is identified, an action should be suggested and discussed, building on the positive skills of the supported party or their support network. The emphasis should always be on a recovery approach and on the next stage in developing the supported party's ability to cope when they are feeling vulnerable or having difficult demands placed on them. Consideration should also be given to the level of support that a USW can offer to supported parties who have identified risks and / or needs but who do not wish to be referred to other services. The USW must be aware of the limitations of the support they can personally provide, paying particular attention to the need to maintain appropriate professional boundaries.

4c Using the Assessment to Create the Support and Risk Management Plan

4.21 The support offered and provided by the USW should be proportionate to the degree of risk and needs that the supported party presents at the time. This means that the SMRNA is integral to decisions about the right level of support for a supported party.

4.22 Following completion of the SMRNA, the USW should draw up a Plan to meet all of the identified risks and needs. This will involve agreeing specific interventions or actions to manage the risks and/or needs identified. This Plan should be developed with the supported party and should be regularly reviewed.

4.23 The use of a scoring or rating system may assist the USW and the supported party to monitor whether the individual's risk and needs increase or decrease over the journey of support provided by the USW.

4.24 When the SMRNA is carried out properly, and jointly, the assessment should be an empowering experience rather than the opposite and for reporting parties can be a vital part of their recovery.

4.25 Template documents for support Plans are downloadable from www.limeculture.co.uk/universities

4d Support Planning in the 'Real World'

4.26 It is important to recognise that sometimes risks will increase rather than decrease for example when a supported party is participating in a challenging process (going through the disciplinary process) or difficult time (academic exams). Increased risks and / or needs should not be regarded as equating to ineffective support provided by the USW.

4.27 Support planning is complex and is affected by many factors that are specific to the individual USW, such as their expertise and training, their own attitude to risk, their workload and the time that they have available to address the matters in hand.

4.28 It is important that USWs are aware of, and reflect upon, the factors that influence their decision making in relation to developing support Plans, to ensure that they do not distort the process. Working as part of a wider team, with individual supervision and oversight from the Panel will support these processes. Feedback from supported parties on the effectiveness of the support Plan is also a useful part of reflective practice.

4.29 The key driver for the Plan is not an attempt to reduce the numbers of risks or needs of an individual, but to attempt to more robustly identify, monitor and manage the risks and needs over time.

5 Use of a Scoring or Rating System

5.1 The use of a scoring or rating system in risk assessments is contentious and can be problematic. The main problem associated with scoring or rating is the difficulty in ensuring scores are consistently applied by professionals across cases and over time. This is particularly important where the main outcome of the Tool is to provide an 'overall score' for an individual.

5.2 However, despite the potential challenges, implementing a scoring or rating system for identified risks and needs assessment can enable monitoring, benchmarking and prioritisation. Therefore, the SMRNA has been developed with the potential to include a scoring or rating element for the purpose of complementing the qualitative information recorded in the topic / domain areas.

5.3 Panels charged with overseeing individual Plans and with reporting on risk to leadership teams in universities may also find it helpful to use a scoring or rating system.

5.4 The SMRNA is a topic-based assessment which is not intended to provide USWs with a list of questions to complete in order to create an 'overall score' for a client. Unlike many other Tools, the scoring or rating element of the SMRNA is not intended as the main outcome or main purpose for completing the Tool. The scoring is not intended to determine how likely the responding party is to commit further sexual misconduct or to risk assess how much danger other people might be in.

5.5 On this basis, illustrations of three potential scoring or rating systems are illustrated in the figure below to complement the information collected and recorded in the topic / domain areas. There are others, some of which are already in use in universities such as 'well-being matrix' or 'urgency of mitigation'. It is not a requirement of the SMRNA that a scoring or rating system is used.

5.6 It is very important that any scoring or rating system is not used in isolation. A score or rating should not replace the information recorded in the relevant topic / domain sections. The exception to this will be where the supported party has no risks and / or needs identified where a score / rating of 0 / none / Green could be added to a topic / domain noting 'No further information'.

5.7 Panels and USWs should determine whether they intend to use a scoring or rating system as a part of the assessment. Panels and line managers who intend to use the scores / ratings to monitor the caseloads of their staff should ensure that the scoring system is understood across the USW team to allow for consistent scoring / rating to take place.

5.8 USWs should use their professional judgement to determine which of the summary statements best represents the supported party's current risks and needs. It is recognised that each individual may interpret those statements slightly differently, and the university therefore should ensure that managers and / or Panels review consistency between workers.

5.9 A score of more than 2 / Medium / Red depending on the scoring / rating system used indicates a requirement for development of a Plan (or inclusion on an existing Plan) and actions required or taken should be identified.

Option 1 Scoring	Option 2 Rating	Option 3 Rating	Description	Associated Action
0	None	Green	No risks or needs are identified by the support worker or supported party	Reassess topic following any significant change in circumstances.
1	Low	Amber	Mild concerns identified about risks or needs but can be managed by supported party	Review topic at next contact with supported party
2	Medium	Red	Moderate concerns about risks or needs but can be managed by the agreed support plan	Develop support plan to include action taken / required. Review topic at next contact with supported party
3	High	Black	Clear indication that supported party is at significant risk of harm or has significant needs	Refer to other (relevant) agencies / support services. Escalate to manager / Panel for advice and guidance. Develop support plan to include action taken / required. Review topic at next contact with supported party

5.10 Using a scoring or rating system can be problematic because there can be disparity between outcomes of numeric or rating systems and a professional's judgement of risk. To accommodate this, the SMRNA includes a section for 'professional judgement'. The purpose of this is to allow the USW to capture any professional judgements, or 'gut-feelings', about an individual's risks and / or needs that are not identified by the topics, or do not fit neatly within them. These may be derived from non-verbal cues, or perceived gaps in what the client says to the USW but lead the USW to have concerns that do not fit into any of the topics.

5.11 The next part of this document outlines specific issues relevant to each Risk Assessment within the model and includes further detail on the Topic areas or Domains included.

6

Risk Assessment 1
The Reporting Party

6a What is a Risk Assessment for Reporting Parties?

6.1 The risk assessment relating to reporting parties is an assessment of that individuals risks and needs in relation to personal and individual requirements, their university / academic life, and risks and needs relating to any formal processes including disciplinary and criminal justice processes and procedures.

6b Emergency / Urgent Action

6.2 The SMRNA is not a Tool for evaluating immediate risks and needs, either when a live incident is being managed, or when an emergency response is required. Those responsible should follow the university incident management protocols, which may include making immediate risk assessment and management decisions. Likewise, if any emergency response is required from external emergency services, this should take place in advance of any risk assessment activity based on this Tool.

6c How is the Tool Completed?

6.3 As soon as practicable after sexual misconduct is reported to a member of staff at the university, the risk assessment process should be conducted, and any immediate needs addressed. Immediate needs include ensuring that the person is physically well and not in need of any medical attention and may also include attendance at SARC to facilitate reporting to the police or for the retrieval of forensic evidence. The USW will need to discuss all seventeen topics with the reporting party.

6.4 It is essential that sufficient time is available to undertake the SMRNA, and that the person feels safe and comfortable to talk to the staff member. The conversation should take place in a suitable environment.

6.5 Prior to undertaking the SMRNA the USW should ensure that they explain the limits of confidentiality that applies to any information that may be disclosed. In particular, the USW should explain in appropriate detail the operation of the Panel in the university and the way it operates.

6.6 If the responding party is identified and is a member of the university community (student or staff) then a different USW should undertake a SMRNA covering all seventeen topics with the responding party. It is crucially important that different USW complete the SMRNA in the same case with different parties so that information is not confused, evidence is not contaminated, or confidence breached inappropriately.

6.7 Irrespective of whether the SMRNA is completed for the reporting or responding party, when complete, the USW should develop a Plan.

6.8 Reporting parties may already have an Independent Sexual Violence Adviser (ISVA). ISVAs will undertake a risk and needs assessment of their own which will inform their support plan. Where this is the case, the ISVA and USW should work together to agree and document who is taking responsibility for particular actions in relation to the Plan, and how communications with the supported party will be managed.

6.9 When support workers from different organisations are working together like this, they will need to share information (providing the reporting party has consented to the sharing). Where possible, there should be an overarching Information Sharing Agreement in place to ensure this is done appropriately.

6.10 The USW is not required to have in-depth knowledge across the whole spectrum of issues that reporting parties may face, but the SMRNA process has been developed to underpin a standardised approach to documentation across the different departments of universities that are charged with identifying risk and support needs, and managing risk to individuals, and the wider organisation.

6.11 Depending on the particular set of circumstances for each case, there will be occasions when the SMRNA needs to be informed by other professionals. These professionals may be external to / independent of the university or work in another part of the university structure. For example, a reporting party may have mental health needs, and their risk of self-harming behaviour is being managed by a mental health professional.

6d Recording Information

6.12 All relevant information collected as part of the SMRNA should be recorded in the appropriate topic sections and stored confidentially. Whilst the process of documenting information will provide an auditable trail of decision making it should not become bureaucratic in itself.

6.13 Although a template document for the topic-based assessment is downloadable from the LimeCulture website, it is recommended that universities develop their own ways of collecting and recording the information. This may include developing university specific templates and / or incorporating it into electronic databases.

6.14 The SMRNA and Plan templates can and should be customised to include university specific information requirements, that may include

- Local processes and contact details: local ISVA services, student counselling services etc.
- Escalation arrangements: Whilst cases of sexual misconduct should always be considered by the Panel, universities may wish to detail expectations relating to the timeliness of any referral or escalation to managers / Panels e.g. specific risk and / or needs identified.
- Professional considerations: Where the reporting party is subject to professional registration / fitness to practice considerations. For example, a reporting student is studying medicine and is on placement in local NHS services or is training to be a teacher and is on placement in a school.

6.15 Universities should ensure that the USW also includes specific prompt questions where additional information is required for specific individuals e.g. students who are under 18 or classed as vulnerable adults may be prompted to record further parent and carer details. Further, where the university wishes to maintain a record of confidentiality, safeguarding and consent conversations, these should be included in any template documents used.

6e Effective Communication and Information Sharing

6.16 Once the SMRNA has been undertaken or reviewed, it will become a live document and should be communicated to the person who is the subject of it.

6.17 The reporting party should have the opportunity to contribute to this process and can be provided with copies as part of this process. The information collected in the SMRNA should form the basis of the Plan and should be used collaboratively with the party.

6.18 The SMRNA may contain information that the USW may wish to, or be required to, share with others such as other members of the support service, the Panel, or other agencies or services involved. Consent to sharing information should be sought, although the duty of confidentiality can be overridden where there is a clear risk of harm to the subject, to others or a court order is in place. The university policies on information – sharing and safeguarding should govern this process and be clearly explained to the reporting party.

6.19 For reporting parties who have an ISVA there will need to be arrangements made to share information (under the auspices of the Information Sharing Agreement) between the USW and the ISVA.

6f Involvement of an ISVA Service

6.20 Where the reporting party has an ISVA this will impact on the SMRNA. University level discussions with the ISVA Service will help to establish what the organisations expect the respective roles of the USW and ISVA to be in relation to undertaking risk assessments and addressing needs. This will inform case-by-case decisions about the lead professional, responsibility for different actions, and responsibility for communication with the reporting party.

6g Sharing Information With the Sexual Misconduct Risk Management Panel

6.21 All completed Plans should be scrutinised by the Panel. The nature and level of risk presented by cases of sexual misconduct mean that it is not appropriate for individual staff members to hold risk. In addition, by ensuring that the Panel sees all cases of sexual misconduct, the university can be assured that members of staff with appropriate seniority are aware of risks and the actions required to manage them. Guidance about the operation of the Panel is in Section 8.

6h The Questions and Rationale for the Topics for Reporting Parties

6.22 Detailed information about the questions and rationale underpinning the reporting party risk assessment follows.

Topic T1: Personal & Individual Requirements

Personal and individual characteristics may be relevant when providing support and could also impact on other areas such as university disciplinary procedures and referral to other organisations.

Age	It is important to establish the reporting party's age as this will inform discussions on parental responsibility and will give an indication of whether they are still a child or very young adult and safeguarding issues need consideration.
Communication	Identification of any specific communication needs of the reporting party.
Gender Identity	The gender the reporting party identifies with might have an impact on how services can best be delivered for them. The reporting party may have specific requests based on their gender identity which could include preferences for a specific gender of professional supporting them.
Sexuality	Discussion about sexual orientation will prevent assumptions being made. Some additional services could be available to the reporting party such as LGBTQ support services.
Religious / cultural needs	The reporting party may have religious or cultural beliefs that will affect their engagement with the support service.
Learning disabilities	The reporting party may have learning disabilities which impact on their ability to manage written or verbal communications if not appropriately managed.
Physical disabilities	The reporting party may have physical disabilities that could affect engagement with services or increase risks if not appropriately addressed.
Care responsibilities	If the reporting party has care responsibilities this may impact on their risks and in the provision of support.
Relationship status / significant others	If the reporting party is in a significant relationship this may have an impact on their risks and support needs.

Topic T2: Harm from others

Understanding whether the reporting person is at risk of (any sort of) harm from others ensures that support can be tailored to ensure safety, and may mean other specialist services are required.

Time/Date of the incident	This helps to determine if the reporting party is still at risk of harm from the responding party.
About the responding party	Identifying if the responding party is known to the reporting party and is a stranger, family member, teacher, student, university staff will inform the risks and support needs.
(Unwanted) contact	If the reporting party is in contact with the responding party this may impact on risk and needs. Establish frequency of contact and whether the responding party has access to their home. [Link to Topic T10: Accommodation and Housing]
Social Media	Identify if the responding party contacts the reporting party on social media or by text / messenger / WhatsApp / email and whether there is there anything on social media relating to the misconduct, including items which could constitute harassment or images.
Domestic Abuse	It is important to identify if the reporting party is at risk of, or currently experiencing domestic abuse. If so, a DASH risk identification checklist is needed, and an immediate referral may be appropriate to MARAC / domestic abuse services / IDVA service.
Sexual Exploitation	It is important to identify if the reporting party at risk of, or experiencing, sexual exploitation. If there is a risk from groups or gangs then it may require an immediate referral to a local specialised sexual exploitation service.
Previous abuse	Previous abuse may mean the reporting party has risks and needs associated with the previous abuse or is still at risk owing to the circumstances of that abuse. This would become disclosable material.
Reporting parties' concerns	It is important to ask the reporting party whether they can identify any individuals or groups that they are potentially at risk from [Link to Topic T17: Professional Judgement]. This may lead to possible actions.
Honour based violence	It is important to identify if the reporting party at risk of Honour Based Violence. This may lead to possible actions.

Topic T3: Health and Medical

Identifying whether the reporting party has any health or medical requirements mean these needs can be addressed, and referrals or appointments made with relevant clinical services.

Urgent Medical Attention	The physical welfare of the reporting party is a priority and any immediate medical needs in urgent need of clinical care must be a priority.
Forensic Medical Examination	It is important to discuss the options for undergoing a forensic medical examination with the reporting party (and to find out if they have already accessed a SARC). Assumptions about whether an examination is appropriate should not be made. Written information/contact numbers about the local Sexual Assault Referral Centres (SARCs) should be provided so that the reporting party understands the options available to undergo an examination, retrieve potential forensic samples and access other SARC services. The SARC may be contacted directly on the reporting party's behalf (with consent) to seek advice and/or arrange transport (depending on local university policies).
Sexual and Reproductive Health	The reporting party may need information about their options for their sexual health, including unwanted pregnancies, sexually transmitted infection testing, emergency contraception and post-exposure prophylaxis treatments that are recommended. Where a reporting party has already attended SARC they may already have had their sexual health needs assessed. Where this has not taken place, advice must be given to the reporting party to seek sexual health advice at the earliest opportunity.
Medical appointments	The reporting party may have scheduled medical appointments or need support to access medical appointments.
Medication	Whether prescribed or otherwise, supporters should be aware of medication as this may impact on the reporting party's ability or willingness to engage with services, and / or need to be taken at certain times / within particular time frames.

Topic T4: Mental Health and Psychological Wellbeing

Sexual violence can have a significant impact on mental health, but everybody responds differently. Some reporting parties may experience short-term psychological problems, and others may have longer-term psychological trauma, like PTSD.

History of Mental Health Problems	Establishing whether the reporting party has any history of mental health problems, any diagnosis and the help they accessed will help establish mental health and psychological well-being risks and / or needs. This would become disclosable.
Current Mental Health Condition(s)	Establishing whether the reporting party has a current mental health problem and whether they are being treated and how will inform assessments of risk. Any symptoms should be discussed which could indicate an increased likelihood of needing treatment/support for their mental health including, but not limited to: • Low Mood • Palpitations • Hallucinations • Sleeping Problems • Flashbacks • Intrusive Thoughts • Poor Concentration
Self-harm	Identify if the reporting party is self-harming, either intentionally or unintentionally. This could be a coping mechanism that allows them to manage their feelings, or personal neglect, or engagement in risky behaviours such as alcohol or drug misuse, engaging in risky sexual relationships or getting into fights.
Suicide	Establish whether the reporting party is at risk of suicide and recognise the difference between suicidal ideation (thinking about suicide, common for people who have experienced trauma) or suicidal intent. Consider with the reporting party what their level of intent, is such as any plans they have made, or actions they have taken. It is also important to record any previous suicide attempts (when, how, what) as this can support assessment of current risk and support planning. It may be appropriate to make an urgent referral for more specialised assessment, crisis intervention / treatment.

Topic T5: Coping Mechanisms, Social and Cultural Support

This section looks at what coping mechanisms the reporting party has in place including social and cultural support structures. [Links to Topic T6: Alcohol and Drug Use]

Positive coping skills	Discuss ways the reporting party is using positive coping skills. Examples include exercise (walks, bikes, going to the gym), healthy eating habits, regular sleep, hobbies.
Negative coping skills	Discuss with the reporting party if they are using negative coping skills. Examples include drinking too much alcohol, abusing drugs, problem gambling. Another example relates to not knowing how to control levels of emotion, for example being too loud or verbally abusive towards others or damaging things. Positive coping skills can become negative where they are taken to excess; over-exercising, over-eating, under-eating.
Social Networks	Understand if the reporting party is being supported by others, such as family and friends and whether they are aware of the abusive experience. Reporting party's may also receive support from support organisations. Establish if there are any barriers to access social support, and whether these can be removed.
Cultural support	Reporting parties could be a part of a community that can provide advice or may be at risk of isolation from their culture.
Professional support	Identify if the reporting party is accessing other professional support, for example from union membership.
Other areas of life	Identify whether the abusive experience is impacting on other areas of life that mean the reporting party has risks and needs that need addressing. Examples include relationship breakdown.

Topic T6: Alcohol and Drug Use

This section looks at risks and needs relating to drug and alcohol use. [Link to Topic T5: Coping Mechanisms, Social and Cultural Support]

Drug or alcohol dependency	Seek to establish if the reporting party is abusing drugs or alcohol, and if they believe they have a dependency. If so, find out if they need support to access help. Understand if their drug or alcohol use mean that some times are better to make contact than others.
Coping Mechanisms	Understand if drugs or alcohol are a coping mechanism and whether the reporting party wants or needs specialised support.
Substance Misuse Services	Seek to establish if the reporting party may be at increased risk of relapse and take appropriate action.

Topic T7: Mental Health and Psychological Wellbeing

This section concerns safeguarding risks and needs relating to the reporting person. You may need to discuss their obligations to share information where they have a safeguarding concern

Presence of children / vulnerable adults	Establish whether there are any children or vulnerable adults who are at risk of harm and if the responding party has access or if they live with the reporting party.
Reporting party's concerns	The reporting party should be given the opportunity to identify if they have any concerns about themselves or anyone else.
Pregnant reporting party	If a reporting party is pregnant, potential safeguarding risks to the reporting party or their unborn child should be considered and identified if they are currently accessing maternity services.
Involvement of adult or children's services	Establish whether adult or children's services have been or are currently involved. For example, does the reporting party have a social worker, any child protection plans, is or has been a looked after child, are an estranged student (students without parental financial or other support).
Third parties connected to either party	Identify if there are any friends / siblings who also have connections to either party and if they are at risk of harm. Find out if the responding party is in a position of power and influence in relation to the reporting party or their friends / siblings. [Link to Topic T13: Risk(s) to university community] May lead to action under university Safeguarding Policy.

Topic T8: Immigration and Residence

You will need to identify if the reporting party has any risks or needs relating to immigration and residence

Immigration status	Discuss with the reporting party if there are any restrictions or implications of the misconduct on their immigration status.
Student visa status (tier 4)	If the reporting party is on a student visa this may have implications if they have to leave the university.

Topic T9: Education & Employment

There may be issues in relation to education and employment at the university that need consideration

Education / level of study	Discuss with the reporting party whether the misconduct experience has had an impact on their ability to study, and what sorts of things could be put in place to support their ability to stay on their educational programme.
Education Provider's awareness	Discuss whether the reporting party wants key academic or teaching staff to be aware of their misconduct experience and / or requires support in making them aware.
Employment status	Discuss with the reporting party their current employment status at the university, and seek to understand if the misconduct experience has affected their ability to work (sick leave, not attending, resigned, looking for alternatives) and see if there is anything that can be done to support them return to or stay in employment.
Extenuating circumstances / Academic adjustments	The reporting party may need the USW to organise for the university to put in place special or mitigating circumstances for academic deadlines or exams.
Academic or vocational placement / apprenticeship	Discuss with the reporting party whether the misconduct is having an impact on their ability to engage with any academic or vocational/professional placement(s) and see if there is anything that can be done to support them to return to, or successfully complete, academic or vocational placements.
Fitness to practice issues	Establish whether the reporting party is on a professional course which will require them to join a register. Understand how this affects their risk and needs.

Topic T10: Accommodation / Housing

There may be issues relating to accommodation or housing which need to be discussed and addressed

University / private accommodation	Establish whether the reporting party is living in university controlled accommodation or somewhere else.
Adequate housing	Discuss whether the reporting party's current housing meet their needs and if not, why not and what they would like to happen.
Safe & Secure accommodation	Establish if the reporting party is safe from misconduct at home and whether the responding party knows where they live. If the accommodation is not safe or secure the supporter may need to make arrangements for a temporary / permanent move to other accommodation.

Topic T11: Finance

Identify if there are any issues in relation to the reporting party's finances

Sources of income	Discuss with the reporting party whether there are any issues in relation to their income and whether they have any needs related to this.
Debts	Establish whether the reporting party has any anxiety about debts or unmanageable loans.
Estranged students	Students who have no relationship with their parents and receive no support from them financially may have additional support needs to get the finance they are entitled to, and to continue with their academic studies.
Care leavers	Find out if the reporting party is a care leaver. If so, they will have a personal assistant (if they are under the age of 25)
Interrupted / paused study	If the reporting party interrupts or pauses study this will impact on fees and eligibility for loans.

Topic T12: Out of term time / following graduation

Many parties will leave the university out of term time but may have continuing risk and support needs. It should be recognised that for some reporting persons the need for support will be short term whilst for others the need will be longer term and there may be the need to ensure a managed, planned and supported exit from university support in accordance with organisational expectations about relationship with alumni following graduation

Out of term time planning	Discuss with the reporting party what their plans are for out of term time, and what risks and needs they may have in relation to these and maintaining support networks, and coping strategies.
Sexual violence at home	Where the reporting party has reported sexual violence within the home / family they may have additional risks or support needs that will need to be identified and discussed. It may be that the reporting party wants to make alternative plans, or they may wish to return home. Discuss with them what the parameters of the support they can offer are, and whether there are any referrals that are needed to support them over an extended period away from the university.
In preparation for graduation	Discuss and establish with the reporting party a managed, planned and supported exit from university provided support.
Post-graduation arrangements	Discuss with the reporting party the discharge plans relating to their leaving the university. Where a reporting party's CJS case will continue beyond graduation, it will be particularly important to ensure that a referral to ISVA services is made and a relationship established.

Topic T13: Risk(s) to university community

For universities there is a need to consider the risk implications of any sexual misconduct for the wider community, to understand the risks presented, and to take necessary mitigating action.

Risk to others (further victims)	Seek to understand if there is a risk to others in the university community based on the information about the misconduct. Where other university community members may be at risk, both the nature of that risk will need to be identified and described, and the potential victim(s) that may be at risk identified.
Precautionary measures / Necessary precautionary action	Discuss with the reporting party whether there they have any particular wishes or views about any temporary exclusion / restrictions that the university may place on the responding party. This could range from limiting access to common areas (library, student unions, sports clubs etc) at particular defined times, to suspension of access to the university pending any disciplinary outcome. This should be informed by the university conduct policies.

Topic T14: Risk to supporter

Seek to identify if the reporting person presents any risk to themselves or other professionals who may be supporting them

Physical safety	Discuss whether the USW will be physically safe whilst providing support, and discuss whether there are certain locations to meet that are not safe.
Lone Working arrangements	Discuss with the reporting party the university's policy and arrangements in relation to lone working, and whether this is appropriate for working with the reporting party.
Other service providers	Discuss with the reporting party whether there may be any risks to other professionals or services to which they may be referred / signposted.
Refusal of service provision	Discuss with the reporting party whether they have ever been refused a service, or whether there have ever been professionals that have refused to work with them, and what the circumstances were.

Topic T15: University Disciplinary Processes

This section relates to the reporting party's experience of the university disciplinary process and risks and needs arising from participation in that process

Making a formal report to the university	Determine if the reporting party has sufficient information to decide if they want the university to take action in relation to their report of sexual misconduct, including how they should make the report.
The limitations of support	The relationship between the USW and the implementation of the university disciplinary code. The need for the USW to maintain appropriate boundaries to remain within a support role. Other supporters available to the reporting party.
Timeframes	Discussion about the time that investigations may take and when the reporting party may expect to speak to an investigator.
Communications	Discuss when should the reporting party should expect to hear updates to their case, who from, and how they will receive them and whether this might lead to any specific needs.
Attendance at hearing	What specific needs does the reporting party have in relation to any disciplinary hearing.
Disciplinary case outcome	What are the potential outcomes of the hearing. Will the reporting party be told of any sanctions. Where do they get information about this. The USW role in relation to the outcomes of the disciplinary case.
Appeals	Where does the reporting party get information about any appeals process, either made themselves or by the other party. Understand how will this affect their risks and needs.

Topic T16: Criminal Justice System Processes

This relates to identifying whether the reporting party has any specific risks or needs that relate to the reporting, investigation or court process.

Reporting to the police	Determine if the reporting party has already reported to the police and if so, what stage they are at. Establish if the reporting party has an ISVA and who that is and explain the potential to work alongside the ISVA to support the reporting party.
Referral to ISVA	If the reporting party doesn't have an ISVA, or has not made a decision about reporting to the police, seek permission to make a referral to the ISVA, who can discuss the options further with them and provide specialised support.

Other reporting options	In some areas there are agreed protocols for the reporting party to submit anonymous intelligence and / or have forensic samples submitted anonymously. The USW must be guided by the local SARC and police. [Link to Topic T3: Health and Medical]
Previous crimes	Discuss with the reporting party if they have previously been a victim of crime as this informs the context of the risk and needs to the reporting party.
Support during a police investigation	Any support needs should be considered alongside the ISVA, to identify risks and needs relating to the investigation and agree how these will be met. As ISVAs are specifically trained to support reporting parties within the Criminal Justice system they will provide support for Criminal Justice needs. However, the reporting party will need help to address related university-based risks and needs (Topics 9-12 inclusive). Professional boundaries must be maintained, and appropriate steps taken to ensure the USW does not become aware of the evidence.
Supporting preparation for court	The ISVA will work with the reporting party to identify risks and needs relating to preparation for court. It is important that university support needs are assessed to ensure necessary adjustments are made. An example might be reporting party's availability for practical academic placements where a court visit is also scheduled or need for a deadline extension to take account of the disruption and emotional toll of court.
Supporting at court	Ensure that university-based support needs (topics 9-12 inclusive) are addressed. An example might be ensuring adjustments in university where court dates clash with academic deadlines.
After the trial	The USW should discuss with the reporting party whether they have any ongoing risks or needs relating to their continued study. Be aware that it would be the normal expectation at this time that the ISVA would discharge the reporting party from their caseload, once all ISVA identified support needs are addressed but where the reporting party will continue to have a relationship with the university any ongoing support needs will need to be identified.
Criminal Injuries Compensation Scheme	The ISVA will discuss with the reporting party whether there is an opportunity to submit a claim for compensation. Be aware of the potential impact on the reporting party if their application is not accepted, and consider what support needs they may have as a result.

Topic T17: Professional Judgement

There may be occasions when professional judgement is required about a reporting party, including where the reporting party is unable to disclose, or refuses to provide information

Perception of risk	The reporting party may have a different perception of risk than the USW.
Non-verbal communication	Consider whether there is anything about the reporting party's body language that might indicate that there are risks or needs which have not been discussed or disclosed.
Any other information	Information that the reporting party provides that does not fit in any other category.
'Gut Instinct'	This section is to record any suspicion they have that all is not as it seems or is not right or that the client is not aware of the risks that they face. This would be disclosable.

7

Risk Assessment 2
The Responding Party

7a What is a Risk Assessment Relating to Responding Parties?

7.1 The risk and needs assessment for responding parties is NOT an assessment of the risk of further sexual misconduct, either in terms of increased severity or there being further incidents reported to the university. In criminal justice terms, this is not a risk assessment on the risk of re-offending. The risk assessment relating to responding parties is an assessment of that individuals risks and needs in relation to personal and individual requirements, their university / academic life, and risks and needs relating to any formal processes including disciplinary and criminal justice processes and procedures.

7b Emergency / Urgent Action

7.2 The SMRNA is not a Tool for evaluating immediate risks and needs, either when a live incident is being managed, or when an emergency response is required. Those responsible should follow the university incident management protocols, which may include making immediate risk assessment and management decisions. Likewise, if any emergency response is required from external emergency services, this should take place in advance of any risk assessment activity based on this Tool.

7c How is the Tool Completed?

7.3 As soon as practicable after sexual misconduct is reported to a member of staff at the university, the risk assessment process should be conducted, and any immediate needs addressed. Immediate needs include ensuring that the responding party is physically well and not in need of any medical attention. The USW will need to discuss all seventeen topics with the responding party.

7.4 It is essential that sufficient time is available to undertake the SMRNA, and that the responding party feels safe and comfortable to talk to the staff member. The conversation should take place in a suitable environment.

7.5 Prior to undertaking the SMRNA the USW should ensure that they explain the limits of confidentiality that applies to any information that may be disclosed. In particular, the USW should explain in appropriate detail the operation of the Panel in the university and the way it operates.

7.6 If the reporting party is identified and is a member of the university community (student or staff) then a different USW should undertake a SMRNA covering all seventeen topics with the reporting party. It is crucially important that different USW complete the SMRNA in the same case with different parties so that information is not confused, evidence is not contaminated, or confidence breached inappropriately.

7.7 Irrespective of whether the SMRNA is completed for the reporting or responding party, when complete, the USW should develop a Plan.

7.8 The responding party is unlikely to be receiving specialist support from organisations external to the university. However, they may have taken the decision, depending on the circumstances of the case, to seek legal or professional advice.

7.9 The USW is not required to have in-depth knowledge across the whole spectrum of issues that responding parties may face, but the SMRNA process has been developed to underpin a standardised approach to documentation across the different departments of universities that are charged with identifying risk and support needs, and managing risk to individuals, and the wider organisation.

7.10 Depending on the particular set of circumstances for each case, there will be occasions when the SMRNA needs to be informed by other professionals. These professionals may be external to / independent of the university or work in another part of the university structure. For example, a responding party may have mental health needs, and their risk of self-harming behaviour is being managed by a mental health professional.

7d Undertaking the SMRNA Without Responding Party Involvement

7.11 There are likely to be occasions where a responding party is not aware of the report that has been made about their conduct. An example of this is where a reporting party tells the university about sexual misconduct and names the responding party but does not wish at that time to make a report to the police or for the university to commence disciplinary proceedings.

7.12 Where this is the case, the university will wish to ensure that there is an agreed process to follow in order to assess risk relating to the responding party. It is good practice to ensure there is clarity about where the responsibility for undertaking the process sits. If no risk and needs assessment is made the university should make other arrangements to demonstrate they are discharging their Duty of Care.

7.13 If the identity of the responding party is known, the university may agree a process where information already held by the organisation is used to inform a review of likely risks and needs. This should then be considered by the Panel alongside their consideration of Risk Assessment 1 – the reporting party and their own Risk Assessment (3).

7e Recording information

7.14 All relevant information collected as part of the SMRNA should be recorded in the appropriate topic sections and stored confidentially. Whilst the process of documenting information will provide an auditable trail of decision making it should not become bureaucratic in itself.

7.15 Although a template document for the topic-based assessment is downloadable from the LimeCulture website it is recommended that universities develop their own ways of collecting and recording the information. This may include developing university specific templates and / or incorporating it into electronic databases.

7.16 The SMRNA and Plan templates can and should be customised to include university specific information requirements, that may include

- Local processes and contact details: e.g. local services, student counselling services etc.
- Escalation arrangements: Whilst cases of sexual misconduct should always be considered by the Panel, universities may wish to detail expectations relating to the timeliness of any referral or escalation to managers / Panels e.g. specific risk and / or needs identified.

- Professional considerations: Where the responding party is subject to professional registration / fitness to practice considerations. For example, a responding party is studying medicine and is on placement in local NHS services or is training to be a teacher and is on placement in a school.

7.17 Universities should ensure that the USW also includes specific prompt questions where additional information is required for specific individuals e.g. students who are under 18 or classed as vulnerable adults may be prompted to record further parent and carer details. Further, where the university wishes to maintain a record of confidentiality, safeguarding and consent conversations, these should be included in any template documents used.

7f Effective Communication and Information Sharing

7.18 Once the SMRNA has been undertaken or reviewed, it will become a live document and should be communicated to the person who is the subject of it.

7.19 The responding party should have the opportunity to contribute to this process and can be provided with copies as part of this process. The information collected in the SMRNA should form the basis of the Plan and should be used collaboratively with the party.

7.20 The SMRNA may contain information that the USW may wish to, or be required to, share with others such as other members of the support service, the Panel, or other agencies or services involved. Consent for sharing information should be sought, although the duty of confidentiality can be overridden where there is a clear risk of harm to the subject, to others or a court order is in place. The university policies on information – sharing and safeguarding should govern this process and be clearly explained to the responding party.

7g Involvement of Legal or Professional Advisors

7.21 Where the responding party has legal or professional advisors, the responding party may wish to share the agreed support plan with them. If this is the case, it would be good practice to record the date and what has been shared.

7h Sharing Information With the Sexual Misconduct Risk Management Panel

7.22 All completed Plans should be scrutinised by the Panel. The nature and level of risk presented by cases of sexual misconduct mean that it is not appropriate for individual staff members to hold risk. In addition, by ensuring that the Panel sees all cases of sexual misconduct the university can be assured that members of staff with appropriate seniority are aware of risks and the actions required to manage them. Guidance about the operation of the Panel is in Section 8.

7i The Questions and Rationale for the Topics for Responding Parties

7.23 Detailed information about the questions and rationale underpinning the responding party risk assessment follows.

Topic T1: Personal & Individual Requirements

Personal and individual characteristics may be relevant when providing support and could also impact on other areas such as university disciplinary procedures and referral to other organisations.

Age	It is important to establish the responding party's age as this will inform discussions on parental responsibility and will give an indication of whether they are still a child or very young adult and safeguarding issues need consideration.
Communication	Identification of any specific communication needs of the responding party.
Gender Identity	The gender the responding party identifies with might have an impact on how services can best be delivered for them. The responding party may have specific requests based on their gender identity which could include preferences for a specific gender of professional supporting them.
Sexuality	Discussion about sexual orientation will prevent assumptions being made. Some additional services could be available to the responding party such as LGBTQ support services.
Religious / cultural needs	The responding party may have religious or cultural beliefs that will affect their engagement with the support service.
Learning disabilities	The responding party may have learning disabilities which impact on their ability to manage written or verbal communications if not appropriately managed.
Physical disabilities	The responding party may have physical disabilities that could affect engagement with services or increase risks if not appropriately addressed.
Care responsibilities	If responding party has care responsibilities this may impact on their risks and in the provision of support.
Relationship status / significant others	If the responding party is in a significant relationship this may have an impact on their risks and support needs.

Topic T2: Harm from others

Understanding whether the responding party is at risk of (any sort of) harm from others ensures that support can be tailored to ensure safety and may mean other specialist services are required.

About the reporting party	Identifying if the reporting party is known to the responding party and is a stranger, family member, teacher, student, university staff will inform the risks and support needs.
(Unwanted) contact	If the reporting party is in contact with the responding party this may impact on risk and needs. Establish frequency of contact and whether the reporting party has access to their home. [Link to T10: Accommodation & housing]
Social Media	Identify if the reporting party contacts the responding party on social media or by text / messenger / WhatsApp / email and whether there is anything on social media relating to the misconduct including items which could constitute harassment or images.
Third parties connected to responding party	Understand if there are any friends in common, who also have connections to the reporting party and whether they are at risk of harm.
Previous abuse	Previous abuse may mean the responding party has risks and needs associated with the previous abuse or is still at risk owing to the circumstances of that abuse. This would be disclosable material.
Responding party's concerns	It is important to ask the responding party whether they can identify any individuals or groups that they are potentially at risk from [Link to T17: Professional judgement]. This will result in possible actions.
Honour Based Violence	It is important to identify if the alleged actions of the responding party would be classed as Honour Based Violence. This may lead to possible actions.

Topic T3: Health and Medical

Identifying whether the responding party has any health or medical requirements mean these needs can be addressed, and referrals or appointments made with relevant clinical services.

Urgent Medical Attention	The physical welfare of the responding party is important. Any immediate medical needs in urgent need of clinical care must be a priority.
Sexual and Reproductive Health	The responding party may need information about their options for their sexual health, including sexually transmitted infection testing, and post-exposure prophylaxis treatments that are recommended. Advice must be given to the responding party to seek sexual health advice at the earliest opportunity.
Medical appointments	The responding party may have scheduled medical appointments or need support to access medical appointments.
Medication	Whether prescribed or otherwise, supporters should be aware of medication as this may impact on the responding party's ability or willingness to engage with services, and / or need to be taken at certain times / within particular time frames.

Topic T4: Mental Health and Psychological Wellbeing

As an individual responds to reports against them of sexual misconduct this is likely to be a stressful experience. Fragile or poor mental health and psychological wellbeing will impact on their ability to respond to reports.

History of Mental Health Problems	Establishing whether the responding party has any history of mental health problems, any diagnosis and the help they accessed will help establish mental health and psychological well-being risks and / or needs. This is disclosable.
Current Mental Health Condition(s)	Establishing whether the responding party has a current mental health problem and whether they are being treated and how will inform assessments of risk. Any symptoms should be discussed which could indicate an increased likelihood of needing treatment/support for their mental health including, but not limited to: • Low Mood • Palpitations • Hallucinations • Sleeping Problems • Flashbacks • Intrusive Thoughts • Poor Concentration
Self-harm	Identify if the responding party is self-harming, either intentionally or unintentionally. This could be a coping mechanism that allows them to manage their feelings, or personal neglect, or engagement in risky behaviours such as alcohol or drug misuse, engaging in risky sexual relationships or getting into fights.
Suicide	Establish whether the responding party is at risk of suicide and recognise the difference between suicidal ideation (thinking about suicide, common for people who have experienced trauma) or suicidal intent. Consider with the responding party what their level of intent, is such as any plans they have made, or actions they have taken. It is also important to record any previous suicide attempts (when, how, what) as this can support assessment of current risk and support planning. It may be appropriate to make an urgent referral for crisis intervention / treatment.

Topic T5: Coping Mechanisms, Social and Cultural Support

This section looks at what coping mechanisms the responding party has in place including social and cultural support structures. [Links to Topic T6: Alcohol and Drug Use]

Positive coping skills	Discuss ways the responding party is using positive coping skills. Examples include exercise (walks, bikes, going to the gym), healthy eating habits, regular sleep, hobbies.
Negative coping skills	Discuss with the responding party if they are using negative coping skills. Examples include drinking too much alcohol, abusing drugs, problem gambling. Another example relates to not knowing how to control levels of emotion, for example being too loud or verbally abusive towards others or damaging things. Positive coping skills can become negative where they are taken to excess; over-exercising, over-eating, under-eating.
Social Networks	Understand if the responding party is being supported by others, such as family and friends and whether they are aware of the reported misconduct. Responding party's may also receive support from support organisations. Establish if there are any barriers to access social support, and whether these can be removed.
Cultural support	Responding parties could be a part of a community that can provide advice or may be at risk of isolation from their culture.
Professional support	Identify if the responding party is accessing other professional support, for example from union membership.
Other areas of life	Identify whether the incident is impacting on other areas of life that mean the responding party has risks and needs that need addressing. Examples include relationship breakdown.

Topic T6: Alcohol and Drug Use

This section looks at risks and needs relating to drug and alcohol use. [Link to Topic T5: Coping Mechanisms, Social and Cultural Support]

Drug or alcohol dependency	Seek to establish if the responding party is abusing drugs or alcohol, and if they believe they have a dependency. If so, find out if they need support to access help. Understand if their drug or alcohol use mean that some times are better to make contact than others.
Coping Mechanisms	Understand if drugs or alcohol are a coping mechanism and whether the responding party wants or needs specialised support.
Substance Misuse Services	Seek to establish if the responding party may be at increased risk of relapse and take appropriate action.

Topic T7: Safeguarding

This section concerns safeguarding risks and needs relating to the responding party. You may need to discuss your obligations to share information where you have a safeguarding concern

Presence of children / vulnerable adults	Establish whether there are any children or vulnerable adults who are at risk of harm and if they live with the responding party.
Responding party's concerns	The responding party should be given the opportunity to identify if they have any concerns about themselves or anyone else
Pregnant responding party	If a responding party is pregnant potential safeguarding risks to the responding party or their unborn child should be considered and identify if they are currently accessing maternity services.
Involvement of adult or children's services	Establish whether adult or children's services have been or are currently involved. For example, does the responding party have a social worker, any child protection plans, looked after child, are an estranged student (students without parental financial or other support).
Third parties connected to either party	Identify if there are any friends / siblings who also have connections to either party and if they are at risk of harm. Find out if the reporting party is in a position of power and influence in relation to the responding party or their friends / siblings. [Link to Topic T13: Risk(s) to university community] May lead to action under university Safeguarding Policy

Topic T8: Immigration and Residence

You will need to identify if the responding party has any risks or needs relating to immigration and residence

Immigration status	Discuss with the responding party if there are any restrictions or implications of the misconduct on their immigration status
Student visa status (Tier 4)	If the responding party is on a student visa this may have implications if they have to leave the university

Topic T9: Education & Employment

There may be issues in relation to education and employment at the university that need consideration

Education / level of study	Discuss with the responding party whether the misconduct allegation has had an impact on their ability to study and what sorts of things could be put in place to support their ability to stay on their educational programme.
Education Provider's awareness	Discuss whether the responding party wants key academic or teaching staff to be aware of the allegation of misconduct and / or requires support in making them aware. Identify if the responding party is on a vocational or professional training course which may subject them to fitness to practice procedures and what the implications are.
Employment status	Discuss with the responding party their current employment status at the university, and seek to understand if the misconduct allegation has affected their ability to work (sick leave, not attending, resigned, looking for alternatives) and see if there is anything that can be done to support them return to or stay in employment.
Special considerations for academic deadlines or exams	The responding party may need support to organise for the university to put in place special considerations for academic deadlines or exams. This may be required if the responding party has been suspended from any aspect of academic study at the university.
Academic or vocational placement / apprenticeship	Discuss with the responding party whether the misconduct is having an impact on their ability to engage with any academic or vocational/professional placement(s) and see if there is anything that can be done to support them to return to, or successfully complete, academic or vocational placement where suspension is not in place.
Fitness to Practice	Is the responding party on a course which will lead to a professional registration or membership, and subject to fitness to practice procedures. Understand how this affects their risk and needs. Find out if any notification needs to take place.

Topic T10: Accommodation / Housing

There may be issues relating to accommodation or housing which need to be discussed and addressed

University / private accommodation	Establish whether the responding party is living in university controlled accommodation or somewhere else.
Adequate housing	Discuss whether the responding party's current housing adequately meet their needs and if not, why not and what they would like to happen.
Safe & Secure accommodation	Establish if the responding party's accommodation is safe and secure (they may be at risk from others as a result of the allegation) Establish if the responding party need support making arrangements for a temporary / permanent move to other accommodation.

Topic T11: Finance

Identify if there are any issues in relation to the responding party's finances

Sources of income	Discuss with the responding party whether there are any issues in relation to their income and whether they have any needs related to this.
Debts	Establish whether the responding party has any anxiety about debts or unmanageable loans.
Estranged students	Students who have no relationship with their parents and receive no support from them financially may have additional support needs to get the finance they are entitled to, and to continue with their academic studies.
Care leavers	Find out if the responding party is a care leaver. If so, they will have a personal assistant (if they are under the age of 25.)
Interrupted / paused study	If the responding party interrupts or pauses study this will impact on fees and eligibility for loans.

Topic T12: Out of term time / following graduation

Many parties will leave the university out of term time but may have continuing risks and support needs

Out of term time planning	Discuss with the responding party what their plans are for out of term time, and what risks and needs they may have in relation to these and maintaining support networks, and coping strategies.
In preparation for graduation	Discuss and establish with the responding party a managed, planned, and supported exit from university provided support.
Post-graduation arrangements	Discuss with the responding party the discharge plans relating to their leaving the university.

Topic T13: Risk(s) to university community

For universities there is a need to consider the risk implications of any sexual misconduct for the wider community, to understand the risks presented, and to take necessary mitigating action.

Risk to others (further victims)	Seek to understand if there is a risk to others in the university community based on the information about the misconduct. Where other university community members may be at risk, both the nature of that risk will need to be identified and described, and the potential victim(s) that may be at risk identified
Precautionary measures / Necessary precautionary action	The university may decide to impose precautionary measures on the responding party. This could range from limiting access to common areas (library, student unions, sports clubs etc.) at particular defined times, to suspension of access to the university pending any disciplinary outcome. This should be informed by the university conduct policies. Ensure the responding party understands these restrictions, when they will be reviewed or updated, and how the responding party should expect to receive updates.

Topic T14: Risk to supporter

Seek to identify if the supported party presents any risk to themselves or other professionals who may be supporting them

Physical safety	Discuss whether the USW will be physically safe whilst providing support, and discuss whether there are certain locations to meet that are not safe.
Lone Working arrangements	Discuss with the responding party the university's policy and arrangements in relation to lone working, and whether this is appropriate for working with the responding party.
Other service providers	Discuss with the responding party whether there may be any risks to other professionals or services to which they may be referred / signposted.
Refusal of service provision	Discuss with the responding party whether they have ever been refused a service, or whether there have ever been professionals that have refused to work with them, and what the circumstances were.

Topic T15: University Disciplinary Processes

This section relates to the student experience of the university disciplinary process and risks and needs arising from participation in that process

The limitations of support	The relationship between the USW and the implementation of the university disciplinary code. The need for the USW to maintain appropriate boundaries to remain within a support role. Other supporters available to the responding party.
Timeframes	Discussion about the time that investigations may take and when the responding party may expect to speak to an investigator.
Communications	Discuss when the responding party should expect to hear updates to their case, who from, and how they will receive them and whether this might lead to any specific needs.
Attendance at hearing	What specific needs does the responding party have in relation to any disciplinary hearing.
Disciplinary case outcome	What are the potential outcomes of the hearing. How will the responding party be told of any sanctions. Where do they get information about this. The USW role in relation to the outcomes of the disciplinary case.
Appeals	Where does the responding party get information about any appeals process, either made themselves or by the other party. How will this affect their risks and needs.

Topic T16: Criminal Justice System Processes

This relates to identifying whether the responding party has any specific risks or needs that relate to the reporting, investigation or court process.

Legal Advice	Does the responding party have access to legal advice? Maintenance of boundaries between USW and the case.
Support during a police investigation	Any support needs should be considered to identify risks and needs relating to the investigation and agree how these will be met.
Supporting preparation for court	Professional boundaries must be maintained, and appropriate steps taken to ensure the USW does not become aware of the evidence.
Supporting at court	It is important that university support needs are assessed to ensure necessary adjustments are made. An example might be responding party's availability for practical academic placements where a court visit is also scheduled or need for a deadline extension to take account of the disruption and emotional toll of court. An example might be ensuring adjustments in university where court dates clash with academic deadlines.
After the trial	Dependent on findings: The USW should discuss with the responding party whether they have any ongoing risks or needs relating to their continued study. Be aware that a finding of guilt may trigger university disciplinary processes, or other action related to the party's ongoing relationship with the university.

Topic T17: Professional Judgement

There may be occasions when professional judgement is required about a responding party, including where the responding party is unable to disclose, or refuses to provide information

Perception of risk	The responding party may have a different perception of risk than the USW.
Non-verbal communication	Consider whether there is anything about the responding party's body language that might indicate that there are risks or needs which have not been discussed or disclosed.
Any other information	Information that the responding party provides that does not fit in any other category.
'Gut Instinct'	This section is to record any suspicion they have that all is not as it seems or is not right or that the responding party is not aware of the risks that they face. This is disclosable.

8

Risk Assessment 3

The Sexual Misconduct Risk Management Panel

8.1 The SMRNA contains a third risk assessment (Risk Assessment 3) that identifies risks to the wider community, and to the disciplinary and criminal justice processes where applicable.

8.2 Risk Assessment 3 is an important element of the university governance arrangements in ensuring there is informed and active oversight of the wider picture of risk relating to sexual misconduct at the university, and whether these risks are being appropriately managed.

8.3 Risk Assessment 3 should be undertaken by the Panel and include a critical review of risk assessments 1 and / or 2 and associated support Plans.

8.4 It is for each university to determine, in accordance with local governance processes who should sit on the Panel, the frequency it meets and arrangements that should be put in place if issues are judged to be urgent or emergency decisions need to be made. Guidance about the operation of the Panel is in Annex A.

8a Key Considerations for the Constitution of the Panel

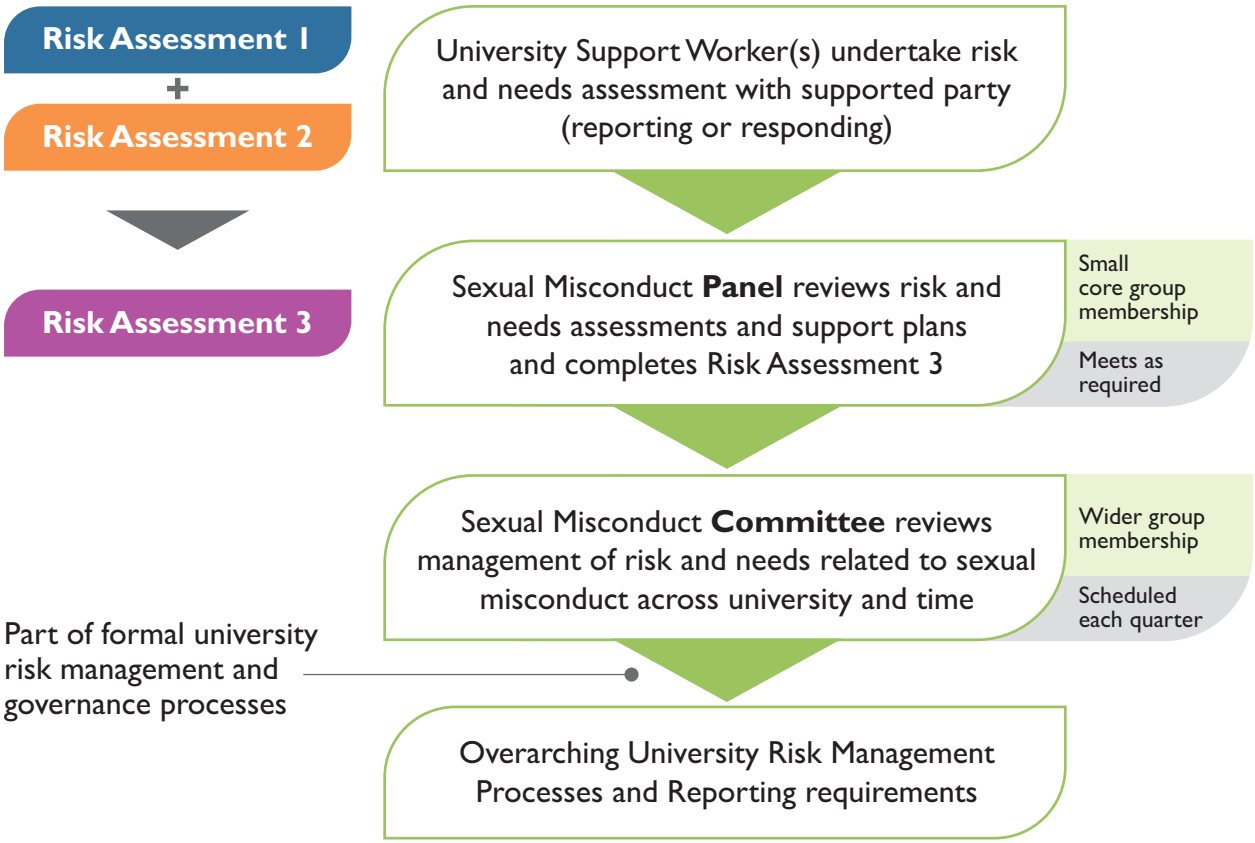
8.5 Local arrangements for the constitution of the Panel need to reflect practical issues associated with operating the Panel effectively. This means that the Panel needs to be:

- **More than one person:** If a single person discharges the Panel function then there are likely to be issues or challenges in the event of their absence or unavailability. Vesting this responsibility in a single post holder also means that they have no opportunity to share the risk management decision making process.
- **Not too large:** If the Panel requires many attendees to operate it will become more difficult to convene Panels at short notice or where urgent decisions are required.
- **Consistent:** Where the membership of a Panel is consistent this ensures that the Panel is aware of all cases of sexual misconduct across the university. This does not remove the requirement to keep records.
- **Sufficiently expert:** Panel members need to be people who have the right skills to be able to make sexual misconduct risk management decisions.
- **Aware of relevant others:** Panel members should be expected to invite other staff to attend meetings (or the relevant parts of meetings) where they can inform risk discussions and decision making.
- **Responsible:** Panel members need to be of sufficiently senior to make risk management decisions which may have a considerable impact on an individual. For example the Panel may decide it is necessary to impose precautionary measures or alternatively, amend or change support plans developed by the USWs. It is therefore they important that they have the authority and the ability to do so.

- **Available:** Panel members need to be able to commit to convene or attend panels regularly, some of which will be at short notice or out of normal office hours.
- **Not involved in Disciplinary Panels:** It is not possible to sit on a Panel and subsequently hear the same case within university sexual misconduct proceedings.

8.6 This Tool will work most effectively where a small core group forms a Panel. In order to facilitate and inform longer term or strategic discussions about the university response to sexual misconduct this Panel may feed into a less frequent Sexual Misconduct Risk Management Committee (SMRMC). This Committee should also have responsibilities relating to advising senior leaders and / or the Governing Board of the university about risk. Further information about the relative roles and operation of the Panel and Committee are in Annex A to this document in the form of sample Terms of Reference.

8.7 In order to ensure that the Panel and Committee are tied into university governance processes at the highest level, universities will wish to consider the reporting and data requirements for both the Panel and Committee. It may be appropriate to constitute the Committee as a sub-group of a main over-arching university wide risk management Board, with the Panel constituted as a sub-group of the Committee.



8b The Review Role of the Panel

8.8 When the Panel reviews the individual Plans it will need to consider whether it is satisfied that:

- The Plan for reporting (and where known responding) parties are appropriate, adequately address the risks, are relevant and achievable.
- Where multiple Plans are completed for a single case (for example for reporting and responding parties) are jointly appropriate, relevant and achievable and ensure that the University is discharging it's duty of care to all parties equitably.

8c The Risk Assessment Role of the Panel

8.9 A significant part of the responsibility of the Panel is to undertake Risk Assessment 3. This means the risk assessment as it relates to Organisational Risks and Disciplinary/Criminal Justice Risks.

8.10 Panels will need to determine the order in which they undertake their duties, but it is suggested that a review of Risk Assessment 1 and / or 2 and the associated Plans will be helpful to inform the discussions when Risk Assessment 3 is completed.

8d What is Risk Assessment at Organisational Level?

8.11 The risk assessment relating to organisational level is an assessment of risks and needs in relation to the wider community / organisation. It includes considerations such as:

- the risk to the wider university community which may be related to keeping third parties safe from the risk of further sexual misconduct,
- reputational risk if the university is considered to have failed in their duty of care to staff and students.
- where reported parties 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.

8e What is Risk Assessment in Relation to Disciplinary / Criminal Justice Issues?

8.12 The risk assessment relating to disciplinary / criminal justice levels is an assessment of risks and needs in relation to these formal processes.

8.13 It can also be described as evidential risk relating to a reporting parties' 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 future scrutiny in the courts.

8f Emergency / Urgent Action

8.14 The Tool is not for evaluating immediate risks and needs, either when a live incident is being managed, or when an emergency response is required. Those responsible should follow the university incident management protocols, which may include making immediate risk assessment and management decisions. Likewise, if any emergency response is required from external emergency services, this should take place in advance of any risk assessment activity based on this Tool.

8.15 The Panel will want to be aware however, of any risk assessments that were made by those managing incidents requiring an urgent response and to take account of those actions in undertaking their own risk assessment. Universities should establish systems or processes which ensure that incident reports are made available to the Panel routinely wherever they exist.

8g How is the Panel Risk Assessment Completed?

8.16 The Panel will need to discuss all seventeen domains within their meeting. It is a matter for the Panel whether they commission or task an individual to complete Risk Assessment 3 in advance of their meeting and then they undertake a critical review of that assessment, or whether they complete it jointly during the Panel meeting.

8.17 The items in the seventeen domains will be informed by Risk Assessments 1 and / or 2, information about the incident itself from any incident reporting system and by the knowledge and experience of the Panel members.

8.18 Depending on the particular set of circumstances for each case, there will be occasions when other professionals have informed parts of the support plan. These professionals may be external to / independent of the university or work in another part of the university structure. This may need to be taken into account in the completion of Risk Assessment 3. For example, where a reporting party has an ISVA this is likely to have a significant impact on the management of risks in relation to Domain 16: Criminal Justice System Processes.

8.19 The Panel is not required to have in-depth knowledge across the whole spectrum of incidents that they may be required to risk assess. The SMRNA process has been developed to underpin a standardised approach across the different departments of universities that are charged with identifying risk and support needs, and managing risk to individuals and the wider organisation.

8.20 As soon as practicable after Risk Assessment 1 and / or 2 is available, even if only partially completed, the Panel should make arrangements to meet and to consider the information available. It will often be the case that additional information is subsequently made available, either because further detail is forthcoming from other sources or because the Panel themselves commission further information. In these cases, the Panel will need to work with the information available and attempt to determine whether they need any further information in order to be able to discharge their role appropriately.

8.21 It is essential that sufficient time is available to undertake the risk assessment and associated discussion. The conversation should take place in a suitable environment and wherever possible be verbal rather than written (a conversation rather than email exchange) although records do need to be made.

8.22 For those cases where multiple risk assessments are undertaken, for example on reporting and responding parties there will need to be a process established and overseen by the Panel whereby all relevant risk assessments should be considered together by the Panel.

8.23 It would rarely be appropriate for the members of staff who are acting in support of individuals involved to share their risk assessment records with one another. This means that universities need to embed processes to maintain these records separately and implement a process at the Panel to ensure information sharing is managed appropriately, particularly where USW attend Panels for the purpose of presenting / discussing a case.

8h Where the Responding Party is Not Aware of the Case

8.24 There are likely to be occasions where a responding party is not aware of the report that has been made about their conduct. An example of this is where a reporting party tells the university about sexual misconduct and names the responding party but does not wish at that time to make a report to the police or for the university to commence disciplinary proceedings.

8.25 Where this is the case, the Panel will still have a duty to review risk and needs information relating to the responding party. This may be drawn from information already held by the organisation about an individual. However, in practical terms this may limit the amount of information that is available and / or mean that the Panel needs to make decisions about notifying the responding party of the report that has been made about their behaviour.

8.26 If the Panel reach a view that the risk can only be managed by notifying the responding party about a report made about their behaviour, they will need to reach a balanced and fair view about the amount of information shared with the responding party. For example, if a Panel conclude that a responding party needs to be excluded from the university as a precautionary measure in order to manage the risk that they present they will need to give them sufficient information to explain the grounds for that precautionary action.

8.27 The relationship between the Panel and the university disciplinary processes will need to be clear in order to enable this to take place.

8i Recording Information

8.28 All relevant information reviewed as a part of the Panel's activities must be recorded in the appropriate domain sections and stored confidentially. Whilst the process of documenting information will provide an auditable trail of decision making it should not become bureaucratic in itself.

8.29 Although a template document for the domain-based assessment is downloadable from LimeCulture.co.uk/universities, it is recommended that organisations develop their own ways of collecting and recording the information. This may include developing university specific templates and / or incorporating it into electronic databases.

8.30 The Tool and templates can and should be customised to include university specific information requirements, that may include:

- Requirements relating to upwards reporting (for the most serious or high risk cases)
- Arrangements for working with university disciplinary processes
- Professional considerations where the reported or reporting party is subject to professional registration / fitness to practice considerations. For example, a reported student is studying medicine and is on placement in local NHS services or is training to be a teacher and is on placement in a school.

8j Effective Communication and Information Sharing

8.31 Once the Panel has completed Risk Assessment 3, including their review of individual support plans, they should agree whether any further communications or information sharing is required. It is unlikely to be appropriate to share the discussions and decisions made by the Panel in their entirety with the reporting or responding parties, but Panels will want to determine how and what they communicate to the relevant USWs.

8.32 It is good practice for the Panel to be explicit about the latest date by which they would expect a review of Risk Assessment 1 and / or 2 and associated support Plans to take place. The Panel should also schedule further meetings on a regular basis to review the progress of each case.

8k Precautionary Measures / Necessary Precautionary Action

8.33 When the Panel decide that precautionary measures need to be taken to address the identified risks effectively and proportionately or that existing precautionary measures need be revised, they should always record their reasons / rationale for these.

8l The Questions and Rationale for the Domains for the Organisational and Disciplinary / Criminal Justice Risk Assessment

8.34 Detailed information about the questions and rationale underpinning the organisational and disciplinary / criminal justice risk assessment follows.

Domain D1: Third Party Safety

This relates to the identification of any wider risk to the student/staff body.

Location of reported incident	Where the reported sexual misconduct was on university grounds / in university-controlled buildings there may be measures required to reduce the risk of further incidents.
Nature of reported incident	If the reported sexual misconduct involved the use of weapons there may be additional risks to third parties, and appropriate steps required to reduce those risks.
Time of reported incident	The time of day that the sexual misconduct is reported to have taken place should be taken into account in risk management plans with third parties advised to avoid the area at particular times, or for security arrangements to be stepped up.
Identification of responding party	Where information is held about the identity of the responding party the information needs to have been appropriately shared to enable proportionate risk reduction activities to take place.
Anonymous reporting	Where the responding party is not known to the Panel they should consider whether there is any other information held that can reduce the risk of further incidents.
LADO involvement	Identify if the circumstances of the case mean that the Local Authority Designated Officer should be informed.

Domain D2: Similar Incidents

This is about identifying risk associated with patterns of reports of sexual misconduct

Other cases of sexual misconduct	Identify if this case fits within a pattern of incidents. This is to ensure that wider patterns of risk are understood to inform risk management responses.
Known parties	Identify if the report of sexual misconduct involves reporting or responding parties already known to the Panel.
Related incidents	Identify if this report of sexual misconduct is an escalation from other related incidents for example of harassment or other behaviours contrary to the code of conduct.
Amendments to individual risk assessments or support plans	Identify if the reporting or responding party's risk and needs assessment and support Plans should be amended in light of wider patterns of misconduct / risk across the university.
External parties including other universities	Identify if there is information from external parties (e.g. police, other local universities) about similar incidents which would inform the risk assessment.

Domain D3: Academic Adjustments

This relates to making appropriate academic adjustments to ensure parties can continue to participate in university life

Reporting Party	Understand what academic adjustments the reporting party has requested and whether these can be agreed [Link to Domain D15: Fitness to Practice Issues].
Responding Party	Understand what the impact on the responding party is of any planned / current precautionary measures to manage risk on their academic study. For example, any time implications such as approaching examinations. Ensure anticipated / expected changes to courses like starting a vocational placement been taken into account [Link to Domain D15: Fitness to Practice Issues].
Other course members / staff team members	Understand if there any wider issues relating to other students sharing the same course with either party, or staff working with either party. Identify any risk management implications for the Panel.

Domain D4: Planned Communications

What are the planned communications implications for managing risk?

Communications with third parties (including witnesses)	Identify if there are any risk implications relating to communications with third parties involved in the case and how these risks could be managed.
Communications with wider community	Consider what information about this case is it appropriate to share with the wider community to increase safety, reduce risk, or maintain / build trust in the university response to sexual misconduct.
Communications with external agencies	Consider what information should be shared with external agencies (like the police / MARAC or specialised sexual violence services) to inform / manage / reduce risk.
Planned external communications	Consider how might planned external communications impact on the university ability to manage risk. [Link to Domain D5: Social (and other media) issues] [Link to Domain D6: Reputational Issues].
Partnership and Information Sharing agreements	Understand if the actions taken fulfilled the university obligations in respect of partnership working and Information Sharing Agreements.

Domain D5: Social (and other media) issues

How might risk be affected by media not controlled by the university

Reporting party social media	Know if the reporting party has used social media to discuss matters relating to the reported sexual misconduct. Know whether third parties associated with the reporting party have used social media to discuss matters relating to the reported sexual misconduct.. Consider how this affects risk on this case.
Responding party social media	Know if the responding party has used social media to discuss matters relating to the reported sexual misconduct. Know whether third parties associated with the responding party have used social media to discuss matters relating to the reported sexual misconduct. Consider how this affects risk on this case.
Sexual misconduct on social media	Consider if the reported sexual misconduct is being executed via social media? (e.g. Facebook / Whatsapp / Messenger), or is sexting, revenge porn etc? Identify what steps can be taken to reduce the risk of further misconduct in this case.
External media	Consider if there been any external media relating to this report of sexual misconduct, or the university response to sexual misconduct more broadly. Understand if the external media response impacts on the management of risk. [Link to Domain D6: Reputational Issues]. Is there a need for planned communications by the university to address this? [Link to Domain D4: Planned Communications].

Domain D6: Reputational Issues

This relates to potential risks to the university arising from the reported sexual misconduct

Current students / staff	Identify if there are any issues that current students or staff are expressing views about as they relate to the university's response to sexual misconduct.
Parents / family	How has the university response to the report of sexual misconduct been communicated to the family, and what assurance can be given to the parents / family (where involved) about the university response.
Future students / researchers / staff	Has the university response to the report of sexual misconduct been communicated more widely, and what assurance can be given to those who may be thinking about joining the university about the response to the reported sexual misconduct.
Executive leadership	Check whether the overarching university risk management processes / executive leadership of the institution knows enough about this case and the university response or if anything needs escalating.
External agencies	Check whether the communications with external agencies (like the police or specialised sexual violence services) are working effectively in this case.

Domain D7: Disciplinary Investigation Issues

Concerned with risk relating to the disciplinary investigation (where one is taking place)

Status of disciplinary investigation	Check the status of the disciplinary investigation and consider if there is anything about risk relating to this case that needs to be shared with the case manager or investigator.
Timeframe	Over the duration of an investigation there is potential for the risk profile to change. What is the expected time frame for the disciplinary investigation and is it on hold whilst Criminal Justice investigation takes place. [Link to Domain 16: Criminal Justice System Processes]
Risks associated with disciplinary investigation	Consider what the nature of the supporting evidence is available at this time from the reporting party and if further risk reduction activities are required. [Link to Domain D9: Precautionary action]
Disciplinary codes	Understand what is the breach of the disciplinary code that is being investigated and whether this affect the risks to either party.
Supporting evidence	Consider what other sources of evidence are likely to be considered as part of the disciplinary investigation. For example, are there witnesses, or other corroborating evidence (like CCTV) which would indicate what is likely to have happened, and inform the risk assessment.
Independence of USW	Are the USW involved working effectively, but independently, from the disciplinary investigation to safeguard the therapeutic relationship with the reporting/responding party but able to inform the investigation appropriately (for example where interviews may clash with exams).
Student or staff member	Are either of the parties members of staff and if so have HR been informed /aware. How does this impact on disciplinary investigations taking place.

Domain D8: Disciplinary Panel Issues

Concerned with risk relating to the disciplinary panel (where one is taking place)

Status of disciplinary panel	Consider what is the status of the disciplinary panel and is it sighted on the risk relating to the case. Know if the reporting and responding parties will both be invited to attend the panel and how this could impact on their risk.
Support at panel	Consider the arrangements where the reporting or responding parties are permitted to have a supporter or legal advisor attend the panel, how this is managed, and what effect may this have on risk.
Timeframe	Think about the expected time frame of the disciplinary panel. Is it taking place after the Criminal Justice System has concluded? Is it likely to coincide with significant university/academic events (like examinations) and how would this impact on the risk.
Reporting party wishes relating to the panel	Are the wishes of the reporting party in relation to the panel known. Does the reporting party have any expectations about the outcome and sanctions. How may they react if their expectations are not met and how will it affect their risk and needs.
Responding party wishes relating to the panel	Are the wishes of the responding party in relation to the panel known. Have they expectations about the outcome and sanctions? How may they react if their expectations are not met and how will it affect their risk and needs.
Communication of outcomes	How will the panel outcome affect their risk and needs of involved parties. Plan for managing the communications.

Domain D9: Precautionary action / Necessary precautionary measures

Relating to neutral actions taken by the university to manage risk

Range of measures	What (if anything) has the reporting party stipulated that they need.
Balance of duty of care	Have the neutral actions balanced the university duty of care to both parties and do they adequately manage risk.
Review	How will the neutral actions be reviewed. What is the timeframe and where does the responsibility sit.
Communications	How will the neutral decisions be communicated to involved parties. [Link to Domain D4: Planned Communications]

Domain D10: Legal risks

Relating to the risk of legal challenge to the university

Reporting or responding parties	What is the risk that the reporting or responding parties may challenge the legality of the university response. Can that risk be reduced.
Appeals against decisions	Where there is a legal challenge to a panel decision how does this affect risk management of the individual parties concerned.
External scrutiny	Are there any external pressures that need to be taken into account to manage risk. [Link to Domain D6: Reputational Issues]

Domain D11: Evidential Risks

Relating to the risk to the criminal justice system or university disciplinary system resulting from management of evidence

Separation of roles	Is there sufficient separation of roles between different USW, and staff working in disciplinary functions to ensure that evidence is managed effectively.

Domain D12: Risks associated with university systems / processes

Relating to risk that may occur because of the way systems or processes work within the university

Reporting systems	Has all the relevant information about the case been taken into account.
Skills and competency	Are the right people at the Panel meeting discussing this case or undertaking the investigation. Is there a need to consider expertise for any part of the university response to a case such as specialised interviewers/investigators.
Sector Best Practice	Is the university acting in accordance with sector best practice in managing this case.
Escalation arrangements	Does this case require escalation to executive / university risk Panels. Does this need to happen urgently or as part of routine reporting arrangements.
External agencies	Is the university working effectively with involved external agencies in managing risk relating to this case.
Tier 4 visa status	Is either party on a Tier 4 visa and what are the implications for the university in managing this.

Domain D13: Timeline

Relating to the length of time cases may continue

Duration of case	What is the probable timeframe until this case can be closed. How will the risk change over time. Are there potential risk points in the process and is there a plan to manage them. [Link to Domain D7: Disciplinary Investigation Issues] [Link to Domain D16: Criminal Justice System Issues]
Criminal Justice involvement	What is the probable timeframe for this case to be concluded. How will that impact on risk management arrangements. How is the university staying informed and communicating with reporting and responding parties.
Exiting support	Are there plans in place for exiting from the planned support.
Between terms	Are satisfactory arrangements in place to manage risk when reporting or responding parties are not present at the university (out of term time).

Domain D14: Record Keeping & Information Sharing

Relating to risk around record keeping and information sharing

Recording systems	Have high quality records been made and stored appropriately.
Consent and Confidentiality	Have consent and confidentiality arrangements been implemented correctly.
Protocols	Have Information Sharing Protocols been followed.

Domain D15: Fitness to Practice Issues & Placements

Relates to where responding parties are subject to fitness to practice regulation & placements

Fitness to Practice	Is the responding party on a professional course which will require them to join a register and if so, have the relevant authorities been informed. Has the potential impact on the responding party been taken into account in the support Plan.
Vocational placements	Is either party on a vocational placement or due to start one. Can their risks and needs be managed effectively or does additional support or adjustments need to be made to support them.
Placement providers	What information, if any, is it appropriate to share with the placement provider. How will this be done.
Overseas	Is the reporting or responding party currently abroad. Understand where, why and what they are doing. Are the risk management plans sufficient.

Domain D16: Criminal Justice System Processes

Relates to the impact on risk in the university of criminal justice system processes

Reporting to the police	Has a report to the police been made. Who is the officer in charge of the case. What investigation are the police conducting.
ISVA	Has the reporting party got an ISVA.
Forensic Examination	Has the reporting party attended SARC? What risk management arrangements are in place.
Support during investigation	How will the university know about the progress in a police investigation and how it impacts on the risks of the reporting or responding party.
Preparing for court	If a case is going to court, what impact does this have on the risks to the parties involved. What reputational risks are there at the conclusion of the court case [Link to Domain D6: Reputational Issues].
After the trial reporting party	Irrespective of the outcome of any trial the risk relating to the reporting party may change.
Discharge from ISVA	Where a reporting party is discharged from an ISVA service this may affect their risk. Are there arrangements in place to ensure the reporting party continues to be appropriately supported by the university.
After trial responding party	Dependent on the outcome of the trial. What are the potential outcomes and what risk management plan needs to be in place.

Domain D17: Professional Judgement

Relates to where professional judgement is required about a case, including where information is not available for any reason

Perception of risk	The members of the Panel may have a different perception of risk presented by a case than each other and will need to find a way to balance views of panel members. This may include recording different opinions.
USW report	Where the USW reports concern with non-verbal communication or gut instinct that all is not as it seems the Panel should consider carefully what further information to commission and how this can be balanced against the wider picture.
Any other information	Information that does not fit into any other category

LimeCulture would like to thank the staff from the following universities who so kindly shared their expertise and knowledge in relation to assessing and managing risk in their universities.

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University for the Creative Arts
University of Bath
University of Bristol
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University of Chester
University of East London
University of Greenwich
University of Kent
University of Leicester
University of Northampton
University of Nottingham
University of Oxford
University of Sheffield
University of the Arts London
University of Westminster

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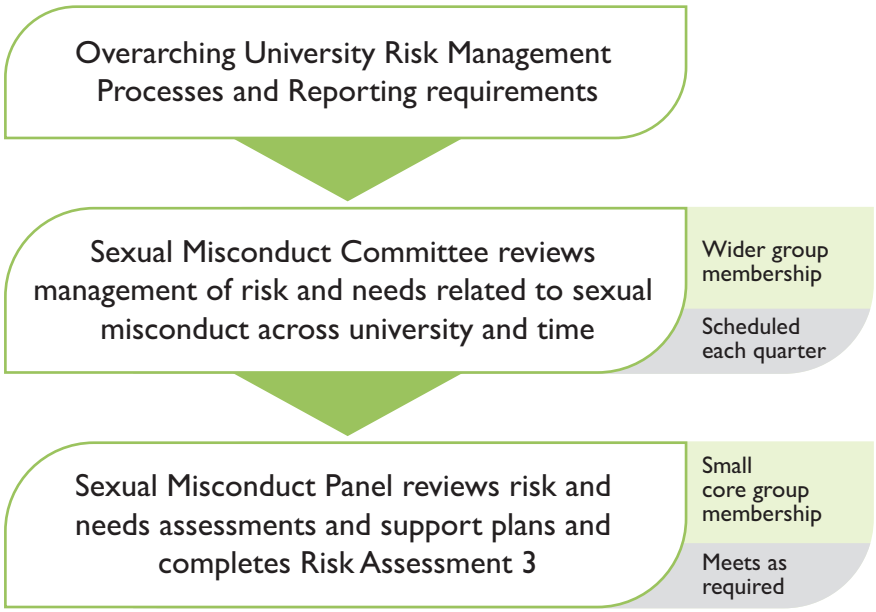
For more information please contact us on 0203 633 0018 or email universities@limeculture.co.uk

Sexual Misconduct Risk Management Panel and Committee

Example Terms of Reference



Governance

The Sexual Misconduct Risk Management Panel (Panel) is a sub-group of the Sexual Misconduct Risk Management Committee (Committee).

The Committee is a part of the overarching university risk governance processes.

The Panel meets as required and is made up of a small, consistent, core team. It is responsible for the operational response to risk relating to sexual misconduct and for reporting to the Committee.

The Committee meets as scheduled and is made up of a wider team of those whose role confers some responsibility on them for managing risk relating to sexual misconduct in the university. The Committee is responsible for the strategic response to risk relating to sexual misconduct and for reporting to overarching university risk management processes.

The Panel and Committee should be clearly identified within the university governance procedures with identified reporting requirements.

The delegated authority of Panel members to take decisions and actions to manage risk relating to sexual misconduct should be explicit.

Reporting requirements should explicitly state what information should be included in reports and the mechanism(s) for the Panel / Committee to receive feedback on those reports.

Both the Committee and Panel must ensure that they act:

- **Proportionately** to the level of risk with the University
- to **Align** risk management decisions with other business activities
- **Comprehensively**, in a systematic and structured way
- to **Embed** activities within the business processes of the University
- **Dynamically** and responsively to emerging and changing risks

Purpose of Panel

The purpose of the Panel is to:

- Maintain a real time overview of the risk relating to cases of sexual misconduct affecting all members of the University community
- Make and review decisions relating to precautionary measures / necessary precautionary action
- Ensure the University Risk Committee / Board / Council / Senate receives information about risk relating to sexual misconduct

Panel Objectives

Individual cases

1. To bring together Support and Risk Management Plans developed by University Support Workers for reporting and responding parties and assess them for appropriateness, relevance and achievability
2. To assess whether the University is discharging its Duty of Care to all parties involved in any reported sexual misconduct
3. Establish whether any precautionary measures taken address the identified risks effectively and proportionately, or if the measures need to be revised by consideration of the following questions:
    a. What is the brief summary of the case
    b. What has the reporting party stipulated that they need
    c. What support measures are in place for the parties involved
    d. What (if any) is the involvement of the police
    e. What (if any) is the status of any University investigation relating to the misconduct
    f. What issues are there in relation to:
        i. Accommodation
        ii. Academic Studies
        iii. Social Activities
        iv. Work / vocational placements
4. To identify when any precautionary measures should be reviewed
5. Identify the latest date by which any review of the SMRNA is due to be carried out

Anonymous reports (or other cases of sexual misconduct that do not fit the category above)

6. To consider the information available relating to any anonymous reports of sexual misconduct including cases where no individual is identified as reporting or responding to evaluate

a. Risks to the university community of further incidents

b. Risks to the university

Organisational risk

7. To understand any emergency or urgent incident management decisions that have been taken for each case, and to take this into account in subsequent risk assessments.
8. In order to function effectively, in addition to consideration of risks relating to individual cases and reports of misconduct that have been made anonymously, the Panel needs to undertake a risk assessment at the organisational level (Risk Assessment 3) and in relation to any current / future criminal justice processes. The Panel can only carry out this function effectively where all known cases of sexual misconduct are discussed by the Panel.

Purpose of Committee

The purpose of the Committee is to:

- Ensure the effectiveness of university processes and responses to risk related to sexual misconduct and make recommendations where necessary to amend processes and responses
- Maintain an overview of sector practice in relation to the management of risk associated with sexual misconduct and to ensure the Panel is operating in accordance with this

Committee Objectives

1. The Committee will need to review, anonymised as appropriate, the cases of sexual misconduct and their associated risks in order to satisfy themselves that:

a. All risk assessment processes as they relate to reporting and responding parties are assessing risk effectively;
   i. Auditing whether the Tool is consistently and effectively used
   ii. Ensuring an oversight of case / clinical supervision is in place to provide the Panel / Committee with assurance
   iii. Having a process relating to anonymous reports to ensure they are risk assessed and effective controls exist to reduce the identified risk

b. The risk assessments are appropriately context driven;
   i. Are the risk assessments effectively considering all the areas that need to be thought about?
   ii. Is there evidence that the SMRNA are both individualised, and consistent across the USW workforce?
   iii. How should an individual's SMRNA be amended (if at all) by wider patterns of misconduct / risk across the university?

c. Identified individual or wider patterns of risk inform efforts to implement prevention strategies;
   i. Analysis of incidents of sexual misconduct (including anonymous reports) for example:
      – Nature of reported incidents
      – Time of occurrence
      – Location / venue
   ii. Analysis of related incidents (e.g. harassment)
   iii. The university approach to risk and responding to sexual misconduct is providing assurance to individuals about making reports and the effectiveness of the organisational response to such reports via consideration of issues such as:
      1. How many reports are being made and is this increasing / decreasing
      2. What is being reported
      3. How are reports being made
      4. What happens to cases and how has this changed over time / in comparison to other universities

d. The university response to identified risk is effective;
   i. Ensuring that it is always clear who is responsible for identified risks
   ii. Checking that decisions are being made by the right roles at the right time about managing risks
   iii. Information about incidents and risk is up-to-date and reliable
   iv. There is an effective channel of communication with the overarching university risk management processes

e. Review of how identified needs are being met by external and internal agencies
    i. Information relating to whether reporting (and responding) parties are able to access internal support services to reduce their risk in a timely manner (e.g. counselling teams)
    ii. Information relating to whether reporting parties are able to access external specialised support from the local sexual violence services (Independent Sexual Violence Adviser Services)
    iii. Collated information about the support needs of reporting and responding parties and consideration of whether other services should be commissioned (if patterns are not emerging, this may indicate that support staff are not clear about what effective support looks like).
    iv. Feedback from individuals using the support service of the university about their experience of support and the wider university response to their misconduct experience.

f. Review of skills and knowledge of Panel members
    i. Review of Panel membership
    ii. (Regular) appraisal of collective skills and knowledge of Panel members
    iii. Training needs of Panel members

Membership (Panel and Committee)

Panel members should be selected from those roles where they already have related management responsibilities.

Panel members will need to be sufficiently senior to make recommendations relating to necessary precautionary action.

Panel members will need to be available to attend regular meetings, and to dedicate sufficient time to consideration of individual cases as appropriate.

Panel members will also be members of the Committee

The table below is an illustration of membership of the Panel as a small core group who meet very frequently (as required/weekly/fortnightly) to consider the individual risks outlined in the relevant section above, whereas the sexual misconduct risk management Committee meets less frequently (quarterly) to consider the wider strategic risks relating to the organisation.

Job Title	*Panel Membership*	*Committee Membership*
Director / Head of Student Services	Yes	Yes
Director / Head of Human Resources	No	Yes
Director / Head of Sport	No	Yes
Equality, Diversity and Inclusion Manager	No	Yes
Head of Student Conduct & Appeals / Academic Services	Yes	Yes
Director / Head of Student Support & Wellbeing	Yes	Yes
Community Liaison Managers / Community Engagement	No	Yes
Director / Head of Counselling	No	Yes
Director / Head of Security	Yes	Yes

Attendance

The Panel may find it helpful to invite USW to attend the Panel when they discuss specific cases.

Depending on the circumstances of any individual case, it may be appropriate to invite other staff who have a significant role in relation to that case to take part in Panel discussions.

The Panel must take care to avoid having USW for reporting and responding parties hearing information about the other parties involved which could jeopardise the integrity of the support role.

Meeting frequency

Meetings should take place with sufficient frequency to enable the Panel and Committee to discharge its responsibilities.

Quoracy

Attendance of members required to establish quoracy should be agreed.

Relevant University Regulations

The university may wish to cross-reference with university regulations in the Panel / Committee Terms of Reference.

Supporting a Professional Response to Sexual Violence

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