

Emergency Powers of Suspension

Policy owner:	Northern School of Contemporary Dance - Academic Board
Lead contact:	Head of Academic Registry & Compliance
Audience:	Students; staff
Approving body:	Academic Board
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Policy Implementation date:	From October 2023
Supersedes:	CDD Emergency Powers of Exclusion and Suspension
Previous approved version(s) dates:	N/A
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Related Statutes, Ordinances, General Regulations	Validating Universities' Academic Regulations, Equality Act 2010; Data Protection Act 2018; General Data Protection Regulations 2018.
Related Policies, Procedures and Guidance:	Non-Academic Misconduct Policy; Terms and Conditions; Policy on Harassment, Sexual Misconduct and Related Behaviours; Support Through Studies; School Safeguarding Policy; Codes of Practice.
UK Quality Code reference:	Quality Code Expectations for Quality; Advice and Guidance: Concerns, Complaints and Appeals; Enabling Student Achievement; Student Engagement
OfS Conditions reference:	Conditions B2, B3, C1, C2
Equality and Diversity Considerations:	Policy should be available in accessible format for all students.
Further information:	<p>The decision to suspend a student under these powers ultimately rests with the Chief Executive & Principal of the School.</p> <p>A decision to exclude a student under the Emergency Powers is without prejudice and is no indication of any finding of misconduct or academic failure.</p>

Northern School of Contemporary Dance Emergency Powers of Suspension

1. Introduction

1.1 With reasonable belief that there is good reason to do so, the Chief Executive & Principal ('the Principal') of Northern School of Contemporary Dance (the 'School') shall have the power to suspend any student from the School for a limited period in an emergency situation.

1.2 Where a concern is raised relating to a student's wellbeing and/or conduct, whether on or off School premises, which represents a potential or actual threat to the safety, security, health, wellbeing or reputation of the student, and/or of the School, its members, an external organisation or placement provider, or members of the public, a member of staff may make a recommendation to the Principal or the Principal's delegate that the student should be temporarily suspended, or the Principal/their delegate may identify that a temporary exclusion or suspension is necessary. A list of examples of occasions where this might be the case is outlined below:

- A student is considered a danger to themselves or others
- A student might have seriously breached the published School Codes of Practice
- A student presenting with urgent critical 'support through studies' concerns (e.g. such that their health or other circumstance is preventing them from being fit to study)
- A student for whom a criminal charge is pending, or who is the subject of police investigation
- Where a previously undisclosed relevant criminal conviction comes to light
- A student who is the subject of an allegation of misconduct
- Where there is an identified need to protect the health and safety and/or property of the student and/or the School community

The above list is not exhaustive, and the Principal shall be satisfied that good and/or urgent cause exists to warrant the invoking of these emergency powers.

1.3 In operating any of the processes or procedures under this Policy, the Principal may as necessary delegate duties to the Vice Principal to operate procedures on their behalf.

2. Definitions

2.1 **Suspension** means that attendance at, or access to, the School, and participation in any or all School activities (including external programme-related activities), is prohibited until the term of suspension is lifted. However, the suspension may be subject to qualification, such as exceptional permission to attend for the purpose of an assessment. A suspension order made by the Principal under this policy may include an order restricting or prohibiting contact between the student and a particular individual or individuals.

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3. Scope

3.1 Suspension under this procedure will not be used as a penalty. The power to suspend under this provision is to protect the student and/or members of the School community and their property in general, or a particular member or members, and the power shall be used only where the Principal is of the opinion with reasonable belief that it is urgent and necessary to take such action.

4. Principles

4.1 It will be at the discretion of the Principal or their nominee to determine whether exclusion from specified activities or facilities, or suspension, along with any conditions, is deemed to be appropriate for the circumstances. A risk assessment will be undertaken to assist with determining appropriate action.

4.2 All reasonable efforts will be made to facilitate the student's capacity to engage with their course of study as far as possible during and/or following a period of suspension, which may include referring the student to available support.

Criminal investigations / pending criminal charges against a student

4.3 A student against whom a criminal charge is pending, or who is the subject of police investigation, may be suspended by the Principal pending a Misconduct Panel investigation, hearing and/or a trial. The Principal or their nominee shall have the discretion to determine whether the nature of the alleged offence is such that the misconduct proceedings should be adjourned pending police and court proceedings.

Data protection and management

4.4 In accordance with the School's duties under the General Data Protection Regulations (2018), where the student does not complete and/or withdraws from the programme whilst excluded or suspended under this policy, the documentary records relating to the suspension or exclusion will be securely retained on the student's file in accordance with the normal retention period for student files. A record that the student registered and attended the School for the period of registered attendance will be retained for record purposes.

4.5 Any student who is suspended under this policy will have the right to make written representations (a written statement for consideration) to the Principal/their nominee regarding the action taken.

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Students who are under 18 years of age

4.6 Where action taken under this Policy involves a student who is under 18 years of age, the Principal will determine, in accordance with the School's safeguarding procedures, whether or not it is necessary to disclose the details of any action taken under this procedure to the parent/guardian/equivalent body of the student, or other relevant agency (e.g. the Police, Social Worker etc).

Failure to comply on the part of a student

4.7 Failure on the part of the student to comply with any terms of their suspension may result in referral into, and possible action under, the Non-Academic Misconduct Policy and Procedures, or Stage 3 of the Support Through Studies formal procedures.

Emergency Powers of Suspension Procedures

5. Operational Information

Timescales

5.1 Where a student has been verbally notified of the Principal/their nominee's decision to impose a suspension under these Emergency Powers, the School will confirm this briefly in writing (which may be via email) **by the end of that same working day**.

5.2 A letter from the Principal/their nominee formally setting out the details of the exclusion/suspension under the Emergency Powers will be issued **normally within 3 working days of the date of initial notification** of the emergency action to the student.

5.3 The period of suspension shall not normally exceed 28 calendar days in the first instance except in exceptional circumstances. All periods of suspension will be subject to regular review as outlined below, and the suspended student will be notified in writing of the dates of forthcoming reviews, and corresponding outcomes.

Procedure for instigating Emergency Powers of Exclusion or Suspension

5.4 To instigate an exclusion or suspension under the Emergency Powers, the following steps should be taken:

- i. Completion of a risk assessment which should be signed off by 2 members of staff (one of whom may be the Principal if necessary)

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- ii. If the Principal or their Nominee is satisfied that grounds exist to impose an Emergency Suspension, the School will notify the student immediately. This may be verbally or briefly in writing or expediency.
- iii. A formal letter will be issued to the student by or on behalf of the Principal, normally within 3 working days of the initial date of exclusion or suspension.

5.5 Normally within 3 working days of the initial date of the exclusion or suspension, the Principal or their nominee will formally write to the student. This letter will include the following:

- The reasons for the decision to suspend
- Notification of the student's right to immediately submit any written representations for consideration by the Principal, and how to do so
- Notification, if relevant, of referral into any other School procedures (eg Support Through Studies; Non-Academic Misconduct)
- Signposting to avenues of available support (including external support). In all cases, the student will be assigned a designated member of School staff with whom they can communicate throughout the course of their Suspension, for any School-related queries.

Review of a suspension order

5.6 A review of the case by the Principal/their nominee will take place within the initial 28-day period of suspension to determine whether or not the suspension may be lifted before or at the end of the imposed specified period.

5.7 The period of suspension may be extended if the Principal/their nominee deems it necessary but the reasons for an extension must be shared with the student in writing.

Permanent Exclusion

5.8 A decision to permanently exclude a student from the school would only be made in conjunction with either the Non-Academic Misconduct Policy or Support through Studies Policy.

5.9 A student will have the right to Appeal a permanent exclusion through the relevant policies.