

national centre for circus arts

Emergency Powers of Exclusion and Suspension (effective from September 2022)

Section of Policy	Contents of Section	See Page No
A) POLICY		
1. Introduction	<ul style="list-style-type: none"> • Precautionary Measures • When to use Emergency Powers and when to use Precautionary Measures 	4
2. Definitions	<ul style="list-style-type: none"> • Exclusion • Suspension 	5
3. Scope	<ul style="list-style-type: none"> • Delegation • Notification of action under these powers • Verbal/Initial notification • Safeguarding 	5
4. Principles	<ul style="list-style-type: none"> • Criminal investigations / pending criminal charges against a student • Data Protection and Management • Complaints about other students / staff by an excluded/suspended student • Emergency Powers and Support Through Studies Policy • Failure to comply on the part of a student 	6
B) PROCEDURES		
5. Operational Information	<ul style="list-style-type: none"> • Timescales • Notifications <ul style="list-style-type: none"> ○ <i>Initial (usually verbal) notification of the imposition of an emergency exclusion/suspension</i> ○ <i>Follow-up to initial verbal notification</i> ○ <i>Formal written notification of exclusion / suspension under the Emergency Powers</i> • Length of an exclusion or suspension under the Emergency Powers <i>[Cont...]</i> • Procedure for instigating Emergency Powers of Exclusion or Suspension • Review of an exclusion/suspension order 	9

	<ul style="list-style-type: none"> • New Information • Extensions of an emergency exclusion / suspension • Written representations • Additional written representations after a renewed/extended exclusion or suspension • Emergency Permanent Exclusion by the Principal • Right of appeal against Emergency Permanent Exclusion • Submitting an appeal against Emergency Permanent Exclusion • Completion of Procedures 	
6. Permitted Actions During Periods of Temporary Exclusion and Suspension	<ul style="list-style-type: none"> • Exclusion • Suspension 	9
7. Emergency Permanent Exclusion by the Principal		14
8. Emergency Powers Appeal Procedure	<ul style="list-style-type: none"> • Right of appeal against Emergency Permanent Exclusion • Grounds of appeal • Submitting an appeal against Emergency Permanent Exclusion • Initial Review • Appeal Procedure: Stage 1 • Appeal Procedure: Stage 2 • Completion of Procedures 	14

Appendices

Appendix 1 Emergency Powers of Exclusion and Suspension Procedural Flowchart

Appendix 2 Disclosure to Parents/Guardian/Equivalent Bodies/Other Agencies:
Data Consideration Principles

Appendix 3 Risk Assessment

Appendix 4 Record of Decision Form

Appendix 5 Appeal against Emergency Permanent Exclusion Form

A) POLICY

1. Introduction

1.1 With reasonable belief that there is good reason to do so, the Chief Executive of NCCA (the 'School') shall have the power to exclude or 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, good order, 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 and/or excluded, 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 Code of Behaviour and Student Code of Conduct and/or any other applicable code of conduct (eg a code of conduct belonging to a placement provider)
- 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 a senior member of the School staff, and/or nominate a member of staff to operate procedures on their behalf.

Precautionary Measures

1.4 Similar to the Emergency Powers of Exclusion and Suspension, the School also has 'Precautionary Measures' under the Policy on Sexual Misconduct, Harassment and Related Behaviours (see Appendix C to that policy). Whilst both the Emergency Powers and Precautionary Measures are similar and operated in a similar way, some of the rules governing each procedure are different. This policy is not invalidated by the School's application of Precautionary Measures under the Policy on Sexual Misconduct, Harassment and Related Behaviours, and vice versa.

When to use Emergency Powers and when to use Precautionary Measures

1.5 Where there is a case necessitating the possible emergency exclusion or suspension of a student, the Emergency Powers will normally apply unless the case in question arises under the Policy on Sexual Misconduct, Harassment and Related Behaviours, in which case the Precautionary Measures will normally apply. The Principal (or their nominee, as appropriate) will determine at the relevant time which policy is most appropriate, taking account of the best interests of all affected students. For example, where emergency conditions may need to be imposed upon one or more students but the case does not warrant emergency exclusion or suspension, the Precautionary Measures will be used.

2. Definitions

2.1 **Exclusion** means that certain restrictions are placed upon a student's access to the School or any parts of the School premises, and/or any related facilities, service(s) or functions that the student would normally have. An exclusion 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.

2.2 **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.

2.3 'Delegate/Nominee' means a specific senior member of School staff given authority by the School Principal to take action under this Policy on their behalf. For more information, please see section 3.2 'Delegation'.

3. Scope

3.1 Suspension or exclusion under this procedure will not be used as a penalty. The power to suspend or exclude 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.

Delegation

3.2 Under this policy, the Principal may delegate their power to a senior member of School staff, who shall then have the power to exclude or suspend any student from the School for an initial emergency period in an emergency situation. Accordingly, references to the role of 'the Principal' in this policy include any nominee of the Principal tasked with carrying out delegated duties.

3.3 In the event that the Principal is unable, for any reason, to exercise their powers under this policy, the following members of School staff are expressly delegated by the Principal to act in lieu of the Principal:

- The Head of Academic Administration and Student Support
- The Chief Operating Officer
- The Director of Professional Development

3.4 In such an event, a nominated member of staff as set out above will satisfy themselves that there is no conflict of interest which would prevent them from carrying out delegated duties ahead of proceeding to do so. In the event that none of the above members of staff are able to carry out delegated duties under these procedures, the recommendation that the student should be temporarily suspended and/or excluded will be made to the Chair of the School Governing Body, who shall review the recommendation and proceed to exercise these powers as they see fit.

Notification of action under these powers

3.5 Where a student is excluded or suspended under this policy, they will be issued with a letter that outlines the terms and any conditions of the exclusion or suspension, normally within three working days of the initial date of exclusion or suspension. Where the powers under this policy have been exercised by one of the Principal's nominees, the Principal will be copied into all correspondence.

Verbal/Initial notification

3.6 Where appropriate, a student may be notified verbally of an Exclusion or Suspension taken under the Emergency Powers in the first instance, with written confirmation following the same day of verbal notification. The formal detailed letter as outlined above will be issued within three working days of the initial imposition of these Emergency Powers.

3.7 Further information regarding notification of action under these powers can be found in Part B) Procedures.

Safeguarding

3.8 The procedures under this policy will be operated with due regard and referral as necessary to the School's Safeguarding Policy.

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 exclusion or 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 or excluded 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. The student will be notified accordingly in writing, normally within 3 working days of any such decision.

Data protection and management

4.4 In accordance with the School's duties under the UK General Data Protection Regulations, 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 (i.e. no longer than 6 years after the final action on the student's case, at which point the individual student file will be destroyed). Some deviation from this schedule can be expected for cases which, in the judgement of the School, are unique or complex and therefore require shorter or longer record retention periods. 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 excluded or 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.

4.6 Anonymised data relating to exclusions or suspensions that take place under these procedures will be retained by the School for monitoring, review and quality assurance purposes.

Complaints about other students/staff by an excluded/suspended student

4.7 The School will make its best endeavours to limit the disclosure of information as is consistent with conducting a fair investigation and in accordance with its obligations under the UK General Data Protection Regulations and the Data Protection Act (2018).

4.8 However, if a student names another member of the School as an issue of complaint in making any verbal or written representations to the Principal (or their nominee), then the individual(s) named will normally have the right to know the complaint made against them in order to be able to reply to the complaint. If a student refuses to name a person who is relevant to their complaint, the School may not be able to consider or investigate the case, or may only be able to consider or investigate it to a limited extent.

Emergency Powers & Support Through Studies

4.9 This procedure may also be used in conjunction with the School's Support Through Studies policy and procedures, for example, the School may determine there is a need to refer the student into Stage 3 of Support Through Studies (Highly Significant, Serious or Persistent Concerns (Case Conference)) and also that emergency action to exclude or suspend the student under this policy is necessary. Where appropriate, a student may be notified verbally of an Exclusion or Suspension taken under the Emergency Powers in the first instance, with written confirmation following the same day of verbal notification.

4.10 Written reasons for a decision taken under this policy and procedure shall be recorded and made available to the student, normally within 3 working days of the decision being made.

Generally, such records will be retained securely on a student's file for the duration of their programme of study, and will be kept for no longer than 6 months after the date the student has graduated.

Failure to comply on the part of a student

- 4.11 Failure on the part of the student to comply with any terms of their suspension or exclusion 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.

B) PROCEDURES

5. Operational Information

Timescales

- 5.1 Except where otherwise specified, all specified timescales referred to in this policy constitute calendar days. Some procedural timescales articulated in the procedures set out below are reiterated here for ease of reference.

Notifications

Initial (usually verbal) notification of an emergency exclusion/suspension

- 5.2 Where a student is verbally notified, or briefly notified in writing (via email or TEAMS) that the Principal/their nominee has determined an exclusion or suspension under these Emergency Powers is necessary, they will be **notified immediately or as soon as feasible**, depending on the schedule of the student, the associated risks, and any relevant support needs. The School will take into account the risk assessment and particular context of the issues necessitating the emergency action, along with the personal circumstances of the student, in delivering this information.

Follow-up to initial verbal notification

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

Formal written notification of exclusion / suspension under the Emergency Powers

- 5.4 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.

Length of an exclusion or suspension under the Emergency Powers

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

5.6 In exceptional circumstances¹, a longer period of exclusion or suspension beyond the normal initial 28-day period may be set, not normally exceeding three months before the case is reviewed, except where the Principal/their nominee is satisfied that there is justifiable and reasonable cause.

Procedure for instigating Emergency Powers of Exclusion or Suspension

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

- i. Completion of a risk assessment (see Appendix 4 to this Policy) which should be signed off by 2 members of staff (one of whom may be the Principal if necessary).
- ii. Completion of the Emergency Powers Record of Decision Form (see Appendix 3 to this Policy) which constitutes the record of the initial imposition of Emergency Powers. This may be completed by a member of staff and submitted to the Principal for review and sign-off, or by the Principal in consultation with another senior member of staff, directly following completion of the Risk Assessment.
- iii. The Risk Assessment and the Emergency Powers Record of Decision Form will be submitted to the Principal/their Nominee for review immediately upon completion.
- iv. If the Principal or their Nominee is satisfied that grounds exist to impose an Emergency Exclusion or Suspension, the School will notify the student immediately. This may be verbally or briefly in writing (see 5.3 below) for expediency.
- v. 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 (see 5.4 above).

5.8 Emergency exclusion or suspension will normally take place with immediate effect. Where appropriate, a student may be notified verbally of an Exclusion or Suspension taken under the Emergency Powers in the first instance, with brief written confirmation following the same day of verbal notification that informs the student of the decision of the School and that a formal letter will follow.

5.9 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 exclude or 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)

¹ Exceptional circumstances may be, for example, where a student is placed on remand for a specified period.

- 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 Exclusion/Suspension, for any School-related queries.

5.10 Where a nominated senior member of School staff uses the emergency powers, they will report the use of the emergency powers to the Principal normally within 72 hours of instigating them, and the Principal will be copied into all correspondence.

Review of an exclusion/suspension order

5.11 A review of the case by the Principal/their nominee will take place within the initial 28-day period of exclusion or suspension to determine whether or not the exclusion or suspension may be lifted before or at the end of the imposed specified period. The Principal/their nominee will review the exclusion or suspension either on receipt of written representations from the student, or shortly before the end of the initial 28-day period of exclusion or suspension.

New Information

5.12 If new information comes to light during the period of exclusion or suspension, the Principal/their nominee will take this into account during their review. At their discretion, the Principal/their nominee may review the case shortly after the receipt of new information if it appears this may have a material bearing on the exclusion or suspension, otherwise they will normally undertake the review within the normal timescale as set out above.

Extensions of an emergency exclusion/suspension

5.13 Following a review, the exclusion or suspension may be renewed for a shorter or longer period than the initial period of imposition, where the Principal/their nominee has reasonable belief that the period of exclusion or suspension should be renewed. In determining whether an exclusion or suspension under these powers should be renewed, the following will be taken into consideration:

- Whether an extension to an exclusion or suspension is necessary and proportionate;
- Any pastoral and academic support needs of the student arising from any further period of exclusion or suspension, particularly if this is to be longer;
- course/learning implications

5.14 In the event that it is determined an extended period of exclusion or suspension is necessary, this will not normally exceed 56 days before a further review is undertaken, even where the overall period may be longer than 56 days.

5.15 A review will take place before any further renewal of a period of exclusion or suspension may be authorised. The student will have the right to submit written representations for consideration with each review, and will be informed of this right at the time they receive notification of the exclusion/suspension order.

Written representations

5.16 Written representations means a written statement plus any supporting evidence submitted by a student in light of having been excluded or suspended under the Emergency Powers, that they wish the Principal to consider.

5.17 All students have the right to submit written representations in respect of having been excluded or suspended under these powers. Written representations from the student should be submitted to the School via email, normally using their School email address.

Additional written representations after a renewed/extended exclusion or suspension

5.18 A student excluded or suspended under these powers may make written representations following any decision to renew/extend an exclusion or suspension ('additional written representations').

5.19 Additional written representations will be considered by the Principal/their nominee in the next review of the exclusion or suspension before the end of the extended period, and normally within 7 days of receipt of the additional written representations. For the purposes of completeness, the Principal reserves the right to consider additional written representations from the student alongside any original written submission that has already been considered.

5.20 Reviews will take account of any developments and/or representations made by the student or anyone else on the student's behalf, and may result in referral to another procedure (e.g. Support Through Studies; Non-Academic Misconduct).

5.21 If no written representations from the student are received, the Principal/their nominee shall in any case review the initial exclusion or suspension before the end of the imposed period, and shall then review any extended exclusion or suspension before it expires.

5.22 Considerations of written representations and reviews of exclusions or suspensions made under these emergency provisions will not involve a hearing. Representations made by students will not normally include submissions made in person, except where it would constitute a reasonable adjustment in accordance with the Equality Act 2010. The Principal will assess whether it is necessary/appropriate to meet with an excluded or suspended student (which may entail meeting remotely eg via TEAMS/Zoom) during the period of exclusion/suspension.

6. Permitted Actions During Periods of Temporary Exclusion and Temporary Suspension

6.1 Where a student is temporarily excluded or suspended, it is at the discretion of the School Principal or their nominee as to whether any permission to enter the School premises be granted, taking account of the circumstances of the case and the specific purpose(s) of any such request to do so.

EXCLUSION

6.2 Unless also temporarily suspended or expressly prohibited by the Misconduct Panel and/or Misconduct Appeals Panel, a student who is temporarily **excluded** from all areas of the School

(including exclusion from participating in external programme-related activities) is still normally permitted to:

- take such tests or assessments as are scheduled during that period or if viable, be granted extensions or deferrals in respect of any such assessments (please see section 6.3 below);
- be provided with information about results/grades, re-sit questions, progression to the next level, module choice for the next level/academic year;
- be informed if they have reassessments;
- re-enrol for the new academic year;
- engage in meetings, activities and actions under Support Through Studies, though these may be undertaken remotely (eg via TEAMS/Zoom);
- access and utilise their School computer account.

6.3 Notwithstanding the above, in the interests of safeguarding the physical and general wellbeing of students, in the case of practical assessments consideration will be given as to whether it is safe to permit a student who is or has been excluded or suspended under the emergency powers to sit such assessments.

6.4 It may be considered unsafe or inappropriate for a student to sit a practical assessment if the School is not satisfied that the student has undertaken adequate preparatory classes/training for the assessment (e.g. if this would place them at significant risk of injury, disadvantage or failure). Consideration will be given as to whether alternative assessment or rescheduled assessment opportunities are viable; each case will be considered on its own merits and the viability of such opportunities will depend on the circumstances of the case. This principle applies to both students who have been excluded and those who have been suspended.

6.5 A student who is temporarily excluded from all areas of the School, should give the Principal at least 1 days' notice in writing that they wish to enter the premises of the School, to request permission from the Principal or their nominee. Permission to enter the School shall normally only be given for the purposes of seeking advice or support, or for the purpose of attending hearings or meetings connected with allegations against them under this or another regulation or procedure.

SUSPENSION

6.6 A student who is suspended by the Principal/their nominee under these emergency provisions cannot enter the School premises, or the premises of any external provider delivering course-related activity, without the exceptional prior written permission of the Principal or their nominee.

6.7 The student must give at least one working day's written notice to the School Principal/their nominee of their request to enter the School's premises for any reason. Where a student is suspended under the Emergency Powers, permission to enter the School premises will normally only be granted exceptionally, and normally only for the purpose of attending hearings or meetings connected with these procedures or another School regulation or procedure.

7. Emergency Permanent Exclusion by the Principal

7.1 In exceptional emergency circumstances where the Principal deems that continued student status of an individual student poses too great a risk to the School and its community, or is untenable (eg in the event that a student is given a custodial sentence and cannot continue their studies, or becomes too unwell to continue studying at the School), the Principal may take the decision to impose emergency permanent exclusion from the School upon a student. This will set in motion a process for the withdrawal of the student's registration with the School.

7.2 Where the Principal has determined that Emergency Permanent Exclusion should be imposed, they will write to the student to notify them of this decision, the reason(s) why, and to inform them of their right of appeal. The student will be notified as soon as possible following the decision being made by the Principal. In the absence of the Principal, one of the named delegates (see Section 3 of this Policy) may make this decision, in consultation with one of the other named delegates and any other relevant School staff, as necessary.

8. Emergency Powers Appeal Procedure

Right of appeal against Emergency Permanent Exclusion

8.1 Where the Principal determines that emergency permanent exclusion from the School should be imposed, the student will have the right to submit an appeal against this decision.

8.2 The appeal procedure is a two-stage process. Firstly, the Appeal Reviewer will determine whether the appeal satisfies one or more of the stated grounds. If so, this means that the appeal will be upheld, and will move to Stage 2 of the process where the Principal's decision to impose Emergency Permanent Exclusion will be reviewed. If not, the appeal process will be terminated, the Principal's decision will stand, and a Completion of Procedures Letter will be issued by the School (see section 'Completion of Procedures' in these procedures).

8.3 An appeal should normally be made within 14 days of written notification of the emergency permanent exclusion, and should be made under one or more of the grounds set out below. More information about how to submit an appeal can be found further on in this procedure.

Grounds of appeal

8.4 The grounds for appeal against a decision to impose emergency permanent exclusion are as follows:

a) There has been procedural irregularity i.e. that some rules or procedures were not applied correctly;

b) The decision(s) is/are unreasonable and/or the sanction or outcome disproportionate;

c) There is new evidence that is also material to the case, which the student can demonstrate was for good reason not previously available, and sufficient evidence remains that this warrants further consideration.

8.5 An appeal submitted will be considered by the Appeal Reviewer, who shall be the Chair of the School Board of Governors, or their nominee (which as necessary may be another School

trustee, or an External Officer in accordance with the School's arrangements for procedural integrity and fairness).

Submitting an appeal against Emergency Permanent Exclusion

8.6 To submit an appeal, the student should complete an Emergency Powers Appeal Form (see Appendix 5) and submit it to stevie@nationalcircus.org.uk within 14 days of the date of written notification of the School's intention to impose Emergency Permanent Exclusion.

Initial Review

8.7 On receipt of an appeal, the School will undertake an initial review of the appeal for the following purposes:

- to determine whether it has been submitted within the 14-day deadline, and
- to determine that the appeal has been made under one or more of the stated grounds of appeal.

8.8 Appeals that are received after the deadline will not normally be considered, and a Completion of Procedures Letter will be issued by the School (see section 'Completion of Procedures' in these procedures).

8.9 An appeal that is not made under one or more of the stated appeal grounds will normally be summarily rejected without consideration, and a Completion of Procedures Letter will be issued by the School (see section 'Completion of Procedures' in these procedures).

Appeal Review and Outcomes

8.10 The Chair of the Board or their nominee will act as Appeal Reviewer. The Appeal Reviewer will review an appeal normally within 21 days of the date of receipt of the appeal by the School and will issue an Appeal Outcome Letter to the student that sets out their considerations and findings.

Appeal Procedure: Stage One

8.11 The Appeal Reviewer will review the appeal and determine whether, on the balance of probabilities, any grounds of appeal have been met.

8.12 Where the Appeal Reviewer is not satisfied that any grounds of appeal have been met, they will determine that the appeal has been **not upheld**. This is the **end of these internal procedures**. Following the Appeal Outcome Letter, a Completion of Procedures letter will be issued.

8.13 Where the Appeal Reviewer is satisfied that grounds of appeal have been met, they will determine the appeal has been **upheld** and the **appeal will move to Stage 2 of the procedure**.

Appeal Procedure: Stage Two

8.14 In the event that the appeal is **upheld**, the appeal enters Stage 2 of this procedure. The Appeal Reviewer will review the decision of the Principal/their nominee to impose Emergency Permanent Exclusion together with any relevant documentation, and will determine one of the following:

- i. That the decision to impose Emergency Permanent Exclusion should be overturned and replaced with a new decision,
or
- ii. Whilst the grounds to uphold the appeal have been met, insufficient grounds have been established that would warrant a different decision being made and therefore the decision to impose Emergency Permanent Exclusion should stand.

8.15 Where the Appeal Reviewer determines a new decision should be made, they may order one or more of the following:

- Rescindment of the decision to withdraw student status, and immediate reinstatement of the student;
- Rescindment of the decision to withdraw student status, and deferred reinstatement of the student subject to meeting one or more conditions within a specified timeframe;
- Rescindment of the decision to withdraw student status under Emergency Permanent Exclusion, and referral of the student into Stage 3 of Support Through Studies (Case Conference) for further consideration of the case (in accordance with that procedure);
- Further extension of a previous exclusion or suspension under the Emergency Powers, with a specified review date, and any condition(s) the student must meet. Depending on the circumstances of the case, this period will not normally exceed one School term;
- A deferral, for a specified period, of the decision to withdraw student status, pending required action(s) from the student. In this event, the Appeal Reviewer will specify the potential outcomes at the end of the deferral period.

8.16 The decision of the Appeal Reviewer is FINAL, and an Appeal Outcome Letter will be issued detailing their decisions, considerations and findings. This is the end of the internal procedures.

8.17 Following the conclusion of the Emergency Powers Appeal Procedure, the School will issue a Completion of Procedures letter (see section 'Completion of Procedures').

8.18 Where no appeal is received by the School within the 14-day deadline, the School will withdraw student status from the student and the student will no longer be a registered student of NCCA. The School will then issue a Completion of Procedures Letter to the student and the student will have the right to take their case to the Office of the Independent Adjudicator (see section 'Completion of Procedures' in these procedures).

8.19 Where a student submits an appeal or any written representations after their student status has been withdrawn following Emergency Permanent Exclusion but prior to the issue of the Completion of Procedures Letter, this will be addressed in the Completion of Procedures letter issued by the School, although the School may or may not respond to any points raised in the written representations. Where a Completion of Procedures Letter has already been issued, the School will notify the student that the internal procedures of the School have been completed and remind them that a Completion of Procedures Letter has been issued.

Completion of Procedures

- 8.20 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. NCCA is a member of this scheme. If a student is unhappy with the final outcome of these procedures, they may be able to ask the OIA to review their case. More information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong, can be found here: <https://www.oiahe.org.uk/students/>
- 8.21 Once these procedures have been exhausted, NCCA will send the student a letter called a 'Completion of Procedures Letter', and the student will have 12 months from the date of their Completion of Procedures Letter to apply to take their case to the OIA. More information about Completion of Procedures Letters and when students should expect to receive one can be found on the OIA website at the following link: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters/>
- 8.22 Completion of Procedures Letters will normally be issued by the School within 28 days of the conclusion of the imposition of these Emergency Powers, and in the following circumstances:
- When a period or extended period of exclusion or suspension has been lifted (meaning the internal procedures have been concluded);
 - When an appeal has been received but it is summarily rejected for either being submitted after the 14-day deadline, and/or for not being made under one or more of the stated appeal grounds;
 - Following conclusion of the appeal procedures and the issue of the Appeal Outcome Letter, regardless of whether the appeal is upheld or rejected by the Appeal Reviewer.
- 8.23 The guidance published by the Office of the Independent Adjudicator shall be followed in the issuing of Completion of Procedures Letters to students in respect of these procedures².
- 8.24 Following a review by the Principal/their nominee of written representations by a student, where an excluded or suspended student is dissatisfied with the decision to extend a period of exclusion or suspension following the initial period, under the Rules³ of the Scheme of the Office of the Independent Adjudicator (OIA) they may request a Completion of Procedures letter from the School, in order to submit a complaint to the OIA.
- 8.25 Completion of Procedures letters issued by NCCA in relation to powers exercised under this policy will be copied to the validating university where required⁴. Any queries should be directed to the NCCA Head of Academic Administration and Student Support.

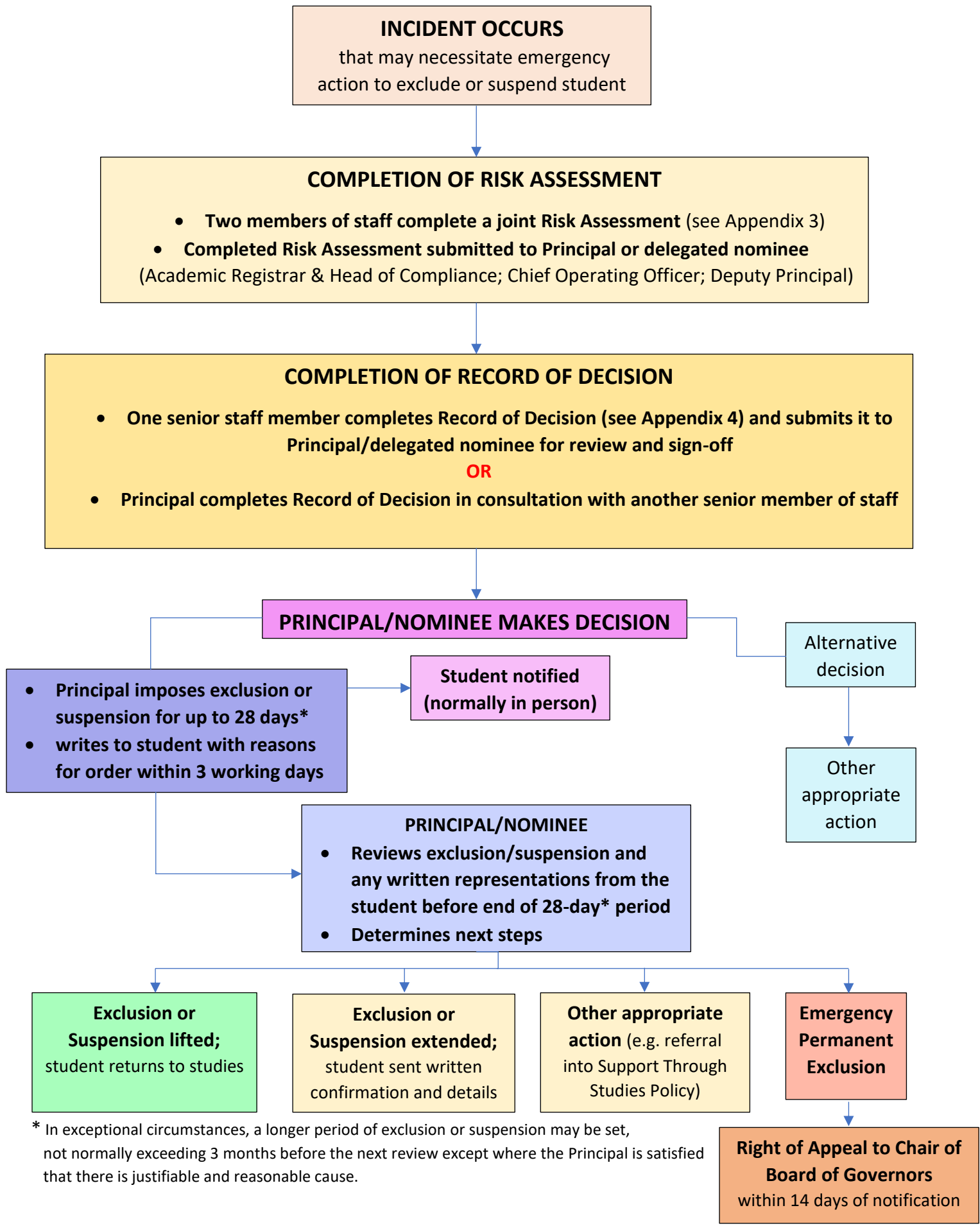
Please see below for **Appendix 1: Flow Chart of procedures** and **Appendix 2: Disclosure to Parents/Guardians/Equivalent Bodies/Other Agencies: Data Consideration Principles**

² <https://www.oiahe.org.uk/providers/completion-of-procedures-letters/>

³ <https://www.oiahe.org.uk/about-us/our-scheme/our-rules/>

⁴ The University of Kent validates NCCA's degree courses. CoP letters will be copied to the University on a case-by-case basis.

Emergency Powers of Exclusion and Suspension Procedural Flowchart



* In exceptional circumstances, a longer period of exclusion or suspension may be set, not normally exceeding 3 months before the next review except where the Principal is satisfied that there is justifiable and reasonable cause.

APPENDIX 2 Emergency Powers of Exclusion or Suspension of a Student

Disclosure to Parents/Guardians/Equivalent Bodies/Other Agencies: Data Consideration Principles

- **Necessary and Proportionate**
When taking decisions about what information to share, you should consider how much information you need to release. The Data Protection Act (2018) along with the General Data Protection Regulations (2018) require you to consider the impact of disclosing information on the information subject and any third parties. Any information shared must be proportionate to the need and level of risk.
- **Relevant**
Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make sound decisions.
- **Adequate**
Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.
- **Accurate**
Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.
- **Timely**
Information should be shared in a timely fashion to reduce the risk of harm. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm to a child. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.
- **Secure**
Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their organisation's policy on security for handling personal information.
- **Record**
Information sharing decisions should be recorded whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some circumstances this may be indefinitely, but if this is the case there should be a review process.