

national centre for circus arts

Emergency Powers of Exclusion and Suspension

Introduction

- i. The CEO of National Centre has the power to exclude or suspend any student from the School for a limited period in an emergency situation, if they reasonably believe that there is good reason to do so..
- ii. Where a concern is raised relating to a student's wellbeing and/or conduct, whether on or off School premises, a member of staff may make a recommendation that the student should be temporarily suspended and/or excluded, or it may be identified 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 Student Code of Conduct or the code of conduct belonging to an external body.
 - A student presents with urgent or critical 'support through studies' concerns.
 - 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.

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

- iii. The CEO may delegate this power to the COO during times of absence. If the power is exercised by the COO the decision to do so must be confirmed within [two] days by the CEO or Chair of the Board of Trustees. If the power is exercised by the COO, references in this policy to the CEO are taken as references to the COO until the CEO is able to assume responsibility for the process.

1. Definitions

- i. **Exclusion** means that certain restrictions are placed upon a student's access to the School or any parts of the premises, facilities, service(s) or functions that the student would normally have. An exclusion order made under this policy may also include an order restricting or prohibiting contact between the student and a particular individual or individuals.
- ii. **Suspension** means that attendance at, or access to, the School, and participation in any or all activities or programmes 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.

2. Scope

- i. Suspension or exclusion is not a penalty. They are used to protect the student and/or members of the School community and the power shall be used only where the CEO (or COO) is of the opinion with reasonable belief that it is urgent and necessary to take such action.
- ii. In the event that the CEO is unable to oversee this process, the COO may do so.
- iii. In the event of a conflict of interest, or where none of the above are able to oversee the process, it will be overseen by the Chair of the Trustees.
- iv. Where a student is excluded or suspended under this policy, they will be informed verbally or in writing and then 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.
- v. The procedures under this policy will be operated with due regard and referral as necessary to the School's Safeguarding Policy.

3. Principles

- i. A risk assessment will be undertaken to assist with determining appropriate action.
- ii. All reasonable efforts will be made to facilitate the student's engagement 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.
- iii. A student against whom a criminal charge is pending, or who is the subject of police investigation, may be suspended or excluded by the CEO pending a Non-Academic Misconduct Panel investigation, hearing and/or a trial. The CEO 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.
- iv. 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.
- v. 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 CEO regarding the action taken.
- vi. Anonymised data relating exclusions or suspensions that take place under these procedures will be retained by the School for monitoring, review and quality assurance purposes.
- vii. 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).
- viii. This procedure may also be used in conjunction with the School's Support Through Studies policy and procedures.
- ix. 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 Student Non-Academic Misconduct Policy and Procedures

4. Operational Information

- Where a student is notified verbally or in writing or briefly notified in writing that an exclusion or suspension is necessary, they will be notified immediately or as soon as feasibly possible. The CEO (or COO) will take into account the risk assessment and particular context of the issues along with the personal circumstances of the student, in delivering this information.
- Where a student has been verbally notified of exclusion or suspension under these the School will confirm this briefly in writing by the end of that same working day.
- The period of exclusion or suspension shall not normally exceed 28 calendar days in the first instance except in exceptional circumstances. If a longer period is required, this should not exceed three months. 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.
- Within 3 working days of the initial date of the exclusion or suspension, the CEO or their nominee will detail the following in writing:
 - Details of the exclusion/suspension
 - 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 CEO, and how to do so
 - Notification, if relevant, of referral into any other School procedures
 - 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.
- A review of the case by the CEO will take place within the initial 28-day period to determine whether or not the exclusion or suspension may be lifted before or at the end of the imposed period however, any exclusion or suspension beyond 28 days will be approved by the CEO and a member of the board of trustees.
- If new information comes to light during the period of exclusion or suspension, the CEO will take this into account during their review or review the case on receipt of the new information.

- Following a review, the exclusion or suspension may be renewed for a further period.
- In the event that it is determined an extended period of exclusion or suspension is necessary, a further review will be undertaken within eight weeks.
- 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.
- 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 CEO.
- 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).
- If no written representations from the student are received, the CEO shall 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.
- 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.

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

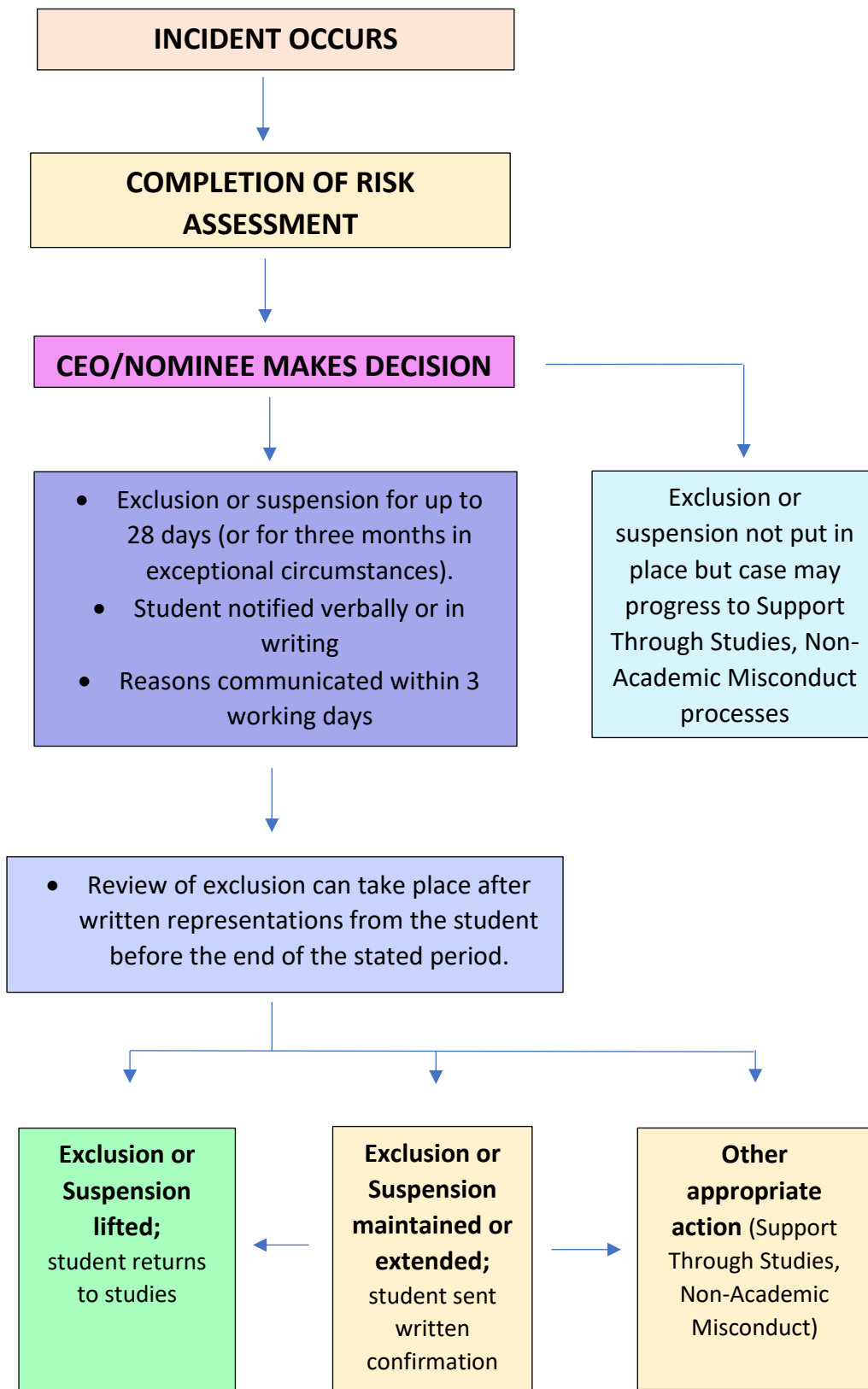
- Where a student is temporarily excluded or suspended, it is at the discretion of the CEO (or COO) as to whether any permission to enter the School premises be granted, taking account of the circumstances of the case and the specific purpose of any such request to do so.
- Unless also temporarily suspended a student who is temporarily **excluded** from all areas of the School 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.
 - 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, which will normally be done remotely.
 - access and utilise their online accounts.
- iii. In the interests of safeguarding and the general wellbeing of students, consideration will be given as to whether it is safe to permit a student for practical assessments.
- iv. If considered unsafe or inappropriate for a student to sit a practical assessment due to inadequate preparatory classes/training for the assessment, consideration will be given as to whether alternative assessment or rescheduled assessment opportunities are viable.
- v. A student who is temporarily excluded should give the CEO at least 1 days' notice in writing that they wish to enter the premises. 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.
- vi. A student who is suspended cannot enter the School premises, or the premises of any external provider delivering course-related activity, without the exceptional prior written permission of the CEO (or COO)

6. Permanent Exclusion

- i. Permanent exclusion will be dealt with either through the Support Through Studies policy, the Non-Academic Misconduct policy or the Academic Misconduct Policy

Emergency Powers of Exclusion and Suspension - Procedural Flowchart



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.
- **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.

Last reviewed: Feb 2026

Next Review: Feb 2029