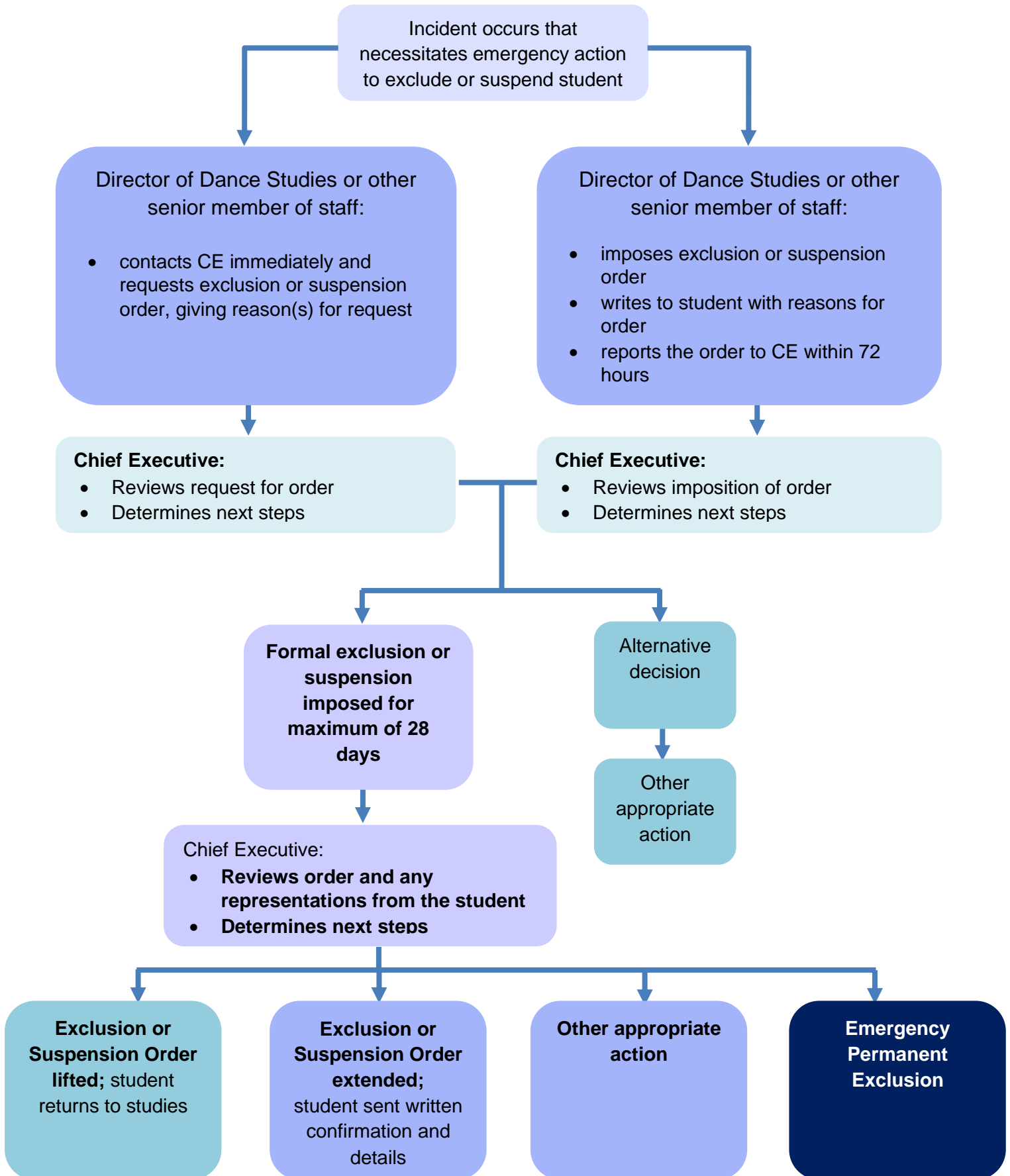


London Contemporary Dance School (The Place)

Emergency Powers of Exclusion and Suspension

February 2022

Name of Policy Writer	Lead Post Holder	Date approved	Approved by	Review Date
B Holdaway	Quality and Compliance Manager	Feb 2022	Academic Board	June 2023



1. Introduction

- 1.1. Where there is reasonable belief that there is good reason to do so, the Chief Executive (CE) of The Place, or which London Contemporary Dance School (LCDS) is a part of, shall have the power to exclude or suspend any student from LCDS 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 The Place premises, which represents a potential or actual threat to the safety, security or reputation of the student and/or the school or a student / staff member / member of the public, a member of staff may recommend to the CE, or their delegate, that the student should temporarily be suspended and/or excluded. A list of examples where this may be the case is outlined below (the below list is not exhaustive):
 - Where a student is considered a danger to themselves or others
 - Where a student might have seriously breached the Student Code of Conduct
 - A student presenting with urgent critical support through studies concerns
 - A student for whom a criminal charge is pending, or is 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 or the LCDS community

2. Definitions

- 2.1. **Exclusion** means that certain restrictions are placed upon a student's access to LCDS or any parts of The Place premises, and/or any related facilities and services the student would normally have. An exclusion order made by the CE may include an order restricting or prohibiting contact with other individuals.
- 2.2. **Suspension** means that attendance at, or access to, LCDS and participation in school 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 CE under this policy may include an order restricting or prohibiting contact with other individuals.

3. Scope and Principles

- 3.1. Suspension or exclusion under this procedure will not be used as a penalty. The power to suspend or exclude is to protect the student and/or members of the LCDS community and their property, and the power shall be used only where the CE is of the opinion with reasonable belief that it is urgent and necessary to take such action.
- 3.2. Under this policy, the CE may delegate their power to another senior member of staff at The Place, who shall then have the power to exclude or suspend any student for an initial emergency period in an emergency situation.
- 3.3. In the event that the CE is unable, for any reason, to exercise their powers under this policy, the Deputy Chair of the Academic Board is expressly delegated by the CE to act in

lieu of the CE. In such an event, where a conflict of interest would prevent the Deputy Chair of the Academic Board from exercising these powers, they shall nominate an alternative senior member of staff from The Place.

- 3.4. Where a student is excluded or suspended under this policy, a full report outlining the terms of any conditions of the exclusion or suspension shall be made at the earliest opportunity to the Director of the relevant course.
- 3.5. The procedures under this policy will be operated with due regard and referral as necessary to The Place Safeguarding Policy.

4. Policy

- 4.1. It will be at the discretion of the CE or their nominee to determine whether exclusion from specified activities or services or suspension is deemed to be appropriate for the circumstances, and 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 as far as possible during and/or following a period of exclusion or suspension, which may include referring the student to available support.
- 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 CE pending a Misconduct Panel investigation, hearing and/or a trial. The CE 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 three working days of any such decision.
- 4.4. Failure by the student to comply with the terms of suspension or exclusion may result in action under the Non-Academic Misconduct Policy.

Data Protection and Management

- 4.5. In accordance with the General Data Protection Regulations (2018), where the student does not complete and/or withdraws from the course whilst excluded or suspended under this policy, the documentary records relating to the exclusion/suspension will be securely retained on the student's file in accordance with the normal retention period (i.e. no longer than six years after the final action on the student's case). Some deviation from this schedule can be expected for cases which are judged to be unique or complex and therefore require shorter or longer retention periods.
- 4.6. Anonymised data relating to the exclusion/suspension under these procedures will be retained for monitoring, review and quality assurance purposes.
- 4.7. LCDS 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 General Data Protection Regulations (2018) and the Data Protection Act (2018).

However, if a student names another member of LCDS as an issue of complaint in making representations to the CE, then the person(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, LCDS may not be able to consider or investigate the case, or may only be able to consider or investigate it to a limited extent.

Students who are under 18 years of age

- 4.8. For students who are under 18 years of age, LCDS is not *in loco parentis* however 17 year olds are legally defined as children, and therefore additional safeguarding considerations may apply. Where action is taken under this policy for students under that age of 18, the CE, in accordance with The Place Safeguarding Procedures, will determine whether or not it is necessary to disclose the details of any action taken to the parent / guardian of the student, or other relevant agency (e.g. the Police, Social Worker etc.).
- 4.9. The legal principle that the ‘welfare of the child’ is paramount means that the considerations of confidentiality which might apply to other situations should not be allowed to over-ride the right of children to be protected from harm. However, every effort will be made to ensure that confidentiality is maintained for all concerned when an allegation has been made and is being investigated. Confidential information may be shared with other agencies without consent where there are concerns of a child protection nature. Parental consent to referral should normally be sought unless to do so would put the child at risk of further harm.
- 4.10. In accordance with the UK government guidance on information sharing for safeguarding practitioners, the most important consideration is whether sharing information is likely to safeguard and protect a child. The principles below will apply when determining whether or not it is necessary to disclose details of any action taken under this Policy to a parent/guardian/ other relevant agency of the student:
- Necessary and Proportionate
 - Relevant
 - Adequate
 - Accurate
 - Timely
 - Secure
 - Record

Please see Appendix 1 to the Emergency Powers for a full articulation of the above principles.

5. Procedure

Timelines

- 5.1. Except where otherwise stated, all specified timescales referred to in this policy constitute calendar days.

- 5.2. Emergency exclusion or suspension will normally take place with immediate effect. The reasons for the exclusion or suspension shall be communicated in writing to the student by the CE as soon as possible when the exclusion / suspension is determined, along with notification of the students right to immediately submit any written representations for consideration by the CE, and signposting to avenues of available support.
- 5.3. Where a senior member of The Place staff uses the delegated emergency powers, they will report this use of the powers to the CE normally within 3 days of instigating them, together with their reason for use. The CE will then review the decision and determine whether the exclusion/suspension should continue. At any point in the process, where it is deemed necessary, the CE may undertake a risk assessment to assist with determining the appropriate action.

Review of an exclusion/suspension order

- 5.4. The period of exclusion / suspension shall not exceed 28 days in the first instance. All periods of exclusion / 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.
- 5.5. A review of the case by the CE (or nominee) will take place within the initial 28 day period of exclusion / suspension. Following this review, the exclusion / suspension may be renewed every 28 days where the CE has reasonable belief that the period should be renewed. A review will take place before any further renewal period of exclusion / 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.
- 5.6. In exceptional circumstances, a longer period of exclusion / suspension may be set, not normally exceeding two months before the next review except where the CE is satisfied that there is justifiable and reasonable cause.

Emergency Permanent Exclusion by the CE

- 5.7. In exceptional emergency circumstances, where the CE deems that continued student status of an individual student poses too great a risk to LCDS and its community, they may take the decision to impose emergency permanent exclusion from LCDS. In such instanced, the student will have the right to submit written representations for consideration by the CE within 28 days of notification of the emergency permanent exclusion. Where no written representations are received within the 28 day deadline, the CE will withdraw student status and the student will no longer be a registered student at LCDS.
- 5.8. Where a student submits written representations after the student status has been withdrawn, a Completion of Procedures letter will be issued by LCDS.

Written Representations

- 5.9. The student may make written representation (including via email) following any decision to renew/extend an exclusion / suspension. Additional written representations will be considered in the next review of the exclusion / suspension within 28 days of the continuation date.
- 5.10. The CE, or their nominee, shall review any written representations from the student and respond in writing, normally within 7 days following receipt of their representations. For the purpose of completeness, the CE reserved the right to consider additional written representations from the student alongside any original written submission that has already been considered.
- 5.11. Reviews will take account of any developments and/or representations made by the student, or anyone else on their behalf, and may result in referral to another procedure (i.e. Non-Academic Misconduct).
- 5.12. If no written representations are received, the CE shall in any case review the initial exclusion or suspension within 28 days, and normally within each renewed 28 day period except in exceptional circumstances as outlined above.
- 5.13. 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 include submissions made in person, except where it would constitute a reasonable adjustment in accordance with the Equality Act 2010. The CE will assess whether it is necessary/appropriate to meet with an excluded or suspended student during the period of exclusion/suspension.

Completion of Procedures

- 5.14. Following a review by the CE of written representations by a student, where an excluded or suspended student is dissatisfied with the CE's decision to extend a period of exclusion or suspension following the initial period, under the Rules¹ of the Scheme of the Office of the Independent Adjudicator (OIA) they may request a Completion of Procedures (CoP) letter from LCDS, in order to submit a complaint to the OIA.
- 5.15. Completion of Procedures letters issued under this policy will be copied to the respective validating university where required. Any queries should be directed to qualityandcompliance@theplace.org.uk.
- 6. Permitted actions during periods of temporary exclusion and suspension**
- 6.1. If a student is temporarily excluded / suspended, it is at the discretion of the CE as to whether any permission to enter The Place premises be granted, taking account of the circumstances of the case and the specific purpose(s) of any such request to do so.

Exclusion

¹ [Our Rules - OIAHE](#)

- 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 LCDS (including external course-related activities) is still normally permitted to:
- Take assessments which are scheduled during that period
 - Be provided with information about results/grades, resubmission questions, progression to the next level and module choice information
 - Be informed if they have reassessments
 - Re-enrol
 - Access and utilise their LCDS accounts (i.e. Google Classrooms)
- 6.3. Notwithstanding the above, in the interested 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 has been excluded / suspended to sit such assessments. Consideration will be given as to whether alternative assessment, or rescheduled assessment opportunities, are viable; each case will be considered on its own merit and the viability of such opportunities will depend on the circumstances of the case.
- 6.4. A student who is temporarily excluded from all areas of LCDS and The Place, should request access in writing to the CE at least one working day in advance. Permission to enter The Place premises shall normally only be given for the purposes of seeking advice or support, or for attending hearings or meetings connected to the allegations against them under this or another procedure.

Suspension

- 6.5. A student who is suspended by the CE cannot enter The Place premises, or the premises of any external provider delivering course related activities, without the exceptional prior written permission of the CE, and must request this in writing to the CE, at least one working day in advance. Permission shall normally only be granted exceptionally, and for the purposes of attending hearings or meetings connected to the allegations against them under this or another procedure.

APPENDIX 1

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.

APPENDIX 2
Referral to CE for use of Emergency Powers

To be completed by Director of Dance Studies or other senior member of staff

SECTION 1: Details of referee

Name and Position of Referee	
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SECTION 2: Student details

Name of Student:			
Course:		Year of Study:	
Student contact details (postal address, both School and personal email addresses, and telephone no.)			
Additional relevant Info (complete as necessary e.g. student is under 18 years old/case is considered high risk):			

SECTION 3: REQUEST TO CE

I AM REQUESTING (tick appropriate box)	Exclusion under Emergency Powers	<input type="checkbox"/>	Suspension under Emergency Powers	<input type="checkbox"/>
SPECIFY WHETHER DELEGATED POWERS HAVE BEEN USED: (tick appropriate box)	I am making a direct request to the CE TO TAKE ACTION	<input type="checkbox"/>	I have taken emergency action and am reporting the use of DELEGATED POWERS	<input type="checkbox"/>

SECTION 4A: DETAILS OF REQUEST

Fill in this part of the referral form with only information that is strictly necessary	
<ul style="list-style-type: none"> The date (and if relevant, time) from which you are requesting the emergency action should apply OR, if you have used delegated powers The date (and if relevant, time) from which the emergency action applies, until further notice 	

<ul style="list-style-type: none"> • What action (if any) have you taken so far? (e.g. have you communicated with the student/other students/staff/third parties?) 	
<ul style="list-style-type: none"> • Details of whom the student should contact with any immediate queries. Where you decide this single point of contact should subsequently change after the CE has contacted the student, you should notify the CE as soon as possible with this information. The CE will inform the student accordingly in their communication. 	

SECTION 4B: REASON FOR REQUEST²

TICK ALL RELEVANT BOXES THAT APPLY AND PROVIDE ANY NECESSARY ADDITIONAL DETAIL	
<ul style="list-style-type: none"> • Student is considered a danger to themselves or others 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Student might have seriously breached the published School Student Code(s) of Conduct and/or Conservatoire Code of Conduct 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Student is 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) 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Student has a criminal charge pending, or is the subject of police investigation 	<input type="checkbox"/>
<ul style="list-style-type: none"> • A previously undisclosed relevant criminal conviction has come to light 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Student is the subject of an allegation of misconduct 	<input type="checkbox"/>
<ul style="list-style-type: none"> • There is an identified need to protect the health and safety and/or property of the student and/or the School community 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Other (please tick box on the right and provide details in box below) 	<input type="checkbox"/>
<p><i>Where the reason is not covered in the list above, or there is an additional reason, please give a broad description in this box:</i></p>	

<p>Have you completed the Risk Assessment? (You must complete a Risk Assessment in order to make the request to the CE for action under the Emergency Powers. Please submit your risk assessment with this referral form.)</p>	<input type="checkbox"/>
<p>Additional details: <i>Only include information that is strictly necessary e.g. you have received reports/allegations; specify the broad nature of the issue(s). This form may form part of the evidence that is disclosed to all relevant parties in the course of any investigation.)</i></p>	
<p>SPECIFIC REQUESTS/CONDITIONS: <i>(Ensure any specific requests/conditions you would like to request that the CE puts in place are outlined here, for consideration by the CE.)</i></p>	

SECTION 5: DOCUMENTATION

Complete as applicable; list the documentation you are submitting with this referral (there is no limit to the amount of documents you may include). Where there is relevant documentation pertaining to alleged misconduct/sensitive personal data, consult with Shared Services as to whether it is necessary to forward this. Examples of how to complete this section are given and highlighted in yellow.)

Name/Title of document	Description/relevant information
1. Risk Assessment	Risk assessment, completed [DATE] following incident/allegations
2.	
3.	
4.	

SECTION 6: DECLARATION

I am making this referral under the Emergency Powers of Exclusion and Suspension policy.

I confirm that all of the information I have provided in this form, and have submitted with this form with regard to the referral is accurate at the time of completion.

I agree that this form may be disclosed to relevant members of the School and the Conservatoire for Dance and Drama to the extent necessary for its consideration.

SIGNATURE OF REFEREE:

DATE:

**Appendix 3 – Emergency Powers of Exclusion and Suspension
Risk Assessment**

This form is to be used where a senior member of staff deems it necessary to invoke the Emergency Powers of Exclusion and Suspension, in order to assist with determining the most appropriate action.

Student Details

Student Name	
Course of Study	
Year of Study	
Date of risk assessment	

A) Risk Assessment Score System

Table 1

Score	Likelihood <i>This score indicates how likely the risk is to occur, in the view of the assessor(s).</i>	Impact <i>This score indicates, in the view of the assessor(s), how serious/extreme the impact would be.</i>
1	Highly Unlikely	Negligible
2	Unlikely	Minor
3	Possible	Moderate
4	Likely/Probable	Major
5	Highly Likely	Extreme

Overall Score

This score is calculated by multiplying the likelihood and impact score together for each 'element', to give an overall score for each element.

Table 2

Score	Risk Category
1 – 8	LOW
9 – 15	MEDIUM
16 – 25	HIGH

B) Likelihood Score

<i>Element</i>		<i>Likelihood</i>				
		1 Highly Unlikely	2 Unlikely	3 Possible	4 Likely / Probable	5 Highly Likely
1	Risk to self					
2	Risk to other students					
3	Risk to staff					
4	Risk to public / others					
5	Risk to successful completion of studies					
6	Risk to placement / external activity					
7	Risk to LCDS / The Place property					
8	Risk to LCDS / The Place reputation					

C) Impact Score

<i>Element</i>		<i>Impact</i>				
		1 Negligible	2 Minor	3 Moderate	4 Major	5 Extreme
1	Risk to self					
2	Risk to other students					
3	Risk to staff					
4	Risk to public / others					
5	Risk to successful completion of studies					
6	Risk to placement / external activity					

7	Risk to LCDS / The Place property					
8	Risk to LCDS / The Place reputation					

D) Overall Risk Assessment

<i>Element</i>	<i>Likelihood Score</i>	<i>Impact Score</i>	<i>Overall Score (Likelihood Score multiplied by Impact Score)</i>	<i>Comments</i>
1 Risk to self				
2 Risk to other students				
3 Risk to staff				
4 Risk to public / others				
5 Risk to successful completion of studies				
6 Risk to placement / external activity				
7 Risk to LCDS / The Place property				
8 Risk to LCDS / The Place reputation				
<ul style="list-style-type: none"> • ACTION IS REQUIRED WHEN: <ul style="list-style-type: none"> ○ There are three or more MEDIUM RISK categories indicated ○ There is one or more HIGH RISK category indicated <p>(see section B, Table 2 for reference)</p>				

<p>Notes regarding overall risk / other risk(s) / pertinent information / additional comments</p>
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E) Completion of the Risk Assessment

(Where more than one member of staff has completed, or assisted in completing, the risk assessment, all such staff should complete and sign the box below)

Name(s) of person(s) who completed the risk assessment	Role / Job Title	Signed	Date