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Policy on Referral to Police or other relevant authorities of alleged criminal offences

The Policy has been reviewed and supersedes all previous issues. It has undergone the following approval process:

Equality Analysis	[insert date here]
LT&SE	3 October 2019

The Policy was last issued on [May 2015]. The principal changes relate to:

<u>Section/Paragraph</u>	<u>Title</u>	<u>Change:</u>
Cover page		Added
2		HM Revenue and Customs and Department for Work and Pensions titles updated
5		'Alleged' changed to 'credible allegations of'
9		New section 3 rd Party Reporting
10		New section - the University will seek to work with the Police

POLICY ON REFERRAL TO POLICE OR OTHER RELEVANT AUTHORITIES OF ALLEGED CRIMINAL OFFENCES

1. The University has adopted the following policy which will apply in all cases where the University learns that a student may have committed a criminal offence or where such a criminal offence is reported to it.

2. There are three basic propositions:

Firstly, anyone may report such matters to the Police or to other relevant authorities such as the Home Office, HM Revenue and Customs, the British Transport Police or the Department for Work and Pensions. Moreover, anyone may launch a private prosecution.

Secondly, as a corollary to this, no-one may prevent anyone else from reporting or referring a matter to the Police or other relevant authorities.

Thirdly, there is generally no legal obligation or requirement to report alleged or suspected crimes to the Police or other relevant authorities. [Exceptions include terrorist offences under the Prevention of Terrorism Act 2015].

3. Where the victim, or anyone else, wishes to bring the matter to the attention of the Police or other relevant authorities the University will not interfere or seek to prevent them from doing so.

4. In all other cases, the Vice-Chancellor or her designated nominee shall decide whether the matter should be reported to the Police or other relevant authorities having regard, in all such cases, to the seriousness or sensitivity of the matter, if necessary after appropriate consultation and having regard to the following guidelines.

5. All credible allegations of offences relating to controlled drugs, which come to the attention of the University, will be reported to the Police. This is because:

a) the University would not wish to fall foul of the provisions of Section 8 of the Misuse of Drugs Act 1971 which makes it an offence to “permit” various kinds of drug misuse to take place on its premises;

b) the University wishes to discourage drug misuse and to assist the Police to discover sources of supply; and

c) the Police will be able to dispose of seized drugs.

6. Where the offence is committed against the University and there is no other victim, the University will normally report the crime to the Police or other relevant authorities, whether or not the culprit has been identified, unless the offence may be considered to be not-serious. Examples of not-serious offences include very minor theft, slight damage to University property, minor assault or a minor scuffle or fracas. Even if cases of not-serious offences, the University may wish to refer some not-serious matters to the Police or other relevant authorities, if only to keep them informed and aware.

7. Reporting the Incident

- 7.1. Where there is another victim, it should normally be for that person to report the matter. A difficulty arises where the victim does not wish it to be reported. Some victims, for example, may be adamant that the Police should not be told. It is the University's policy that only in exceptional circumstances will the University report an alleged crime to the Police contrary to wishes of the victim. (This is because, if it were known that all such matters were routinely referred to the Police, there might be students who would not inform the University authorities of the allegation and would, therefore, forego the support and care which they might need.)
- 7.2. Nevertheless, there may be situations where the public interest, which includes the interest of the University community, makes the circumstances of such an exceptional nature that the University may have to report the allegation to the Police or other relevant authorities. For example, where it appears that significant violence has been used which exposes others to danger such as an allegation of sexual assault or rape, or where there have been similar allegations in the past which likewise suggest a risk to other persons.
- 7.3. The University considers it important not to operate a policy which could suppress or inhibit the reporting of matters within the institution. While there is inevitably some risk of adverse criticism of the University in adopting such a policy, the University has concluded that it is right to accept that risk. The University does not expose itself to any legal liability by failing to refer, provided that the decision has been taken with all due diligence.
- 7.4. There should, however, be no doubt that the policy of the University is to encourage staff and students who are victims of serious crimes to report the incidents to the Police or other relevant authorities. Possible damage to the reputation of the University from resultant publicity will not be a factor. However, the decision will normally rest with the victim.
8. The University will attempt to develop informal liaisons with the local Police. Advice can then be sought from the Police about whether an offence has been committed and, if so, whether it is not-serious or serious and whether, if the latter, there are compelling grounds for reporting it formally where the victim is opposed to such action.
9. The University will encourage 3rd Party Reporting to the Police if appropriate and will support staff and students with this process.
10. The University, whilst meeting its own 'duty of care', will seek to work with the Police when a criminal investigation is being carried out involving an allegation against one or more of its students.
11. The University will publicise this policy as widely as possible.