



City & Guilds Light Vehicle Maintenance and Repair Course (4209-13)

POLICY ON REFERRAL - CRIMINAL OFFENCES

Purpose

Mission Motorsport has adopted the following policy which will apply in all cases where Mission Motorsport learns that a Student may have committed a criminal offence or where such a criminal offence is reported to it.

General outline

Propositions:

1. Anyone may report such matters to the police or to other relevant authorities such as the Home Office, HM Customs and Excise, the British Transport Police or the Department of Social Security. Moreover, anyone may launch a private prosecution.
2. As a corollary to this, no-one may prevent anyone else from reporting or referring a matter to the Police or other relevant authorities.
3. 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].
4. Where the victim, or anyone else, wishes to bring the matter to the attention of the Police or other relevant authorities Mission Motorsport will not interfere or seek to prevent them from doing so.
5. In all other cases, the CEO of Mission Motorsport or a 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.
6. All alleged offences relating to controlled drugs, which come to the attention of Mission Motorsport, will be reported to the Police. This is because:
 - Mission Motorsport 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.
 - (Mission Motorsport wishes to discourage drug misuse and to assist the police to discover sources of supply; and the Police will be able to dispose of seized drugs.



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7. Where the offence is committed against Mission Motorsport and there is no other victim, Mission Motorsport will normally report the crime to the Police or other relevant authorities, whether 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 Mission Motorsport property, minor assault or a minor scuffle or fracas. Even in cases of not-serious offences, Mission Motorsport may wish to refer some not-serious matters to the Police or other relevant authorities, if only to keep them informed and aware.
8. 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 Mission Motorsport's policy that only in exceptional circumstances should Mission Motorsport 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 Mission Motorsport authorities of the allegation and would, therefore, forego the support and care which they might need.)
 - Nevertheless, there may be situations where the public interest, which includes the interest of Mission Motorsport community, makes the circumstances of such an exceptional nature that Mission Motorsport 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, or where there have been similar allegations in the past which likewise suggest a risk to other persons.
 - Mission Motorsport 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 Mission Motorsport in adopting such a policy, Mission Motorsport has concluded that it is right to accept that risk.
 - Mission Motorsport does not expose itself to any legal liability by failing to refer, provided that the decision has been taken with all due diligence.
 - There should, however, be no doubt that the policy of Mission Motorsport 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 Mission Motorsport from resultant publicity will not be a factor

however, the decision will normally rest with the victim.



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9. Mission Motorsport 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.